

BEFORE THE SOUTH CAROLINA ("SC") COURT OF APPEALS ("CoA"), ("SC CoA")

Appellate Case No. 2019-000708

On Petition for a Writ of *Certiorari* to RICHLAND COUNTY Court of Common Pleas,
The Honorable Perry H. Gravely, Circuit Judge on Case No. 2017-CP-40-06831

Marie-Thérèse Assa'ad-Faltas, MD, MPH, ("Dr. Assa'ad-Faltas")

Respondent,

v.

The State of South Carolina,

Petitioner.

RECEIVED

Sep 03 2021

Respondent's Motions to Relieve Counsel after submitting this Motion to SC CoA Chief Judge Lockemy

I. INTRODUCTION

SC Court of Appeals

On 21 August 2017 (solar eclipse day), Dr. Assa'ad-Faltas in open court *courageously* told SC Circuit Judge Clifton Newman, hearing **four-year-neglected motions** to appoint counsel in circuit court cases, "You, *out of all judges*, should have stood up for me." Dr. Assa'ad-Faltas had, *pro se* on 22-26 February 2010, thank God, successfully defended herself against two *known-false* charges of first-degree-harassment before a jury and Judge Newman *père*, who had complimented Dr. Assa'ad-Faltas **on the transcribed record** as "not in any way [offensive, but] **most pleasant and gracious** [and] not frivolous at all." Judge Newman *père* responded, "You were doing a good job standing up for yourself, a worthy opponent to the Prosecution; and the jury agreed with you." On 26 January 2018, Judge Newman *fille* allowed Dr. Assa'ad-Faltas to prosecute the 2017-CP-40-06831 PCR evidentiary hearing *pro se*. She, thank God, won it **twice pro se** with Stand-by Counsel Truluck. Yet, Dr. Assa'ad-Faltas is NOT *yet* allowed to defend her win *pro se* before this Court.

Not only Judge Newman *père*, who is now surpassed by U.S. District Judge Lewis (DSC) in days the jurist heard Dr. Assa'ad-Faltas *pro se* in jury trial in the jurist's court; and not only *every SC jurist*, including now-Chief SC CoA Judge Lockemy, *who heard* Dr. Assa'ad-Faltas advocate *pro se* in that jurist's court, **but every jurist who took the oath to protect the U.S. Constitution against all enemies, foreign and domestic**, must now stand up for Dr. Assa'ad-Faltas' *basic human right* to speak for herself. Indeed, **every person who took an oath to defend the U.S. Constitution** owes a moral duty to stand up for Dr. Assa'ad-Faltas who, in 1979, accepted then-President Carter's invitation to the U.S.A., a country governed by *the* Constitution, whether SC's Supreme Court ("SC S Ct") "right or wrong" likes its provisions or not. Chief SC CoA Judge Lockemy took an oath to *that* Constitution many times in at least three branches: the U.S. Military, the SC Legislature, and the SC Judiciary. **Before he retires, Judge Lockemy needs to confront SC S Ct in defense of that same U.S. Constitution a younger James Lockemy was willing to literally die for.**

Dr. Assa'ad-Faltas *demands* to speak for herself to vindicate her right to do so and because she has much that **needs to be said** *now* before the genocide of decency in SC's judicial system is complete; yet, no other advocate has the courage, energy, motivation and/or intellect, to say it. The attachments hereto are therefore relevant in showing that SC S Ct's sudden discovery of vex and frivolity in the *pro se* advocacy of Dr. Assa'ad-Faltas, whose advocacy SC S Ct *itself* had, on 7 April 2011, *unanimously* "appreciate[d]" as "good faith," resulted from decades of SC's Judiciary being conditioned to sacrifice the U.S. Constitution *and the appearance of judicial impartiality* to SC's good-old-boys-and-girls system where the ultimate virtue is having your family's and friends' back "right or wrong." If transcripts be many pages, they are mainly of proceedings Dr. Assa'ad-Faltas could not possibly have brought against herself; and this Court and everyone else is under no compulsion to read them; but they need to be publicly available, and in word-searchable formats, for the rare conscientious people left in this world. Other attachments are public records originated in the eye-tiring all-upper-case format but painstakingly converted by Dr. Assa'ad-Faltas to the more legible upper-case/lower-case format; and still others are available at no cost to jurists on PACER but attached for the jurists' ready access and for the interested Public's *free-of-charge* access on SC's C-Track.

The sum of attachments, *chronologically* beginning with the January 1988 public transcript of then-SC-Senator McConnell insisting that *every candidate* to sit on SC S Ct pre-declare allegiance to SC's death-penalty statute (with **none** responding, "Senator, I cannot pre-judge issues that may come before my court") and ending with the Honorable Jacquelyn D. Austin ORDERING SC's Attorney General ("SCAG") to respond to Dr. Assa'ad-Faltas' grounds for federal *habeas* relief, **is**: once Dr. Assa'ad-Faltas was falsely arrested at the behest of her opponents in civil litigation but did NOT roll over and *falsely* admit guilt of that of which she knew herself to be innocent, **SC's judicial system lacked moral training to assist her but turned on her with cowardice and lies that would tarnish the authoring jurists' names unless this Court, led by its Chief, now stands and says, "The U.S. Constitution does NOT allow us to follow a court lower than the U.S. Supreme Court in denying federal constitutional rights the highest court had upheld."**

Dr. Assa'ad-Faltas needs counsel relieved because Ms. Saxon, while amiable and having *somewhat* learned from having lost Dr. Assa'ad-Faltas' SC Appellate Case 2018-001290 (*partly* for failure to brief unappealability of PCR grants, non-sovereignty of the City of Columbia ("*the City*"), and additional sustaining grounds for the PCR grant underlying 2018-001290), *still refused to brief unappealability and non-sovereignty in this case*. A federal jurist has now found unappealability of PCR grants and non-sovereignty of the City of Columbia sufficiently *facially* valid to require a response from SCAG. If Ms. Saxon is relieved *from this case*, Dr. Assa'ad-Faltas would seek leave to brief these issues in supplements to this Court to secure a binding state court ruling that protects her own current and future, God willing, PCR wins and those of others and to conserve judicial resources from the insanity *the City* and its strange so-called-"judges" foist on the public in manners that SC S Ct itself wrote on 2 September 2021 "strain credulity" and in areas where *the City itself* has no technical expertise whatsoever ranging from whether toddlers should wear masks in school, to whether privately-owned vacant lots of land should be cleared of fallen leaves, to whether Dr. Assa'ad-Faltas needed to be "treated by a psychiatrist in weekly sessions for a year."

II. Brief Chronology

The City's torment of Dr. Assa'ad-Faltas started in 1999 with false "disorderly conduct" charge for the benefit her then-landlord Hampton Greene Apartments and United Dominion Realty, with whom Dr. Assa'ad-Faltas was involved in civil litigation in which she, thank God, ultimately prevailed *pro se*. *The City* deteriorated into fabricating a Polaroid to falsely convict Dr. Assa'ad-Faltas of label-swapping in 2002, the falsity of which conviction Dr. Assa'ad-Faltas again exposed, thank God, *pro se* after having been honored to orally argue *pro se* before a panel of this Court which included now-SC-Chief-Justice Beatty. *Vide City of Columbia v. Faltas*, 2007-UP-193 (SC App, decided 26 April 2007). Undaunted by, and in retaliation for, the defeat of the 1999-2002 set of false charges, *the City* threw three more false criminal charges at Dr. Assa'ad-Faltas in 2003 and 2007, which she again, thank God, defeated *pro se*. *The City* then charged Dr. Assa'ad-Faltas with "front-yard parking" and continued to selectively and massively prosecute her therefor even after she had vacated the location of the concerned "front yard." *The City* reached the bottom of abuse by falsely arresting Dr. Assa'ad-Faltas on 2 December 2009 during pendency of her federal civil suit against *the City* and her motion (later granted by now-U.S. District Judge Childs) to add *the City* as a defendant in SC state court suit 2009-CP-40-02219 for *inter alia* unconstitutional takings. But God strengthened Dr. Assa'ad-Faltas to defeat *pro se* the two false harassment charges *the City*

used a pretext to arrest her and rob her of evidence she had gathered to prove her 2009-CP-40-02219 claims; and despite ill-willed counsel being forced on Dr. Assa'ad-Faltas, she was acquitted of three more of the six false charges plus five contempt pronouncements *the* City added in its war against her. Able jurists have now vacated a conviction and two contempt pronouncements of Dr. Assa'ad-Faltas' as having been unconstitutionally/illegally procured by *the* City. **SCAG's only hope of reinstating those injustices is to force on Dr. Assa'ad-Faltas a counsel who will not brief the winningest issues.**

III. Arguments to Relieve Counsel and Allow Dr. Assa'ad-Faltas to Brief *pro se*

The spirit of SC S Ct's 27 September 2017 ORDER in SC Appellate Case 2013-000862 ("2017-09-27 ORDER") restores Dr. Assa'ad-Faltas' **plenary equal rights to advocate *pro se* in all cases, civil or criminal, trial or appellate, brought AGAINST her; for what sense does it make to order otherwise?** Leaving Dr. Assa'ad-Faltas (an indigent unable to pay private counsel) unable to *pro se* expose the frivolity of criminal charges brought against her, of civil suits initiated against her, and/or of appeals taken against her, regardless of case posture at trial, ***promotes the very frivolity 2017-09-27 ORDER fears.*** Nor did 2017-09-27 ORDER or its ancestors cite any case where Dr. Assa'ad-Faltas "frivolously" responded an appeal taken against her. Rather, the only appeal *against* Dr. Assa'ad-Faltas pending when SC S Ct started limiting her *pro se* advocacy rights was [2010-153027](#); and SC C Ct's 8 April 2011 ORDER aborted her *pro se* advocacy in that case. **In the previous appeal taken against her (by the City in the fabricated Polaroid case, *supra*), she lost before the circuit court BUT prevailed before both this Court (which reversed Judge G. Thomas Cooper, Jr.) and SC S Ct (which denied the City's application for *certiorari* to this Court). SC C Ct had no basis (and never specified any) to fear that Dr. Assa'ad-Faltas would act frivolously as a respondent to any appeal.**

IV. Conclusion

This Court should take judicial notice of the attached transcripts in chronological order of proceedings before SC Circuit Judges Lee, Barber, and Newman *père* from 1 December 2009 to 28 December 2018, including the extracted and annotated transcript of one false accuser's 373 *objectively-proven* perjuries and the extracted and highlighted transcript of the *in-camera* and to-the-jury testimonies of *the* City's "judges" and police to conclude that ***all denials of Dr. Assa'ad-Faltas' rights to speak for herself were NOT to punish wrongs done by her but to cover-up wrongs done to her*** by members of a system which continues to pollute justice under the guise of *being* justice, including one Rodney Peoples showing up again in 2018-000266 before this Court. Current counsel should be relieved and Dr. Assa'ad-Faltas should be allowed to supplement briefing with issues that counsel refused to brief.

Sincerely submitted through ctappfilings@sccourts.org on 3 September 2021 and served the same day on Mr. Davidson at michaeldavidson@scag.gov and Ms. Saxon at jsaxon@sccid.sc.gov by e-mail as shown, all God so willing.

[s/] Marie-Thérèse Assa'ad-Faltas, MD, MPH, Applicant/Respondent/Movant *pro se*
P.O. Box 9115, Columbia, SC 29290
Phone: (803) 783 -4536 e-mail: Marie_Faltas@hotmail.com

South Carolina General Assembly 107th Session, 1987-1988 [¶] Journal of the House of Representatives
TUESDAY, JANUARY 12, 1988
JOURNAL OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF SOUTH CAROLINA

 Regular Session Beginning Tuesday, January 12, 1988

TUESDAY, JANUARY 12, 1988 (Statewide Session)

~~Indicates Matter Stricken~~ Indicates New Matter

The House assembled at 12:00 Noon. Deliberations opened with prayer by House Page Benjamin McCoy as follows:

"In the beginning God". That was the way it was as the Creation began. May it, likewise, be at the beginning of this Legislative Session - not only at the beginning of it, but throughout its every activity. On this initial day, make us to seize the strong right hand of God and hold fast to it, and to embrace His Word of truth and wisdom to lead us in all we do, say and think, following the example of Enoch of old who "walked with God." Cause us to be possessed with the strong and unflinching resolve to be "Where Thou leadest, I will follow". [¶] In the Name of Christ our Lord we pray. Amen.

Pursuant to Rule 6.3, the House of Representatives was led in the Pledge of Allegiance to the Flag of the United States of America by the SPEAKER.

COMMUNICATION [¶] The following was received.

THE SUPREME COURT OF SOUTH CAROLINA

May 15, 1987 [¶] Honorable Robert J. Sheheen [¶] 506 Blatt Building [¶] Columbia, South Carolina 29211

Dear Bob: [¶] I told you in my last State of the Judiciary address that I would inform you by November 1st when I would retire as a member of the South Carolina Supreme Court. [¶] For reasons satisfactory to me, I have decided to advise you today that I shall retire on February 26, 1988. [¶] I wish to thank the General Assembly for, the strong support they have given me as Chief Justice and to the entire Judicial System. [¶] I have not, at this time, decided what I shall do after I retire but I assure you I shall be active in the legal profession in some manner. [¶] I have been privileged to spend my life in this most benevolent of professions, and to have worked with and known so many wonderful people. I love each of you. [¶] May God look down favorably upon you. [¶] **Sincerely, [¶] Julius B. Ness [¶]** Received as information.

COMMUNICATION [¶] The following was received.

THE SENATE OF SOUTH CAROLINA

December 7, 1987 [¶] The Honorable Frank Caggiano [¶] Clerk of the Senate [¶] Post Office Box 142 [¶] Columbia, SC 29202 [¶] The Honorable Lois T. Shealy [¶] Clerk of the House [¶] Post Office Box 11867 [¶] Columbia, South Carolina 29211

Dear Mr. Caggiano and Ms. Shealy: [¶] Please be informed that Mr. F. Hall Yarborough has withdrawn as a candidate for the Legislative Audit Council. The Legislative Audit Council election is scheduled for January 20, 1988, by the General Assembly. [¶] **Very truly yours, [¶] Isadore E. Lourie [¶] For the Legislative Audit [¶] Council Nominating Committee [¶]** Received as information.

RESIGNATION [¶] The following was received.

HOUSE OF REPRESENTATIVES [¶] STATE OF SOUTH CAROLINA

August 13, 1987 [¶] The Honorable Robert J. Sheheen [¶] Speaker of The House [¶] 506 Blatt Building [¶] Columbia, South Carolina 29211

Dear Bob: [¶] Effective at noon on September 1, 1987, please accept my resignation from the South Carolina House of Representatives, District #51. I have had the honor of representing the people of Chesterfield, Kershaw, and Lancaster Counties for nine years and it is with many reservations that I relinquish this position. However, I believe that the opportunity that has come my way cannot be allowed to pass. [¶] **Sincerely yours, [¶] Derial L. Ogburn [¶]** Received as information.

RESIGNATION [¶] The following was received.

HOUSE OF REPRESENTATIVES [¶] STATE OF SOUTH CAROLINA

The Honorable Robert J. Sheheen [¶] Speaker of the House [¶] S.C. House of Representatives [¶] P.O. Box 11867 [¶] Columbia, S.C. 29211

Dear Bob: [¶] This is to advise that effective September 1, 1987, I render my resignation as State Representative, House District 71, Richland County, S.C. House of Representatives. [¶] As I begin a new career as Commissioner of the S.C. Department of Corrections, I will miss the General Assembly. The past thirteen years have been the happiest of my life, and the friends that I have made will always hold a special place in my heart. [¶] I wish you and the other fine House Members only the best in the future. With kindest personal regards, I am [¶] **Sincerely yours, [¶] Parker Evatt [¶] Received as information.**

RESIGNATION [¶] The following was received.

HOUSE OF REPRESENTATIVES [¶] STATE OF SOUTH CAROLINA

December 15, 1987 [¶] The Honorable Robert J. Sheheen [¶] 1111 Church Street [¶] Camden, S.C. 29020

Dear Bob: [¶] I hereby submit my resignation from the State Reorganization Commission, effective Midnight, January 11, 1988. I am notifying you at this time in order for you to set the election for a replacement. [¶] It has been an honor and a privilege to serve on the commission and be a part of the many valuable activities it performs for South Carolina. I sincerely appreciate the trust and confidence you and the other members of the House of Representatives placed in me by electing me as one of the House members to sit on the Reorganization Commission. [¶] Now, however, I have assumed the responsibility of Chairman of the Medical, Military, Public and Municipal Affairs Committee; In addition to this, I have other on-going duties and responsibilities as a member of the House. Therefore, I feel it proper to resign that position, and allow the House to elect a new member in my place. [¶] Thank you once again for your support and confidence. [¶] **Sincerely, [¶] Juanita M. White [¶] Received as information.**

REPORT RECEIVED [¶] The following was received.

TO: The Clerk of the Senate [¶] The Clerk of the House

FROM: Thomas E. Smith, Jr. [¶] Chairman, Judicial Screening [¶] Committee [¶] DATE: November 20, 1987

In compliance with the provisions of Act 119 of 1975, it is respectfully requested that the following information be printed in the Journals of the Senate and the House.

Respectfully submitted, [¶] Thomas E. Smith, Jr. [¶] Chairman [¶] /s/ Senator John A. Martin [¶] /s/ Senator Isadore E. Lourie [¶] /s/ Senator Glenn F. McConnell [¶] /s/ Representative James M. Arthur [¶] /S/ Representative Larry E. Gentry [¶] /S/ Representative D. Malloy McEachin, Jr. [¶] /S/ Representative John I. Rogers, III

Pursuant to Act 119 of 1975, this Committee was convened to consider the qualifications of candidates seeking to fill certain Judicial positions. [¶] The Judicial Screening Committee is charged by law to consider the qualifications of candidates for the Judiciary. When notice is received that an individual intends to seek election or reelection to the Bench, the Committee conducts such investigation of the candidate as it deems appropriate and reports its Findings to the General Assembly prior to the election. It is not the function of the Committee to recommend one candidate over another or to suggest to the individual legislator for whom to vote. Our role is instead that of determining whether a candidate is qualified to sit as a Judge and under the statute our determination in that regard is not binding upon the General Assembly.

The Honorable George T. Gregory, Jr. Was the only candidate who applied to fill the unexpired term of the Honorable Julius B. Ness, Chief Justice of the South Carolina Supreme Court. This term will expire on July 31, 1994. [¶] Having completed the investigation as required by the Act, the Committee, by this Report, respectfully submits its Findings to the members of the General Assembly for their consideration.

The Report consists of the Transcript of the Proceedings before the Screening Committee held November 5, 1987, and the portions of the documents submitted by the respective candidates which were made part of the public record. The candidate filed an extensive Personal Data Questionnaire, a Statement of Economic Interests, five letters of reference including one from the candidate's banker, and the report of a background investigation by SLED. Those documents may be viewed in the office of Thomas E. Smith, Jr., Chairman, of the Judicial Screening Committee in 402 Gressette Building until the date and time of the election.

The candidate was present at the screening and testified under oath.

HEARING OF NOVEMBER 5 1987

Senator Smith: I am going to call this Committee to order. This Screening Committee is convened pursuant to Act 119 of 1975 which requires a review of candidates for judicial office. [¶] The function of the Committee is not to choose between candidates but rather to declare whether or not the candidates who offer for positions on the bench are in our judgment qualified to fill the position. [¶] The inquiry which we make is a thorough one. It involves a complete personal and professional background check on every candidate. The candidate is investigated by the South Carolina Law Enforcement Division, including courthouse records. A statement of economic interest is required. We receive a credit report. We receive reports from the Board of Commissioners on Grievances and Discipline with respect to attorneys and Judges who are offering, and from the Board of Commissioners on Judicial Standards with respect to sitting judges. [¶] The candidate's Personal Data Questionnaire details his personal history, health, and professional experience and contains five letters of reference.

We are here today for the purpose of examining a candidacy for the vacancy for the Chief Justice for the South Carolina Supreme Court. The notice of the vacancy was publicly noticed and no candidate has come forward other than the Honorable George T. Gregory, Jr. No citizen has asked to be heard with respect to his candidacy. [¶] So, Judge, I would now ask you to come forward, raise your hand, and take the oath.

(Honorable George T. Gregory, Jr., candidate for Chief Justice for the South Carolina Supreme Court, was duly sworn by Senator Smith.)

EXAMINATION BY [¶] SENATOR SMITH:

Q Judge, you were last screened, I believe, in 1986 by this Committee. Is that correct?

A 1986, yes.

Q You have had an opportunity to review our summary of your Personal Data Questionnaire which we prepared?

A It was placed on my desk yesterday afternoon, and I read it over and it is fine with me.

Q We do that both in the interest of time and printing costs to try to summarize it--basically to eliminate the questions. But, as far as you know, we have summarized it correctly?

A That is correct.

Q Is there anything in there that needs clarification?

A I did not see anything.

Q I want to ask you where McConnelville is.

A McConnelville is between Chester and York.

Q And it is not named for the Senator that is on this Committee?

A Perhaps; I know that it is named for the McConnell family.

Q Judge, is there any objection if we make the summary of your Personal Data Questionnaire a part of the record as if it were your sworn testimony?

A None.

Senator Smith: We will do it at this point in the transcript.

(SUMMARY)

Q Your credit is reported as satisfactory. The records of all the applicable law enforcement agencies are negative. The records of the South Carolina Department of Highways and Public Transportation are negative. The judgment rolls of Chester County are negative. You are a lifelong resident of the County of Chester, are you not?

A I have always lived in Chester County.

Q The Board of Commissioners on Judicial Standards has administered no sanctions and there are no investigations pending. The Board of Commissioners of Grievances and Discipline report that while you were an attorney there were no complaints or charges of any kind that have been filed against you. Your Statement of Economic Interest reports no conflicting ownerships, associations, or transactions which would cause any conflict. [¶] So, your record is perfectly clear-exemplary, I might say. This has to be a proud occasion for you and I just wondered if there is any statement or any comment you would like to make in support of this office which you seek?

A I really did not come prepared to make any statement. The past thirty-one-plus years that I have been privileged to serve as a Circuit Judge and as an Associate Justice have been very rewarding to me. I appreciate the opportunity that the people of this state and the General Assembly have given to me to serve. [¶] When I was a youngster, I wrote a paper in the eighth grade and in that paper stated in my life's work I wanted to be a judge, and I was one of those people who were privileged at an early age to achieve that ambition, and I have thoroughly enjoyed all these years of serving. [¶] All of my colleagues on the Court have been very supportive and wanted to all come with me today, and I discouraged them and told them not to come. We have an excellent, congenial Court to work with, and thoroughly enjoy what I have been doing, and what I do today, and if the General Assembly will give me an opportunity to serve further, I look forward to that for a period of time.

Q Thank you, Judge. As I understand it, this term to which you aspire would expire on July 31, 1994?

A That is correct. It is my understanding that it would expire before the present term that I now have.

Q All right, sir.

SENATOR SMITH: Are there any questions from members of the Committee? Senator Lourie.

EXAMINATION BY [¶] SENATOR LOURIE:

Q Justice Gregory, first I want to tell you that we are privileged to have you before the Committee. I recall you always being deferential to lawyers and respectful to us as officers of the Court, which I think all of us of the Bar appreciate. You seem not to have forgotten that once you, too, were a lawyer. [¶] I was wondering, sir, if you would comment on one aspect. Obviously the state continues to grow and litigation continues to grow. Do you feel like the present judicial system will be able to handle the burdens with the number of circuit judges we have, the Family Court judges, and so forth? Do you feel like until the year 2000, that we are situated until then fairly reasonably?

A Senator, I really haven't given consideration down as far as the year 2000, but for the immediate future I think we perhaps have in place an adequate system and an adequate number of judges. I see no need in the immediate future. There are some needs and some of them are the physical plant. Some of the counties are really just not prepared for the disposition of business, but as long as the judges remain healthy and we can keep them all active and working, we perhaps have sufficient manpower at the present time and for the next several years. We generally try to look about five years down the road.

Q Has the backlog situation which was so acute several years ago cleared up a good bit?

A It has. Yes, it has.

Q At trial and appellate levels?

A It is my understanding except in several areas, the Chief Justice has advised us that the backlog of the trial bench no longer exists, and on our Court it doesn't. We have always been current on criminal appeals, but we really have no backlog of consequence now.

Q And the Court of Appeals has fulfilled a good role?

A The Court of Appeals has. We are very pleased.

Q Judge Sanders has done a good job.

A Judge Sanders is just a marvel.

Q Your Honor, we have admired you for many years, and we are just delighted to have you with us today.

A Thank you.

Senator Lourie: Thank you, Mr. Chairman.

Senator Smith: Thank you, Senator. Any further questions?

EXAMINATION BY [¶] SENATOR SMITH:

Q Judge, would you care to speak to the recent question about cameras in court? Are you a member of the Judicial Council?

A I am not a member of the Judicial Council. I did attend a meeting of the Judicial Council on Tuesday afternoon at the request of Chief Justice Ness. I sat there very quietly and listened. The Chief Justice, of

course, is a member of the Council. I did serve on the Council back in the sixties. I was a member for a period of time. As a Circuit Judge, I was an appointee to the Council.

Q Judge Gregory, I want to echo what Senator Lourie and all of us feel, that I think your services represent the very finest that there can be to the legal profession and to the Court. Your conduct has always been without reproach, question, or any hint of impropriety, and I appreciate that and appreciate your scholarship. I happened to be reading a case yesterday, and I said, this is a pretty good case--because I happened to agree with it. Several years ago you had written the opinion and I said, well, Justice Gregory has done it again. [¶] We thank you for coming before the Committee and we appreciate it. We would be delighted to hear if you have anything further to say.

A I have nothing. I am delighted to be here. I appreciate the opportunity of coming and I pledge fidelity to the position of Chief Justice if the General Assembly sees fit to elect me to that position.

Senator Smith: It is customary now that the Committee go into executive session, unless there is anything further to come before us in open session. Are there any further questions?

(WHEREUPON, the proceedings were concluded at 9:50 a.m.)

FINDINGS OF FACT

The Rule on Judicial Discipline and Standards states the following: "The assumption of the office of Judge imposes upon the incumbent duties in respect to his personal conduct which concern his relation to the state and its inhabitants, the litigants before him, the principles of law, the practitioners of law in his court, and the witnesses, jurors and attendants who aid him in the administration of its functions. In every particular his conduct should be above reproach. He should be conscientious, studious, thorough, courteous, patient, punctual, just, impartial, fearless of public clamor, regardless of public praise, and immune from private, political or partisan pressures. He should administer justice according to law, and deal with his appointments as a public trust. He should not allow other affairs or his private interests to interfere with the prompt and proper performance of his judicial duties, nor should he administer the office for the purpose of advancing his personal ambitions or increasing his popularity." [¶] This Committee affirmatively and unanimously finds that Justice George T. Gregory, Jr., meets these high standards in every respect and we find him qualified.

Respectfully submitted, [¶] Thomas E. Smith, Jr., Chairman [¶] /s/ Senator John A. Martin [¶] /s/ Senator Isadore E. Lourie [¶] /s/ Senator Glenn F. McConnell [¶] /s/ Representative James M. Arthur [¶] /s/ Representative Larry E. Gentry [¶] /s/ Representative D. Malloy McEachin, Jr. [¶] /s/ Representative John I. Rogers, III [¶] Received as information.

(On motion of Rep. McEachin, the report was ordered printed in the Journal.)

REPORT RECEIVED [¶] The following was received.

TO: The Clerk of the Senate [¶] The Clerk of the House

FROM: Thomas E. Smith, Jr. [¶] Chairman, Judicial Screening Committee [¶] DATE: January 4, 1988

In compliance with the provisions of Act 119 of 1975, it is respectfully requested that the following information be printed in the Journals of the Senate and the House.

Respectfully submitted, [¶] Thomas E. Smith, Jr. [¶] Chairman [¶] /s/ Senator John A. Martin [¶] /s/ Senator Isadore E. Lourie [¶] /s/ Senator Glenn F. McConnell [¶] /s/ Representative James M. Arthur [¶] /s/ Representative Larry E. Gentry [¶] /s/ Representative D. Malloy McEachin, Jr. [¶] /s/ Representative John I. Rogers, III

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The Honorable David W. Harwell ran for reelection as Associate Justice of the South Carolina Supreme Court and

was unopposed. [¶] Benny R. Greer was the only candidate who applied to fill the unexpired term of the Honorable S. Norwood Gasque, Judge of the Family Court of the Fourth Judicial Circuit, Seat #2. This term will expire on February 29, 1989. [¶] There is a contested race to fill the vacancy created by the retirement of the Honorable Walter J. Bristow, Jr., Judge of the Fifth Judicial Circuit. Judge Bristow will retire effective July 1, 1988. Two candidates are seeking to fill this term. A brief summary of the background of each candidate is as follows:

The Honorable Carol Connor: (Columbia, S.C.) She was born in Kingstree, South Carolina and is 37 years of age. She is married and has two children. She was graduated from Converse College in 1972 and earned a J.D. Degree from the University of South Carolina School of Law. She is presently Judge of the Family Court of the Fifth Judicial Circuit, Seat #2.

G. Thomas Cooper, Jr. (Camden, S.C.) He was born in Wilmington, Delaware and is 47 years of age. He is married and has three children. He was graduated from Clemson University in 1963 and earned a J.D. Degree from George Washington University. He is presently a partner in the private practice of Cooper, Beard & Dibble. There is a contested race to fill the vacancy created by the imminent election of the Honorable George T. Gregory, Jr. As Chief Justice of the South Carolina Supreme Court. This term will expire on July 31, 1996. Two candidates are seeking to fill this unexpired term. A brief summary of the background of each candidate is as follows:

The Honorable Rodney A. Peebles (Barnwell, S.C.) He was born in Hampton County, South Carolina and is 47 years of age. He is married and has two children. He was graduated from the University of South Carolina in 1961 and earned a J.D. Degree from the University of South Carolina School of Law. He is presently Judge of the Second Judicial Circuit.

The Honorable Jean H. Toal (Columbia, S.C.) She was born in Columbia, South Carolina and is 44 years of age. She is married and has two children. She was graduated from Agnes Scott College in 1965 and earned a J.D. degree from the University of South Carolina School of Law. She is presently a partner in the private practice of Baker, Barwick, Ravenel, Toal & Bender.

Having completed the investigation as required by the Act, the Committee, by this Report, respectfully submits its Findings to the members of the General Assembly for their consideration. [¶] The Report consists of the Transcript of the Proceedings before the Screening Committee held at the State House on December 10, 1987, and the portions of the documents submitted by the respective candidates which were made part of the public record. Each candidate filed an extensive Personal Data Questionnaire, a Statement of Economic Interests, five letters of reference including one from the candidate's banker, and the report of a background investigation by SLED. Those documents may be viewed in the office of Thomas E. Smith, Jr., Chairman, of the Judicial Screening Committee in 402 Gressette Building until the date and time of the election. [¶] The candidates were present at the screening and testified under oath.

HEARING OF DECEMBER 10, 1987 [¶] TRANSCRIPT OF PROCEEDINGS

Screening before the judicial screening committee to review candidates for judgeship positions for the South Carolina Supreme Court, judge of the family court of the fourth judicial circuit, seat #2, judge of the fifth judicial circuit, held in room 106, Gressette State Office Building, Columbia, South Carolina, on Thursday, December 10, 1987, commencing at 9:30 a.m.

Members of Committee in Attendance: [¶] Senator Thomas E. Smith, Jr., Chairman [¶] Senator Isadore E. Lourie [¶] Senator John A. Martin [¶] Senator Glenn F. McConnell [¶] Representative James M. Arthur [¶] Representative Larry E. Gentry [¶] Representative D. Malloy McEachin, Jr. [¶] Representative John I. Rogers, III

Senator Smith: this screening committee is convened pursuant to act 119 of 1975 requiring the review of candidates for judicial office. The function of the committee is not to choose between candidates but rather to declare whether or not the candidates who offer for positions on the bench are in our judgment qualified to fill the position. The inquiry which we made is a thorough one. It involves the complete personal and professional background check on every candidate. The candidate is investigated by the South Carolina Law Enforcement Division, including court-house records. A statement of economic interest is required. We receive a credit report. We receive a report from the board of commissioners on grievances and discipline with respect to attorneys and judges who are offering and from the board of commissioners on judicial standards with respect to sitting judges. The candidate's personal data questionnaire details his personal history, health and professional experience and contains five letters of reference. [¶] We convene today for the purpose of examining the candidates for several vacancies. The notice of vacancies was publicly noticed and no candidate has come forward other than for the South Carolina Supreme Court, the honorable David W. Harwell. From the fourth judicial circuit family court seat number 2, Benny R. Greer; for the fifth judicial circuit, the honorable Carol Connor and G. Thomas Cooper, Jr.; and, for The South Carolina Supreme

Court the Honorable Rodney A. Peeples and The Honorable Jean H. Toal. No citizen has asked to be heard with respect to Justice Harwell or Mr. Greer. There are individuals who wish to be heard with reference to the fifth judicial circuit vacancy and the vacancy on the South Carolina Supreme Court.

At this time I will ask Justice Harwell if he would approach, and let me say that we tried to figure out a way to make it a little more comfortable for the witnesses but everything is bolted to the floor and we couldn't move it and also the court reporter needs to be able to see everybody's face and it was hard--if seated, she was blocked from that, so we hope you don't mind standing for a few minutes, Judge?

Judge Harwell: Not at all.

Senator Smith: I will ask you if you would raise your hand and take the oath.

(Honorable David W. Harwell, candidate for the South Carolina Supreme Court, was duly sworn by Senator Smith.)

Examination by Senator Smith:

Q Judge Harwell, all the candidates submit a personal data questionnaire summary, and in an effort to try to save paperwork, because this needs to be printed in the journal, we try to eliminate the questions and do a summary of the testimony and we try to do it fairly. We made one error in yours. We took ten years off your public service and we will correct that. You were elected to the house in 1962 instead of '72, but have you had a chance to review that summary?

A Yes.

Q Is it correct as far as you know?

A As far as I know. There may be a date or two wrong but I can't remember it's so far back.

Q Anything in there we need to clarify or improve on?

A Nothing that I can recall.

Q Would you have any objection if we just take that summary and make it a part of the summary as your sworn testimony?

A No objection.

Senator Smith: We will do it at this point in the transcript.

PERSONAL DATA QUESTIONNAIRE SUMMARY

1. David W. Harwell [¶] Home Address: Business Address: [¶] Route 1, Box 436 Drawer X, City-Co. Complex [¶] Florence, SC 29501 Florence, SC 29501

2. He was born in Florence, South Carolina on January 8, 1932. [¶] Social Security Number: ***-**-*****

4. He was divorced on November 20, 1979 in the Family Court of the Twelfth Judicial Circuit on the grounds on one year's continuous separation. [¶] He has 2 children: Robert Bryan, age 28 (attorney) and William Baxter, age 27 (leasing agent for Edens & Avant Co.)

5. Military Service: 1952-1954, U. S. Navy Airman, 450-09-77, Honorable Discharge.

6. He attended Sewanee (University of the South) from 1950- 1951 (left to transfer to University of South Carolina); University of South Carolina, 1951 (left to transfer to University of Texas); University of Texas, 1951 - 1952 (entered U.S. Navy); University of South Carolina, 1954 (entered University of South Carolina Law School); University of South Carolina Law School, 1955-1958, LLB (J.D.).

8. Legal Experience since graduation from law school:

General practice, 1958-1973; Resident Judge, Twelfth Judicial Circuit, 1973-1980; Associate Justice, South Carolina Supreme Court, 1980 to present.

15. Judicial Office: 1973-1980, Resident Circuit Judge, Twelfth Judicial Circuit, elected by the General Assembly; Court of General Jurisdiction 1980 to present, Associate Justice, South Carolina Supreme Court (the Highest appellate court in the state).

16. Public Office: South Carolina House of Representatives, elected 1962, served until 1973 when elected Resident Circuit Judge.

19. He is Director of Harwell Farms & Investments, Inc. (family farming and real estate).
 23. Sued: He has been sued by disgruntled litigants or prisoners but all cases have been dismissed.
 25. Health is good.
 26. He was hospitalized in 1981 and 1986 for a heart attack and was hospitalized in 1984 and 1986 for a hernia.
 28. Dr. Tommy Hearon, 2709 Laurel Street, Columbia, South Carolina is still treating him for his 1986 heart attack.
 32. Civic, charitable, religious, educational, social, and fraternal organizations: Hopewell Presbyterian Church, Mason, Shriner, and Phi Delta Phi Legal Fraternity.
 33. He served as Chairman of the South Carolina Sentencing Guideline Commission and is the recipient of the South Carolina Trial Lawyers Association Portrait and Scholarship Fund at USC Law School.
 34. Five letters of reference:
 - (a) Robert G. Phillips, Vice President [¶] Citizens and Southern National Bank of S.C. [¶] P.O. Box F-3, Florence, SC 29503
 - (b) The Hon. J.B. Ness, Chief Justice [¶] S.C. Supreme Court [¶] P.O. Box 909, Bamberg, SC 29003
 - (c) The Hon. George T. Gregory, Jr. [¶] S.C. Supreme Court [¶] P.O. Box 99, Chester, SC 29706
 - (d) The Hon. A. Lee Chandler [¶] S.C. Supreme Court [¶] P.O. Drawer 9, Darlington, SC 29532
 - (e) The Hon. Ernest A. Finney, Jr. [¶] S.C. Supreme Court [¶] P.O. Drawer 1309, Sumter, SC 29151
- Q** Your credit is reported as satisfactory. The board of commissions on grievances and discipline say that as an attorney no complaints were filed against you. The judicial standards commission advises us they have no record of reprimands against you. Your driving record is clear. The Florence County sheriff's department has been contacted and their records are negative, which means there is nothing on record. The Florence city police department has been contacted and their records are negative, meaning nothing on there. The criminal records section of the South Carolina Law Enforcement Division were checked and their records showed nothing negative, and the judgment rolls of Florence County were checked and there are no judgments against you there. Your fingerprint card from the F.B.I. says you are clear.
- A** What a relief.
- Q** No surprise to anyone. Judge, the only question that I have, you have disclosed in connection with an answer to your health that you were hospitalized in '81 and '86 for a heart attack and hospitalized '84 and '86 for a hernia. You had a heart attack?
- A** That wasn't a very good year. In fact, I had a heart attack one year ago today.
- Q** Good heavens.
- A** But my health is good. I will probably be calling my doctor in the next few days just for a check-up. He said don't bother him unless I have some problems, so I haven't had any problems. My health is good and I do all of the things that I did prior to my heart attack but maybe not as often as I did.
- Q** The senator from Fairfield would tell you that is perfectly normal.
- Senator Martin: I went around the world with him and I went to bed way before he did.
- Q** Are you on any medication for that?
- A** I take an aspirin in the morning and Procardia, that is all.
- Senator Smith: Any questions from members of the committee? (no response.) Judge, thank you, sir. Do you have any statement you would like to make?
- A** None at all. It's a pleasure to see you all. I would like to comment when I first walked in and I saw all these pretty ladies, I thought you had some new members of the committee and I hadn't been over to the legislature lately.
- Senator Smith: They are the ladies that do the work.
- Senator Martin: They have been screened too.
- Senator Smith: thank you so very much. You may remain with us or be excused.
- A** If I could be excused, we are in session and I need to get back over to the court.

Senator Smith: At this time we will move to examine the Honorable Benny R. Greer for the vacancy on the fourth judicial circuit family court, seat number 2. We are delighted to have you. Would you raise your hand and take the oath. [¶] (Honorable Benny R. Greer, candidate for judge of the family court of the fourth judicial circuit, seat #2, was duly sworn by Senator Smith.)

Examination by Senator Smith:

Q Mr. Greer, you of course were last screened in 1984 I believe and this was for a term as understand it to expire in February of '89, would that be correct as far as you know?

A I believe so, sir.

Q You have seen I trust our summary of the personal data questionnaire?

A Yes, sir.

Q And is it correct insofar as you know?

A Yes, sir.

Q We haven't left anything important out or made it too short, have we?

A No.

Q Anything that needs clarification?

A No, sir.

Q Is there any objection if we make this summary a part of the summary as your sworn testimony?

A No objection.

Senator Smith: It will be done at this point in the transcript.

Personal Data Questionnaire Summary

1. Benny R. Greer [¶] Home Address: Business Address: [¶] 106 Min-Lou Circle P.O. Drawer 519 [¶] Darlington, SC 29532 100 St. John Street [¶] Darlington, SC 29532
2. He was born in Greer, South Carolina on August 28, 1925. [¶] Social Security Number: ***-**-*****
4. He was married to Iris Jeannynne Allsbrook on June 4, 1947. They have 4 children: Ray, Jr., age 40 (Public School Teacher and Coach); Rebecca G. Moss, age 37 (certified music teacher [inactive], housewife); Katherine G. Robinson, age 35 (teacher of hearing impaired children [presently inactive], housewife); Thomas, age 34 (Guidance Counselor, Airport High School).
5. Military Service: United States Army, S/Sgt., December 20, 1943 - May 12, 1946; Honorable Discharge: Serial Number: 34-895-888
6. He attended the University of South Carolina, September, 1946 - June, 1951; A. B. Degree in Political Science and English. LLB Degree, converted to Juris Doctor Degree, September, 1970.
8. Legal Experience since graduation from law school: [¶] Associate, Law offices of James P. Mazingo, III, Darlington, SC, 1951 - 1961; Partner, Greer and Chandler, Darlington, SC, 1962-1976; Partner, Greer and Milling, Darlington, SC, 1976 to date.
9. Frequency of appearances in court for the past five years: [¶] Federal - Regularly/usually two to four cases pending [¶] State - Often/continually have number of active cases [¶] Other - Regularly appear before administrative bodies
10. Percentage of litigation: [¶] Civil: 75% Domestic: 25% [¶] Criminal: Have not practiced criminal law for past five (5) years
11. Percentage of cases in trial courts: [¶] Jury: approximately 70% [¶] Non-jury: approximately 30% [¶] Sole counsel/40% chief counsel/40 associate counsel/20%
12. **Five (5) of the most significant litigated matters in either trial or appellate court:** [¶] SEE ATTACHED ADDENDUM
13. Judicial Office: He has not held judicial office, except that on two (2) occasions he served as special Circuit Judge for South Carolina by Commission of the Governor at the direction of the South Carolina Supreme Court. One case, South Carolina Insurance Company v. Collins, was appealed to the South Carolina Supreme Court and affirmed. The case is reported at 269 SC 282, 237 SE2d 358.

15. Unsuccessful candidate: He was certified as being qualified for Federal District Judge by the Federal Screening Committee in 1979 and as qualified by the South Carolina Judicial Screening Committee for Circuit Judge in 1984. Judge Cottingham was elected to the Fourth Circuit.
17. He has practiced law continuously since 1951. Prior to and during the time of his college education he worked in a textile plant, in a grocery supermarket, and had other part-time jobs.
23. Health is good.
24. He was hospitalized for gall bladder surgery April 10-17, 1978. He was approximately another week in getting back to full-time work.
25. He wears bifocals, which gives him normal vision. He has apparently some scar tissue in his shoulder from an old sports injury which he has had for all of his adult life. It restricts him from such activities as playing tennis but does not interfere with his work.
30. Civic, charitable, religious, educational, social, and fraternal organizations: Member of the Board of Trustees for South Carolina Ministries for the Aging of South Carolina Baptist Convention, 1978-1982/Chairman of Board, 1980-1982/also, 1985 to present; Deacon, Chairman of Personnel Committee, member of Finance Committee/First Baptist Church, Darlington, SC; Darlington Chamber of Commerce; American Legion; Veterans of Foreign Wars.
31. He is past member and Chairman of the South Carolina State Judicial Council. He is a member of the South Carolina Judicial Standards Commission. He is a member of the Board of Directors of Legal Services, Fourth Judicial Circuit.
33. Five letters of reference:
 - (a) William A. Hill, Senior Vice-President [¶] Carolina Bank & Trust Company [¶] P.O. Box 59, Darlington, SC 29532
 - (b) Thomas C. Kistler, President [¶] Kistler Funeral Home [¶] P.O. Box 76, 481 Pearl Street [¶] Darlington, SC 29532
 - (c) Allard A. Allston [¶] Josten's Jewelry [¶] P.O. Drawer 725, 822 South Main St. [¶] Darlington, SC 29532
 - (d) J. Thomas Garrett, Executive Director [¶] S.C. Baptist Ministries for the Aging, Inc. [¶] P.O. Box 4000, Darlington, SC 29532
 - (e) B. Edward Hursey, Manager Human Resources [¶] Chairman of Darlington County School Board [¶] 115 Lawson Road, Darlington, SC 29532

ADDENDUM TO QUESTION #12:

- (a) Neese v. Southern Railway, 216 F2d 772, Certiorari Granted 75 S. Ct. 439. Final Opinion 76 S. Ct. 131, 350 U.S. 76, 100 L. Ed. 60 [¶] This was an action brought under the Federal Employers Liability Act for the death of a 22-year-old car inspector employed by the Defendant. The Deceased was performing his duties at night in an improperly lighted freight yard when he was struck by one of the Defendant's trains. The Jury found that the Defendant was negligent and returned a verdict for the Plaintiff in the amount of \$50,000.00. Mr. Greer was actively involved in the preparation of the case, the drafting of all pleadings and participated in the presentation of evidence at the trial. He was also responsible for the handling of all Motions and legal issues during the trial. He participated in the Brief on appeal to the Court of Appeals.
- (b) State v. D.D. Murphy (The case was not reported because the verdict of the Jury was "Not Guilty") [¶] Former Insurance Commissioner, D.D. Murphy, along with two others, was charged in a bribery indictment with having misused his position while Insurance Commissioner to force the sale of a life insurance company to another company in Chicago, Illinois. The trial required ten days, including evening session. The Defendant Murphy and his co-Defendants were acquitted. Mr. Greer was involved in this case during its preparation for trial and the trial itself. He was principally responsible for all legal issues, Motions, etc.
- (c) Bennett and Shealy v. Atlantic Coast Line Railroad Company, 251 F2d 934 [¶] These two Plaintiffs were injured when trains of the Defendant traveling in opposite directions at Hortense, Georgia, collided. At the time of the collision the Plaintiffs were employed by the United States Postal Service and were assigned to a U.S. mail car on the Southbound train. They brought actions for personal injuries received. A verdict was returned for the Plaintiff Bennett in the amount of \$45,000.00 actual damages and \$10,000.00 punitive damages, and for the Plaintiff Shealy in the amount of \$35,000.00 actual damages and \$10,000.00 punitive damages. Mr. Greer was involved in this case in the drafting of all pleadings, assisted in the preparation of evidence, participated actively in the trial itself, prepared the Briefs on appeal and made Argument in the Court of Appeals.

(d) Young v. Warr, 252 S. E. 179, 165 S. E. 2d 797 [¶] This was an action in which the Plaintiff received injuries to his spinal cord which rendered him a paraplegic. Riding in the vehicle with him were eight other individuals, including the driver. In the accident three passengers were killed, two others rendered paraplegics, with serious injuries to the remaining passengers. The accident occurred when the vehicle in which the Plaintiff was a passenger and traveling, according to testimony, at a high and excessive rate of speed, crashed into the rear of a slow-moving tractor trailer at a point on Interstate 95 engulfed in fog. The Jury returned a verdict in the amount of \$500,000.00 which was reduced by the Circuit Judge in the amount of \$100,000.00. Mr. Greer drafted all of the pleadings in this matter, participated to a limited extent in the preparation of the evidence, was responsible for the handling of the issue of independent contractor v. Employee during the trial and participated actively in the trial. He prepared the Briefs on appeal and made the principal argument before the South Carolina Supreme Court.

(e) Elliott v. Black River Electric Cooperative, 233 S.C. 233, 104 SE2d 357 [¶] The Plaintiff's intestate, a farmer, was electrocuted when the well-pipe which he was repairing made contact with a high tension line directly overhead. The jury returned a verdict in the amount of \$106,100.00 actual damages and \$5,000.00 punitive damages which was affirmed on appeal to the South Carolina Supreme Court. Mr. Greer drafted all of the pleadings, handled all legal matters prior to trial and during trial, prepared the Briefs on appeal and made the principal argument in the Supreme Court of South Carolina.

Q Your credit is reported as satisfactory. You have so many cases in here and I want to come back to a couple of them. The board of commissioners on grievances and discipline advise us there are no complaints or charges of any kind that have ever been filed against you. Your driving record is clear. The Darlington County sheriff's office, the Darlington City police department, the criminal records section of the South Carolina law enforcement division all indicate negative or no record. Judgment rolls of the Darlington County clerk of court's office were checked and they are negative. Your fingerprint card is fine. The FBI thinks you are a good fellow based on that. Of course to those of us who practice law in the pee dee and across the state you have an outstanding reputation as an excellent lawyer.

A Thank you.

Q Why the bench? Why the family court?

A I feel very strongly that the family court is a very vital part of our judicial system. I feel that with the developing law and as the legislation that is passed, judicial involvement, that it becomes more and more vital. I feel that in addition to the basic qualities that a judge should have, that experience and maturity are vital qualifications. I have expressed myself on how I feel about the importance of this court and I feel that I can make a contribution there and so I have chosen to seek this position.

Q Mr. Greer, I will ask you, in the attachment in answer to question number 12 which was some of the high points of your legal career, you cited the case of Neese versus Southern Railroad, did that case go to the United States Supreme Court?

A Yes, sir.

Q No trouble since your gallbladder in 1978 with your health?

A No, sir.

Senator Smith: Any questions from the members of the committee?

Examination by Representative McEachin:

Q Mr. Greer, I see in your personal data summary that you say you can't play tennis because of a shoulder injury, who taught Grady his backhand?

A I didn't.

Senator Smith: Any other questions? (no response.)

Q Mr. Greer, I want to say on behalf of the committee and I think the judiciary and certainly the legislature that is a tribute to you and your standing in that circuit and otherwise that you are unopposed for this position and I am absolutely delighted to know that you seek the bench because I think you will bring to the bench real credit. I hate to see you leave the practice of law because I enjoy getting beat up by you.

A You are very kind, Senator.

Q Let me ask one other question. Your statement of economic interests, are you still counsel for the Darlington school district?

A Yes, sir.

Q I am just looking for work for myself after you leave. (laughter.) Thank you, sir.

Mr. Rogers: Mr. Chairman, I might observe that Mr. Greer is my lawyer and I need a lawyer a lot. (laughter.)

A Thank you.

Senator Smith: I wanted to say he also graduated from the Mazingo school of law and politics as did about 20 of the rest of us. I want to say our procedure on this will be--if it's all right with the committee--that we will just take up the qualifications, the question at the conclusion of the whole day rather than go into executive session after each witness. I am going to suggest that the committee take about a five minute break just for a second. Any objection to that? No objection voiced. [¶] (BRIEF RECESS.)

Senator Smith: At this time we will move to consider the vacancy for the fifth judicial circuit. Two candidates have qualified, Honorable Carol Connor and G. Thomas Cooper, Jr. Judge Connor, if you would come forward, please.

(Honorable Carol Connor, candidate for judge of the fifth judicial circuit, was duly sworn by Senator Smith.)

Examination by Senator Smith:

Q Judge Connor, as I mentioned earlier in the interest of space in the legislative journal we have tried to take your questionnaire, your personal data questionnaire, and summarize it for printing purposes. Have you had a chance to review our summary of what you sent us?

A I have.

Q Does it appear to be correct?

A It does.

Q Anything in there that needs clarification or elaboration?

A I am certainly glad to answer any questions but as far as I can tell everything is accurate.

Q If it's agreeable with you, we will make the summary a part of the record as your sworn testimony and it will be done at this point in the transcript.

Personal Data Questionnaire Summary

1. Carol Connor [¶] Home Address: Business Address: [¶] 6705 Sandy Shores Road P.O. Box 192 [¶] Columbia, SC 29206 Columbia, SC 29202

2. Born in Kingstree, South Carolina on January 23, 1950. [¶] Social Security Number: ***-**-*****

4. She was married to Palmer Freeman, Jr. On April 26, 1986. [¶] She was previously divorced on July 11, 1983. She was the moving party, and the divorce was granted on the grounds of one year's separation (no fault). She has a son, Timothy Connor-Murphy, age 9 and Wallace Connor Freeman, age 10 months.

5. Military Service: None

6. She attended Converse College in Spartanburg, SC, 1968-1972, B.A. and the University of South Carolina Law School, 1973-1976, Juris Doctor.

8. Legal Experience since graduation from law school: [¶] Assistant South Carolina Attorney General, 1976 to 1977; Assistant Public Defender, Richland County, 1977 to 1980; Deputy Public Defender, Richland County, 1980 to 1981; law firm of Ellison, Quinn & Connor, 1981 to 1984; Family Court Judge, Fifth Judicial Circuit, February 1984 to present.

15. Judicial Office: She has been a Family Court Judge for the Fifth Judicial Circuit for almost four (4) years. Family Court in South Carolina hears divorces, custody disputes, adoptions, juvenile criminal cases, Department of Social Services Abuse and Neglect cases, and other cases involving domestic matters.

16. Public Office: None

18. She taught tenth grade English at Kingstree High School for approximately four (4) months in 1972-1973 for a teacher who was on maternity leave.

20. While on a rafting trip on the Chatooga River, she received a citation from the U.S. Department of Fish and Wildlife for failing to have on a life jacket. The U.S. Magistrate suspended the imposition of any fine.

23. Sued: She was sued by her ex-husband in Family Court for a reduction in child support and alimony payments. They reached an agreement and settled the lawsuit.

24. She has been the subject of a complaint to the Judicial Grievance Board. This was filed by a litigant who appeared before her. It is currently pending. The litigant filed the complaint while he was in the State Hospital.

25. Health is excellent.

26. She was incapacitated from work for approximately four (4) weeks when she delivered her first child in 1978. She was on maternity leave for six (6) weeks in January and February of 1987.

32. Civic, charitable, religious, educational, social, and fraternal organizations: Legal Issues Advisory Board; S.C. Protection and Advocacy System for the Handicapped; Advisory Board of Animal Protection League; Sierra Club; National Audubon Society.

34. Five letters of reference:

- (a) O. Stanley Smith [¶] Standard Federal Savings & Loan Assn. [¶] 1339 Main Street, Columbia, SC
- (b) John Dean Montgomery [¶] USC Law School, Columbia, SC
- (c) Kermit King, Esquire [¶] P.O. Box 7667, Columbia, SC
- (d) President Robert Coleman [¶] Converse College, Spartanburg, SC
- (e) Timothy Quinn, Esquire [¶] P.O. Box 11880, Columbia, SC

Q I believe we last screened you in March of 1985?

A I believe that's correct.

Q And the term which you seek expires June 30, 1988. Judge Bristow is resigning, so the term would begin July 1st of '88?

A I think that is correct.

Q The board of commissioners on grievances and discipline advised us that no complaints or charges have been filed against you. The board of commissioners on judicial standards state they have no record of any reprimands against you. I do note there was a complaint at one time against you and another judge and the board of commissioners ruled that it was a legal matter and beyond their jurisdiction?

A That's correct.

Q Your driving record is clear. The Richland County sheriff's office has been contacted and they report their records sections are negative on you. The Columbia city police department has been contacted and they indicate their records are negative. How long have you lived in Richland County?

A Well, I was in law school from '73 to '76. I lived in Texas for one year, and other than that I have been in Richland County. I came back from Texas in '77. I have been back for the last ten years in Richland County.

Q The Richland County clerk of court's office indicates there are no judgments against you there and your fingerprint card was returned clear. I see you do indicate here that you were cited by the U.S. Department of fish and wildlife for failing to have on a life jacket.

Senator Smith: Are there any questions from members of this committee? I might state as a procedural matter what I would propose to do, there are two individuals who have within the appropriate period of time filed with this committee testimony, and what I would propose to do after any questions at this time of Judge Connor that we hear from those individuals and give Judge Connor an opportunity to respond afterwards. At all times she or the complainants would be subject to questions by this committee. Any objection to that procedure? Are there questions from the committee at this time?

Examination by Senator McConnell:

Q The question I have got would be, judge, your understanding of what the demeanor of a judge should be in the courtroom, give me your thinking.

A Well, I have been a family court judge for about four years and I have certainly tried to during this period of time be courteous to attorneys. Certainly there have been attorneys that have been late to court, who have maybe acted in court in a way that I thought was improper and I have tried at that point to talk to them after the case, or if it was something that was disrupting the case at that time, to call them into my office and talk to them in my office about what I felt they were doing that was disruptive to the proceedings and suggest a different way of handling things, but I have certainly tried at all times to be courteous to litigants, to be courteous to attorneys, to keep an aura of fairness and justice about the courtroom and not make jokes, not be discourteous at all to anybody. If there are any specifics you would like to know, I would be

glad to answer.

Senator McConnell: Thank you.

Examination by Senator Smith:

Q Also I think I failed, judge, to mention your statement of economic interests indicates no competing of conflicting interests other than your salary as a family court judge.

A Senator, after the time I think that the Richland County bar association met and had its annual meeting subsequent to the time of submitting the data for screening and I did receive an endorsement from the bar association. I have a resolution and I have made copies for the members of the committee that I would like to give to the committee at this time.

Q I would be delighted to have it. Judge, one question I did have, you have indicated in your personal data questionnaire that you were the subject of a complaint to the judicial grievance board filed by a litigant who appeared before you and it is currently pending. The litigant filed a complaint while he was in the state hospital, is this the same complaint I had reference to earlier?

A That is the same complaint. Subsequent when I filled out the application, the grievance committee had not ruled because it was a recently filed complaint that the litigant had filed while he was in the state hospital concerning I think it was a contempt matter that was before me. After submitted my materials I have got a letter from the board of grievances saying the matter had been dismissed and I then sent that into the committee. I think it's been made a part of the package now saying that the matter has been dismissed.

EXAMINATION BY REPRESENTATIVE ROGERS:

Q Judge Connor, you were one of the first lady judges in South Carolina, have you had any difficulty in performing your duties as a family court judge or traveling about as a special circuit judge as a female?

A A reporter from my hometown called and sort of asked me that same question and I said I was lucky enough I think when I grew up in Kingstree I had two younger sisters right close behind after I was born, so I was sort of relegated to my daddy and I was always sort of a daddy's girl and went on deer drives and I was the only girl who went on deer drives and I was his fishing buddy and his golf caddy and I think it sort of made me used to being the only female in a group of men, and I certainly don't think my being a female has prejudiced in any way my judgments on the bench in terms of being biased or prejudiced one way or another. In terms of the family, balancing a family and a job, I am real lucky to have parents who--both of my children are only grandchildren and we more times than I can count, we meet in Sumter halfway between here and Kingstree so they can take the children, and the times I have had to go out of circuit while the baby has been young, he has usually stayed in Kingstree with my parents or my mother comes to Columbia and keeps him, and also I am lucky enough to have a real supportive husband who pitches in real well, so I think things have worked out fine. I don't find it to be a handicap at all.

Q You would have no difficulty in fulfilling the travel requirements of a circuit judge?

A I have certainly had to travel on the family court bench. We travel an average of one week a month out of circuit and that would not include the time that I had to go to Camden also, so I think it's real fortunate that I am located in Columbia because it's made it easy that I can commute to a lot of locations in the state because Columbia is such a central location, but then when I have to stay overnight, I usually have a pretty easy time making childcare accommodations and I don't think it would be a problem at all.

Senator Smith: Mr. Rogers asked you about the circuit court, have you held any court as a special circuit judge?

A Yes, sir. I have held two terms of non-jury court in Charleston and one term in Lexington County.

Senator Smith: Any further questions at this time? (no response.) Thank you, judge. If you will have a seat, we will get back to you shortly. H. Ray ham has filed a statement with the committee. Mr. Ham, would you raise your hand, please, to take the oath.

(H. Ray Ham was duly sworn by Senator Smith.)

Mr. Ham: May it please the committee, I could only testify and maybe bring undue publicity to the client that I represented in this particular case, so, therefore, I choose not to testify regarding the particular case in which I informed the committee I was going to testify. I just don't see how I can protect his interest and testify.

Senator Smith: Any questions from members of the committee? (no response.) Thank you.

Mr. Ham: Thank you, sir.

Senator Smith: Another individual by the name of Cephas Jennings filed with the committee a written statement in letter form. Is Mr. Jennings here? If we were in court, I would say “send the bailiff to the window to say Cephas Jennings three times,” is that how you do it? Is Mr. Jennings in the room? (no response.) He was notified. His statement was mailed to my office the morning of the deadline and received. What is the will of the committee? The statute says all documents have to be submitted under oath no later than 48 hours prior to the joint committee who shall determine the persons who shall testify at the hearing.

Representative Gentry: I move the complaint be dismissed.

Senator Smith: You have heard the motion. Any discussion?

Representative Arthur: I would like to ask a question. There was some mention of the patient in the state hospital, is this the same one?

Senator Smith: I do not know. This is not the same one. I do not believe it is the same one, is it, judge?

Judge Connor: No, sir. He is an inmate in the Richland County Detention Center and I think he is still in the detention center. I think he is under a sentence of mine and of Judge Campbell’s for a contempt sentence for failure to pay child support, so unless he got the jail to bring him down here today, I don’t think--he is actually serving a sentence at this time. I have the file with me and I will be glad to answer your questions. Also Ms. Mcrackan, who is the attorney that represented his wife in that matter, is here in the courtroom if there are any questions about the matter.

Representative Gentry: Should we just receive this as information and think of any future ramifications because of his situation of being incarcerated?

Senator Smith: If we receive it as information, would you propose that we have it read so it would be a part of the record? Otherwise, it will not be a part of the record other than our colloquy here because under the statute all the documents are destroyed.

Representative Gentry: As you know, this is my first year on this committee. What has been the procedure in the past, senator?

Senator Smith: I am not sure it has ever come up, has it, Mr. Arthur? Do you recall this happening before?

Representative Arthur: I feel like in that this person is not present and no one in his behalf and anyone that we can question, I don’t think we should receive it as information.

Representative Gentry: In that case, I renew my motion to dismiss the complaint.

Senator Smith: Any further discussion?

Representative McEachin: If the fellow is in jail, shouldn’t we maybe contact the jail to see if he was offered the right to be brought down here to testify if he wants to testify? Nobody has tried to get him out of jail to come, that bothers me a little bit.

Representative Gentry: I do have some reservations because of his being incarcerated. How was he notified?

Senator Smith: He received obviously a public notice that was published and mailed this in. It came in Tuesday morning in Tuesday morning’s mail and we have had no other contact with him. I think what Mr. McEachin is suggesting is that we—

Representative McEachin: Call the jail and get him down here.

Senator Smith: I wouldn’t propose we stop the hearing but just stop on Judge Connor and see if we can locate him.

Senator Lourie: I kind of like the idea of receiving it as information and reading it into the record and notify him that we have received it. If he wants to be heard later on, let him be heard.

Senator Smith: The only thing he could do would be to read his statement if he were here.

Senator Lourie: I think that would be the most expeditious way to handle it.

Representative McEachin: It doesn’t give us an opportunity to ask him questions.

Senator Lourie: I agree with you but the committee can reserve their rights to have him interviewed.

Representative Rogers: Mr. Chairman, I think this committee is at this time also being tested and I think we have a duty to make a thorough complete investigation of every allegation, and if an individual is unable to attend because he is in the state hospital or in jail, I think we have some responsibility there too. We certainly have the power to have that person brought forward, and I would suggest that we do so.

Representative Gentry: I withdraw my motion. I agree.

Senator Smith: Is there objection if I ask the staff to contact the jail--Richland County Detention Center?

Judge Connor: I believe that is where he is, yes, sir.

Senator Smith: Is there any objection if we do that and determine what his preference is?

Representative Arthur: Mr. Chairman, my comments on the matter were purely for the raising--we need to have him here. I concur with that.

Senator Smith: We will get a report back as soon as we can. Is there any objection if we proceed then to go forward with Mr. Cooper's presentation and examination?

Senator McConnell: Just one question, I agree also that this entire process is being looked at and I heard Mr. Ham's comments and the only thing I wanted to know is whether or not he was here to testify but didn't want to testify in open session or not, and I guess my question is whether or not we are in a position to receive it. If someone's privacy would be unreasonably invaded, would it be a proper function of this committee to go behind closed doors to protect the privacy of the citizen, and I guess I am asking if whether or not there was any indication that he wanted to testify or not to this committee. I want to make sure we have an opportunity to hear him.

Senator Smith: Good point. Let me respond to that by saying that the statute says that during the course of the investigation the joint committee may schedule an executive session at which each candidate or other persons whom the committee wishes to interview may be interviewed by the joint committee on matters pertinent to the candidate's qualifications. We can use that procedure under the statute if we wish. Mr. Ham, do you have a response to that? I can understand your predicament.

Mr. Ham: Regarding this case that I wanted to testify about, I cannot testify in public and give my client that sort--for him to have to relive this five-year-old case again.

Senator Smith: Would you like to testify in private?

Mr. Ham: I would be willing to testify in private, yes, sir. All I have to do is testify about one particular case, that is all I have.

Representative Rogers: I move this committee go into executive session retaining both candidates and counsel if they so desire, and take the testimony of Mr. Ham.

Senator Smith: Is there objection from the committee? Chair hears none. As Mr. Blatt used to say "would you excuse the hall." We Would ask Mr. Ham and Judge Connor and their seconds, or attorneys, or whatever, if they would like to remain. I think Mr. Cooper is entitled to stay I would think.

Mr. Cooper: I will save the committee that decision and leave.

Judge Connor: Ms. Furr is the attorney who was on the other side of that case and I asked her to be here in case there are any legal issues the committee may have questions about.

Senator Smith: Any objection to that? (no response.) Counsel makes the point that actually it is what Mr. Ham agrees to really since we are doing this for him and judge Connor. Do you have any objection if Ms. Furr stays?

Mr. Ham: Of course not, no, sir, I have no objection. I just don't want this client's name to be bandied about in the newspapers.

(off the record.) [¶] (committee in executive session.) [¶] (committee reconvenes in open session)

Senator McConnell: I just want to say that I appreciate all the parties coming and making all the information available to the committee.

Senator Lourie: Mr. Chairman, do you want to hear him in executive session?

Senator Smith: I don't think so. I think Mr. Ham had a legitimate reason for requesting an executive session.

Senator Lourie: Again we've got the right to hear him in executive session. You never know—

Senator Smith: I think all the man is going to do is read his statement and answer questions.

Senator Lourie: Well, you never know. What does the senator from Fairfield say, he has great wisdom and prudence?

Senator Martin: If the witness has any legitimate reason for executive session, you may go into it. I think we ought to hear him unless he has some legitimate reason for wanting an executive session.

Senator Lourie: You never know what people will come off the wall with sometimes. [¶] (Short Recess.)

Senator Smith: We apologize for the inconvenience. Mr. Jennings, if you would come forward, please, sir. We apologize if we inconvenienced you. If you would, stand there at the rostrum. You filed a letter, a written statement, with this committee, and in an effort to determine if you wish to proceed with it or read it over, we needed to get you here, so we sent for you.

Mr. Jennings: Yes, sir.

Senator Smith: And would you still like to go forward with that complaint?

Mr. Jennings: Yes, sir, I would.

Senator Smith: Do you need a copy of it? Do you have a copy of it?

Mr. Jennings: No, I don't have a copy with me.

Senator Smith: I believe we have your original here. I would ask you if you would raise your hand and take the oath. [¶] (Cephas Jennings was duly sworn by Senator Smith.)

Examination by Senator Smith:

Q If would you like to read that.

A If that is the way you start out, sir.

Q Yes. I think that would be appropriate.

A Okay.

Q Or would you like for someone to read it for you?

A That might be better.

Senator Smith: I will ask Mr. Couick.

Mr. Couick: The correspondence is dated December 4, 1987, addressed to Senator Thomas E. Smith, Screening Committee, Post Office Box 142, Columbia, 29202. "Dear Sir: This letter is addressed to the screening committee in regard to the appointment of the judgeship for Carol Connor. Having known Ms. Carol Connor from my dealings through the family courts, I would like to point out several things which has involved myself and Judge Connor which I feel should affect the appointment of her to this new position. On several occasions of going before Judge Connor, I feel she has used her position to personally do things such as slandering me. She has allowed her friend and local attorney, Deena Smith McCracken, to bring illegal and unethical practices against me when in court. All of which I have shown her my proof and even gave her written notes, yet she refuses to have it stopped. I feel Judge Connor and Ms. Deena Smith McCracken have gotten together and done these things to me for personal reasons only. I have been threatened by Ms. Mcrackan several times, once for money and once, this was the last time, using Ms. Carol Connor's name in her position saying she and Ms. Connor had talked and decided what they would do to me prior to any legal court hearing. I brought this to Judge Connor's attention but she refuses to even deny that it's not true. I have had to contact several local officials in order to receive help on this. I have also been forced to take them before the proper committee and will continue doing so until they have been dealt with by our laws. Recently I filed a lawsuit which involved Judge Connor in order to stop these corrupt acts and are used when they want. I feel there is corruption here in our courts"--I cannot decipher-

Senator Smith: In that this--

Mr. Couick: "was corruption at its worst. I never done anything wrong before having gone in front of this person and have since been branded by her and her court because she wanted to do me personal harm,

not because it had merit or was justice. I realize you being a senator, might know Ms. Connor and might even think I am just upset or mad at her but it wouldn't be the truth of the matter at all. Is it worth having someone who might be involved in corruption in our court just so she can be the state's first female judge for this position. Please feel free to check on the statements, if you need any proof or help, I am more than willing to help you. Thanks, Cephas Jennings, Post Office Box 7704, Columbia 29202." sworn to and attested by a notary.

Q I believe you sent copies of that to The State and Record newspaper?

A Yes, sir.

Q Is that your statement?

A Yes, sir, it is.

Senator Smith: Any questions from members of the committee?

Examination by representative McEachin:

Q Mr. Jennings, what specifically is the corruption you mention in your statement that was just read?

A I feel that when more than one person gets together to take advantage of a person or a situation, that would be corruption in our government since that is where it originated.

Q Who are the people that got together?

A The attorney, Deena Smith Mcrackan, and Judge Connor.

Q Where did this take place?

A I have no idea where it took place between the two of them. I was threatened by Ms. Mcrackan several times, once using Ms. Connor's name, and I have been slandered in court by Ms. Connor, which there is an attorney who said he would testify to that if necessary.

Q Were you represented by an attorney when you were before Judge Connor?

A One time.

Q Were you represented by an attorney when the things you say shouldn't have taken place took place?

A No, I wasn't. I expressed my desire for an attorney, I didn't have the money or able to go through any of the local places where you can get an attorney when you don't have money. Ms. Connor made a statement, in the written statements and verbally when we was in court, that I had money and could afford it and, therefore, I had to be my own attorney.

Q Are you under a current support obligation?

A Yes, I am, but I am not behind, or wasn't behind when I went to court.

Q What were you doing in court?

A My wife and her attorney, Ms. Mcrackan, seemed to take me to court every time she or they want to harass me or ask for extra money.

Q And you are presently in the Richland County jail?

A Yes.

Q What are you there for?

A Contempt of court for failing to show up in court, which I wrote the courts and several other people asking for help, the bar association, asking for a lawyer so I would have somebody to defend me there because of these things that happened in court. I was denied that from several local attorneys and the bar association and the other people I got in touch with and I wasn't going to show up again just to be thrown in jail. Either way I went, I would have probably got thrown in jail just because they wanted it, but I didn't have an attorney. I couldn't afford an attorney and the courts don't set up a system for you to get an attorney with family courts even though you can get more time in family court than you can for going out and robbing a person.

Q What is the slander that you say occurred?

A She accused me the first time I went before her and my attorney was present, she got real upset because I went through Governor Campbell and Lt. Governor Theodore, and they had called her office undoubtedly and she got real upset and she made some statement saying "you went up there and called the Lt. Governor and brought them on me," or something and she just--I think she was ranting and raving,

maybe that is a little harsh but that's the way I found it, and she went on to say, you know, holding up the files "you have been in jail before. You have been picked up and thrown in jail and been before a court and haven't shown up at court hearings," and that was all a complete lie. I think she said the things so it would be on record trying to show that I am a no good person, for the future undoubtedly.

Q Had you been in jail prior to that date?

A No, sir.

Senator McConnell: That is all.

Senator Smith: Mr. Arthur, did you have a question?

Examination by representative Arthur:

Q How long have you been in jail?

A Right now I am going on in my second month, sir, which I have asked for work release and the courts have denied that. I think it's personal vindictiveness by them. I have asked several senators on my behalf to see if like they couldn't somehow talk to these people, not to persuade them other than doing their job, but they do let people out for work release, even though I feel I am not in there for something I have done, it's just them, they won't allow me out to take care of my debts and to support my family. I think they want to take whatever else I have got.

Q You have been in that jail for that length of time for contempt of court?

A Contempt of court. They gave me 90 days for contempt of court even though I apologized to the court in writing prior and after, sir, and they gave me a year for something that is under appeal with the Supreme Court, which the Supreme Court told me they couldn't lock me up until it's heard by them, but they went ahead and locked me up for it, sir.

Q And this letter that you have submitted to the committee was written while you were in jail?

A Yes, sir. I feel that if they just didn't have something against me personally because maybe I stood up for myself and I haven't gone out to cause them trouble, I tried to do what was right and, undoubtedly, the people in their position don't like to have their toes stepped on, but you have to do something. You can't let them run your life forever.

Examination by Representative Gentry:

Q Are you presently making child support payments now?

A Sir, I can't make child support payments while I am in jail. They won't let me out on work release. It was a hard time trying to get to be a trustee over there because the courts lost my court records for almost 30 days in which the detention center tried very hard and finally were able to find them. I'm not saying they were misplaced or taken or anything, but it seems to me overall they do as much as they can to cause as much discomfort to me as possible.

Q Have you been put in jail for non-payment of child support before?

A Yes, sir. I was once.

Q By what judge?

A That was judge Laney, sir.

Q What year was that?

A That was last year. Me and my wife recently got separated. Her and her attorney, Deena McCracken, the same attorney here, harassed me at work in which I have statements and proof of that and have taken it to court before but the courts didn't see it that way. They got me--I guess you could say they got me fired from it. They harassed me daily and harassed the company until they said they were going to fire me if I couldn't get them to stop, and I couldn't get them to stop.

Q Had Judge Connor ever put you in jail for contempt?

A No, sir.

Q She never has?

A No, sir. I'm not sure who put me in jail this time. Judge Campbell Made a statement that it was Judge Connor. Judge Connor said it was Judge Campbell, so I am not sure which end it comes from, but it doesn't really matter I guess.

Representative Gentry: Thank you.

Senator Smith: Any further questions?

Examination by Senator McConnell:

Q You said you would be in jail for a year on a case that is under appeal, why were you sentenced for a year?

A My wife and I when we got separated, we decided we would split the cost of the medical bills down the front with anything that happens. That was happening, I paid the bills as they came in, was given to the attorney or through my wife. They have a way of getting up there and not telling the truth all the time or avoiding the truth and putting on a good showboat crying, as woman might use their position, like my wife, I'm not talking about the attorneys and whatnot, and they said I didn't pay it and they said there wasn't merit for me--they agreed that money I had given to them would take up for the payment of the child support. At the time it was \$20. When it got to court, I understand it's up to 50-something dollars of which they have never been able to verify or given me--and I have written the attorney and asked them and written the courts and asked them about this, so I filed the appeal with the Supreme Court, talking to Mr. Clyde Davis down there. I was told by the Supreme Court that they couldn't take me to jail for not paying the child support, which is the only thing they can keep you for going to jail if you don't pay child support. I was saying they wasn't telling the truth in court and had proof of it.

Q The year's sentence you got then was for not complying with a previous order?

A One of them, sir, and the other was contempt of court, all of which was Ms. Connor's previous orders when she had me before her. One time she wanted to give me six months and I had asked for help from the governor and Lt. Governor and that seemed to put a little something behind it for the people. This time they put me up for a year for \$20, that is under appeal.

Examination by Representative Rogers:

Q Mr. Jennings, did that order which gave you the year provide upon payment of the money that the balance of the sentence would be suspended, in other words, that you would not have to serve the time?

A Yes, sir. They gave me five days in which the letters don't come certified and my wife goes around and picks up my mail almost daily from my house, which I have tried to have stopped by the postal service. I didn't receive it until the time was almost up. I went down there I think it was two days before I think and put an appeal in because I am not going to pay something I already paid. What do you do when you get to the point where you can't afford to pay any more? I think everybody in this room realizes that the family courts take as much from you as possible, whether it's for the children or because they have the power to do so.

Examination by Representative Gentry:

Q How many children do you have?

A I have two children, age 7 and 8, which I don't get to see because their mother won't allow it, and her attorney has lied quite a few times when I have tried to go through her to get visitation, sir.

Q And how much is your child support?

A It's almost \$450 now, sir. The way I feel it's close to 70 percent of my pay each month, and they take it out of wage earnings. It's not like they didn't get it. My job is still open but they won't let me go to work. My employer has written them telling them that I am a good worker and they want me to help pay my bills.

Q What type of job did you have?

A I work for an exterminating company, Modern Exterminating. George Matthews, Sr. is the owner.

Representative Gentry: Thank you.

Senator Smith: Any further questions? (no response.) Thank you, sir. I am going to ask Judge Connor if she would like to come forth and respond. If you could find a seat.

Judge Connor: This is Mr. Jennings' file and just sitting there I have not gone back through and read all the orders of prior judges. These are all the letters he has written concerning Judge Laney, Judge Campbell, Judge Mobley, the ones I saw. There are a couple concerning Judge Arrant's. I think he has threatened to file lawsuits in federal court against the clerk of court. I know he has contacted--written letters to Governor Campbell and I think also the Lt. Governor, Representative Spence. To the best of my knowledge as I can recall the last case I heard, and Mr. Jennings I think has been in jail on a number of occasions, the last time he was in jail I put him in jail for

not paying child support. I had let him out on work release to go to work during the day. What I got upset with him about was instead of going to work during the day he was going over to Lt. Governor Nick Theodore's office and they called me from over there saying he was supposed to be on work release and he was over at the Lt. Governor's office instead of out working where he is supposed to be, and that is why I got upset at him for the Lt. Governor's office calling because he was technically an inmate in the county jail who I had let out to go to work during the day and that is one reason he is not being allowed this time to be on work release. [¶] I think he took this into Judge Campbell's courtroom the last time he went, this poster when he said nobody would answer his letters because he writes about a letter a day, but when I sentenced him, I had a full-blown hearing. He was not under the eligibility standards of the court. He was not entitled to an attorney because he was working. He had a full-time job with Modern Exterminating, so he was not eligible to have a free lawyer appointed for him. Other times that he has come before the court he has had lawyers appointed at times when he was unemployed for various hearings. [¶] I found three or four bench warrants in the file where he has been arrested by various judges for failure to show up in court when he was supposed to appear in court. The last case I had I held him in contempt of court, sentenced him to one year, allowed him to purge himself of the contempt by paying a portion of the medical bill that he was supposed to pay under an April of 1986 order and also pay the attorney's fees he was ordered to pay back in April of '86, which he never has paid, and I gave him a chance to purge himself if he would pay that. Actually, I didn't even lock him up at the hearing. I gave him a chance to make those payments before he went to jail. He was then ruled in on contempt of court for not making the payments under my order and that is when he did appear in front of Judge Campbell as I understand it, and Judge Campbell sentenced him to an additional three months for failing to appear in court, so I think he is doing a year under my sentence, and somebody asked the question, he can get out if he pays the payment of the medical bills, but also he is doing I think three months from Judge Campbell for failure to appear in court. [¶] If there are any other questions, I can go through and get specifics out of the file, but it is such a voluminous file. I don't know the entire case history. I can tell you basically that I certainly have not had any *ex parte* conversations with Ms. Mcrackan, who is here in the chambers if anybody would like to hear from her. I have never made any remarks in court to Mr. Jennings when he said threatening remarks, and I have never had any conversations with Ms. Mcrackan concerning the case outside the courtroom or in my office or any other time. She is certainly glad to testify to that if the committee would like to hear from her.

Senator Smith: Any questions from members of the committee?

Mr. Jennings: Is it possible to make one more statement, sir?

Senator Smith: Yes, but make it brief, sir.

Mr. Jennings: I would like to say there has only been two bench warrants out for me not several. As the dictionary points out, "several" is more than two. She can't prove this here because I have never had bench warrants out except for twice when I had gone to family court. She has had somebody up before me at this committee testifying and I would like to ask you all--I know a lot of you stand together and behind things like this and I don't think it's all cut and dried. I think these people are going to get away with what they have done and always will.

Senator Smith: Thank you, sir. Anything further from the committee?

Examination by Senator Smith:

Q Judge Connor, he indicates in his statement that recently he filed a lawsuit against you. You did not disclose that. Have you been served with any papers?

A I have never been served with any papers. I think he has written letters to the clerk saying that he is going to file a lawsuit in the federal court but I have never been served.

Q Does the governor's office call you frequently about cases? Did they call you about this?

A Only in Lt. Governor Theodore's case. I was called because he was dressed in inmate clothes because he

was on work release from the jail and I had allowed him to go out, which I frequently do in cases is let people go out during the day because I feel women are a lot better off getting money for child support than they are having people locked up, so I allowed him to be released during working hours because he had a job during the day. They called me because instead of going to work he was up at their office.

Senator Smith: Unless There is an objection that closes on Judge Connor. Mr. Cooper, would you come forward. (G. Thomas Cooper, Jr., candidate for judge of the Fifth Judicial Circuit, was duly sworn by Senator Smith.)

Examination by Senator Smith:

Q You have of course submitted to this committee your personal data questionnaire and we have summarized it for the sake of saving printing by taking the questions out, have you had a chance to review this?

A I have.

Q Have we summarized it accurately?

A Yes.

Q Anything that needs clarification or elaboration?

A Not that I know of.

Q Is there any objection then if we make this summary as a part of the record as your sworn testimony?

A No objection.

Senator Smith: It will be done at this point in the transcript.

Personal Data Questionnaire Summary

1. G. Thomas Cooper, Jr. [¶] Home Address: Business Address: [¶] #1 Sycamore Place 2407 N. Broad Street [¶] Camden, SC 29020 P.O. Drawer 99 [¶] Camden, SC 29020

2. He was born in Wilmington, Delaware on November 2, 1940. [¶] Social Security Number: ***-**-*****

4. He was married on September 1, 1979 to Hope Howell. **He was previously divorced on July 21, 1978 from Patricia D. Cooper in the Family Court of the Fifth Judicial Circuit on the ground of desertion for a period of one (1) year.** [¶] He has 3 children: Catherine Sloane, age 20; Sarah Riley, age 18; and Patricia Daily, age 14.

5. Military Service: None

6. **He attended Clemson University, 1958-1963 (B.S.) and George Washington University, 1963-1966 (LLB).**

8. Legal Experience since graduation from law school:

1968-1970, Partner with West, Holland, Furman & Cooper

1971-1974, G. Thomas Cooper, Jr., Attorney at Law

1971-1974, Assistant Solicitor, Kershaw County

1974-1976, Associate Probate Judge, Kershaw County

1975-1977, Partner, West, Cooper, Bowen, Beard & Smoot

1977-1984, Partner, Cooper, Bowen, Beard & Smoot

1984-present, Partner, Cooper, Beard & Dibble

9. Frequency of appearances in court for the past five years: [¶] Federal - Occasional (10%) [¶] State - Frequent (70%) [¶] Other - Arbitration (20%)

10. Percentage of litigation: [¶] Civil: 85% Domestic: 10% Criminal: 5%

11. Percentage of cases in trial courts: [¶] Jury: 40% Non-Jury: 60% [¶] Sole counsel, chief counsel and associate counsel

12. Five (5) of the most significant litigated matters in either trial or appellate court:

(a) Campus Sweater & Sportswear v. M. B. Kahn Construction Co., Fort Roofing & Sheet Metal Works Inc. And Celotex Corp., 515 F.Supp. 64 (1979); Action No. 76-0292-5 [¶] He was co-counsel with Terrell L. Glenn and successfully represented the Plaintiff in this case. This was a jury trial in District Court in front of the Honorable Robert Hemphill. At the time of the Plaintiff's jury verdict in February of 1979, the award of \$833,000 was reported to be the largest jury verdict obtained in South Carolina up until that time. The case is significant for many reasons in the products liability field and was the first of many cases against Celotex for defective roofing material which was installed on roofs in the Southeastern United States in the late 60's and early 70's. Judge Hemphill's Order of September 28, 1979, denying Defendants' Motions for Judgment N.O.V. and a New Trial is frequently

cited. [¶] Judge Hemphill stated in his Order: “The trial was a mammoth and complex event. The transcript of 12 days of testimony runs 2,500 pages, hundreds of exhibits were introduced or identified, and the number of objections raised were more than this court has ever experienced in over 40 years of law practice and service on the bench.”

(b) George A. Creed & Son, Inc. V. Trident Technical College Area Commission, Case No. 80-CP-40-1836. [¶] He was chief counsel for the Plaintiff in this unsuccessful action which was ordered to arbitration and involved the construction of a 3.2 million dollar addition to Trident Technical College on its Ashley River site. Judge Bristow ordered arbitration on July 10, 1980 and arbitration under the rules of AAA commenced March 9, 1981. An award in the amount of \$562,697 adverse to the Plaintiff was rendered on April 30, 1982 after 41 days of testimony over the course of 12 months. In addition, Plaintiff was ordered to pay subcontractor claims which eventually amounted to approximately \$350,000. The case is significant in that it involved many contractors and subcontractors and a building in Charleston which eventually cost the State of South Carolina a significant amount of money. The State of South Carolina expended for the preparation and presentation of its arbitration case in excess of \$800,000, none of which was ordered to be reimbursed to the state. As a result of this case, the Attorney General of South Carolina eliminated all compulsory arbitration clauses in state construction contracts.

(c) (Client), Individually and as Administratrix of the Estate of (Deceased) v. (Airline), et al. [¶] He was chief counsel for the Plaintiff in a wrongful death commuter airline crash which occurred November 2, 1979. Although this case was never brought to trial, and pleadings were never filed, he feels that it is significant in that the preparations, investigations and settlement negotiations he had with the various potential Defendants in an airline disaster case brought about a substantial settlement quickly and involved perhaps as many hours of preparation as if he had filed and gone to trial. The significance of the case to him is that it demonstrated the effectiveness of thorough trial investigation and preparation. [¶] The settlement for the Plaintiff was \$667,500.

(d) School District of Oconee County v. James Robert Lawrence, et al., Case No. 77-CP-37-22. [¶] He was chief counsel for the Defendant architect in this action. This case, known as the “Walhalla Middle School” case, involved structural deficiencies in the construction of the \$2.2 million Walhalla Middle School. The architects, contractors and subcontractors were all charged in multiple counts with negligence. The case was eventually settled after the institution of litigation. This case is significant because, for the first time in his experience, the Supreme Court assigned a Special Judge (Spruill) to hear the case over the period of approximately two (2) years. Judge Spruill actually court-ordered revisions and modifications to the structural system of the school with the consent of all Defendants. The case was masterfully handled for the Plaintiff by Lowell Ross, and, after a two-year abandonment of the school for safety reasons, the structural deficiencies were corrected and the school is now occupied and being fully utilized by Oconee County.

(e) Vera Thomas v. South Carolina Employment Security Commission, U.S.D.C. Civil Action No. 75-719. [¶] He was chief counsel for the Employment Security Commission. This was a Title VII sex discrimination case brought pursuant to 42 U.S.C., Section 2005(e). The Plaintiff was represented by Gerald Kaynard of Charleston and the case was settled prior to trial. However, the significance of the case is that, following settlement, the South Carolina Employment Security Commission revised certain policies and procedures to insure that women are given non-discriminatory opportunities for promotion from within the organization.

(f) Beverly H. Barton v. Sumter County School District Two, U.S.D.C. Civil Action No. 77-1973; and Sandra Westmoreland v. Sumter County School District Two, U.S.D.C. Civil Action No. 2009. [¶] He was chief counsel for Plaintiffs in these successful actions for declaratory, injunctive and equitable relief, alleging illegal job terminations. Prior to the cases being tried, both parties were reinstituted to their old positions and received full back pay plus attorneys’ fees.

(g) The State v. Vaughan Gregory Smith. [¶] This was a murder trial involving the death of Kershaw County Deputy Pat Orr. Defendant Smith was charged by a warrant dated July 2, 1973. The matter came to trial on October 23, 1973. He was lead counsel with Solicitor Foard which resulted in a first degree murder conviction (non-death penalty). The case was significant in that it involved the brutal murder of a popular Kershaw County Deputy and involved several unique evidentiary questions.

13. List up to five (5) civil appeals which you personally have handled, giving the case, the court, the date of decision and citation, if reported.

(a) Campus Sweater & Sportswear v. M. B. Kahn Construction Co., Fort Roofing & Sheet Metal Works Inc. And Celotex Corp., 515 F.Supp. 64 (1979); Action No. 76-0292-5. [¶] See 12(a) above.

(b) First Baptist Church of Timmons ville, South Carolina v. George A. Creed & Son, Inc., 281 S.E.2d 121. [¶] He was chief counsel for Defendant Creed in this construction-arbitration case. The lower court had denied his client arbitration and it was successfully appealed. It is significant in that it absolutely expresses the Supreme Court's opinion favoring arbitration when arbitration clauses are included in contracts. The case is quoted frequently in arbitration matters.

(c) Ray E. Roberts v. Hermitage Cotton Mills, 8 E.P.D. 9589; U.S.D.C. Civil Action No. 72-1415; Fourth Circuit Appeal No. 73-1600. [¶] He was chief counsel for the Defendant in this employment discrimination action. This case was tried without a jury before the Honorable Sol Blatt, Jr. He successfully defended the Defendant in the trial court and successfully argued the affirmation in the U.S. Fourth Circuit Court of Appeals. The significance of this case is that, although the Plaintiff claimed employment discrimination on religious grounds, Judge Blatt and the Fourth Circuit felt that the company was well within its rights to dismiss the employee when his absence from work would have caused serious disruption to the plant's operations.

(d) Shirley E. Mays v. Robert C. Mays, III, 229 S.E.2d 725. [¶] He was chief counsel in this successful domestic action. This case is often cited for the Supreme Court's opinion on attorney's fees in domestic cases and the burden of proof in adultery cases. This case was an unusually difficult case in that the Defendant, an attorney, was charged with physical cruelty and he counterclaimed on the grounds of adultery for which the burden of proof was not sustained.

(e) Stackhouse v. Cook, 248 S.E.2d 482. [¶] He was chief counsel for the Plaintiff in this statute of frauds case involving a parole contract for the conveyance of land. The matter was tried in Dillon County unsuccessfully and appealed unsuccessfully.

(f) The State v. James Frank Newman, 200 S.E.2d 82. [¶] He was chief counsel as Assistant Solicitor for the state in this aggravated assault and battery case. The appeal of this case was handled directly by him and was successful. Newman, the Defendant, appealed on the Fourth and Fourteenth Amendment grounds. Upon affirmation by the South Carolina Supreme Court, the Defendant petitioned the U.S. Supreme Court for a writ of certiorari which was denied.

15. Judicial Office: 1974-1976, Associate Probate Judge for Commitments (appointed).

17. Unsuccessful Candidate: In 1983 he offered for the Fifth Circuit Judicial seat vacated by Judge Grimball. He withdrew prior to the vote of the Legislature. In 1984 he ran unsuccessfully for the race for State Senate District #27.

19. Officer or director: He is secretary of East Kirkwood Land Company, Ltd., a private real estate development company. He has no stock or ownership interest in the company and only serves as Secretary as an accommodation to the owner who is frequently out of state.

25. Health is excellent.

32. Civic, charitable, religious, educational, social, and fraternal organizations: 1967-1986, Camden Country Club (President, 1975-1978); 1971-present, Director of South Carolina National Bank, Camden; 1974-1978, **Chairman of Kershaw County Democratic Party; 1979-1985, President's Statewide Advisory Group, Clemson University; 1982-present, President of Camden High Academic Booster Club; 1982-present, Chairman of Camden-Kershaw County Animal Control Commission.**

34. Five letters of reference:

(a) Mickey A. Pierce, Vice President/City Executive [¶] South Carolina National Bank [¶] P.O. Box 460, Camden, SC 29020

(b) Cynthia Hall Ouzts, Attorney at Law [¶] 1711 Pickens Street, Columbia, SC 29201

(c) T. Alexander Beard, Esquire [¶] P.O. Drawer 1240, Columbia, SC 29202

(d) Charlie E. Nash [¶] State Farm [¶] 512 Rutledge Street, Camden, SC 29020

(e) John C. Carmichael [¶] Wateree Correction Facility [¶] Route 1, Box 132, Rembert, SC 29128

Q Mr. Cooper, the board of commissioners on grievances and discipline has indicated that no complaints or charges of any kind have been filed against you. Your driving record is clear. The Kershaw County Sheriff's Office has been contacted and your record is negative there. The Camden City Police Department has been contacted, those records are negative. The criminal records section of SLED was checked with a negative result. No judgment rolls in the Kershaw County Clerk of Court's Office. Have you ever lived anywhere else, any other county?

A No, I have not.

Q So any court records would be in Kershaw County?

A That's correct.

Q Your fingerprint card is clear. Your statement of economic interest indicates no conflicting interest or obligations. You mentioned in your personal data that you were at one time assistant solicitor?

A That's correct.

Q You are no longer?

A No, that was 1970 through 1974 when Solicitor John Foard was solicitor for this circuit.

Q I believe you were associate probate judge for the committal affairs. That should not have been indicated on here, that is no longer true?

A No, sir, that is no longer true.

Q You have indicated in your questionnaire, which we have summarized, that 5 percent of the litigation has been criminal, do you feel comfortable that you have been able to keep up with the criminal laws in criminal procedures?

A Yes, Mr. Chairman, I think the questionnaire refers to present practice and at the present time I don't do a lot of criminal work, however, my background as an assistant solicitor and in the earlier days of my practice I did quite a bit of criminal law. I think keeping up with the opinions of the Supreme Court, that sort of thing, the status of the law today, would enable me to sit on criminal matters, although I admit to the committee that the bulk of my experience has been in civil matters.

Q You had been screened by this committee earlier back in '83?

A That's correct.

Senator Smith: Any questions from the members of the committee.

Examination by Senator McConnell:

Q The question to you is basically the same one to the previous candidates, your perspective on the demeanor of the judge in the courtroom or the role of judicial demeanor, if you could give me your impressions of that?

A Senator McConnell, I think certainly the public and the litigants are the most important people in the courtroom. I think a judge should conduct himself like Caesar's wife, in the sense above reproach, and certainly try to be fair not only to the lawyers but also keep in mind the interest of the public, the feelings of the public and the litigants. We have an awful lot of crowding in courtrooms, people waiting. I on this side of the bench in practice of the law see a lot of that and I think it's incumbent upon the judiciary to respect that and to try to accommodate the schedules of the litigants and the public and the jurors and things of that nature, but I think certainly that the decorum of a judge should be as much as possible beyond reproach.

Senator Smith: Any further questions? (no response.) Thank you, Mr. Cooper. Then that would close our part of the hearing in connection with the fifth circuit. Let's convene back here at 11:30 and I will start back right at 11:30. [¶] (BRIEF RECESS.)

Senator Smith: It's 11:30. I will reconvene the committee. At this time we will move to screen candidates for the vacancy on the South Carolina Supreme Court to succeed the honorable George Gregory. We have two candidates and the first is Judge Peeples. Judge, come forward.

(The honorable Rodney A. Peeples, candidate for associate justice of the South Carolina Supreme Court, was duly sworn by Senator Smith.)

Examination by Senator Smith:

Q Judge Peeples, you have heard my explanation about our summary of the questionnaire. We do it in the interest of time and cost. Have you had a chance to review our summary of the information you submitted?

A Yes, sir.

Q Is it correct?

A Yes, sir.

Q Anything that needs clarification? Did we leave anything out?

A No, sir.

Q Do you have any objection if we make this summary a part of the record just as if it were your sworn testimony?

A No, sir.

Q So it would be done at this point in the transcript.

PERSONAL DATA QUESTIONNAIRE SUMMARY

1. Rodney A. Peeples [¶] Home Address: Business Address: [¶] 116 Fairway Lane P.O. Box 426 [¶] Barnwell, SC 29812 Barnwell, SC 29812
2. He was born in Hampton County, South Carolina on January 8, 1940. [¶] Social Security Number: ***-**-*****
4. He was married to Claudia Waites on August 12 1962. They have 2 children: Janie Glenn, age 21 and Katie Waites, age 18.
5. Military Service: N/A
6. He attended the University of South Carolina from 1958-1961 (received Bachelor of Science in Business Administration) and the University of South Carolina School of Law from 1961-1964 (received Juris Doctor).
8. Legal Experience since graduation from law school: [¶] (March 1, 1964 to December 5, 1974) Partner with law firm of Blatt, Fales and Peeples, Barnwell, South Carolina; (December 5, 1974 to present) Resident Judge, Second Judicial Circuit, State of South Carolina.
15. Judicial Office: Elected Judge of Second Judicial Circuit on February 13, 1974, to fill the unexpired term of Judge J.B. Ness (elected to Supreme Court); qualified December 5, 1974, serving continuously since without opposition.
23. Sued: In 1977 he sentenced Bobby Arthurs in criminal court to 9 years in jail, and Arthurs brought a *pro se* action against him alleging that Judge Peeples had called him a “bad guy” in court and sought \$3,000,000.00 in damages. The case was dismissed on summary judgment. [¶] About seven years ago a woman named Hiers had *pro se* sued Judge Peeples and his former law partner, Judge Sol Blatt, Jr., alleging he had certified the number of acres in a tract of land to be more than it actually was. They had only certified the title, not acreage, and the case was dismissed. [¶] On November 15, 1985, Judge Peeples and the other partners in PPS Partners, which own a shopping center in Sumter, South Carolina were sued. At issue was the legal interpretation as to option language “subject to sale of shopping center as a whole.” The lease with the option language was entered into in 1963 between prior owners of the shopping center as they purchased the property in 1982. There were no damages sought, nor any allegation of wrongdoing and summary judgment was granted as a matter of law for the defendants. [¶] It has recently come to his attention that he was named as a defendant in four cases that were filed in the U.S. district court. The cases were brought *pro se* by defendants in criminal cases who were at the time incarcerated. Each was dismissed without service of process and he was not served and did not receive notice of the cases having been filed. See attached letter of October 27, 1987, from the clerk of the district court. Also in 1980 he was named a defendant in a foreclosure action, McPhaul v. Felder, et al., in Barnwell County. The complaint alleged he owned a mortgage that had been paid, which was correct. The Master’s Report held that he had never been served and was therefore not a proper party because the mortgage had been satisfied of record. [¶] Subsequent to the death of Pauline Knight on June 11, 1986, in the capacity of the executor of her estate, he was substituted as a party-defendant in a declaratory Judgment action which was on appeal to the S.C. Supreme Court.
24. Disciplined: None except for several complaints to the South Carolina Judicial Standards Commission by disgruntled and unsuccessful litigants or defendants sentenced to incarceration in criminal proceedings of which none required any investigation as each were deemed unfounded and summarily dismissed.
25. Health is excellent. He recently underwent tests for low back pain and received a clean bill of health.
32. Civic, charitable, religious, educational social, and fraternal organizations: First Baptist Church of Barnwell, Mason at Harmony Lodge #17 AFM, Barnwell Warhorse Club, National Audubon Society, South Carolina Historical Society, The Smithsonian Associates, Sweetwater Country Club, The Summit Club, USC Alumni Association, Clemson University Board of Visitors, Columbia College Parents’ Advisory Council
34. Five letters of reference:
 - (a) John J. Sanders [¶] Vice President, C & S National Bank of S.C [¶] P.O. Box 1347, Barnwell, SC 29812
 - (b) Honorable Sol Blatt, Jr. [¶] District Judge, United States District Court [¶] Charleston, SC 29402
 - (c) Honorable Robert E. McNair [¶] P.O. Box 11390, Columbia, SC 29211
 - (d) Honorable Morris D. Rosen [¶] P.O. Box 893, Charleston, SC 29402
 - (e) Honorable William Clyburn [¶] P.O. Box 1715, Columbia, SC 29202

Dear Senator Smith: [¶] It is an honor and a pleasure to recommend Judge Rodney Peebles to fill Justice Gregory's seat on the South Carolina Supreme Court. [¶] Judge Peebles is a truly respected individual who is known throughout this state and this section of the country for his fairness, intellect, and unique ability to work hard and effectively as a jurist. [¶] As I travel this state, whenever the subject of the judicial system arises, his name invariably surfaces as "the Judge who gets things done." Because of his outstanding capabilities, he has been asked to serve on various boards and committees by local officials, governors and presidents. [¶] Students, lawyers, elected officials and fellow jurists on numerous occasions have demonstrated their appreciation of Judge Peebles and the contributions he has made to our judicial system. [¶] I join many other South Carolinians in hope and prayer that Judge Peebles will fill the vacancy in the South Carolina Supreme Court. [¶] **With kind regards, I remain, [¶] Respectfully yours, [¶] /s/William Clyburn [¶] Commissioner [¶] Workers' Compensation Commission**

Dear Senator Smith: [¶] It is with pleasure that I write recommending the election of the Honorable Rodney A. Peebles to the South Carolina Supreme Court. [¶] Judge Peebles has served the Second Judicial Circuit with distinction since having been elected to the bench back in the mid-seventies. Through his "no-nonsense" decorum in his court, he has gained enormous respect both from law enforcement, the legal community and our society as a whole. [¶] Judge Peebles continues to be active in our community, assisting unselfishly, in providing recreational and social events to the youth of our community who would be unable to enjoy these activities without his efforts. Through his efforts, several youth in our community have been able to obtain a college education that will greatly improve their life styles. They would not have been able to do so without his assistance. [¶] Over the past sixteen years that I have known Judge Peebles, I have found him to be both honest and forthright in all of his dealings, and I can think of no one I could recommend more highly for the position of Supreme Court Justice. [¶] Hoping this letter will be of some assistance to you in making your recommendation to the General Assembly, **I am [¶] Sincerely, [¶] /s/John J. Sanders [¶] Vice President [¶] C&S National Bank of South Carolina**

Dear Senator: [¶] It has been my honor to previously recommend Judge Rodney A. Peebles for election and re-election to the Circuit Court. His performance on that bench is well known to all, and I refer you to my letters of endorsement on those occasions. [¶] It is now with great pleasure that I commend Judge Peebles for the vacancy on the South Carolina Supreme Court. My endorsement of Judge Peebles is without qualification. Judge Peebles' many years of dedicated service to the Judiciary, and his work on behalf of our state in numerous special capacities, are well known to us all. He is without peer in his qualifications for the position as a Justice of the South Carolina Supreme Court. His active participation on local, state and national boards and committees within the legal profession uniquely equips him to serve well South Carolina and its citizens in this most important position of trust and responsibility. [¶] It is without reservation of any kind that recommend Judge Rodney Peebles to you and your committee. [¶] **With warmest personal regards, I remain [¶] Sincerely yours, [¶] /s/Robert E. McNair**

Dear Tom: [¶] I was talking to Rodney a few days ago, and he told me that the filing for applicants for George Gregory's seat on the Supreme Court will begin on November 5th. I am sure that you and your Committee know of the devotion and respect that I have for Rodney and that I consider him one of South Carolina's finest trial judges, and a person of character, integrity, and honor. I hope it is not out of order for me to write you and your Committee to tell you that I think, if elected, he will become an outstanding and distinguished justice of our highest court. [¶] While I wanted to tell you and your Committee how I personally felt, I particularly want to recall for all of you how my father felt about Rodney. I am confident there is not a person on your Committee, or anyone who served in the General Assembly prior to Daddy's death, to whom he had not spoken in Rodney's behalf. I always felt that one of my father's greatest attributes was that he demanded from anyone with whom he was legally associated that such person be of the highest character, be dedicated to his profession, and be one who would always bring credit and honor to any legal position to which he might be elected. My father felt that Bubba possessed all of these qualities, and I think that Bubba's Judicial career as a circuit judge, as an associate justice, and now as the Chief Justice, has merited Daddy's confidence in him. Daddy felt the same way about Rodney, and he had looked forward so much to being there to come before your Committee with Rodney and to nominate Rodney to be an associate justice when the vacancy occurred. Regretfully, he was deprived of that opportunity, but I feel that I cannot let this occasion pass without reminding you and your Committee of the great love and affection, respect and admiration, that my father had for Rodney, and his certain belief, which I equally share, that Rodney will bring credit and honor to our Supreme Court. [¶] **With warm personal regards, I am [¶] Sincerely, [¶] /s/Sol Blatt, Jr.**

Dear Senator Smith: [¶] I am aware that Judge Rodney A. Peeples will be filing for the vacancy on the South Carolina Supreme Court, which will occur because of the retirement of Justice Ness and the promotion of Justice Gregory to be Chief Justice. [¶] I am writing you with a great deal of pleasure with respect to Judge Peeples with whom I practiced before he was elected a Circuit Judge over thirteen years ago. He is a gentleman of great legal ability who works hard at his judicial duties, and is prepared when he comes to Court to determine legal issues. [¶] Judge Peeples is a man of great integrity and ability. He would make a great addition to the South Carolina Supreme Court. [¶] Judge Peeples is an asset to his State, to his community, to the judiciary and to the South Carolina Bar. I would recommend him unhesitatingly to fill the vacancy which will be occurring on the South Carolina Supreme Court. [¶] With my best personal regards, **I am, [¶] Sincerely, [¶] /s/Morris D. Rosen, Esq. [¶] Rosen, Rosen & Hagood**

STATE OF SOUTH CAROLINA) [¶] AFFIDAVIT [¶] COUNTY OF BARNWELL)

Before me personally appeared, Rodney A. Peeples, who being duly sworn, states:

CURRICULUM VITAE

Born January 8, 1940, - Hampton, S.C. - Son of late Miles and Ruth (Stanley) Peeples. [¶] Graduate Wade Hampton High School, 1958 - numerous clubs, activities and honors, including president of student body, Guy Williams Award for outstanding male athlete and Boys State. [¶] Married Claudia Glenn Waites of Columbia, S.C., 1962 - Two daughters, Janie, 21, Senior at USC and Katie, 18, freshman at Columbia college.

Graduate university of South Carolina - obtained bachelor of science degree in business administration, 1961 (in three years) - various activities and clubs, including kappa alpha order.

Graduate University of South Carolina school of law - juris doctor degree, 1964 (in two and a half years) - president of student body (summer school) - phi delta phi legal fraternity.

Page, S.C. House Of Representatives, 1959-1964 assistant chief page, 1962-1964.

Practiced law with firm of Blatt, Fales and Peeples in Barnwell, 1964-1974, with general practice in local, state and federal courts - civil, criminal and appellate.

Member - regional law enforcement administration committee - chairman, Barnwell County United Fund, Cancer Society and Heart Fund - advisory board of American bank and trust - board of directors, palmetto federal savings and loan association - First Baptist Church - Western Carolina Higher Education Commission - Lion - Jaycee - recipient of S.C. Jaycee's distinguished service award as outstanding young man in South Carolina, 1976 - Mason - Harmony Lodge #17, AFM - Chairman - finance committee - Friends of Barnwell County Library Board of Directors - Barnwell County Historic Preservation Commission - Barnwell Warhorse Club The Smithsonian Associates - South Carolina Historical Society - National Audubon Society - USC Alumni Association - Sweetwater Country Club - The Summit Club - Barnwell County Bar Association - S.C. Bar Association - S.C. Trial Lawyers Association.

Member - Governor Edward's task force on criminal justice information system, 1975-1978, which developed and established a uniform statewide reporting system for local and state law enforcement agencies and created a central repository for computerized criminal history and criminal records and further provided for statewide teletype and communications system with immediate response for law enforcement agencies.

Member, Governor Riley's task force on arson, 1979-1984, which studied, revised and obtained legislative approval for revision in arson laws in South Carolina relative to reporting, investigation, prosecution and penalties. [¶] Appointed May 15, 1987 - chairman of Governor Campbell's committee on criminal justice, crime and juvenile delinquency. [¶] Appointed July 24, 1987 - by Governor Campbell to governor's strategic council on drug education, enforcement and treatment.

Elected resident judge of second judicial circuit of Aiken, Bamberg and Barnwell Counties by S.C. legislature, unopposed, February 13, 1974 - qualified December 5, 1974, and serving continuously since - re-elected without opposition, 1976, 1980, 1986 - general jurisdiction trial judge - civil, criminal and equity - appeals from probate and magistrate's court and from state agencies under administrative procedures act, including utility rate hikes, worker's compensation, employment security, etc., also jurisdiction of and heard family court cases until the legislature created family court in S.C., effective July 1, 1977.

Second senior circuit court judge in South Carolina with 13 years service.

Appointed chief administrative judge in each circuit assigned since unified court system except in fall of 1985 when assigned to 12 counties in various circuits. From January to June of 1977, assigned exclusively to Richland County general sessions to alleviate congested criminal docket. [¶] For the first six months of 1981, assigned as chief administrative judge to work with Circuit Judges Cox and Pyle with exclusive jurisdiction in Richland County court of common pleas because 5,500 pending civil cases or one-fourth of statewide total and delay of eighteen months to three years before case could be tried or appeal heard.

Assigned last six months of 1987 to fifteenth circuit of Horry and Georgetown Counties as chief administrative judge for civil court to reduce backlog of approximately 2,400 jury and nonjury cases. As of October 31, 1987, 1,403 civil cases were pending and docket now current.

Presided as circuit judge in each of the 46 counties and all 16 judicial circuits of South Carolina. Presided in trial of literally thousands of every conceivable type criminal and civil case and heard numerous appeals.

Appointed as acting associate justice of S.C. Supreme Court - December 1986 and February 1987 terms.

Attended National College of State Judiciary (National Judicial College) July 1974 - general jurisdiction session - University of Nevada, Reno, Nevada - new trends in the law, the trial and public understanding graduate session, 1976 - faculty advisor 1978 and 1980 - faculty member general jurisdiction session, may 1979 - lectured on judicial ethics for judges, courts and the news media and courts in the community co-authored, Ethics for Judges - National Judicial College publication, 1982 - currently used in general jurisdiction courses for new judges at National Judicial College.

American Bar Association - member - 1964 to present.

National Conference of State Trial Judges (judicial administration division - ABA) delegate from South Carolina to annual meeting, 1977-1987 chairman, criminal justice committee, 1980-1982 - nominating committee, 1981 - chairman - budget committee and long range planning committee, 1984 executive committeeman from Region IV (Md., D.C., Va., W. Va., N.C. and S.C.), 1981-1983 - vice-chair 1983-1984 - chair-elect, 1984-1985 - chair of national conference of state trial judges 1985-1986 representing 1, 600 plus state trial judges in the United States - JAD council, 1985-1986 - chairman NCSTJ nominating committee, 1986-1987.

Member - judicial administration division nominating committee, 1986-1987.

Member - judicial administration division working group on asbestosis litigation which studied and drafted publication of recommended practices in asbestos litigation.

September 1987 - appointed to task force of lawyers conference of American bar association on reduction of litigation cost and delay.

Board of Governors - American Bar Association November 13, 1987 - elected to a three-year term as judicial member-at-large of the board of governors by vote of the judicial administration division council which represents federal trial and appellate judges, state trial and appellate judges, administrative law judges and special court judges comprised of municipal, family court and U.S. magistrates in the United States. The board is comprised of a total of 26 members, of which 17 are from districts comprised of various states, 6 section members-at-large, 2 young lawyer members-at-large and the judicial member-at-large position to which I have been elected. I will assume office at the annual meeting of the ABA in Toronto, Canada in August of 1988. The ABA is the largest professional organization in the world with a membership of in excess of 350,000 attorneys and judges.

American Judicature Society - Board of Directors - 1986-1988 - founded in 1913 and with a present membership of approximately 29,000 lawyers, judges and private citizens, publishes judicature magazine six times a year. The aim of the society is to promote the effective administration of justice in America. It seeks to play an active role as a link between citizens and the justice system, as a clearinghouse for facts, opinions, ideas and research on improvements in the administration of justice.

State Justice Institute - Board of Directors Vice-Chairman - 1986 to present.

Upon the urging of the Conference of Chief Justices of the United States, the Congress enacted 42 U.S.C.A. 10701 creating the State Justice Institute. It is a private, nonprofit corporation whose purpose is to further the development and adoption of improved judicial administration in state courts in the U.S. The 1986- 1987 budget approved by congress was 7.2 million dollars and the anticipated allocation for next year is 10 to 12

million dollars. The board approves and allocates grants to state courts and law related organizations to improve the quality of justice in state courts. The federal legislation required that six of the eleven board members be judges and I was included on the list of fourteen judges recommended to the White House by the conference of chief justices. I was then recommended by President Reagan in July of 1986, confirmed by the U.S. Senate, and given the oath of office by Chief Justice Warren E. Burger at the U.S. Supreme Court in Washington, D.C. as a charter member of the board of directors. Elected by the board as vice-chairman.

Chairman - S.C. Trial Judges Association 1985- 1987.

Member - S.C. Circuit Judges Advisory Committee.

Member - S.C. State-Federal Judicial Council appointed by chief justice.

Member - S.C. Sentencing Guidelines Commission appointed by S.C. Supreme Court as one of two circuit court representatives.

Member - S.C. commission on judicial continuing legal education - appointed by S.C. Supreme Court as one of two circuit court representatives.

Lectured previously at school for new S.C. circuit judges and seminars for law clerks and staff attorneys - lectured previously for clinics program at university of South Carolina law school and S.C. bar continuing legal education - judge for USC law school moot court competition.

Advisory committee on Interstate Identification Index (III) for National Crime Information Center (NCIC) of U.S. Justice Department.

Delegate to national conference of the judiciary on the rights of victims of crime, November 1983 National Judicial College - University of Nevada Reno, Nevada.

Delegate to national conference on sentencing Baltimore, Maryland, January 1984 - sponsored by national institute of justice.

Delegate to National Conference of the Judiciary on Crises in the Streets, Jail and Prison Overcrowding, March 1985 - National Judicial College - University of Nevada, Reno, Nevada - member - planning committee.

Delegate to Academy of Criminal Justice Sciences - sponsored by National Institute of Justice, March 31 - April 4, 1985 - Las Vegas, Nevada.

Honored by S.C. Trial Lawyers Association at annual convention with portrait and scholarship fund at the university of South Carolina law school in name of judge Rodney Peeples by participating members of the bar - August 16-18, 1985.

Attended national conference on court delay, September 5-7, 1985 - Denver, Colorado.

September 13, 1985 - guest speaker - State of Michigan Judicial Conference - Detroit, Michigan.

Recipient of second annual victims' rights award - April 18, 1986 - "in grateful recognition of his efforts in general sessions court to seek justice for victims of crime through the implementation of the South Carolina victims' bill of rights"

Delegate to national conference on rights of victims of crime - sponsored by the national institute of justice, Washington, D.C. - September 18-20, 1986. Member - planning committee - received national award for meritorious service in the cause of victims' rights at local, state and national levels.

Delegate - judicial state-of-the-art conference "presiding in criminal court" - Phoenix, Arizona September 19-23, 1987 - sponsored by national institute of justice.

Member - board of visitors - Clemson University 1987-1989.

Member - Columbia College parents advisory council - 1987-1988.

_____ [¶] SWORN to before me this [¶] 7th day of December, 1987

Notary Public for S.C. [¶] My Commission Expires: _____

Q Your credit is reported as satisfactory. The board of commissioners on grievances and discipline indicates that as an attorney no complaints or charges were ever filed against you. The commissioners on judicial

standards say that you have no record of reprimand by that body. Your driving record is clear. The Barnwell County sheriff's office has been contacted and their records are negative. The Barnwell city police department has been contacted and their records are negative, which means there is no record. The criminal record section of the South Carolina law enforcement division report is negative. There are some judgments, some indications in the Barnwell clerk of court's office regarding some judgments, and we will return to those, but I believe you disclosed all of those, is that correct?

A Yes, sir.

Q And your FBI card is clear. Your statement of economic interest is unremarkable as we say, indicating only your judicial salary. Judge, in the questionnaire, in the answer to the questionnaire, you mention four or five various suits. Did we explain those satisfactorily in the questionnaire?

A Yes, sir. And, senator, may I comment, you indicated there were judgments of record in the Barnwell County clerk's office. There are no judgments against me but I have been a defendant in a lawsuit.

Q No judgments but you have been a defendant listed?

A Yes, sir.

Q You mentioned here that in the Hiers suit against you and Judge Blatt, was that in federal court or state court?

A No, sir, that was in state court. It was brought simultaneously in Charleston because Judge Blatt was living there and in Barnwell but he contended Barnwell is his residence and it was moved to Barnwell.

Q And that case was dismissed on summary judgment?

A Yes, sir.

Q The case involving the shopping center in Sumter, was that in state or federal court?

A That was in state court in Sumter common pleas.

Q And I believe summary judgment was granted there?

A Yes, sir. At issue was just the interpretation of a clause in a lease that was included in the lease in 1962 or '63 when the original developers built the center. Myself and my partners had purchased the center in maybe '83 and the issue then arose as to the option language contained in the lease. It was a matter of law.

Q No question of any damages or wrongdoing?

A No, sir. It was an interpretation of a clause and an option.

Q Then, judge, I notice you also state here that it has recently come to your attention that you were named as a defendant in four cases filed in the United States district court, how did that come to your attention?

A It came to my attention through someone calling me about two months ago and asking me about a case in which I had been sued in federal court and I knew nothing about it because I had never been served, so at that time I called the clerk of the federal court and asked for information concerning it and, of course, Mrs. Birch, the clerk's, letter is attached to the questionnaire indicating that I was not served with process or knew anything about the suit.

Q As a matter of fact, after these four cases were brought that you were allegedly sued but you never knew anything about it because they were dismissed, the federal court changed their procedure to send judges copies of suits that were filed against them?

A Yes, sir.

Q You have indicated voluntarily here that the judicial standards commission, that several complaints had been made, were all of those criminal, if you recall? They have all been dismissed. You state they were disgruntled defendants, were there any civil ones that you know about?

A No, sir, none civil. I remember one lady complained that her son didn't get probation for having broken into a drugstore I think, and she didn't like the fact he was sentenced to youthful offender, and I believe Mr. Heath, who is to appear here today, that was one that was not per se a criminal case but it did occur in criminal court in general sessions.

Q Judge, you have indicated that your health is excellent but I believe you had a little back trouble recently, would you tell us about that? Were you hospitalized for that?

A Yes, sir. On November 2nd of this year I was in Conway presiding and on that Monday morning I had a sharp pain in my back. I thought at the time it was a recurrence of a kidney stone. I had to miss the Clemson-Carolina game in November of '83 with a kidney stone attack and I thought that was what it was. I did go out to the Conway hospital and they ran tests on me there and told me I should go to bed. I didn't want to stay in the hospital so I stayed in bed for several days and the pain persisted, so at that time I went to the Medical University in Charleston and they ran extensive tests and gave me a clean bill of health, and I washed windows and cleaned gutters--pine straw out of the gutters--last Saturday getting ready for Christmas, so I am pleased to tell you my back is fine and I feel I am in excellent health.

Q You have, as all the others, submitted five letters of reference including your banker. We appreciate that. Do members of the committee have questions? They never know when I am going to stop asking and turn to them.

Examination by Representative Rogers:

Q The four individuals who filed the pro se action in the federal court, were they criminal defendants?

A Yes, sir. Each of them were criminal defendants, each of them represented themselves, each of them were in jail at the time that the suits were brought and each of the suits were summarily dismissed by the federal court.

Q And are you familiar with those cases or do you recall them? I understand that you have been a very active judge for a good number of years, do you recall those individuals or not?

A I do not recall any except the first one because I remember when he got out of jail, he showed me his false teeth and thanked me for sending him to jail because they had given him some good teeth in the penitentiary. No, sir, I don't know any of them. I couldn't identify any of them except for Bobby Ray Arthurs.

Q That was the oldest case I believe. It looks like a '77 date, but you do recall him?

A Yes, sir.

Q I have not seen the records. Judge, you have a reputation as a very hardworking judge and have established quite a record for moving cases and expediting dockets across the state and I know you are frequently sent into the circuits where there are problems, and you have been noted as a judge who will clear up the docket and get things back on schedule. There is no question but that the primary criticism of you has been that at times in court you are somewhat short with lawyers. I would note that you have always been extremely courteous to me when I appeared before you the one or two times I have had the opportunity. What is your reaction to the criticism that has been leveled at you for your, at times, short treatment of lawyers?

A I'm not aware specifically of criticism of short treatment of lawyers, Mr. Rogers, but I am painfully aware of the fact that in the conduct of the courts and the attempt and effort to try to efficiently and economically administer the courts that there are so many logistics involved in court. For example, I have been presiding in Conway since July. A great number of those litigants are transient people. By "transient" I mean they are from out of state. They may be from Ohio or Maryland and they are in Horry enjoying and availing themselves of the amenities of this fine state in the Grand Strand area, and they are in an automobile wreck. Well, it's rather difficult to try to keep the train on the track when you have witnesses involved. A judge must be considerate of the fact that the jurors oftentimes are there at \$10 or \$12 or \$15 a day, but certainly less than minimum wage, and it's not an easy task trying to have things move smoothly. For example, if you have a case set for a trial on Monday and then on Thursday an attorney in that case will file a summary judgment motion, well, the judge goes on the bench, the jury is there, the witness is there, the court reporter, the bailiffs, the various court personnel, and you have to stop to hear that summary judgment motion, the judge needs time to reflect and think and study the law just as an attorney prepares litigation to properly represent his client, and I suppose I have pushed hard, I don't question that I have, to try to have an efficient court system and to try to have an economical court system because it's the taxpayers that are footing the bill for the third branch of government, the judiciary, and if I have been hard, I hope that that would have been the result of my effort to try to have a speedy trial in both criminal and in civil courts in the state, sir.

Q Judge, one other area that has received some attention in the press in recent times, I was not aware of it, was that you smoke in court on occasion. What is your reaction to that allegation?

A Well, you and Senator Smith are from tobacco country, and I will, of course, I have on occasion smoked

in court rather than take a recess and I might move on for two and two and a half hours can take a recess every 10 or 15 minutes but when you have 12 jurors who have to stand in line to go to one bathroom, you are going to be in recess half the time. That is a habit of smoking in general and on occasion I have smoked in the courtroom and that probably is not the better thing for me to do, but I have, sir, done that.

Senator Smith: Members of the committee? Mr. Rogers, are you concluded?

Senator Rogers: I am through at this time.

Examination by Senator McConnell:

Q Judge, do you have any problems with the constitutionality of the death penalty?

A No, sir.

Senator McConnell: I have no further questions at this time.

Examination by Senator Smith:

Q Judge, one thing I omitted, just as a matter of information, you indicated in an additional document with all of your background filed with us that you were the second senior circuit court judge in South Carolina. Who is the first?

A Judge Dan Laney was elected in 1970. I was elected in 1974. I am the second senior judge you know seniority and a quarter will get you a cup of coffee, I am the fifth senior state judge including all courts in the state.

Q Also, I notice that Governor Campbell named you chairman of the criminal justice crime and juvenile delinquency committee, is that correct?

A Yes, sir.

Q You have indicated that he has appointed you to the governor's strategic council on drug education enforcement and treatment?

A Yes, sir. There is about six million dollars from the federal government to be divided between the department of education, alcohol and drug abuse and law enforcement. Parker Evatt chairs that committee.

Q You also indicate you have held court in all 46 counties and all the circuits and, as Mr. Rogers has indicated, you have been an active trial judge. If you are elected to the Supreme Court, you are not going to be restless? You are not going to miss that courtroom glamour?

A I promise you I won't. I have certainly enjoyed myself but that three and a half hour drive on Sunday evening and the three and a half hours on Friday, I would be happy to drive to Columbia like you gentlemen rather than move about the state, although it has been a real experience. I love history and I have enjoyed learning the history of this state and I particularly enjoyed meeting the people in the far corners of the state, and we are blessed in South Carolina, the people, the lawyers, the law enforcement, court officials, everyone treats the circuit judges so nice that it's made it pleasant in these travels and I appreciate having had that opportunity.

Senator Smith: Thank you, sir. Any questions at this time, of course, judge, two individuals have filed to testify in connection with your seeking this position and at this time I would ask you to have a seat and we would call them to testify. Mr. Bryant, and I might say Mr. Bryant submitted a statement to the committee and it is in your packet.

Mr. Bryant: Mr. Chairman, let me say at the outset of this proceeding that I have no interest in this race that is being conducted of which I am aware between Judge Peeples and Mrs. Toal. I am not involved in that race. I have not been talked to by either of them or anybody on their behalf and am not supporting or opposing the candidacy in a normal fashion of either one of them. Mrs. Toal and I hardly know each other. She came to the legislature after I left but we know each other to speak. Judge Peeples and I practiced law in nearby counties in adjoining circuits for a number of years and I have known him pleasantly, but only casually over the years, so I have no ties to either of these particular candidates.

Senator Smith: Would you raise your hand to take the oath.

(Thomas B. Bryant, first being duly sworn by Senator Smith, testifies as follows:)

Mr. Bryant: chairman and members of the committee, in January of 1984 I was retained by a friend I had known from childhood, Will Kelly, to represent him in connection with matters involving his stepfather's estate. His stepfather was A. Wilkes Knight who lived in Orangeburg. Mr. Knight died on

August 22, 1983. Will and his stepfather had a very good relationship. Mr. Knight had married Will's mother in the mid-fifties. She was a Wolfe from Orangeburg and Will Kelly was the only child that Wilkes Knight ever had. [¶] I would like to interject here that contrary to some published reports, even as late as this morning in the local papers, and I stand to be corrected and I wish you would if I am wrong, but I think Judge Peeples has no relationship with Mr. Knight or Mrs. Knight. He has been referred to erroneously as being Mrs. Knight's stepson or Mrs. Knight married Judge Peeples' father, and I don't think that is correct.

Senator Smith: I intended to ask Judge Peeples that. I believe your statement, Mr. Bryant is correct, is that not right Judge Peeples that there is no relationship?

Judge Peeples: Correct.

A In April of 1972 Mr. Knight married Pauline Holman from Barnwell. This was his third marriage her fourth. They remained married and lived in Orangeburg for the most part except for a brief period when they first married when they lived in Barnwell and lived in Orangeburg the entire time guess about 11 or 12 years. When Mr. Knight died in August of 1983, Mrs. Knight was a patient at the nursing home in Orangeburg and she was not in good condition then, and, as I indicated, was in a wheelchair at his funeral. Mr. Kelly, my client, was the executor under his stepfather's will but Mrs. Knight received basically the entire estate except for some small bequests to others. [¶] Shortly after Mr. Knight's death and within just several days Judge Peeples approached Kelly, my client, and Mrs. Kelly concerning Mrs. Knight's well-being and indicated a willingness to assume some responsibility for her since the Kelly's lived in Washington, and this Judge and Mrs. Peeples did. On August 31st, which was a little more than a week after Knight died, Mrs. Knight at the nursing home in Orangeburg gave a power of attorney to a gentleman named Elroy Dantzler, who is an accountant in Orangeburg and a friend of Judge Peeples on September 29th just about a month, a few days longer than a month after Mr. Knight's death, Judge and Mrs. Peeples moved Mrs. Knight to Barnwell to a Barnwell County nursing home I believe in Blackville. Within several weeks Judge Peeples approached Kelly again by telephone, and I am not exactly sure at what point in time these telephone conversations began, but there was contact between Judge Peeples and Kelly, and he approached him first by telephone and then by letter asking and subsequently demanding that Kelly honor an agreement from 1972 that he had once had with his stepfather Knight for the purchase of some leases and some laundromat equipment. [¶] Mr. Knight was County Director for Orangeburg County for a number of years. He was a highway engineer, and on the side he had several little coin operated laundromats, and in 1969 I believe our case shows he began to lease these laundromats to Mr. Kelly and Mr. Kelly would take the money out of the machines every week or every month or however you do it. In '72 they made a deal whereby Kelly would buy these machines and leases and whatnot from him. That was the heart of our lawsuit that has just concluded, but the agreement called for a consideration of Kelly to pay Knight \$300 a month as the purchase price. He had previously been paying \$300 per month under this lease, this rental agreement. After Knight's death the \$300 was to continue as long as Mrs. Knight lived if she survived him. [¶] When Judge Peeples approached Kelly about this, Kelly repeatedly answered him asserting that the agreement had never been enacted. It had been called off, it had been rescinded just after it was made because of tax considerations. That was the question in the lawsuit. [¶] Judge Peeples wouldn't accept this explanation and prompted the attorney-in-fact Dantzler to bring an action in the probate court in which he sought to have Kelly removed as executor of the estate alleging that Kelly had a conflict. As executor, he wasn't going to sue himself individually to pay this money to the estate. This action was successful. The judge of probate agreed there might be a conflict if a debt existed, and he removed Kelly. We appealed this decision and ultimately appealed it to the Supreme Court and lost it. We appealed on the grounds that we thought we were entitled to a trial de novo on the issue on appeal from the probate court, and we lost that. We were hoping that we could introduce the accountant that represented Kelly in the probate court and didn't testify about all these tax considerations. [¶] I got into the case after the probate proceeding and before the next one, and I said if the accountant testifies, that will end the matter it's so clear-cut. They

wouldn't let him testify. I didn't get my trial de novo, but the entire time the appeal was pending Kelly remained as executor of his stepfather's estate. [¶] In late October of 1984 at my suggestion and in an effort to resolve the matter we brought a declaratory judgment action in circuit court seeking to have this matter heard in its entirety where we knew that it would be resolved favorably for Kelly because the evidence we thought was very powerful in his favor and we didn't see any evidence to support the other side.

Senator Smith: Excuse me, I believe you meant October '84.

Mr. Bryant: That's a misprint in my statement. It's October 29, 1984. Yours says 1974, I'm sorry about that.

The suit was brought against Mrs. Knight, really the attorney-in-fact, in a declaratory judgment action, but a counterclaim was filed by the attorney-in-fact, Dantzler, alleging the agreement was valid and Kelly owed "x" number of dollars to Knight's estate and he owed "x" number of dollars to Mrs. Knight, and then he owed \$300 a month for the rest of Mrs. Knight's life. [¶] The trial court after the matter was moved to Barnwell--the case was brought in Orangeburg County and they moved to change venue to Barnwell. I didn't understand that because it was a non-jury matter and it didn't seem like it mattered to me but it mattered to them because they vigorously sought to have the case moved to Barnwell, and it was moved to Barnwell on the grounds that Mrs. Knight was a resident of Barnwell over in Barnwell County, and it was heard in Barnwell County. The trial judge, Judge Cottingham, hearing the matter without a jury ruled in favor of Mrs. Knight, ruled in favor of Dantzler, and rendered a judgment against us and also ordered him to begin paying the \$300 a month to Mrs. Knight as long as she lived. She was still alive then. [¶] The Supreme Court, however, on November 23rd of this year, just last month, reversed holding for Kelly, and on December 4th, 1987, I guess Monday a week ago, Kelly was reinstated as executor of his stepfather's estate. [¶] I would like to tell this committee now, and I will try to be as brief as possible and move through some of this material without going through all of it, but how I feel that Judge Peeples' conduct throughout this entire series of events affects his qualifications to serve as an associate justice of the Supreme Court of South Carolina. [¶] First, in 1974 Judge Peeples while a lawyer in Barnwell prepared a will for this lady, Mrs. Knight, the person that I have talked about, in which she left her entire estate to her husband then living for his lifetime, and then at his death the entire estate was to go to the two young daughters of judge and Mrs. Peeples. At the time I guess their ages were about 8 and 3, I am not exactly sure. In addition, this will named Judge Peeples as the alternative executor of the estate. As I have already said, Mr. Knight ultimately predeceased Mrs. Knight and, as a result, he was not there when she died and so her entire estate goes directly to the young Peeples' girls. Judge Peeples also qualified to serve as executor of her estate. [¶] Rule 32 of the rules of practice in the Supreme Court of this state, our court of professional responsibility, canon 5, provides a lawyer should exercise independent professional judgment on behalf of a client. I have referred to the ethical considerations in the comments mentioned after that, but I think plainly stated, and I believe we have always been aware of this, that a lawyer should never make a will for a client in which he is named himself or any member of his immediate family. He beneficially being named, and here Judge Peeples as a practicing lawyer did that. He stated he had drawn the will in question that he drew for her, and such conduct on behalf of an attorney has long been frowned on, considered inappropriate, but apparently not in this instance by Judge Peeples when he was a practicing lawyer. [¶] In addition, you will see I mentioned the further ethical consideration that a judge should not consciously influence anybody to name him as executor in a will. Whether or not Judge Peeples consciously influenced her, I do not know. He was not a witness to the will but she named him as executor. I think he has clearly infringed, if not been guilty, of violating this canon of professional ethics applicable to lawyers when he was a lawyer and when he was in a position of trust with this lady, who I think it will later be seen was a good friend of his and from time to time had been a next-door neighbor. This, of course, has only come to light since her death June a year ago. We didn't know what this will said until it became public until she died. [¶] Immediately after the

death of Mr. Knight on August 22, '83 Judge Peeples sought to take or assume full control of the affairs of the person of Mrs. Knight without making a complete revelation of his personal interest and motivation. Maybe he did not have to do that, I thought possibly he should. Kelly indicated to me that at the time he thought Judge Peeples was being charitable, was being benevolent, and while that might have been the case, it can hardly be argued that he didn't have a substantial interest in the affairs of Mrs. Knight. I am not here suggesting that his motivation in assuming control of Mrs. Knight and of moving her to the Barnwell nursing home was to enable him to protect the interest that his family would acquire at her death, but it does appear to me that at a time such as that Mrs. Knight should have had the availability of some type independent advice and judgment concerning her personal affairs, particularly in view of the fact she was then in a position of having inherited substantial properties from Kelly's stepfather including a number of personal items that belonged to Kelly's mother. Kelly never once, let me emphasize that, Mr. Kelly has never suggested this to me. I personally believe Mrs. Knight should have had the opportunity to reconsider making a will if there was any possibility that she might want to leave Kelly either some of these personal items that belonged to his mother or to leave him any part of the estate that she inherited from Kelly's stepfather. Her decisions may have been to leave her will as it was, but clearly she should have been given an opportunity to make this decision independent of any influence that might have been exerted at that time by Judge Peeples. If Judge Peeples didn't overreach Mrs. Knight under these circumstances, it certainly appears he did. At no time did Mrs. Knight ever approach Kelly concerning this litigation or this alleged debt. At no time did she write him or make any effort at all to communicate with him concerning the matter. It is interesting to note after the lease between Knight and Kelly ran out in about 1978 the record in the lawsuit shows that what remained of the property was given to Kelly by Knight, then there wasn't much left at that time, but it's interesting to note that from 1978 the record is completely devoid of anything relating to any debt running from Kelly to Knight or to Mrs. Knight. [¶] One of the justices in oral argument asked us about that, what has been done, what's been said, any suit brought, nothing, total silence, total silence. We submit no debt existed as a result of that, and the Supreme Court ultimately agreed with us. [¶] Kelly and Mrs. Knight were very good friends. It was he, who after a diligent search, was able to find a nursing home to accept her in July of '83. She had to go to a nursing home about a month before her husband died. She was in very, very poor shape and he was too, but it was Kelly and his wife who found the nursing home. They looked after her interest while Mr. Knight was hospitalized through this period and up until and through the few days following his death. [¶] Mr. Kelly told me out in the hall a little while ago that he and his wife were like son and daughter to Mrs. Knight. They were very close. They did for each other and they did for her and they loved her and she loved them and they had a good, close relationship. Under these circumstances it seems ironic that she, Mrs. Knight, through Judge Peeples had now turned on her benefactor without so much of a hint of a legal obligation in her favor before that time. [¶] Number three, the conduct of Judge Peeples throughout this matter and particularly lending the prestige of his office to advance his own personal financial interest is to me the overriding matter this committee should consider. The first thing I call to your attention, the drawing of a will and not letting your client have independent legal advice when they want to name you or your family, that's serious, but it is not so serious--I wouldn't be here today if it were for that. The second thing I mentioned that he overreached Mrs. Knight after Mr. Knight's death and turned her against Kelly when if she had been in her right mind, she would not have thought about doing that, that is serious, but I wouldn't be here today if it were just for that, but this I would, and this is why I am here today because I believe he has used his office and the prestige of his office to further his own financial interest. [¶] Shortly after Knight's death, as I indicated before, Judge Peeples chose this friend of his, Dantzler, an accountant, to handle her affairs for her. I don't know whether Mrs. Knight was competent to handle her affairs or not. Dantzler was. He is not a C.P.A. but he is a bookkeeper and he is good at what he does. He was able to do it. They paid

him to do it, to receive her social security income, her rental income and pay her bills. I don't think it was necessary for them to hire anybody to do that but that was their choice, no question about that. He was competent to do it also. [¶] At that point in time it appears to me Judge Peeples should have withdrawn from any type of active participation in these affairs and left the matter to solely to Mr. Dantzler. While it may not have been improper for him to point this agreement out to Dantzler or tell Dantzler pursue this thing, see if you can get it through for us, collect this money for us, I think it is a legitimate, legal debt, I don't think that would have been wrong for him to tell Dantzler, but I think it was highly improper for him to take a public position concerning the same and advancing his own interest. This should have been left to others. [¶] Judge Peeples later retained competent counsel in this matter whenever the litigation began in the probate court, and competent counsel and Dantzler could have easily pursued Mrs. Knight's rights in the courts without Judge Peeples ever letting anybody at any time know that he was involved in the case. He refused to do this and from the very beginning involved himself deeply in this controversy. He should have distanced himself as far from the controversy as he possibly could. [¶] A lot has been said in the press particularly about Judge Peeples' use of his judicial stationery. I will tell you that I don't think that is so bad as using his judicial office. Canon 2 of the code of judicial conduct clearly provides that a judge should never lend the prestige of his office to advance the private interest of others and should certainly not use the prestige of his office to advance his own private interest. [¶] I go on and on through that and I would tell you I am going to skip a bit of that. I submit to you that in my opinion he appeared in this case for the sole purpose of exploiting his office to advance his own interest. Again, under the code of judicial conduct canon 5, section c the following appears: "a judge should refrain from financial and business dealings that tend to reflect adversely on his impartiality, interfere with the proper performance of his judicial duties, exploit his judicial position or involve him in frequent transactions with lawyers or persons likely to come before the court on which he serves." That canon refers to several other things about accepting a bequest or gift that I won't mention, but I say to you that because of the fact he had an interest in the outcome of the litigation, Judge Peeples' involvement should never have been made known. The interest of Mrs. Knight could have been protected without the slightest involvement from him. Placing himself in the middle of this controversy could only stand to prejudice the rights of his adversary, and I submit to you that he knew that, surely he knew that. [¶] It was odd to me in examining the facts which gave rise to this controversy why Judge Peeples thought he could prevail in view of the almost overwhelming evidence that both Kelly and Berry, the accountant, presented to him prior to any legal action being taken. He got explanations from Kelly, Kelly sent him to Berry, the accountant, and Berry, according to Judge Peeples' own testimony, backed Kelly up. Everybody told him this agreement had been rescinded and he said "I am going to take him on anyway." the record seems to show that despite this evidence and the lack of any substantial evidence to support the position being asserted by Judge Peeples, he proceeded with the litigation. I can only surmise he felt his prowess as a member of the circuit bench would ultimately carry the day for him. Fortunately, it did not. [¶] I would also call your attention to the use of the term in the court's opinion "overwhelming." the court in its opinion in this case said the evidence was overwhelming that the agreement had been rescinded, overwhelming. Yet, in view of that same evidence they considered, he chose to proceed. [¶] Another point I feel like I should make is the theme of Judge Peeples' efforts always hid the suspected motivation in that he claimed he sought payment from Kelly for the purpose of assisting and improving Mrs. Knight's financial condition. There have been various accountings and statements filed by Mr. Dantzler indicating that Mrs. Knight was operating at a deficit, that her expenses exceeded her income, and Judge Peeples continually stated in his efforts to collect from Kelly and later as we went along in the proceedings, that she needed the money from Kelly to help meet her monthly expenses. Mr. Knight's estate consisted of about \$60,000 in insurance and cash and a half interest in their home in Orangeburg. [¶] If I may interject here, Mr. Knight inherited a home from

Mr. Kelly's mother that had belonged completely to her. He inherited that when she died in 1966. He later gave Mrs. Knight half of that home that had belonged to Mr. Kelly's mother. When they bought a new home they were living in when they both died, they bought that in joint names together, so when Mr. Knight died, he had a half interest in that home, so his estate altogether looks to me without closer study to be about 80 or 85 thousand dollars. [¶] Mrs. Knight's estate prior to her death consisted of a number of parcels of land in Barnwell County in which she had a life estate, and one lot and several buildings that she owned apparently in fee simple that was valued at about \$43,000. Her personal estate shows almost \$16,000 of which about \$12,000 was in cash. The appraisal and the accounting to the probate court in Barnwell do not reflect I do not think any inheritance from Knight as far as personal property is concerned. I think it may now show that, I am not sure.

Senator Smith: I don't mean to interrupt you, but maybe it will help you. The committee has access to copies of the probate rolls with all of that. I might add while I have you stopped, the full transcript before the Supreme Court and briefs filed by both sides, the transcript of the argument before the Supreme Court on two occasions, but particularly the probate roll, we have that.

Mr. Bryant: I advised counsel also during this proceeding, opposing counsel, who I might tell you was Richard Ness from Bamberg who did a very able job and was a worthy opponent for me during this proceeding, that I advised him on I know two separate occasions that if money was short, Kelly had indicated to me that he would make an early advance from this money of Knight's that he held in the estate, and it had some \$50,000 in the estate. I never got any reply to that back. In fact, one time I indicated that to Mr. Ness and he had forgotten I had made that offer the first time. I also indicated that Kelly would agree to a sale of the real estate. Of course, Kelly's consent to the sale of the real estate was absolutely not necessary because title to that property vested in the two Peebles' girls immediately upon death and subsequent probating of that will. So Kelly's consent was not necessary for that. They didn't choose to accept our offer nor did they ever choose to sell the house. [¶] They had a lot of expense in connection with that little house in Orangeburg that stayed empty the entire time. It's empty this morning. It has never been rented. It's never been sold. They could have easily, had this been the problem, that is what I am pointing to now, had money been the problem, they could have sold that house for \$40,000, avoided the high expense, maybe \$3,500 per year in keeping that house and paying insurance and that kind of thing, and they could have had a very large turnaround in her financial situation. They chose not to do that. They didn't even choose to rent the house out, and it would have brought a fairly sizable amount had they rented it. Certainly more than they were seeking to get from Kelly. [¶] I submit to you that Judge Peebles' interest was not this, that that was not a problem with her, that making financial ends meet was not a problem. If it had been, they would have taken some of these other steps to cure the problem. I don't think they were very fiscally responsible if income was the problem. I don't think that was the problem. I think his motivation was in increasing the estate his daughters would ultimately inherit, or at least in preserving what they had in hand and making Kelly make some contribution that could be used for Mrs. Knight. [¶] The most disturbing part of this scenario, however, came at trial. I have told you in the statement that this case had been on the docket a long time, non-jury, and we got notice they wanted to go ahead with it during a term of jury court and asked us if we could come over there and hear it at night. Mr. Ness and I were so anxious to get rid of the case we readily agreed. We would have heard it any time. So the case did come to trial at night. We got there late on a Wednesday afternoon I believe, and I didn't see Judge Peebles nor Mr. Ness. They were trying this jury case and they later recessed. A few minutes later Judge Cottingham came out to speak to me. He and I had served in the legislature together and I think this was the first time I had seen him in many, many years and he came out to speak, and then he went back in chambers. I inquired as to where Judge Peebles or where my opposing counsel was, worrying maybe I got my days or nights mixed up, and one of the bailiffs indicated to me that they were back in the back talking to Judge Cottingham. Of course, that was back in Judge Peebles' office in the Barnwell County courthouse.

[¶] They subsequently came back out, and when the bailiff gave the “all rise” sound, here comes Judge Peeples along with Judge Cottingham and we stood for Judge Peeples and Judge Cottingham. I could have handled that, that wasn’t any real big thing to me, but my client absolutely could not. You can’t imagine the devastating impression this had on him when he saw his opponent come out figuratively speaking arm in arm with the trial judge. We had long feared that Judge Peeples would attempt to use his influence and office in this case and here we saw it in the open for the first time. I will tell you right now, his insolence even unnerved me to some extent, and an uneasiness set in about a case that I thought I was about to lock up and file away. I thought it was highly inappropriate for Judge Peeples to create such an appearance, and while I am not at all aware of the topic of their conversation back in chambers or why Judge Peeples chose to meet with him back there in his own chambers, you must know that my client’s imagination ran wild at a time like that. If Judge Peeples was determined to participate in this litigation, determined to let it be known he was in it, then I think he should have acted like a normal litigant and remained out there in the courtroom rather than having any contact with the trial judge, particularly in his own courthouse in his own town in his own office. [¶] Judge Peeples’ final actions at trial are without question to me the most devastating, if there could be anything more devastating than a judge using his judgeship to advance his own personal interest. I received and had known throughout, and we thought Mrs. Knight had a will either leaving her estate to Judge Peeples or the children. Of course, that will was confidential and we were not privy to that. While he was testifying, and may I add that Judge Peeples’ testimony was irrelevant to this controversy but he testified anyway and I failed to make a motion to strike all of his testimony at the end and I have always been mad at myself for not doing that. I did attempt to exclude it from the record of the Supreme Court but Judge Cottingham thought it should be included, but if you did read the record, I am sure you wouldn’t have time to do that, he knows nothing about the facts of the case. The facts of the case occurred in 1972 and the only witnesses really in the case came from our side, but he testified anyway, but I figured if he was testifying that it was incumbent upon me to try to show he had some bias. Normally speaking a judge in a trial in court can attempt to show that a witness is biased. A lay witness on the stand you generally have to lead them into it. I thought Judge Peeples would have voluntarily divulged the fact that he might have some bias, but he chose not to do this, so I proceeded to question him about it and I call your attention to the critical part of the transcript which Mr. Smith says is in your possession, but I asked him: “Judge Peeples, do you have any interest in this matter other than the fact that you are friends with Mrs. Pauline Knight?” and his answer “No, sir, just trying to help this lady who doesn’t have any kinfolks other than third or fourth cousins,” and then as you can see, I proceeded to ask him about the will and he said he had drawn a lot of wills for her, he knew where the last one was and he knew what it contained of course, the last one left the entire estate after the death of Mrs. Knight directly to his two children. [¶] Upon Mr. Ness’ objection I was not allowed to further question on the issue of confidentiality. Subsequently, as I have told you, Mrs. Knight died and her will was admitted to probate and it reads as I said. The fact that any recovery had in this case would pass, if not expended by Mrs. Knight, to these girls, clearly makes his statements false. They were false. That was false swearing. In my opinion it was false swearing. Had that judgment been upheld, it was for about \$26,000, today it would be with interest worth somewhere in the low to mid-thirties. I estimated \$35,000. Mrs. Knight’s entire estate after she gets everything from Mr. Knight is going to be in the \$150,000 range. It would have been \$185,000 had they been successful in this proceeding. [¶] I tell you that you can listen to any explanation you will of the testimony that he gave that night in the Barnwell County courthouse, but I submit to you here and now that there is only one reasonable and logical explanation of that testimony, and that is that it was completely untrue. It was false testimony. He knew it was false. He has been a lawyer and a judge long enough to know what is true and what is false. He told you a moment ago that he is the second ranking senior circuit judge in this state having served for 13 years. He knows what is the truth. He can decipher the truth

from what is false and he knew what I was after when I asked that question, he absolutely knew it. [¶] Here someone else may assert that the money may have been used by Mrs. Knight during her lifetime or that he had no legal interest, only a beneficial interest, or it was not his interest, it was his daughters' interest, or he may offer another explanation, I don't want to speak for him, but I say to you now after he had placed his left hand on the Bible as he did just a few months ago and raised his right hand to God and swore to tell the truth, the whole truth and nothing but the truth, I submit to you that he did not do that. How he thought he would get away with that defies my comprehension. The basic ingredients of character and truth are honesty. The very cornerstone of the law which he swore to uphold when he was first admitted to practice law, when he was sworn in as a circuit judge and which he would reaffirm under oath if he achieves the goal he now seeks is truth and honesty untempered and unadulterated. Can we allow such a cavalier attitude for this foundational element of justice to become a part of our final appellate process? Of course, we can't. Our laws would even deal harshly with a lay person under these circumstances. What will they do with a sitting circuit judge? [¶] The fifth and last complaint or allegation that I make is that Judge Peeples qualified as executor of Mrs. Knight's estate. The canon of judicial conduct, canon 5 in the code of judicial conduct, as plain as day says a judge should not serve as the executor of an estate except for the estate of a person in his family or with whom he has a familial relationship, and not even then if it is likely that it will turn out to be improper. [¶] After I had made a motion for a new trial based on the fact that Judge Peeples had refused to reveal his bias in this case, a new trial before the Supreme Court, I failed in this, you have to have certain grounds to do that, foremost of which is with the result that if the case were tried again would it be different, and I admitted to the Supreme Court it probably would not, but I did make a new trial motion before them and these matters came out. Judge Peeples in response to my motion filed an affidavit defending his qualifying and his ultimate service as executor. Whether or not he was aware that he might be violating this canon of judicial conduct, I do not know, but obviously he thought there might have been something inappropriate about it and indicated in his affidavit that he had resolved that question in his favor by submitting the question to the chief justice of the Supreme Court who gave him permission or said to the effect that it would be all right as long as he didn't receive a commission for serving. I won't comment on whether or not approval of the chief justice of such a request would tend to obviate the clear violation of the ethical rule, and I won't comment on the fact that Judge Peeples discussed with the chief justice a matter related to another matter pending before the Supreme Court because I do not know what they talked about and his questions could certainly have been in the abstract, but I would say in not accepting a commission, it in effect would be not taking money out of his girls' pockets and putting it in his. I don't think that is of any significance. [¶] The reason for the rule is that a judge should refrain from any type of fiduciary activity involving the finances of others, particularly in a situation like this is because he may find himself in court. He may find himself at odds with lawyers in court. This case was in his court. It came from the second judicial circuit to the Supreme Court. There was pending litigation in that court over which Judge Peeples is the resident judge. That is reason enough right there, and here he is a litigant in the case. He was substituted as a party for Mrs. Knight after her death, substituted as executor. That is the reason for that. Clearly he showed here a total disregard for one of the canons of judicial conduct that hardly seems to me to be in need of interpretation. Again, this transgression would not have me here today. I wouldn't have come had this been his only transgression. I think it's wrong. I think it shows his disregard for what the rules are, but I do not think I would have taken this step of coming here to oppose his candidacy because of that. [¶] As I told you at the beginning, this is a very unpleasant task which all of these events have forced on me. I have never been in anything like this before and I have been in some highly controversial situations, but I either had the choice to appear here today and be heard on these matters as I have or to do nothing and consider the case closed. I am neither a moralist, nor do I wish by my actions to impose upon Judge Peeples and his family any hardships

which are unwarranted or undeserved, but Judge Peeples aspires to sit on the bench and wear the robes of the highest judiciary of this state, and along with that aspiration he necessarily must submit his character and his qualifications to the closest possible scrutiny. Since I was first admitted to practice law in this state in April of 1961, more than a quarter of a century ago, by my count only 14 lawyers have served on our Supreme Court. It is a position that many covet and, as you can see, few ever achieve. It should, therefore, as it has in the past, be reserved for not only the brightest and the best but for also those whose character and integrity and regard for the rule of law are beyond reproach. [¶] It is an awesome responsibility to serve in the legislature of this state or any state where the protection of the rights and privileges of the people you serve rests squarely on your shoulders. You on this committee have in addition the delicate task of passing on the qualifications of persons seeking judicial office. The people of South Carolina have no other substantial safeguard standing between them and the candidate and the members of the general assembly as a whole who elect these people. [¶] I am not going to use this forum to express views along this line, but this legislature with the tremendous infusion of new judgeships and new judges must soon realize that if we are going to maintain a high quality in our judiciary, the people deserve a more expansive investigative and screening force, more input from those outside the legislature must be had and those who ultimately make the choice, whether it is this legislature or members of some merit selection commission, must be made as immune from political approach as a juror is from a lawyer during the trial of a case. Until then, however, we must make do with what we have, but there are far, far too many judgeships to fill with the screening tools we currently have at our disposal. I can't overemphasize the importance of this. [¶] I present these remarks and make this appearance before you today with the complete awareness that I am no doubt creating a climate of ill-will not only between Judge Peeples and myself but between his family and friends as well. I regret that very much. As I indicated to you, he and I have been friends for many years. Lawyers in general have more of their share of this by the very nature of their adversarial vocation, but I strongly feel that the actions and the course of actions taken by him in this matter from the first time he drew Mrs. Knight's will back in 1974 up until the conclusion of this case has shown a clear and conscious disregard and disdain for the truth, the rights of others, for the extraordinary rules and restrictions which are applicable to judges. They can't act like ordinary citizens in some circumstances, and for the kind of high standards and ideals which are absolutely essential for one who seeks to serve, not only on the Supreme Court of this state, but on the bench of the circuit court where he now serves. Thank you very much.

Examination by Senator Smith:

Q You have ended your statement with the slap at the process by which we use to screen judges, do you know anything else this committee can do?

A No, sir. I think this committee itself is doing the best it can, but I think the legislature itself is going to have to forfeit some of this responsibility to some type body, and your bar association has study after study after study underway about this, and the legislature is going to have to be willing to give up some of the authority in this selection process.

Q You happen to be chairman of that committee.

A Subcommittee.

Q You think the bar association is any better qualified than this committee to pass on qualifications of judges?

A No, sir, but I think the bar and the people from the legislature can come together to create a commission. I didn't mean to imply the bar should do the picking. I think the legislature ought to have a strong voice in it but I think they ought to share that voice with other knowledgeable voices also.

Q Are you aware that I invited the bar association to come be a part of this process and they said they were too busy, they had a meeting?

A No, sir. Ms. Eve Moredock Stacey is right here and she has been here all morning--

Q Delighted to have her too.

A And she is the primary mover with the bar in this area.

Q Let me assure you that I have read, and so have other members of the committee, the entire record. I resent a little bit, sir, your indication--you know, you want us to disqualify Judge Peeples but then you tell us we are not doing our job which puts us in a position we can't win whatever we do. I have read the entire record from front to back on several occasions. I think other members of this committee have too. As I understand it, you said that the testimony that you claim was false swearing was immaterial to the case, added nothing to the case and was favorable to you. You said it was favorable to you in your argument before the Supreme Court the second time. You said it was immaterial to the case here today in your statement and also before the Supreme Court the first time, is that correct?

A Well, first of all, Mr. Chairman, I didn't say this committee was not doing its job. I think you are doing the job the absolute best you can with the tools you have. I think you are doing an excellent job.

Q We have to do better than that and I look forward to getting your suggestions about how we can do it better.

A I did not say that the committee was not doing its job. Secondly, Judge Peeples' entire testimony was not really relevant to the case. In fact, what I said was that in his overall testimony he pretty much backed up the position that my people had taken when he testified that Kelly testified in court that night exactly the way he had told him the year before, and that when he went to see the accountant Berry, Berry said the same thing in court that he had told him personally a year or so before that. I did not say that part where I say it was false was immaterial, but his entire testifying was immaterial.

Q You say the false swearing he did had to do when he answered your question "do you have any interest in this matter other than the fact that you are a friend of Mrs. Pauline Knight," that is his false swearing, his answer there when he said "no, sir"?

A Yes, sir, that is it.

Q Did you pursue that with him?

A Yes, sir.

Q What did you do?

A You mean when?

Q You've got a witness frankly as we say in the country that you think is telling a lie and you are the lawyer on the other side, now what is your duty?

A You mean turn him into the solicitor?

Q Did you?

A No, sir.

Q Did you in the trial? Can't you cross-examine him about those things?

A I was stopped by the judge upon objection.

Q You were stopped by the judge on the question of whether or not a man could tell somebody what is in a will and the person not yet dead? The judge didn't stop you from asking whether or not Judge Peeples lied, did he?

A You mean I should have then turned and asked him--I had to be in a position then, Mr. Chairman, to prove that he lied if I was going to ask him if he lied. I had to lay some foundation and I couldn't prove it without that will.

Q You couldn't prove it?

A Without that will I couldn't.

Q It was not a lie at that point, was it?

A I think it was clearly a lie. He knew it was a lie.

Q You think he had an obligation to tell the court what was in somebody's will and the person is not dead?

A I think he had an obligation to truthfully answer my question. Whether or not he would have violated a confidence by revealing the contents of that will, I have never passed on that question. That may have been a violation of that, but I think he had a greater obligation to tell the truth. He had just sworn that he would tell the truth before he took the witness stand.

Senator Smith: That is all I have at this time. Anyone from the committee?

Examination by Representative McEachin:

Q Beginning on page 124 of the transcript which you have as colloquy between you and Judge Peeples, you have excerpts of that on page 14 which Senator Smith just asked you about. My question when I read this last night and jotted my questions down, do you think that Judge Peeples perjured himself?

A Yes, sir.

Q What did Judge Peeples' testimony add to this case of Knight et al that was heard before Judge Cottingham?

A **Nothing, and that was one of my points, Mr. McEachin, is I think he testified in an effort to make an appearance in the case because he thought that might swing the day, but he wasn't willing to go far enough to let Judge Cottingham know that he had a pecuniary interest and that the judgment recovered might ultimately pass to his family.**

Rep. McEachin: Thank you, sir.

Examination by Senator Martin:

Q I note that you have candidly said that Judge Peeples' testimony was irrelevant to the issue at hand, that is your testimony?

A Yes, sir.

Q Didn't you move before the Supreme Court for a new trial after discovering evidence as to the credibility of Judge Peeples when all he testified to was something that was totally irrelevant?

A The actual basis, Senator Martin, for the motion was he did not reveal that he had a personal interest in the outcome of the litigation, and had he revealed it, the outcome might have been different, but I ultimately confessed to Justice Gregory that I did not really think the outcome would be any different in the event that the case was sent back for another trial.

Q Actually you say he talked with Judge Cottingham, Judge Cottingham presided, aren't you saying that Judge Cottingham to some degree--impugning the integrity of Judge Cottingham that he is going to disregard the evidence just because Judge Peeples was involved in the case?

A I did not say that, Senator Martin.

Q Doesn't it imply that?

A You may draw whatever inference you think that you will about that.

Q What other inference can I imply?

A That you draw that inference if you will.

Q You say this case was overwhelmingly in your client's favor?

A No, sir. The Supreme Court said that.

Q You quoted them as saying that?

A Yes, sir.

Q I believe in reading Judge Harwell's dissent that the deceased Mr. Knight made a will just shortly before his death by an Orangeburg lawyer, is that correct?

A Yes, sir.

Q And in that will he stated that your client owed him money under that agreement?

A No, sir, he didn't.

Q What was that Judge Harwell alluded to?

A Judge Harwell alluded to the fact in a will made in 1983 that he reiterated a bequest that he had made in a will made in 1972 that pretty much supported the fact that he wanted Kelly to have this property and pay \$300 a month to Mrs. Knight, his widow.

Q So he reiterated the fact that on a previous will he had made a bequest of this money under the sales contract?

A We thought that was strictly a stenographic error and that it was copied from another will that was made in 1972, and obviously the majority of the court thought so too. I did not agree with the logic of Judge Harwell's dissent, but, of course, it must be remembered it was a dissent.

Q There was a legitimate conflict when there was a divided opinion?

A I wouldn't agree with that, no, sir.

Q Your quoting of these canons of ethics, E.C. 5-5, a lawyer should not suggest to his client that a gift be made to himself or for his benefit, do you know whether or not Judge Peeples made any such suggestion to this next-door neighbor lady of his when he made that will?

A No, sir, and I didn't accuse him of that.

Q Well, you put it in here for some reason.

A I put in the entire ethical consideration.

Q And the next ethical thing that you put in here is E.C. 5-6 where a lawyer should not consciously influence a client to name him as executor, trustee or lawyer in any instrument. Do you have any information that Judge Peeples consciously influenced this client to name him?

A No, sir.

Q Well, there is no evidence that he violated either of these canons. You just say it might look like he might have, but you don't have any evidence that he did, do you?

A What he violated in the canons, Senator, was that he did not have her seek and obtain independent legal advice concerning the making of that will and the naming of those beneficiaries and of the estate's personal representatives, that is the violation.

Q Do you know that?

A Yes, sir, because an independent attorney did not draw it. He drew it, Judge Peeples drew the will, he said he did.

Q Do you know whether or not she insisted on him drawing the will?

A Of course not, no, sir, but I wouldn't allow a client of mine to insist to the point that I would violate the canons of professional ethics and I am sure you wouldn't either.

Q You think you would be violating the canons of ethics if your client says "I am aware of all that but I still want you to draw my will and I want to make you the executor," would that be violating the canon?

A Absolutely to the first part of your question. Possibly not with regard to the second. I think if you make it perfectly clear the nature of the personal representative's obligations in handling an estate and your client says "I still want you to be the executor," I think you have made a clear revelation and I think you are probably all right. I have done that and I am sure you probably have, but as to the first part, if somebody tells you "Senator Martin, I want to leave everything I have to your children," and you let that will be drawn by you or anybody in your office, I think it's a clear violation of the canons of ethics. I think you have to see that person gets out of your office and into the hands and under the advice of another lawyer.

Q Well, I am anxious to hear from Judge Peeples as to how close he was or his family was to this lady. I am looking forward to hearing him. I have no further questions.

Examination by Senator Smith:

Q On that point, Mr. Bryant, on page 17 at the top of the page when you cite the canon, canon 5, subsection d. Your typewritten copy here says family. I believe the correct word in that canon is familial and I believe you have used familial in your presentation?

A Pardon me, Mr. Chairman, it certainly does, and that may turn out to be fairly meaningful. If there was a familial relationship between Mrs. Knight and Judge Peeples, then that would tend to diminish the extent to which I think he has violated this.

Q You don't concede that that exists, do you?

A No, sir. I insist that it did not.

Examination by Representative Rogers:

Q Let me begin my saying that you have drawn a very well written and compelling document and made an excellent presentation of your position. I still think we need some additional facts and in several areas I still have some questions. On page 17 you make mention of an affidavit filed by Judge Peeples and you make reference to a letter of permission from the chief justice for Judge Peeples to serve as the executor, is that letter a part of the record?

A I don't think there's a letter. If I did, that is erroneous. The affidavit is a part of the record of the Supreme Court and I don't think that either the affidavit or my statement said that permission was granted by letter. I just said he had received permission from the chief justice.

Q I misunderstood.

A If I said letter, there is no letter that I know of.

Rep. Rogers: Mr. Chairman, I would request at this time that affidavit be obtained. I didn't see it.

Senator Smith: It was not in what was presented.

Judge Peeples: I have copies of it.

Senator Smith: Is there a letter, Judge Peeples?

Judge Peeples: Yes. I have copies of that. Would you like them at this time?

Rep. Rogers: I don't need it at this moment. I want it in the record so we can see it before we make any finding on this matter. (see note.)

Q The other area I want to ask you about, Mr. Bryant, and it does trouble me, you and I were admitted to the bar at the same time and a good many years back, it is my practice, as I know it is the practice of most lawyers, not to ever draw a will in which you or your family benefits or in which you serve as an executor unless you use the most stringent safeguards and, in fact, advise the client they should consult someone else. Is that the practice in your circuit and in the circuit that Judge Peeples serves?

A I don't know, Mr. Rogers, I don't know. It is certainly the practice within my firm and has always been, and to my knowledge I don't think I have ever seen anybody in the Orangeburg area do that. Now that is with regard to making a family member a beneficiary.

Q Isn't it in fact a practice not to draw a will for a family member?

A Yes.

Q I know I have always refused to do so.

A That is not the practice in toto in my circuit, but many of the lawyers do that. I have drawn a will for my wife but I have had some cousin relatives that I have refused to draw for when there was some indication they might want to leave me something. I hated to do it, but I did, but, again, Mr. Rogers, as I indicated, this offense doesn't bring me here today. That offense doesn't bring me here today.

Senator Smith: Any further questions?

Examination by Senator McConnell:

Q Was any reason ever given as to why the case was moved to Barnwell?

A There is no record on that, Senator McConnell, but it was a disturbing part of the proceedings to me. The case was in Orangeburg and Mr. Ness as I indicated to you was a worthy opponent. He was a difficult person to handle. He is a good lawyer, a very fine young lawyer. It took--it didn't take me because I am not a good lawyer yet, but when I had practiced the length of practice he has I could hardly find the courthouse and I find him to be a very good lawyer, but he filed this motion and supported it with a number of affidavits from persons who appeared to be potential witnesses in the case, none of whom, in fact, appeared as witnesses other than Judge Peeples and Mr. Dantzler. Mr. Dantzler was an Orangeburg county citizen and I thought I had sued citizens of differing counties and, therefore, I could choose my forum. Mr. Dantzler filed an affidavit waiving his rights as an Orangeburg citizen and indicating that I was left with Mrs. Knight. The trial judge who heard the motion, and I stand to be corrected here because there is nothing that I have reviewed and I am relying solely on my memory from that day in court, but the trial judge turned to Mr. Ness after arguments were made and indicated he thought this was an Orangeburg county case, that this lady was just in a nursing home in Barnwell, or even if she was a real party--or a resident of Barnwell County, the real party was Mr. Dantzler and he was an Orangeburg county resident and unless Mr. Ness was able to produce some other authority, he was going to leave the case in Orangeburg county. Several weeks after that I received an order transferring the case to Barnwell County, and there was no other reason than that.

Q The affidavits that were put in, was there an affidavit from the judge about the venue?

A Judge Peeples?

Q Yes.

A Yes, but only to the extent that it would be--I do not remember to what it related because the motion was made on the grounds that she was a resident of Barnwell County. It was not made on the grounds of convenience of witnesses or justice I do not believe, but I remember the tenor of some of those affidavits was that it would be more convenient for it to be transferred to Barnwell County. That was the nature of Judge Peeples' affidavit. Mrs. Peeples filed an affidavit, a doctor from the nursing home, a nurse from the nursing home, all said it would be more convenient. One of the affidavits, possibly more, related to Mrs. Knight's intention to be a resident of Barnwell, that she wanted to return to Barnwell to home, so there may be an intermixing of reasons, but as I understand it, you have to make your motion for change of venue on each ground standing alone and possibly not even at the same time.

Q Do I understand then that the bulk of those affidavits were from people about the convenience to Mrs. Knight?

A No, the convenience to themselves.

Q In the case of Mrs. Knight, did she appear at the trial?

A No, sir.

Q And the other folks, these affidavits, did they appear?

A No, sir. Mr. Dantzler and Judge Peeples were the only witnesses that appeared for the other side. I stand to be corrected, somebody may have been in the courtroom that I didn't know, but I am almost sure both Mr. Ness and Judge Peeples would substantiate that.

Q Correct me if I am wrong, I should say, how did you find out that the venue had been changed, was it by a written order?

A A written order, yes, sir, that I received in the mail.

Q Do you have copies of that written order and the affidavit--

A Yes, sir.

Q That was introduced on that?

A Yes, sir.

Senator McConnell: Mr. Chairman, I would like to get a copy of that.

Senator Smith: Do you have it with you?

A Yes, sir. It may take me a little while to find that but I can present that before the end of the session.

Q I want to make sure I understand all the factual situations here. In your opinion who were the necessary witnesses to prove the adversary's case or to present their case?

A They had no witnesses. Their case dealt solely with the validity of this written agreement and these wills that were introduced. They were going to either win or lose on the basis of those standing agreements. They had no verbal testimony or evidence to introduce that would support that. Mr. Dantzler testified over my objection. He first started testifying concerning how much it took to keep this lady in the nursing home. They had prepared charts about that and it was totally irrelevant to the case. Judge Cottingham sustained me on that. Later he allowed Dantzler to testify concerning what the amount of the judgment ought to be if they won. That was irrelevant, that was within the province of the trial court to determine but he testified to that, and I thought that Judge Peeples' testimony--I may be wrong, Judge Peeples may view it differently--I thought I almost had his entire testimony thrown out when we moved to settle the record on appeal but Judge Cottingham thought it would be best to leave it all in, but I don't think it was relevant at all. I think they would agree that their case was based on the written documents.

Q I want to make sure I understand all the facts, the will that Judge Peeples later became the executor of, that will was not available to any public review or you had not seen that will?

A No, sir. It had been seen by someone who reported to my client what its contents were and my client reported it to me. I didn't know as a fact when I was examining Judge Peeples what that will said, and it could have said something entirely different. Some family friend had seen a copy of that will at one time and had related to will Kelly that she left everything to Judge Peeples' daughters after Mr. Knight's death.

Senator McConnell: No further questions at this time.

Senator Smith: Thank you, sir.

A Thank you, Mr. Chairman, and the members of the committee.

Senator Smith: If you will look round for those affidavits, and when you get them, give us a signal. We have another witness to testify. Judge Peeples, would you rather wait until we have concluded both?

Judge Peeples: Could we take Mr. Heath up and have my reply to both?

Senator Smith: Yes. [¶] (lunch break - 1:00 - 2:00.)

Senator Smith: Mr. Bryant, earlier we asked you about those affidavits and you thought you had them in your file?

Mr. Bryant: I do not. I will be glad to furnish those. They are at our office. I will be glad to get them here tomorrow morning for Mrs. Satterwhite, or if the committee would like to have them, I can have them brought up here.

Senator Smith: If we could get that accomplished.

Mr. Rogers: Mr. Chairman, I can tell you right now that I am going to object to any decision today. I want the transcript and I want an opportunity to read it before I vote on any of these contested races.

Senator Smith: In that case, Mr. Bryant, if you would send them up tomorrow.

Mr. Bryant: I can have them in Mrs. Satterwhite's hands by 9:30. I have someone coming up here.

Judge Peeples: We can have them this afternoon if you like.

Senator Martin: As I was leaving Mr. Heath, he is from my county, and he told me he had been at meetings all week and was wanting to get away. I told him he is perfectly welcome to stay but if he wanted to go, I would make the motion we read into the record. He indicated to me at that time he was going to stay. I don't know if he has changed his mind, but that was our conversation as I left for lunch. When I left, I got the impression he wanted to come back, so he might have changed his mind.

Senator Smith: Why don't we proceed and ask the clerk if he would read the letter into the record and then if he shows up, he can make any comments. Let me say that he came to me and asked--he did not have a copy and he wanted a copy and we gave him a copy and that was at 2 just before you saw him. Any objection? If not, I will let the clerk read it. [¶] By the clerk: There are three letters. I will read the cover letter first. It's from Charlie H. Heath indicating the address in Winnsboro. "Senator Thomas E. Smith. Dear Senator Smith: I Charlie H. Heath, Jr. would like to have a hearing before the judicial screening committee an incident with the honorable Rodney A. Peeples. Sincerely, Charlie H. Heath, Jr." notarized. [¶] The next letter is dated January 20, 1986 directed to the South Carolina bar association, Honorable I.S. Leevy Johnson, President, box 11039, Columbia, South Carolina 29211. "Dear sir: I am writing you and the association concerning an incident that happened in the general session court on December 3, 1985. The honorable Rodney A. Peeples, judge of the second circuit court presiding. I am a citizen and taxpayer of Fairfield County, South Carolina and the United States of America. Having served as a magistrate for eight years in Fairfield County I am familiar with the laws and proceeding of the courts. As I understand the law, the South Carolina bar was established by the Supreme Court of South Carolina under authority--

Senator Smith: Mr. Heath has arrived. We were reading your letter. Would you like to read it yourself?

Mr. Heath: I would.

Senator Smith: We are down to the second paragraph of the second letter. I will let you get your glasses out, I know how that is. We are to the second paragraph of the second letter, sir.

Mr. Heath: If it pleases the committee, I would like to read this letter concerning the Honorable Judge Rodney A. Peeples, South Carolina bar association, I.S. Leevy Johnson President, box 11039, Columbia South Carolina. "Dear sir: I am writing to you and the association concerning the incident that happened in general session court on December 3rd, 1985, the honorable Rodney A. Peeples, judge of the second circuit court presiding. First, I am a citizen and taxpayer of Fairfield County and the United States of America having served as a magistrate for eight years in Fairfield county I am familiar with the laws and proceedings of the courts, and as I understand the law of the South Carolina bar was established by the Supreme Court--

Senator Smith: Excuse me. I did not administer the oath to you.

Charlie H. Heath, Jr., first being duly sworn by Senator Smith, testifies as follows:

Examination by Senator Smith:

Q Thank you, sir. You may continue.

A “As I understand the law, the South Carolina bar was established by the Supreme Court of South Carolina under authority of section 4, article 4, of the constitution inter alia one the purpose is to require the highest standards of ethical and professional conduct and to uphold the integrity and honor of the legal profession. [¶] “I have never been so humiliated and embarrassed before in my life as I was on December 3rd, 1985 in open court by Judge Peeples or anyone else, in the prejudice and racial-like manner in the way I was treated. The gist of the matter, I had a young man out on bond that failed to show up in court the first day, which was on Monday, December 2nd, 1985 at 10 o’clock a.m. The young man claimed his attorney informed him that he did not have to be present until the next day of court. I was not present myself and was later informed that if I didn’t have him there by 2:30, Judge Peeples would estreat the bond. I went to the courthouse and conferred with Honorable John Justice, Solicitor of the no. Six circuit comprising Fairfield, Chester and Lancaster Counties and Senator John A. Martin” -- that is him sitting right over there. “they told me the judge informed them that if I could not get him by 2:30 p.m. when court began for the evening session, I had better have him in court the next morning at 10 o’clock a.m. The young man was working out of town. I tried my best to locate him that day and bring him to court rather than take a chance until the next day. I was waiting when he came from work and brought him to court that evening before court adjourned. He was tried, fined and sentenced. The next day I appeared in the court as a spectator and when Judge Peeples saw me this is what he said: come up here fellar. Aren’t you the one that did not have that boy”--that man is 22 years--”that boy in court yesterday morning? My answer was yes, your honor, but I had him here that evening even though you gave me until the next morning. Then he asked me how much was I willing to give the court. I smiled and told him I didn’t have any money because I had just purchased \$1700 worth of property that was sold for delinquent taxes. The judge frowned and said look how he is dressed, a long leather coat”--I brought this exhibit a for the screening committee, it wasn’t cool enough to wear but brought it--”look at those shoes, that suit, those shoes, look at that gold chain around his neck”--it’s brass but it looks like it’s gold--” then he asked the clerk how much it cost the jurors for their meals Monday and today, which was Tuesday, and her answer was \$102, your honor. He said pay the clerk \$102. You have 15 minutes to pay it. I paid it and she gave me a receipt. [¶] It was hard for me to subdue my passion but I kept my peace with the attitude of this judge I was afraid he would charge me with contempt of court. There were four or five other people that didn’t have their people in court that was out on bond. All of these people were white and they were not treated the way I was. If they had been, I still would not have liked it but I would have felt better. [¶] I don’t know what can be done about this or whether anything can be done? I don’t question his authority to do this, but I do question the right. I would like to have a written letter of apology from Judge Peeples, if so, I may be able to forgive him but I shall never forget him. I hope your members of the legal profession will take this letter under consideration and govern yourself accordingly.” [¶] Now I also when I sent I.S. this letter, he sent Judge Peeples a copy of it, and he sent the ethical committee a copy of it. After Judge Peeples received his copy he called my house one day. In fact, he called several times. I was out of town. In fact, I was in Columbia. When I got home, my wife said “Judge Peeples called you and said call him back and call him collect.” I thought about how Judge Peeples liked me and I said “I am not going to call.” She said “call him but don’t call him collect.” so I called him and he said “you are a hard man to keep up with. I have been trying to catch up with you. I have called you twice.” I said “Yes, sir. I happened to be in Columbia on some business.” he said “I just wanted to call and apologize. I got the letter. I didn’t know you was offended by what I said. I was commenting and congratulating you on how you were dressed.” I said “Oh, man, I can’t buy that. You can’t tell me you were complimenting me on how I was dressed and then come down on me and tell me to pay \$102 for meals.” I said “No, I can’t buy that,” and I said “another thing, judge, when you was two years old, I was overseas fighting, trying to defend people like you and you are just one year older than my oldest daughter and you said come up here fellar. I am a man 64 years old. Don’t look at me as a black man or white man or lawyer, doctor, Indian chief, look at me as a man. My parents always taught me to respect your elders,

it didn't matter what color they was, to respect your elders, that is the way I was raised up in a Christian family. You could have said come up here Mr. Heath or man or something but come up here fellar." I said "No, judge," I said "You wasn't complimenting me on the way I was dressed," and I will tell you, committee, I try to be a Christian man. The way Judge Peeples treated me, I said I was going to meet him down there when he came out of the chambers and ask him to apologize to me personally then, and if he hadn't, I don't know what would have happened, but I am glad I didn't. I said "The lord will work things out." [¶] The ethical committee, they saw the report--excuse me a minute--when I.S. sent them a copy of it, this is their report. "Personal and Confidential, Mr. Charlie Heath, Jr., Post Office Box 182, Winnsboro, South Carolina, Dear Mr. Heath: This shall acknowledge receipt of a copy of a letter dated January 20, 1986 addressed to the South Carolina Bar Association concerning your grievance against the honorable Rodney A. Peeples, circuit judge. [¶] The information furnished by you concerning Judge Peeples, along with additional information obtained by this office through inquiry, will be presented to the Board of Commissioners on Judicial Standards at its next meeting for appropriate review and recommendations. You will be informed of the board's decision in this matter." [¶] I don't have a copy of the letter they sent me but their decision--they didn't do anything about it. Of course, I sent them a follow-up letter and I never did hear from them, but I asked them the information they wanted, where could they get the better information if from me or the people in the court. The court was full of people. The stenographer was taking, just like this young lady here, they could have easily got the record from them. So the judicial committee didn't do anything about it, and I don't know whether the screening committee is going to do anything about it. [¶] I just want you to take these things under consideration and if you think you need a man like Judge Peeples on the highest court, the Supreme Court in the state of South Carolina, if that is the kind of man you want to represent us on the Supreme Court, then I hope the screening committee will okay him and the legislature vote for him. Thank you.

Senator Smith: Any questions from any member of the committee? (no response.) Thank you, sir. Those are the two individuals that came forward to be heard. Judge Peeples, would you like a chance to respond?

Judge Peeples: Please.

Examination by Senator Smith:

Q You have previously been sworn, sir.

A Yes, sir. At this time I would ask to be allowed to pass out my response to Mr. Heath's letter as well as the ruling of the judicial standards committee. (see note.)

Mr. Heath: I don't want to interrupt the honorable judge, but may I have a copy of that? If it's a response, I didn't get no written response from him. I would like to see what his response was other than over the telephone.

A Mr. Chairman and members of this committee, let me please first respond to the complaint of Mr. Heath. I understand his letter of January 20 of 1986 was included in the package that was sent to each screening member and, of course, you have heard his reading of the letter here today and additional comments. This is my first opportunity to respond to you other than my response to the judicial standards committee. [¶] When I received a copy of his letter in January of 1986, I noted that it had been written to the president of the bar with a copy to the state ethics commission, so I then called I believe the gentleman's name is Gary Baker perhaps, I called and asked him if he would please forward that letter to the board of commissioners on judicial standards. They did and I received a letter from the executive secretary, Mr. Mabry Binnicker, asking me to respond to Mr. Heath's letter, which I did, and my letter to the board of commissioners on judicial standards is included in your package dated February 10, 1986. I will not attempt to read it verbatim, rather paraphrase it, but upon receiving that letter I promptly called Ms. Dorcas Anderson who is clerk of court for the Fairfield County to ask her of her recollection of the proceeding. She advised me she was satisfied there were no efforts to embarrass Mr. Heath and, more particularly, there were no other defendants who failed to show for that term of court other than the one defendant, that is, the client, I believe his name was Gaithers, so I didn't fail to estreat a bond on anybody else. There was only one no show and that was his client. [¶] I asked Ms. Dorcas if she would please check her records, as well as to verify her information or recollection with solicitor justice. Bear in mind this was in January of '86 and the term of court

had been some less than 60 days previously. She called me back later that same day to advise the solicitor's office concurred in her conclusion. I attempted to get in touch with Sheriff Montgomery, he is always in his coat and tie in court, to ask him if he had a recollection, and I suggested to the judicial standards committee that perhaps they could call the court reporter, I gave the name of the reporter to them, and maybe she had a transcript of exactly what was said, and she had not made a transcript of that proceeding, no record was ever had of that to my knowledge. [¶] I was frankly shocked to receive such a letter as I had had a very pleasant stay in Fairfield County the week of December 2nd. We had disposed of all the cases, completed the court work by mid-afternoon of Wednesday, December 4 of '85. All of the court officials and attorneys were extremely cooperative. As a matter of fact, that afternoon as I was leaving court I had a pleasant and congenial conversation with Charlie Heath on Wednesday afternoon outside the courthouse. It's my recollection that Sheriff Montgomery and the probation officer, Joe Albert, were present when that conversation took place. I again bragged to Charlie on the attractive and expensive clothes he was wearing. He told me of his respect for my former law partner, Sol Blatt, Sr., and he told me about the various members of his family, where they worked, where they lived, and we shook hands as we were parting. He even laughed and joked about "feeding the jury." I had no idea that he harbored any ill-will toward me. [¶] Being concerned about the matter, when I received the letter that day, I called Mr. Heath at his home and he wasn't there and I left word for his wife to ask him to please call me collect. He did call me. I don't remember if it was collect. If he said he didn't call collect, I accept that. Our telephone conversation was cordial. I told him I had checked and there were no other white people on bond who didn't show for court, that he had a bargain which he himself agreed by paying the \$102 when he was liable on a \$2,500 bond. He had been paid \$250 to post bond and I could have estreated the whole \$2,500 if I had wanted to, and I told him he was in error to conclude that I tried to embarrass him as that certainly was not my intention and in my opinion was not done. [¶] I further told him that if he still felt he had a valid complaint, he should forward it to the board of commissioners on judicial standards. He then told me he was no longer upset but he did want me to send him a written apology. I have not sent him a written apology because I do not believe one is owed to him. For some years now it's been my custom in general sessions court throughout the state to require all the defendants to appear on Monday morning at 10 o'clock and have a roll call. There is a purpose for that, I wait and bring the petit jury in Tuesday morning and we can go down that list and find out if a lawyer has a conflict with a case in federal court, family court, whether a highway patrolman is in breathalyzer school and the case has to be continued, to try to discern what work there is to be done during that week in court and what conflicts the attorneys or witnesses may have. [¶] I had sent word to the solicitor and the people in the sixth circuit were aware of the fact that they had to have their clients in court at 10 o'clock on that morning. It's further my custom when a defendant does not appear timely, I always have a deputy sheriff or assistant solicitor or probation officer, I have somebody call the defendant, usually their telephone number is on the bond, and I also have them call the bondsman to ask them to please bring them into court, hopefully that afternoon, because I don't want to have to estreat the bond. I am not looking for their money. People are charged and they have to answer for the charge, and as a result of that practice, the bondsmen really have helped the court by having the subject in court timely as they should. [¶] In any event, that subject when he did show up the next day, Steven Gaithers pled guilty to D.U.I. Second. I sentenced him to 91 days and a \$200 fine without an attorney. He didn't have an attorney. And, I am sure I allowed him to do community service in lieu of jail for 20 days as I did for the seven or eight other defendants. So, if I had any ill-will toward Mr. Gaithers, I would have given him a year and fined him a thousand dollars, but I only fined him \$200. [¶] My recollection of the incident to which Heath refers, this was the only case where the defendant did not appear timely. That was verified by the clerk. I am enclosing a copy of the roster which reflects the disposition of each of the cases, and there were five cases continued for various reasons. One, somebody was in the state hospital, another the victim's mouth and jaw was wired together and he couldn't testify, another one the case was only 13 days old. The notes on the roster of cases will speak for themselves, but on the late afternoon of December 3rd of '85 I saw Mr. Heath in court, and I did in fact in open court negotiate with him the payment of the sum of \$102 in lieu of

a formal conditional bond estreatment being issued and a hearing at a later date. [¶] I did compliment Mr. Heath on his knee length leather coat he was wearing and the expensive clothes. It was certainly not done in a manner that would embarrass him. He was telling me he had no money, he had just bought this tax property and I said "You look like you are well dressed to me." Nothing was said in a derogatory manner by me and it was light levity, frivolity you might say. He did say he would pay whatever I ordered him to pay and the clerk told me the cost of feeding the jury on Monday and Tuesday was \$102, so I asked him if he would pay that amount and he did. Frankly, I thought Heath was delighted to pay only \$102 and for the matter to be over and done with. I can assure you, as I have Charlie Heath, there was no intent on my part in any way to embarrass him or to mistreat him, and I am satisfied I did not. I do not understand why he reached the conclusion that he did. [¶] While I have no personal knowledge of Charlie Heath and have never known or heard of him prior to Gaithers not appearing in court, I did inquire upon receiving this letter and I was told he had been a magistrate in Fairfield County and was removed from office and had pled guilty to embezzlement in Fairfield general sessions several years ago. I want to tell you gentleman of this committee that I was wrong, that he didn't plead guilty to embezzlement. I have attached to the handout to you the indictment for misuse of funds on four counts of Charlie H. Heath, Jr. As a magistrate to which he pled guilty on September 20 of 1982, and I just say to you that that is the type person that is up here testifying against me here today. [¶] Let me talk to you about the other complainant in this case. I am proud of my record of public service and certainly of my integrity. I have made a determined effort to protect the property and rights of individuals and the well-being and safety of all the people of the state. For 13-plus years presiding in each of the courts of the 46 counties of this state I have sent criminals where they ought to be, even including some represented by Mr. Bryant's firm, to jail. If he is upset about that or for whatever reason he doesn't want me on the bench, then that is his prerogative. As I have said, I am proud of my record of service to the people of South Carolina. [¶] I regret that these scurrilous and malicious accusations have been presented here today. I emphatically deny any wrongdoing. The very issues that Mr. Bryant again raises today have been squarely presented on separate occasions to Judge Cottingham, to the chief justice and to the Supreme Court of this state. These very issues have been expressly passed upon and no impropriety has been found. Of course, this is the first opportunity that I have had to comment on some issues that have been raised in the press and I would like to at this time review some of those. [¶] There has been discussion of why a will was drawn in which my daughters were the beneficiaries. In addition to being Ms. Pauline Knight's attorney, we were close family friends and she had strong affections for my two daughters. We were next-door neighbors for a period of time. Our relationship which began in 1964 was more than that of attorney-client. In drawing Mrs. Knight's will, I did what she wanted me to do. I fully disclosed to Mrs. Knight and her husband that I should not be executor and that she should not leave anything to my two daughters, but she insisted. I would point out to you in April of 1984 when that will was drawn, she was then living in Orangeburg with Mr. Knight, and her husband and Mrs. Knight drove to Barnwell 40 miles to my office and Mr. Knight was in that room when I counseled with Mrs. Knight. [¶] I would further point out, I would ask that that will be passed out, please, of Mrs. Pauline Knight, it's in my package number 5, (see note.) That Mr. Wilkes Knight was the beneficiary of a life estate of Mrs. Knight's will. Mr. Wilkes Knight, her husband, was the executor of her will. I was the alternate executor only because Mr. Knight predeceased Mrs. Knight on August 22nd of 1983, only because of that did I then serve as executor of the estate. [¶] So the issue has been raised why did I serve as executor. I served because she insisted I do so and asked me to do so, she depended on me to do so. Her husband was named as executor but, as I stated, he predeceased her on August 22nd, 1983. Mr. Knight was present when Mrs. Knight discussed the will. [¶] Rule 33 of the South Carolina Supreme Court rules section 5-d of the canons of judicial ethics states that a judge may serve as executor for a member of his family or other relatives or persons with whom the judge maintains a close familial relationship. At this time I would like to pass out a letter dated September 9 of 1974 as my file number 7. (see note.) Keep in mind her will was drawn April of 1974, here some five months later September 9 of 1974. Again, I regret the necessity of going into these personal matters of Mrs. Knight but it is necessary to establish the relationship which I

had with this lady. She was 68 years of age at the time her will was made in 1974, she having expired in 1986 at age 80. [¶] This letter states--it is written from Orangeburg her residence--September 9, 1974. Rodney Peeples, attorney at law. "Dear Rodney: in the event that my husband, A.W. Knight, does not survive me or is incapacitated, I am requesting that you authorize the Mole Funeral Home to carry out the following instructions at the time of my death," and the lady proceeded to set forth in her letter the name of the funeral director, the funeral home, the clergyman, where she wanted the funeral held, the type funeral, who the pallbearers would be--she listed me as the first pallbearer among six--special request as to the inscription on her grave ledger, the type of flowers she wanted for her casket spray, the type clothing she wanted to be buried in, the type burial vault, the cemetery. "I am enclosing a copy of this which I request you approve and transmit to mole funeral home." So that is in 1974. She passed away in 1986. Twelve years previous she had depended on me for her last funeral instructions. If that is not a familial relationship with someone, then there is no definition for that term as used in the code. [¶] At this time I would like to pass out my exhibit, I call it number 11, it's a confirmatory letter of June of 1986. (see note.) Obviously I was familiar with the canons of judicial ethics. Obviously I was familiar with subsection 5-d relative to a judge serving as an executor. Upon the death of Mrs. Knight and the executor, her husband, having predeceased her, out of an abundance of precaution I called the chief justice of the South Carolina Supreme Court who under our constitutional article of our unified judicial system is the final authority as pertains to the courts and the judiciary of this state. The letter speaks for itself. "Dear Mr. Chief justice: I now enclose to you a copy of the will of Pauline Knight, deceased. You will note the will was prepared prior to my assuming the office of judge and I was named the alternate executor therein. The first named executor, A.W. Knight, predeceased his wife on August 22, 1983. This will confirm our conversation wherein you gave your approval as chief justice for me to perform the duties of executor of Mrs. Knight's estate. As I stated to you, I shall not charge any commissions or fees for serving in this capacity." Unlike as indicated earlier today, there was no condition or contingency of my serving whether or not fees were charged. I volunteered that to the chief that I wasn't going to charge any commissions or fees. The last paragraph, "I thank you for allowing me the opportunity to fulfill my obligation to this 80-year-old lady who was a previous client of mine and who depended on me to help her." [¶] Of course, now Mr. Bryant says apparently that the chief justice approved my violating the judicial ethics by his allowing me to serve as executor, and to me I find that incredible. There's been an issue raised as to the manner in which I answered the question "Do you have any interest in the matter other than the fact you are friends with Mrs. Pauline Knight?" my answer was "No, sir, just trying to help this lady who doesn't have any kinfolks other than third or fourth cousins." I felt then, and I feel now, that I did not have a legal interest in Mrs. Knight's estate. [¶] At that time that the question was asked December 4 of 1983, excuse me, December 4, 1985, Mrs. Knight was living and confined to the nursing home. The will speaks only at death and I had an attorney-client relationship with Mrs. Knight as the will was prepared prior to becoming a judge. I could not ethically divulge the confidential contents of her will, Judge Cottingham recognized that. At issue in the case that was for trial before Judge Cottingham was the validity of the written recorded agreement and the clause in Mr. Knight's will of October 1973 which the same language was contained in the will made 13 days before his death on August 9, '83, he executed the will and he passed away 13 days later on August 22, 1983. [¶] When I testified on December 4th of '85, I could not reveal the contents of the will of Mrs. Knight because she was then living. The will takes effect only at death, and when I was asked the question by Mr. Bryant "Do you know what the will contains?" my answer was "Yes, sir," because I did know what the will contained. I would ask you to turn to page 125 of the appellate transcript, if you have that, in which Judge Cottingham stated "I'm not going to permit him or require him to divulge the contents of some lady's will who is sitting out there in a nursing home. I don't think that is fair and I am not going to permit it. A will is a very sacred document. I am not going to require anybody who assists somebody to divulge publicly the contents of the will." [¶] I say to you, I had no legal interest in the will, but when I was asked what my interest was in this lady if I had said "Well, I am the executor of her will," I would have been divulging the contents of her will. I answered the question truthfully, I was trying to help the lady. Judge Cottingham

properly so, as Mr. Bryant should know and as each of you gentlemen surely know, the contents of a will of a client cannot under any circumstances be revealed and Judge Cottingham ruled that day that it would not be and should not be revealed. [¶] Now there is a question about my writing on judge's stationery. If you would pass out that letter, it's my file number 9, please. (see note.) I share with you that this is the only stationery I had in 1983. Mr. Kelly knew that I was a judge. It wasn't as if we were in New York City or Kansas City for the first time and I was speaking to him as if I were a judge, he knew that. But I tell you this letter of November 6 of 1983 was in no way coercive. Read along with me. "Dear will: November 6, 1983. I appreciate your discussing with me this evening the situation concerning Pauline." second paragraph: "I would encourage." third paragraph: "as you can see from the enclosed statement that even including the interest earned on her savings--which was then about \$25,000--" she would not have enough to pay her monthly expenses. I recognize there is a distinct likelihood the house in Orangeburg will have to be sold, but I did not want to extinguish any grimmer"--and that is a typo, this letter was dictated on a Sunday evening before I left to go to court, that should be glimmer--"I did not want to extinguish any glimmer of hope that she may have in leaving the nursing home and knowing that she had a furnished home to go to." next paragraph: "in complete fairness to this 77-year-old lady, I would again respectfully request that you reconsider your position concerning the payment of the \$300 per month to Pauline during her lifetime as mandated by paragraph 4 of Wilkes' will dated August 9, 1983, as well as set forth in the agreement of August 29, 1972, which is recorded in the Orangeburg courthouse. It is elementary that no one can predict the cost or extent of the necessary medical care for Pauline in the future, and it's very clear to me you legally must pay the \$300 per month to Pauline for her lifetime. I sincerely tell you I do not want to have a disagreement concerning this matter but on behalf of Pauline I must insist you commence these payments." Last page: "Let me please respectfully ask that you confer with an attorney of your choosing concerning this matter, and as we agreed this evening, I will call you again next Sunday evening and discuss it further with you. I hope all is well with you and Nancy. With kind personal regards, yours sincerely." I encouraged him to go to a lawyer and talk about it. There is nothing coercive about that letter. [¶] On the subject of my attempt to use my judicial office, I would share with you gentlemen of this committee that I didn't attend the probate court hearing of December 16 of '83 at which time the judge of probate for Orangeburg County ordered Mr. Kelly removed because it was a conflict, potential conflict, of his being executor. I didn't attend the appeal from the probate court to I believe Judge Laney when that was argued in Orangeburg, I wasn't there. I didn't go to the Supreme Court when that case was argued in the Supreme Court. There were two venue motions, hearings, I didn't attend either of those two. Mr. Bryant made a motion October 8 of '86 in the Supreme Court, I didn't attend that hearing. May 18, 1987 when the lease agreement of \$300 monthly payment case was argued, I didn't go to the Supreme Court when that was argued. The only time I ever went to court was on December 4th, 1985. In retrospect I suppose we could have stipulated, the parties could have, that I had demanded, if you will, of Mr. Kelly--insisted he pay the 300 and the payment hadn't been forthcoming. I really suppose I didn't have to have been a witness, that is in hindsight looking at the case. [¶] I would like to pass out my affidavit in my file number 12. (see note.) It's hard for me to understand, Mr. Bryant on the one hand is saying that Mrs. Knight's estate was mismanaged from the time she went to the nursing home with a broken hip in the summer of 1983 until her death in 1986. It says her estate was mismanaged. On the other hand, he says that I am trying to enhance my daughters' inheritance, but I did this, gentlemen of this committee, Mr. Elroy Dantzler was an accountant in Orangeburg, and I got Buddy Barnwell, an attorney in Orangeburg go out to the nursing home and talk with Mrs. Knight about a power of attorney, so we had Mr. Dantzler appointed attorney-in-fact to deposit her social security checks, for the bills to be sent to her for medicine, for doctors' bills whatever. He is saying I am involved in this estate. Here is evidence, the affidavit speaks for itself. He received all money and deposited the social security check, paid all of her bills. During that 34 months she had total expenses of \$75,000. Her medical was broken down. During all that time she was bedridden and confined to the nursing home. At the time of her death at the Barnwell nursing home the cost alone was \$77.00 a day or \$24,550 a year, plus whatever medical for doctors, drugs or hospital. When I was appointed

executor, Mr. Dantzler on July 1 of '86 forwarded me the 12,00-odd dollars she had remaining. Out of that I paid 5,000-odd, whatever the cost of the funeral bill and funeral expenses. I had to sign September 30 of '83 at the Barnwell nursing home the agreement that I would be responsible for paying all of her medical bills and medical costs, which I was glad to do, but I have never received any money from Mrs. Knight's estate or from her while she was living and of course neither have my children. My wife was reimbursed \$344 for some nightgowns and personal belongings that were necessarily purchased for her while she was in the nursing home, and other things were given to her. No funds have been received from the estate of Wilkes Knight, but none have been asked for. As long as the lady had money of her own, there was no need to call on Mr. Knight's estate for any funds to pay her bills because fortunately up until the time of her death she had enough money to pay her own bills. [¶] I would like to pass out number 13 at this time in my file. I apologize for all the paperwork. I want to make sure you gentlemen have this before you. That is a copy of a motion Mr. Bryant made for a new trial in the Supreme Court of this state, and I would point out to you on the first page of his motion he talks about Judge Peeples was a witness, participated at trial, sat with counsel, advised throughout the case. He asked for the case to be remanded for a new trial, and I point out to you on the second page, paragraph 1, the last two clauses because when Mrs. Pauline died June 11 of 1986, only then was I made a party to the lawsuit in my capacity as executor and that was then pending in the South Carolina Supreme Court. Mr. Bryant says that I had an interest in the outcome of the case which I failed to reveal while testifying about which I denied when cross-examined. That is in that first paragraph. In the second paragraph he sets forth the will was admitted to probate, my two daughters were the beneficiaries. They were the residual beneficiaries after Mr. Wilkes passed away because he had a life estate. He says at the time he testified the witness, Peeples, knew if the respondent prevailed, the funds to be recovered would become the property of Pauline Knight unless dissipated during her remaining lifetime and would become a part of her estate at death and ultimately to pass to his two daughters. Yet the witness testified as following: [¶] "Judge Peeples, do you have an interest in this matter other than the fact that you are friends with Mrs. Pauline Knight?" Answer: "No, sir, just trying to help this lady who doesn't have any kinfolks other than third or fourth cousins. Question: "All right, sir, have you ever prepared a will for Mrs. Knight?" "Yes, I have." I probably prepared five wills I would say in the ten years I represented her. "Do you presently have a will you prepared for her?" Answer: "No, sir, I don't have it." Question: "Do you know where it is?" Answer: "Yes, sir, I know where it is," and "Do you know what it contains?" Answer: "Yes, sir. [¶] There is no false swearing in that, gentlemen. [¶] The court then refused to allow further examination. I have read to you Judge Cottingham's comments and he says he needs a new trial so our interest can be shown and made known. I point out to you the affidavit, the last document there, the last page, "I am not a beneficiary under the will of Mrs. Knight and I do not have a legal interest in her estate." [¶] I would ask you to pass out document 14, and you may already have had the opportunity to review this exhibit. That is the transcript of October 8 of 1986 when Mr. Bryant and Mr. Ness went before the Supreme Court to argue the motion for a new trial. I would ask you to turn over please to page 9, next to last page. After you have read this, you have seen where Justice Gregory had already told Mr. Bryant that he had made the wrong motion in the wrong court on improper grounds, and Acting Chief Justice Gregory in the middle of page 9, talking about my being a judge and involved in this case, Justice Gregory stated "that is one reason we wanted to have you and Mr. Ness appear before us because we do involve here a member of the judiciary that we are talking about and we wanted to have an abundance of precaution, wanted to give you an opportunity to be heard. Routinely we would not hear from you." the Supreme Court doesn't hear a motion to remand, they hear them without oral arguments but they gave him an oral argument in here because a judge was involved. "routinely" --still quoting Justice Gregory-- "we would dismiss this on its face because of the allegations contained in your motion that you simply don't meet the criteria. Secondly, you are in the wrong forum." [¶] I submit to you, gentlemen, that Mr. Bryant's contentions which he again raises here today, they were heard, they were considered, they were ruled upon by no less authority than the Supreme Court of this state, because if you will look at the front document there on the previous item that was handed out to you, it allowed me to be substituted as a party. (see note.) Mr.

Bryant didn't object to that. Appellate's motion for a new trial is denied. The court permitted oral argument only because a member of the judiciary was involved and these allegations were made against him and they were being overly cautious, careful in their consideration, and it's worthy of note that the court granted no relief. [¶] Again I point out to you the Supreme Court of this state I submit by denial of his new trial motion put their stamp of approval on my actions and conduct. However, Mr. Bryant apparently refuses to accept the court's decision and if he still says I am wrong here today, then he must necessarily be saying that they, the Supreme Court, that they are wrong. I don't understand how he can talk about me doing something wrong when the chief justice of this state gave me express permission to do so or how he can complain about how I answered a question when the Supreme Court of this state has found no impropriety. [¶] Further I pass out to you file 15, the oral arguments of May 18, 1987, the transcript from the Supreme Court. You may already have this document. On page 6 of that, if you would look at page 6 in that transcript about 12 lines from the bottom, Mr. Bryant states "the testimony of Judge Peeples had no bearing on the respondent's cause, in fact, it was favorable to us, although I tried to keep it out of this appeal record." I still don't understand what he is complaining about. To me it defies logic and comprehension to again today to completely reverse his position and complain again about my testimony. [¶] At this time I would like to pass out please the copy of that lease agreement, that is numbers 2, 3, 4 and 5. I say lease agreement, there was a bill of sale of April 28, '72. That is number 2. (see note.)

Senator Smith: Judge, while you are passing those out I am going to ask you how you devised this numbering system? (laughter.)

(continued testimony of Judge Peeples.)

Gentlemen, that first document there is a bill of sale between Mr. Wilkes Knight and Mr. Kelly April 28 of '72, it says consideration \$5 and they are talking about the laundromat and inventory and equipment. The next document is an agreement of August 4 of '72, some five or six months later, in which Mr. Kelly agreed to pay to Mr. Knight 300 a month for life and at his death 300 a month to his widow, Mrs. Pauline Knight, and I point out to you that that agreement was signed by Mr. Kelly, Mr. Knight and Mrs. Knight, and of further significance, they thought so much of this agreement, the importance of it, they recorded it in the courthouse in Orangeburg county on the 25th day of September 1972. It's still recorded there today. It's not marked void, it's not marked rescinded, it's not marked vitiated. I didn't draw this, Buddy Barnwell, an attorney representing Mr. Kelly and Mr. Knight, drew that agreement to pay that \$300. [¶] I would like to pass out Mr. Wilkes Knight's will of October 1973, which is my exhibit number 4. That first will of Mr. Wilkes Knight with permission of will Kelly in November of '83 several months after Mr. Wilkes Knight's death, I went to Andrews Berry, an elderly gentleman who is an accountant, an attorney in Orangeburg, and he gave me a copy of this will here of October of '73 of Mr. Wilkes Knight, and I would point out to you that in that paragraph 3 he had left all of his savings account to the church in Orangeburg, but when he went back 13 days before his death on August 9 of '83, some 10 years later, some 10 years later, he changed that and left \$5,000 to that church. [¶] Look at item 4 in the will of 1973 and look at item 4 in the will of 1983 13 days before the gentleman expired. (see note.) "I hereby will and bequeath unto my son, William W. Kelly, all the business interests, leases and other interest referred to in agreement between Kelly and Knight dated August 29, '72"--that is the one recorded in the courthouse--"upon condition that for and during the term of the life of my widow, Pauline Knight, William W. Kelly pay unto to her monthly, the sum of \$300 as specified in said agreement." [¶] Of further significance is the fact in his old will of '73, that paragraph 5, he had a beautiful chocolate lab when they were our next-door neighbors, Charlie Brown. He wanted Charlie Brown buried by him, but he lost Charlie Brown before he died in August of '83 so he changed his will. Doesn't that indicate to you the man knew what he was doing when he went 13 days before he died and changed his will? [¶] Further, in the will of '73 he named Ms. Pauline as the executrix, and a William Derieux, a nephew, who I don't know, as an alternate. That was in '73, but in '83 she is in a nursing home with a broken hip, so he changed the executor and appointed will Kelly as the executor. So I submit that Mr. Knight wasn't confused when he signed that will of August of '83. He knew what he was doing because he had in there again to pay that \$300 a month. As Mr. Bryant says, I found

some papers among Mr. And Mrs. Knight's papers, that is not how I found out about that agreement at the courthouse. The will right here that was filed for record, I didn't know anything about that agreement in '72 or in '73 or in '78 or '81, but when the gentleman's will was filed 13 days before--made 13 days before his death, I have never gone through Mr. Knight's papers, I have never had access to them. I have never had access to his tax records. Yet, Mr. Bryant says there is no evidence of any debt being owed to Mrs. Knight. You have got the recorded agreement at the courthouse, you have a copy of the will that was 13 days--and Mrs. Knight didn't bring the action to construe the \$300, that was brought by Mr. Kelly, a declaratory judgment action to determine if the \$300 was a valid debt or not a valid debt. True enough when that suit was brought, there was a counterclaim saying that the debt was owed because of that agreement. Judge Cottingham found that there was a debt. I thought there was a debt. Judge Harwell, an associate justice of the Supreme Court, thought there was a debt. I don't want to rehash this case. The case is over, it's been ruled on and we accept that, but there was a justiciable issue as to whether or not that \$300 should be paid no one knowing the extent of Mrs. Knight's medical bills through the years that may come, because that litigation involving that agreement was initiated and filed by Mr. Kelly, not by anyone on behalf of Mrs. Knight. [¶] You know that will that was made for Mrs. Knight in April of 1974, I left that will in the safe in the Blatt office in Barnwell when I left the practice of law. That will remained there until her death on June 11 of 1986. I didn't carry it around in my coat pocket, didn't put it in the safe in my office. I question whether any family friends were shown that will by any member of that law firm, but I wasn't there so I can't say, but certainly Mrs. Knight from April of 1974 when that will was made, when I drew that will, she was living in Orangeburg, she had unlimited opportunity to counsel with many attorneys or other advisors between the date of her will of April 17, 1974 and her husband's death on August 22nd of 1983 and even thereafter. [¶] There has been a mention about the motion to change venue. I didn't appear at any of those venue motions so I don't have privy to the affidavits or what was argued there, but I can tell you this, the motion to change the venue from Orangeburg to Barnwell was decided by Judge Richard Fields. Then Mr. Bryant made a motion to change the venue from Barnwell County back to Orangeburg County and that was heard and ruled on by Judge Bristow, not by Judge Cottingham. I wasn't at either one of those hearings. I would share with you that neither venue order was appealed by Mr. Bryant. I don't see where venue has anything to do with this case or whether it was heard in one county or another because it was being heard non-jury. [¶] You know they try and paint this picture of the close relationship of Mr. Kelly. When Mrs. Knight died, I called Mr. Kelly and asked him if he wanted to share with me any requests as to the funeral arrangements even though I had that letter, and he said not. I told him the time and place of the funeral. He wasn't close enough to that lady to come to her funeral. To my knowledge from September of '83 until she expired June 11 of '86 he and his wife visited her one time, December 16 of '83, in the Barnwell County nursing home. And, of course, Mr. Bryant says there is no record that any money was owed after '78. Well, the correct truth is that Mr. Kelly paid the \$300 a month through December of 1979. The transcript will bear that out. I think he meant '79 rather than '78, but you see that will and see that recorded agreement, it never has been voided at the courthouse, so to me and to Judge Cottingham and Judge Harwell at least, there was ample evidence there was a justiciable issue about the \$300 debt. [¶] Now there has been some comment made about how unnerved or rattled Mr. Bryant was when we had this trial down in Barnwell County courthouse. I was in Fairfield county in Winnsboro that day and to accommodate Mr. Bryant, he had written Judge Cottingham and asked him to hear it, and Judge Cottingham--it was my recollection I was away for six months to hear some germination suit case involving 20-plus complainants and the case took the whole week to try, so he set the case late in the afternoon. It worked out well because finished court that day and got there about a quarter to 7, and those of you who are familiar with the Barnwell courthouse, you have a wrought iron railing, it's a Robert Mills, going up to the front door. I don't ever remember going in that door in my life. I parked and I went down the hall and went upstairs. Upstairs there is only one judge's office in the Barnwell courthouse and share that office with whatever judge might be there. I had my charge books and I had my briefcase and I walked in my office and I put those down and picked up a file involving this Knight case which was about to be heard. I said "hello" to

Judge Cottingham and we walked out into the hall and he went in the judge's door, and my recollection is I went in the other door. I have no recollection of going in the same door that Judge Cottingham may have gone into on this evening. [¶] Finally, gentlemen of this committee, I would emphasize to you that I have not disregarded the rights of others. I deny any wrongdoing. I reject the contentions which have been made against me and deny them. I have been judged by many others, as reflected in my curriculum vitae which you have, to have qualifications and performances contrary to those asserted allegations made against me today. If elected, I shall uphold and follow the standards of the office and the canons applicable thereto. Thank you for this opportunity which is the first I have had to comment on these matters and, obviously, I will be glad to answer any questions you may have about the Heath matter or about the Knight v. Kelly or Kelly v. Knight, or however you would like to designate it.

Examination by Senator Smith:

Q Judge Peebles, four questions, how long was Mrs. Knight a next-door neighbor of yours? You said for some period of time.

A A little over two years, and Mr. Knight was married to her then and they were both our next-door neighbors, and Charlie Brown.

Q Did you know her before they moved next door?

A Certainly, yes, sir. I knew her from 1964, and they were next-door neighbors just after they married in '72 and '73 and then they moved back to Orangeburg in early '74.

Q Then after she moved back was when she came to you to get the will prepared?

A Yes, sir. We visited in each other's homes and exchanged gifts and what have you. We were close.

Q The letter, I believe it's number 9, I got lost in your numbers, the letter of November 6, 1983 that you wrote to Mr. Kelly on judicial stationery.

A Yes, sir.

Q Who signed that letter, did you sign it?

A My secretary signed it for me but that is identically the same as my signing it, but my secretary--because November 6th, and it's set forth in the letter, it's a Sunday evening and I can't tell you where I was in court that following Monday.

Q You just did what a lot of us do, we dictate the letter and forget about it?

A Yes, sir.

Q Sign it and mail it on?

A Yes, sir. She was doing what I had told her to do.

Q Under the law what is the duty of an executor of an estate?

A To see that the terms of the will are appropriately carried out and to fully discharge the duties there under the law.

Q Had there been an asset or assumed asset, or perhaps it was an asset of this estate out there, would an executor have been responding to his duty had they not gone after every asset available?

A No, sir, they would not have.

Q At the present time and, of course, as I said we have the probate roll, what is the value of the estate?

A Of Mrs. Pauline Knight?

Q Yes, sir.

A When she expired, and the affidavit from Mr. Dantzler will give more correct information, it was approximately \$12,400 and there were some probate costs. I would say there is five, six thousand, maybe seven thousand dollars cash in the estate, and then there are two houses, one is a 900 square foot house, the other house has now been sold for \$18,000 that didn't have--there was a tin roof, it didn't have any heat or air, it was falling apart, and rather than trying to fix it up some four months ago, one of those houses was sold for \$18,000 and the other house with 900 square feet still remains and it rents for \$150 a month. [¶] Bear in mind this, that Mrs. Knight had owned a store building on main street that lastly was rented for \$125 a month some 8-10 years ago, but the roof was falling in and it would have cost \$6,000 to put central heat

and air. It only had 600 square feet, a little small building, that never was rented. A lady named Sally Smith, from the time Ms. Pauline moved to Orangeburg in '74 until her death June 11th of '86, Sally Smith of the Alright Agency handled the rentals and sent the rental check to Mr. Dantzler. I was taking hands off insofar as the estate of Mrs. Knight, with the normal thing that was done while she was living, you know when she was in the nursing home and before and then, but her mother had left some property back in 1940, that little store building on main street, and 60 acres outside of town, and two other rental houses that went to some--it was entailed property, that didn't go through the estate. I had to employ Terry Poole to search out who that belonged to and to pass a legal opinion on which property belonged to who because I wasn't going to attempt to w that.

Q I probably got you off on the wrong foot with my question, what I guess I am trying to ask you is when your daughters inherit and get something, if they ever do, do you know how much they will get?

A One house has been sold for 18, assume there is \$7,000 in the estate account and the other house is probably worth another \$18,000, that would be \$36,000 plus 7 would be 43, and the estate over in Orangeburg, the last accounting to my knowledge that was filed about in '85 there was \$45,000 in there, and that house is assessed or appraised at maybe 39, \$40,000 that we have been paying the mortgage payment every month and got a bill for \$504 for taxes for Orangeburg county and \$1,400 a year for insurance. You know, if as earlier alleged today, people were being greedy and trying to grab, something would have been done with that, but nobody has tried to be hasty or gather in the sheaves.

Senator Smith: Any other questions from members of the committee?

Examination by representative McEachin:

Q Judge Peeples, when you sent the letter of November 6, 1983 to Mr. Kelly, what was your relationship to Pauline Knight at that time?

A Well, I was the executor in her will which speaks only at death, but I considered myself to be in a familial relationship with her. I know the word, Mr. McEachin, in loco parentis is like parent to child. I am at a loss to give you a Latin phrase for the relationship, but we were caring for her, responsible for her to see that her needs were met and she was cared for.

Q In the letter of November 6 in which you read excerpts from, in the last paragraph on the first page you set forth--I will read a portion of it "It's very clear that you legally must pay the \$300 per month to Pauline from her lifetime"?

A Yes, sir.

Q In your opinion does that constitute the practice of law?

A Gee, I hope not.

Q What did you think at the time you wrote that letter?

A I certainly didn't think about practicing law, sir. I was trying to reason with him as to why I thought the \$300 should be paid and to try to avoid litigation and argument about it.

Q When you were testifying in the actual trial of Kelly v. Knight, there was a series of questions which everybody has asked about regarding the will of Mrs. Knight. Why didn't you raise the lawyer-client issue at that time rather than saying "No, sir, I have no interest other than trying to protect this old lady"?

A I didn't have to raise it. Judge Cottingham and Mr. Ness objected to it; Judge Cottingham stopped it.

Q When the question was initially asked to you by Mr. Bryant, did it occur to you at that time to say "Mr. Bryant, I drew the will. There was a relationship between me and Mrs. Knight of attorney and client. I can't answer or respond to the question"?

A No, sir, that did not occur to me even though it was a tough situation, Mr. McEachin, because I couldn't reveal the contents of the will so it was a catch-22. I felt I had no legal interest at the time.

Q Let me ask you this, what was your understanding of the phrase "interest in this matter" in the context that it was asked, that was part of Mr. Bryant's question "do you have any interest in this matter under the will"?

A I couldn't tell you what my understanding was of interest on December 4th of 1985, Mr. McEachin, but that was over two years ago, I can't tell you what went through my mind what was meant by interest. If I could, I would share that with you.

Q What do you feel like your testimony in the case added to the Knight et al side of that case?

A Only the fact that demand had been made for payment and it had not been forthcoming.

Q Had Mr. Dantzler, did he testify in that case?

A Yes.

Q Was he asked that question?

A I do not recall. I do not recall if he had or not.

Rep. McEachin: That is all I have.

Examination by Representative Rogers:

Q Judge Peeples, let me begin by saying that based on what you have now given to us it does seem to me there was at least a justiciable issue to warrant some litigation. However, I am still deeply troubled by several things. Number one, as I indicated earlier, I am troubled by your drawing a will by which your children benefitted. Is it the practice in the Barnwell bar for a lawyer to draw wills benefitting either himself or his family?

A I would have no idea as to what the practice in that regard would be in the Barnwell area or any other area, Mr. Rogers. I can only tell you because of the peculiar facts and circumstances that prevailed and existed in this situation that it was done. I haven't drawn a will obviously in 13 years since I have been on the bench and I am not aware of any other situation where a will such as this was drawn, if that helps you.

Q Do you understand that the canons of ethics prohibit the drawing by a lawyer of wills which benefit either the lawyer or his immediate family?

A I think that there is a caveat there, that it is a delicate situation in which one must tread very carefully, and I feel that I did in this situation fully apprise her that I very much would prefer not to be the executor and to prefer not to have my children as this residual beneficiary, but a situation in which she insisted.

Q The canon, as I am sure you are aware, states that other than in exceptional circumstances a lawyer should insist that an instrument in which his client desires to name him beneficiary be prepared by another lawyer selected by the client. What were the exceptional circumstances that caused you to draw that will?

A I tried, Mr. Rogers, to have someone else draw it and she wouldn't let anybody else draw that will.

Q Judge Peeples, I also am deeply troubled by your testimony and in the hearing in Barnwell. You have told us that you felt you could not reveal the contents of the will and, yet, in 1983 prior to the death of your friend you had addressed letters, or at least we have now you furnished us with a letter, urging certain actions in payment on this lease.

A Yes, sir.

Q From your testimony a few moments ago I would have to conclude that you were taking the position that you had no interest at all in that matter and that that was the import of your answer to Mr. Bryant's question that we are talking about.

A Depends on semantically how you interpret "interest." Surely in answering that question, the truth of the matter is I did have an interest in trying to help that lady as I said when I answered the question. As far as me personally having any pecuniary interest, I did not have a legal interest at that time, nor do I now here today.

Q But, Judge Peeples, you knew that your children would inherit the residual estate at the time you answered his question, didn't you?

A I certainly did. I didn't know if there would be any estate left and wasn't concerned about whether it was or not. I was concerned about her well-being and the ability for those bills to be paid for which I was responsible.

Q And your position is that your answer was made and the way it was made was because you could not reveal the contents of that will?

A There isn't any question about it. How could I have, sir?

Q Who would be injured by your revealing the contents of that will?

A You just can't reveal the contents of a living person's will and she is out there in the nursing home.

Q Was she competent at that time?

A No, sir, she was not in '85. She was not competent.

Q After that time was she ever competent before her death?

A After December the 4th of '85 until her death of June 11 of '86, no, sir, very sad, poor state of health.

Q At what time was Mrs. Knight found to be not competent?

A She never was found to be not competent, Mr. Rogers. After she broke her hip in 1983 and went to the nursing home she wasn't ambulatory and her health began to fail September-October of 1983 and then her mind over a period of time it would come and it would go, but the last year of her life she could only talk to you with her eyes. She would know who it was when you visited with her and you could look at her eyes and know that she knew that but she wasn't able to communicate, sir.

Q Two other questions I would like to ask you totally unrelated to this matter. Early on in your career as a judge you apparently appeared at a political rally and made a speech and the press has reported Judge Lewis corrected you for making that appearance. I would like to hear your comments on that.

A All right, sir. I happen to have in file number 17 a copy of Chief Justice Lewis' remarks, if I may pass those out to you.

Senator Smith: I would ask you, judge, how many files you have?

A Twenty-four. If you would look at the second page of that, please, because the first page had to do with a meeting with county council in which Chief Justice Lewis had said it was a legitimate judicial concern whether or not jurors were promptly paid or whether or not they would be paid a month later, and the second page is pertinent to your inquiry, and I will read Chief Justice Lewis' statement. "There has also been referred to me for attention a further letter dated September 27, 1977 addressed to the Honorable Dan Mcleod, Attorney General, in which Judge Peebles is charged with having attended a political gathering in Aiken County and having made a speech on behalf of certain candidates offering for political offices. I talked with Judge Peebles about these charges and he concedes that he made short, impromptu remarks at a barbecue which, although not intended, were subject to the interpretation that he improperly engaged in political activities. This would constitute a violation of the canons of judicial ethics which forbid the participation of members of the judiciary in such political activities. Judge Peebles now recognizes this and has given assurance that it will not happen again. My high estimate of the ability and integrity of Judge Peebles convinces me that the present disposition of this matter assures adherence to the highest ethical standards of the judiciary and renders further action unnecessary." [¶] What had happened was this, Mr. Rogers, I was holding court in Aiken and it was not a political rally, there were no tickets sold, there were no invitations sent out, it was out at a pond that belonged to my friend Pee Wee Willing that runs a junkyard out there near Aiken and there were 40 or 50 fellows there and they barbecued a hog, and I went out there to eat some barbecue, and Pee Wee is not a lawyer, he is a junkyard dealer, and Sheriff Paul Grant, who was then sheriff, was out there at that meeting and somebody asked me what I thought of Sheriff Paul Grant and I said "I think he is a good fellow and I think he is a law and order sheriff." that is the extent and nature of my impromptu remarks which could be concluded that I engaged in politics, and I did not construe that as being a reprimand from Chief Justice Lewis.

Q I treated it as having been a compliment to you.

A It was reported in the press I was asked if I ever had been privately reprimanded, and I said "certainly not," that was my answer, and then it says that Chief Justice Lewis had reprimanded me, but I don't construe that to be a reprimand. If you do, then you do.

Q The other area that I would like, and my final question, I would like to ask you to comment on, there has been a reference at some place to your receiving a gift of a confiscated gun in Richland County in '76 or '77, would you comment on that?

A Surely, I shall. It wasn't a confiscated gun. It was a brand new 38 Smith and Wesson. I had been assigned by Chief Justice Lewis to be in Columbia for six months from January 1 of '77 to June 30 of '77 exclusively to preside over the general sessions court, and I am telling you Jim Anders and Dick Harpootlian, myself, the public defenders office, we worked day and night for six months to try to reduce the population in the jail and to try to dispose of cases. It seemed like they had saved every armed robbery and murder and every other bad case they had ever had filed up here and I was sent up here for six months of that type of duty. [¶] As I was finishing that six-month assignment one day, I want to say Chief Campbell but I stand to be

corrected, but the chief of police of the city of Columbia walked in my office and said "Judge, we law enforcement people here in Columbia appreciate very much your efforts, your long, late hours, your hard work, we took up some money and we bought this present for you," and I opened it and it had "Honorable Rodney A. Peeples" engraved on the handle. It was a brand new Smith and Wesson that was given to me by the City of Columbia, and I think there was some restriction about it, reporting a gift of over \$100, so I checked and I recall the cost was \$78 or \$79, and that is what I know about that, Mr. Rogers. Fortunately I have never had to defend myself with it, but I was very honored by that show of gratitude by the law enforcement people in Richland County or the City of Columbia.

Mr. Rogers: Thank you, sir.

Examination by Senator McConnell:

Q Judge, who is Mr. Berry in this--the gentleman referred to as Mr. Berry?

A Andrew Berry was the attorney who represented Will Kelly at the probate court hearing December 16 of '83 at which time the probate court ordered him removed as executor. Andrew Berry apparently had done tax work through the years for Mr. Wilkes Knight and had done some tax work, I don't know the extent and nature of it, for Mr. Will Kelly, and he had drawn the will for Mr. Wilkes Knight in October of '73 and he had drawn the will for Mr. Wilkes Knight of August 9 of '83, sir, and I don't think he is an active practitioner. I think he primarily deals with income tax work.

Q He was referred to earlier I believe as an accountant?

A Yes, sir. He might well be. I know he does tax work for people. Whether he is a C.P.A. or bookkeeper accountant, I don't know.

Q The last will by Mr. Knight, who drafted that will?

A Mr. Andrew Berry, and witnessed it.

Q And the original will?

A Mr. Andrew Berry.

Q Now what was Mr. Berry's position on the legal obligation?

A On the \$300 a month payment?

Q On the \$300 a month payment. Where did he stand on this?

A With Will Kelly's permission, because, see, I had no standing to go talk to Mr. Wilkes Knight's accountant or look at his tax records or anything else. With Will Kelly's permission I went by and talked to Mr. Andrew Berry and made notes of my conversation with him and I asked him "What do you know about this \$300? Is it owed, was it forgiven, was it inadvertently put in the will?" He couldn't tell me that. He said "You know, it was reported on his tax returns for so many years as 3600 I think for rent or lease payment and then I do have"--this is Mr. Berry talking--"a pencil notation gift," and he testified to this in 1985, but he said "On the other hand, I put that in his will in August of 1983 and he told me he didn't know if the \$300 debt was forgiven or if the \$300 debt was owed." that is what Mr. Andrew Berry told me in November of 1983, sir.

Q Earlier in the day, unless I heard wrong, I believe Mr. Bryant indicated that you were informed that there was overwhelming evidence both from Kelly and Berry about the existence of this obligation, is that all you knew then at that point was that it may or may not exist?

A May or may not be a valid debt, that's correct, because Mr. Kelly, contrary to what Mr. Bryant said, all he would tell me is "I don't owe it." I didn't have access to Mr. Wilkes Knight's tax records. I have never seen any of his canceled checks or tax returns. I had no standing to get any of those, but all he told me is that it wasn't owed, and I just looked at that will made 13 days before his death and in those in *causa mortis* situations where you feel you are leaving, I am told, I have never had that feeling and hope don't have it soon, that you start worrying about who is going to take care of your widow and pay the \$300 or whatever.

Q At the time you went over there, who was the executor of the estate?

A Will Kelly.

Q He was still the executor at that time?

A Yes, sir, in November of '83, yes, sir, and he remained executor until it was finalized by the Supreme Court June 16 of '86.

Q Was he removed?

A Yes, sir. By order of January 3, '84 of the probate court, because if you look at that will, he is the executor and then the will says that I am giving these leases and laundromat equipment to will Kelly conditioned upon his paying that \$300. Well, Mr. Kelly had an inherent conflict, not brought about by himself, no wrongdoing on Mr. Kelly's part don't misunderstand me, but he wasn't going to sue himself to see if that \$300 that was in that will was owed or not.

Q So who became the executor after him?

A Hasn't had one.

Q Hasn't had one?

A No, sir. Well, this affidavit of Mr. Bryant's says he was reappointed December 4, but that is without any notice to me as Pauline's executor or to the beneficiaries under the will, but that is neither here nor there.

Q Did you sign for the nursing home bill for Mrs. Knight?

A I had to, yes, sir.

Q So if the estate didn't pay it, would you have been responsible for it?

A Yes, sir, without question.

Q Did you visit Mrs. Knight when she was at the nursing home?

A Yes, sir. I visited her but my wife is the one that went out there three or four times a week because I was on the road holding court and my mother suffered for three years from a terminal cancer and it kind of upset me. I didn't go out there as often as maybe I should have, but my wife did that.

Q Next question, you indicated venue was not really important as to which county because it was being heard as a non-jury trial. My question I guess to you is why did you execute an affidavit, or did you execute an affidavit?

A I did execute an affidavit. I expected to be called as a witness and my residence was Barnwell, but the issue was whether Mrs. Knight was a resident of Barnwell County, but Mr. Bryant brought it in Orangeburg where the power of attorney in fact lived, and there is no law that I was ever able to find that distinguishes between whether the proper venue be for the person who has the power of attorney or for the person that is the primary party to the suit, which was Mrs. Knight, but, see, when those other people signed those affidavits, it was undetermined unknown whether they would be necessary--the nurse, the people out at the nursing home, whether or not they would be called, whether Dr. Claytor would be called as to her mental competency or what.

Q The next thing I have got is going to the evening of the court trial you said you were back there and met Judge Cottingham as he was coming in and you said that you--

A No, sir. Let me interrupt you if I may. I didn't meet him when he was coming in. When I got there, I went down through the front door of the courthouse and went down the hall and went up the backsteps, the only steps to the upstairs courtroom and I walked in to my library and he was in my office, and I put my books down, my charge books and my briefcase, and I picked up my file and said "hello" to Judge Cottingham and we walked into the hall, and from the hall there are two entrances to the courtroom, one by the court reporter and one by the other. Judge Cottingham knew I was a judge. If I went in piggy back on his shoulders, that wasn't going to have influenced anybody, Senator McConnell.

Q My question though is what file was it that you picked up?

A The file of Kelly versus Knight.

Q This case, you kept a file on this particular matter?

A Sure, I did; sure, I did.

Q And the question, I believe it was from Senator Smith, I don't have a calculator here and I guess my brain is getting a little bit rusty, but you were spitting all those figures out of \$12,000 here and a little bit from this house and a little bit from that house. In a nutshell approximation what is the estate that your two daughters would inherit, an approximate total what can we expect, not breaking it down into its component parts, but just an approximation?

A Senator McConnell, from what Ms. Pauline had in Barnwell there is five to seven thousand dollars in her bank account, those two houses were appraised at \$43,000, one has been sold for 18 and my guess is the

other would be sold from 18 to 20. I would say 40 at the outside for the two houses, so if the 7000 cash and 40,000 for the two houses, that would be \$47,000.

Q How about the part of Mrs. Knight's deceased husband's estate that would be coming in there?

A There is a house over there and she paid half, he paid half and she inherited his half. It is assessed at around 39 to 40,000 is my recollection. It's been vacant for four years. It's a small three-bedroom brick house that backs up to a low income housing neighborhood, albeit it's on Adden Street on the way to the river, I am not sure if it has one bathroom or two. There is probably \$5,000 owed on that house. My guess is if you got 35 to 40 for that house, you would be indeed fortunate. The last accounting that was filed some two years ago reflected \$45,000, or maybe \$44,000, which Mr. Kelly had as executor--that was about two years ago, and that is after some \$5300 had been paid to Mr. Bryant for attorney's fees and \$500 to Mr. Berry, and there is another--paid himself \$2,000 plus the commissions. I really don't know. I would assume that that house over there assuming you get 35 for it net after you paid the mortgages due on it, the payments are about \$105 a month, is only 3 or 4,000.

Q How much in cash and personal property is left, do you know?

A I would say about \$45,000. That is the last accounting two years ago and I assume that is at 5 percent interest. I don't know what has been invested in the personal items in the house. I think they were appraised at \$2500.

Q In September of this year some records indicate there was approximately \$101,000. Now, from that there were expenses I take it at least on what I hear, this is Mr. Knight's estate--excuse me, in Pauline Knight's total estate was \$101,000, then the deductions from that, correct?

A The difference in that is that they are including the half interest that she automatically owned not through the estate of Wilkes Knight in that \$40,000 house, see, that is where the difference comes in. That information was sent by the judge of probate. She already owned a half interest in it before Mr. Wilkes Knight died.

Q The question I have, which is the thing that troubles me, is the question that was asked in that hearing. It says "Judge Peeples, do you have any interest in this matter," and I don't mean to be redundant with the same question, but when you heard that question, "any interest," and it said other than the fact you were friends with Mrs. Pauline Knight, did you understand that question as any interest or legal interest?

A Sure I understood that question. I felt then, as I feel now, that I didn't have any interest in Mrs. Pauline Knight's estate or Mrs. Pauline Knight other than trying to help the lady, and I answered the question knowing of course that I was the executor of her estate but I didn't know whether there would be anything in her estate to begin with, but that is immaterial, you don't get to that point. I couldn't have revealed the contents of her will. It had no bearing whatsoever on that case.

Q I guess my last question is in that particular hearing what was the purpose of your testimony as a witness? What material purpose did your testimony serve in that non-jury matter?

A To testify that demand had been made to pay the \$300 and it hadn't been forthcoming. As I said earlier today, in retrospect and reflection, hindsight that might well have been stipulated by the parties.

Q My next question is was that even in issue as to whether or not the money had been paid? Wasn't the issue whether or not there was an obligation to pay?

A That's right.

Senator McConnell: Thank you, sir.

Examination by Representative Gentry:

Q You are not related to her at all?

A No, sir, and not to Mr. Knight. He was a fine gentleman but the press had reported that was my stepfather's widow and that is incorrect.

Q You are in no way related?

A No, sir, no blood kin or no married kin.

Q Going through the years, they lived as neighbors of yours for two years?

A Yes.

Q What year was that?

A 1972 and '73.

Q They moved to Orangeburg, is that correct?

A In early '74 is my best recollection, that's right.

Q And lived there how long?

A In Orangeburg?

Q Yes.

A They lived there until the death of Mr. Wilkes Knight on August 22nd of '83 and, of course, Mrs. Knight had to be put in a nursing home in June with a broken hip and she moved back over to Barnwell because that is where she wanted to be and that is where we could look after her.

Q Did you all visit a great deal from the time she left Barnwell and when they moved to Orangeburg, in those years did you visit each other a great deal?

A Not more than three or four times a year. Really they visited us more than we visited them because they would come back to Barnwell to check on her rental property and they would stop by. They visited us.

Q How old was she when she made the will?

A I would say 68. She was 80 when she expired in 1986, so subtract 12 from that, so I would say 68.

Representative Gentry: No further questions.

Examination by Representative Arthur:

Q Judge Peebles, you say that the Knights lived next to you for approximately two years?

A Yes, sir.

Q And prior to that did you represent her?

A Yes, sir.

Q I believe you testified earlier you represented her for a number of years, right?

A Yes, sir, from 1964.

Q So I mean you knew her very well, you have testified you knew her?

A Yes, sir.

Q You knew the family for some time prior to that?

A Yes, sir.

Rep. Arthur: No further questions.

Senator Lourie: No questions.

Examination by Senator Martin:

Q Judge, one question. Did I understand you to say that the estate has paid attorney fees for Mr. Bryant, five or six thousand dollars? Was he representing the estate in all this litigation or the individual executor?

A He was defending a debt allegedly owed by the executor in an individual capacity, sir.

Q And the estate has paid that fee?

A Yes, sir. There has been no hearing on that and no determination as to the propriety of it, and there has been some commissions paid out and other--

Senator Martin: I have no further questions.

Senator Smith: Any other questions from the committee?

Rep. Gentry: Just one more.

Examination by Representative Gentry:

Q Judge Peebles, they moved to Barnwell County in 1964?

A No, sir. They didn't move to Barnwell in '64. Mr. Knight was living in Orangeburg in '64 and Ms. Pauline was living in Barnwell.

Q This was her third marriage?

A No, sir. This was the fourth. Her first husband got killed in World War II and her second husband got killed and she had been divorced in 1966, I handled that divorce for her and that was her fourth marriage. I believe it was Mr. Wilkes' third marriage. I think his second wife had expired. I am not sure what happened to his first wife. He was older than she.

Q When they got married, they lived in what county?

A Well, they lived in Barnwell County, then they moved to Orangeburg in December of '73-January of '74 I would say. They were living in Orangeburg at the time I drew up her will in April of '74. I know they had moved over there by then.

Q Did they live close to you when they got married?

A Next door about 20 feet.

Senator Smith: Any other questions from members of this committee? (no response.)

A I apologize for keeping Mrs. Toal waiting. You know I thought I was being a gentleman by telling Judge Connor, "Judge, why don't you be screened first, you don't have anybody complaining." if I had known she had some complaints, I would have asked you to go first, but I am sorry.

Senator Smith: Judge, let me state to the committee and the members that in preparing for this and talking with the people involved in the complaints I gave conflicting instructions. I have told Mr. Bryant as I recall that there would be an opportunity to have a short statement probably in rebuttal, and I told Judge Peoples I wasn't going to let that happen. I am reminded of a non-jury case I tried before Judge Peoples one time and he said he had heard everything but in the interest of being polite, I am going to hear from you anyway. We would be delighted to hear from you two gentlemen just in connection with anything else you would like to respond to very briefly. I ask Mr. Heath first.

Mr. Heath: Thank you, Senator Smith. I didn't have my hand on the Bible but it is the same when I raised my hand.

Senator Smith: We understand that.

Mr. Heath: And I wouldn't raise my hand and swear on the Bible if I wasn't telling the truth. What Judge Peoples told you was altogether different. What I had in that letter, that was exactly what happened. Now I am not being screened. He said I was a magistrate for eight years and that I was tried for embezzlement and are you going to believe a man like that? You talk to the sheriff and you ask the sheriff what kind of citizen is Charlie Heath in Fairfield county, is he a churchman? He is a ruling elder of the First Calvary Presbyterian Church. If you are familiar with the presbyterian church, I am also a clerk of sessions. I spent three years, nine months, eight days in the United States Army with a perfect record. I was a magistrate eight years and handled over half a million dollars, nothing was missing. Here's a check that was in the bank of Fairfield where I had my master's account. Two years after John Martin represented me, Senator Martin, and they found out I didn't owe the county no money, this check was made back out to Charlie Heath, jr., and I want to remind you of this. I wish he had checked the highway department to see if Charlie Heath got a record for D.U.I., check the sheriff's department, the police department in Fairfield and Winnsboro and see does Charlie Heath have a record for D.U.I.?

Senator Smith: Mr. Heath, as you said, we are not screening you.

Mr. Heath: That's right. He is the one that wanted to make me a criminal. I wasn't tried for no embezzlement, misappropriation of funds, and you all don't know but I want you to believe this, this was a set-up all the way around, but it is just one of those things that happened to Charlie Heath and he got caught up in it. I'm not ashamed. I'm proud of myself. Thank you, sir.

Senator Smith: Knowing you had good, competent counsel in the senator over there, I feel much better.

Mr. Heath: I want to say to you, ladies and gentlemen, that I appreciate you giving me the time to come before you and if you doubt my veracity, it's left to you. He is a very convincing man. Thank you very much.

Senator Smith: Mr. Bryant.

Mr. Bryant: I don't want to take but one minute, and I don't think this is an adversary proceeding and I am not

here to try to prove any case or see who can win this thing. I told you before, it's extremely distasteful for me to be here and wouldn't do it again for a million dollars. This thing has been going now for--that hearing was held two years ago and Mr. Kelly has been in it for about four years. I would like to call this briefly to your attention, and I don't think it matters because, again, I am not trying to prove anything. I am sorry that Judge Peeples thinks that my allegations are scurrilous or malicious. I assure you, Judge Peeples, they are not. I am sorry that he chose to say that maybe I was here seeking some vengeance because he had put some clients of my firm in jail. I suggest to you that was an inappropriate remark for Judge Peeples to make. He knows better than that. To my knowledge I have had reasonably good success before him. [¶] Judge Peeples is not a man without some ability. He has some God-given talent to be a lawyer and a circuit judge, and he has dealt with me for the most part, where I have appeared before him as a lawyer and he as a judge, fairly with some degree of arrogance as you might notice, but he has been a fair judge and he is reasonably well versed in the law, and I think he knows that I would not appear here under such circumstances. [¶] Something has been said about the basis for his actions and his regard for the attorney-client privilege. I would say to you that that same regard that he had for Mrs. Knight did not extend to the time when he approached Mr. Barnwell, Mr. Kelly and Mr. Knight's lawyer, who drew this agreement to discuss the matter with him, nor when he talked with Mr. Berry about his relationship with Mr. Knight. He had Mr. Kelly's permission to talk to him. He did not have Mr. Knight's. Mr. Knight was dead, and, yet, they discussed that old will. I am throwing that at you. I am not trying to create anything for us to argue all afternoon about. [¶] Senator McConnell, I believe you asked about what Berry had told him, and Berry testified pretty much that there was never a transfer of this property, this equipment, this laundromat equipment, that Knight continued to depreciate it, that he continued to show rental income, that Kelly continued to show rental expense. He testified to that. In the area of page 60 to 65 of the transcript, Judge Peeples' first statement when they asked him about what Mr. Berry told him, Judge Peeples said "He told me back then about what he testified to today," so he had a pretty good foundation to indicate that that agreement had never been carried out, but, as I say, Judge Peeples has made an excellent presentation on his own behalf here today, and goodness knows I wish it had not been necessary for us to have this thing. He is wrong to say that that matter has been before several tribunals before. His qualifications are up today for the first time. The Supreme Court didn't have that before them. Judge Cottingham didn't have that before him, either in oral argument, a motion for new trial. Judge Peeples' qualifications have never been before anybody until today, and this is the only time. [¶] I have never regarded myself as a very good lawyer. I am not a very good student. I can't find the southeastern reporter, much less a case in it. It's difficult for me to do that. I am not a very good trial lawyer, but I do have some pride--

Senator Smith: You are extremely modest.

A I do have some pride, Mr. Chairman, in my grasp of the truth and the character of the law to do what is right, and I know that I have done what is right in bringing these matters to your attention; I could have done nothing else. I wish I didn't have to come up here. I despise this and I will remember this day as long as I live. Rodney Peeples will remember it because I caused it for him, and I regret that very much, but I had to appear here today, and I have presented to you what I think are some very, very serious allegations, some far more serious than others, and it was very disappointing for me to hear Judge Peeples deny completely every allegation I brought to you, not one ounce of contrition from Judge Peeples' mouth, not one. [¶] I thought maybe, as I was thinking what is he going to say, how is he going to answer that question when I ask him "did you have any interest," what is he going to say when that committee questions him about that," I thought to myself he is going to say that was a stupid answer, I shouldn't have said that, I should have told them. It was stupid of me to draw that will. It was ridiculous to act as executor. I shouldn't have done it and I am sorry I did it, I made a fool of myself, but he didn't do that. So you have it before you now. He and I have diametrically opposing views about his conduct in the case. There is no question

about it. I have discharged the responsibility that I think I have to the people of this state, to the bar in this state and to myself, and as far as I am concerned the matter is over. I have no further interest in the outcome of it. I have done what I hope to be my duty and it may be that I now pass this responsibility over to you. I hope it never falls my lot to be in a situation like this again. Thank you very much.

Senator Smith: Senator McConnell has one other question for you.

Examination by Senator McConnell:

Q I need to know one other thing. Since Mr. Berry wrote both wills, did Mr. Berry give any explanation for that later will containing that paragraph in it regarding the sale of the equipment?

A Mr. Berry in private gave to me the explanation that when Mr. Knight came back up there, Mrs. Knight was in the nursing home and couldn't be the executrix. Charlie Brown was dead and had already been buried at Memorial Park Cemetery in Orangeburg right next to where Wilkes Knight was later buried, and he wanted those two things taken out and he also wanted to name his stepson, Will, as the executor, and there may have been some other slight modification. Berry tells me he handed it to his secretary and said "retype this will but make these changes," and as a result, the provision from the '73 will got retyped.

Senator Smith: We have that transcript.

A He was not so clear when he testified in court about that facet of it.

Senator Smith: Will you agree that Charlie Brown was a nice dog?

A No, sir. I never met Charlie Brown. I know the love and affection that a man can have for a dog and I can certainly sympathize with that.

Senator Lourie: Mr. Bryant, do I understand that you sort of stipulated with Judge Gregory that it would have made no difference--it would not have made any difference in your motion if a new trial was granted?

A I did. I was a little embarrassed because there are apparently, Senator Lourie, some rules about new trials after verdict, after judgment, about which I did not know, and when we opened that argument, before I ever said "may it please the court," Justice Gregory said "Mr. Bryant, there are four grounds for granting a new trial when a matter is before this court," and he listed them. He said "you don't come under any of those, do you?" I said "I sure don't, Your Honor." When he said that I was in the wrong forum, he said that should have moved the Supreme Court to remand it to the lower court for that purpose, and that is why I was in the wrong forum, but then he asked me "If we remand it and you are allowed to introduce this evidence, do you think it will make any difference in the outcome of the case," and that is the first time I considered that, and I frankly told him truthfully I did not.

Senator Smith: Let me also say for the record that I neglected to mention earlier that we last screened Judge Peeples on February 27, '86 which of course was before this hearing but after Mr. Heath's complaint--I think the record ought to show that--and no one came forward. As I understand it, Mr. Bryant, you would like for Judge Peeples to remain on the circuit bench and try the next term of common pleas court in Orangeburg? (laughter.)

A If you want to add some levity to this proceeding, I would say that I have had excellent success before Judge Peeples in civil matters where he was the judge. He has always been fair and straightforward, and if I had a losing case, quite often he would help me settle it.

Senator Smith: I want to say that not to detract from the seriousness of this, but I know both of you gentlemen to be reasonable and honorable people. Anything else on this judge? (no response.) Speaking of reasonable and honorable people, Representative Jean Toal has been in this room since before most of us got here. It is the quietest and stillest that I have ever seen the lady.

(Jean H. Toal, candidate for associate justice of South Carolina Supreme Court, was duly sworn by Senator Smith.)

Examination by Senator Smith:

Q I know it's extremely difficult for you to sit there because there is nothing humans love like a good struggle--

A Given the subject matter, it's been quite satisfactory to remain silent, thank you, senator.

Q Ms. Toal, like the others, you have had an opportunity I trust to review our personal data questionnaire summary which is simply an attempt to save on printing costs, and I will ask you is it correct insofar as you can tell? We

had difficulty frankly shortening your description of your legal experience in the various cases because it is so outstanding and I didn't want to leave anything out. Is there anything that needs changing?

PERSONAL DATA QUESTIONNAIRE SUMMARY

1. Jean Hoefer Toal [¶] Home Address: Business Address: [¶] 2418 Wheat Street P.O. Box 8057 [¶] Columbia, SC 29205 Columbia, SC 29202
2. She was born in Columbia, South Carolina on August 11, 1943. [¶] Social Security Number: ***-**-*****
4. She was married to William Thomas Toal on August 24, 1967. They have 2 children: Jean Hoefer, age 16 and Lilla Patrick, age 7.
6. She attended Agnes Scott College, September, 1961 to June, 1965, B. A. Degree, Major/Philosophy; University of South Carolina Law School, September, 1965 to June, 1968, Juris Doctor.
8. Legal Experience since graduation from law school: [¶] Haynsworth, Perry, Bryant, Marion & Johnstone, Greenville, South Carolina, Associate, September, 1968 to August, 1970; Belser, Baker, Barwick, Ravenel, Toal & Bender, Associate, August, 1970 to December, 1973, Partner, January, 1974 to present
9. Frequency of appearances in court for the past five years: [¶] Federal - approximately 50 times [¶] State - approximately 140 times [¶] Other - administrative trials - approximately 100 times
10. Percentage of litigation: [¶] Civil: 80% Domestic: 23% Criminal: 2%
11. Percentage of cases in trial courts: [¶] Jury: 50% Non-Jury: 50% [¶] Sole counsel/20% chief counsel/60% [¶] Associate counsel/20%
12. Five (5) of the most significant litigated matters in either trial or appellate court:
 - (a) Fox v. Scholer and Bruckner, United States District Court, District of South Carolina, C. A. No. 81-300-0 [¶] She was the sole counsel for Defendant Bruckner. A jury trial for two and one-half weeks resulted in a verdict for Defendants. There was a seven count complaint alleging medical malpractice, alienation of affections and criminal conversation, intentional infliction of emotional harm, conspiracy and fraud. There was considerable pretrial discovery and pretrial court appearances in the District Court of South Carolina and District Court of Ohio.
 - (b) Tall Tower, Inc. & S.C.E.T.V. v. South Carolina Procurement Panel and Charleston Television, Inc., Supreme Court Docket No. 87-253 (C.A. 86-CP-40-3152) [¶] She was lead counsel, tried the case and wrote briefs. She argued the first case to the Supreme Court. The second case is pending before the Court of Appeals. These allied cases involve a dispute as to the procurement by South Carolina Educational Television. The Tall Tower case will be a significant new opinion in the separation of powers area.
 - (c) State v. Larry Portee, Fifth Judicial Circuit, General Sessions, 1980. [¶] She was co-counsel. She assisted in all pre-trial action and the trial of the case. This was a death penalty case involving murder during the commission of an armed robbery. After two days of trial, the death penalty was abandoned and a plea to voluntary manslaughter was offered and accepted.
 - (d) United States v. Adams, et al., U.S. District Court, District of South Carolina, 1981, Judge Charles Simons presiding [¶] This case involved two and one-half weeks of trial of four co-defendants accused of embezzlement of monies from Fort Jackson Post Exchange. She was sole counsel for AdaMs. Her Defendant and one other received jury verdicts of not guilty. The other two Defendants were convicted which was later overturned by the Fourth Circuit.
 - (e) Owen Martin v. National Railroad Passenger Corporation (AMTRAK), U. S. District Court, District of South Carolina, C. A. No. 3:86-539-16 [¶] She was co-counsel and participated in all phases. She represented the Plaintiff. The case involved personal injury involving derailment of an Amtrak passenger train. The case took over a year of intensive discovery and numerous court appearances. The case was ultimately settled for an amount which is sealed until February, 1988, but which exceeded one million dollars.
13. List up to five civil appeals which you personally have handled, giving the case, the court, the date of decision and citation, if reported.

(a) Lindsay v. National Old Line Insurance Co., 262 SC 621, 207 SE2d 75 (1974) [¶] She wrote the brief and participated in the argument. This decision set forth rules for construction of the “Retaliatory Statute” which involves license fees and taxes paid by a foreign life insurance company and also set forth South Carolina’s approach to retroactive legislation.

(b) Peterkin v. Peterkin, 360 SE2d 311 (S.C. 1987) [¶] She was co-counsel at the trial and wrote the brief. She argued the case to the Supreme Court. This represented the latest treatment by our Supreme Court of the doctrine of transmutation.

(c) Eslinger v. Thomas, 324 F.Supp 1329 (D. S.C. _____) [¶] She participated in the trial. The case established the right of women to serve as pages in the South Carolina Senate.

(d) Catawba Indian Tribe v. South Carolina, _____ U.S. _____ (1986), 740 F.2d 305 (4th Cir. 1984); 718 F.2d 1291 (4th Cir. 1983). [¶] She participated in the trial, the writing of briefs for district court, Fourth Circuit, and U.S. Supreme Court. She presented the argument at the Fourth Circuit. This represented the third largest eastern Indian land claim. The case involves federal Indian Law, constitutional issues, and state property law. It is ongoing and back at the Fourth Circuit.

(e) Able v. S.C. P.S.C., 290 SC 409, 351 SE2d 151 (1986) [¶] She wrote the brief and argued the case to the Supreme Court of South Carolina. This case represented the requirements of the South Carolina Administrative Procedure Act regarding the fact finding at the administrative level.

14. If the position which you seek is on an Appellate Court, cite up to five (5) criminal appeals which you have handled.

(a) State v. Sachs, 264 SC 541, 216 SE2d 501 (1975). [¶] She participated in the trial and wrote the appellate briefs and participated in the argument before the Supreme Court of South Carolina. This decision set forth a major restatement of the law of search and seizure in this state.

(b) State v. Hyman, 276 SC 559, 281 SE2d 209 (1981). State v. Linder, 276 SC 304, 278 SE2d 335 (1981). [¶] These decisions set forth detailed rules with regard to the State’s death penalty statute. She participated in the submission of an amicus curiae brief which discussed from a legislative perspective issues regarding proportionality in sentencing and other issues.

(c) Downey v. Peyton, 451 F.2d 236 (4th Cir. 1971) [¶] This was a habeas corpus proceeding for a state prisoner in which a new trial was obtained where the jury had been improperly influenced by information which came to a Juror outside the trial of the case. This decision set forth guidelines for when the “jury room may be invaded” to determine whether the jury received extra trial information.

16. Public Office: South Carolina House of Representatives, District 75, elected November, 1974 to present; South Carolina Commission on Human Affairs, 1972 to 1974, appointed by Governor

17. Unsuccessful candidate: South Carolina Supreme Court, filed Fall, 1984, withdrew before election January 29, 1985

19. Officer or Director: She is Director for American Executive Life Insurance Company

22. Tax lien: She has paid penalties for late filing of income taxes and of withholding taxes on my housekeeper.

23. Sued: [¶] (1) D. Edward Simon v. William T. Toal, Partner of Johnson, Toal & Battiste, Law Firm; Jean Toal, State Representative, A Backer/Supporter of CAVE; Grady A. Wallace, Commissioner, South Carolina Parole & Community Corrections, U.S. District Court, C.A. No. 86-924-3; U.S. Court of Appeals for the Fourth Circuit, No. 86-6616 [¶] The Plaintiff was a state prisoner proceeding pro se who sought to file a complaint pursuant to 28 U.S.C. Sections 1915 and 1983 against her husband, who was his lawyer for an unsuccessful application for parole, herself, as a legislative supporter of Citizens Against Violent Crime and the Commissioner of the Parole Board. The suit was dismissed as to William T. Toal and herself.

(2) She has been sued in her capacity as a state representative in suits involving reapportionment of the South Carolina Senate, South Carolina House of Representatives and United States Congress.

24. Disciplined: She has had two (2) complaints lodged against her with the South Carolina Board of Commissioners on Grievances and Discipline. She does not have the complete paperwork for these complaints so the dates are approximate:

(1) A Defendant in a state court action which she brought on behalf of Charlene Brandt, a Columbia resident who was injured in an automobile accident, complained to the Board because she served him with a Complaint in this civil action. The suit was against his son whose address was the same as his. The Board dismissed the Complaint against her and the civil action proceeded, being ultimately resolved by settlement in her client's favor. This occurred in approximately 1980.

(2) (Name has been deleted due the fact that the record is sealed in this matter) In August of 1985 Mr. John Doe, his mother and his eight (8) brothers and sisters brought a complaint against her in connection with her representation of the family in a condemnation matter involving land in Fairfield County. She immediately contacted the Doe's family attorney Michael Kennedy, Esquire, of Shelby, North Carolina. They negotiated a settlement of the controversy which resulted in a complete release of all claims against her, a request of the Doe family to withdraw their grievance and a dismissal of the grievance by the Board of Commissioners.

25. Her health is excellent.

26. **She was hospitalized November 24, 1980 for cesarean delivery of Lilla P. Toal. She returned to work January, 1981.**

27. She wears glasses. Her sight is corrected to 20-30. She also wears a hearing aid infrequently to enhance hearing because of nerve damage to the 8th cranial nerve as the result of ear infections.

32. Civic, charitable, religious, educational, social, and fraternal organizations: St. Joseph's Catholic Church, Member of Parish Council and Lector; Shandon Neighborhood Council; Columbia Forum; Agnes Scott Alumnae Association.

33. She does not know of any information which would reflect adversely on her. With regard to information of a positive nature, she believes she would bring to the Supreme Court considerable experience as a litigator in the state and federal system. She has been privileged to appear on a frequent basis in all levels of the trial and appellate court systems in this state. She has also had considerable experience in federal district court, the Fourth Circuit Court of Appeals and one appearance as co-counsel before the United States Supreme Court. Her experience includes a balance of plaintiff's work, defense work and complex constitutional litigation. She has written many trial and appellate briefs at all court levels. She has also had considerable administrative law experience in litigation involving environmental matters, procurement and state bidding, hospital certificates of need and employment matters. [¶] Her legislative experience over the past 13 years has involved floor leadership of complex legislation in the fields of constitutional law, utilities regulation, criminal law, structure of local government, budgetary matters, structure of the judicial system, banking and finance legislation, corporate law, tort claims, workers compensation, freedom of information act, environmental law, to cite major areas of interest. In many instances, she has had a primary role in drafting and floor leading legislation in these areas. She believes she brings a practical approach to scholarship which would be valuable to our court.

34. Five letters of reference:

- (a) Joel Smith, President [¶] NCNB of South Carolina [¶] 1301 Gervais Street, Columbia, SC
- (b) Francis P. Mood, Esquire [¶] 12th Floor, Palmetto Center, Columbia, SC
- (c) D. Cravens Ravenel, Esquire [¶] P.O. Box 8057, Columbia, SC
- (d) Julius W. McKay, Esquire [¶] SCN Building, Columbia, SC
- (e) Clinch Heyward Belser, Esquire [¶] 811 Albion Road, Columbia, SC 29206

Dear Senator Smith: [¶] Re: Application for Consideration - S.C. Supreme Court [¶] At the request of Mrs. Jean Toal, I am writing on her behalf and in support of consideration for her application for appointment to the S.C. Supreme Court. [¶] I have known Mrs. Toal and her family for most of my life and know them to be very fine and upstanding members of this community. I have been associated with NCNB (formerly Bankers Trust of South Carolina) for over 16 years and have known Mrs. Toal as a valued customer of our bank in Columbia. She has always handled financial transactions in a most satisfactory and responsible manner and I would certainly assume this approach to doing business would be reflected in her other professional pursuits. [¶] She is a person of high intellect and integrity and is certainly well qualified for this position. Please accept this as my recommendation that she be considered for nomination to the South Carolina Supreme Court. [¶] **Sincerely,** [¶] /s/ Joel A. Smith, III [¶] **President**

Re: Jean H. Toal [¶] Dear Senator Smith: [¶] Jean Toal has been a law clerk, associate or partner in law firms of which I have been a member for more than two decades. She is a person of outstanding professional qualifications and of the highest integrity. I believe that in the almost 40 years in which I have practiced law I have never met a person who could absorb, analyze and organize into persuasive legal arguments more facts and law than could Jean Toal. Happily, she combines the capacity for vigorous advocacy where required with the judicial temperament where realistic judgments and evaluations are required. In my judgment, all of those capabilities are required, or at least useful, in serving as a member of the South Carolina Supreme Court. [¶] In my opinion, Jean, if elected, would grace the Bench as she has the Bar. She is, to say the least, eminently qualified. [¶] I regard it as a privilege to be able to supply this letter. [¶] **Sincerely, [¶] /s/ C. Heyward Belser**

Re: Jean Hoefer Toal [¶] Dear Senator Smith: [¶] This letter is written in behalf of Jean Hoefer Toal recommending her for the position of Associate Justice on the Supreme Court of South Carolina. [¶] Mrs. Toal, born in Columbia in 1943, obtained her BA from Agnes Scott College in 1965 and her JD degree from the University of South Carolina in 1968. She began her practice in Greenville with the law firm of Haynsworth, Perry, Bryant, Marion and Johnstone where she immediately demonstrated superior legal talent. She returned to Columbia and is now a senior partner in the law firm of Belser, Baker, Barwick, Ravenel, Toal and Bender. [¶] Jean is a leader in civic affairs having been elected outstanding young woman in America on three separate occasions, recipient of the Columbia Jaycees distinguished service award, elected to the House of Representatives in 1975 where she still serves with honor and distinction, been selected by the Greenville News as the outstanding legislator of the year and received the South Carolina Municipal Association DSA award. Over the years she has become a leader in the House of Representatives, sponsored and worked through the legislative process many important pieces of legislation. She is a capable, honest, and trustworthy legislator. [¶] In her law practice Jean has been involved in many important trials representing a variety of clients, both on the plaintiff and defendant's side. To each of these cases she brought the highest standard of ethical and professional conduct, upholding the integrity and honor of the legal profession in every way. She applied her knowledge, experience and ability to the promotion of her client's causes without ever compromising ethical standards. Mrs. Toal has tried cases on every level of court in South Carolina including the United States District Court. She has handled appeals before the South Carolina Court of Appeals, the South Carolina Supreme Court as well as the United States Court of Appeal for the Fourth Circuit and the United States Supreme Court. In each of these forums, she has presented the court with arguments representing the highest quality of legal expertise. Her experience in these arenas would be of invaluable assistance to her as a Justice on the Supreme Court of South Carolina. [¶] Mrs. Toal, a lawyer of unsullied reputation, maintains the highest ethical standards, has had vast experience in all areas of the law but maintains a balanced temperament which well suits her to be a Justice on the Supreme Court of South Carolina. She would grace the court with the dignity and honor which that Court commands and deserves. [¶] **Yours very truly, [¶] /s/ Julius W. Mckay**

Re: Associate Justice (Vacancy of Justice Gregory) [¶] The Honorable Jean H. Toal [¶] Dear Senator Smith: [¶] My law partner, Jean H. Toal, is, as you know, a candidate for the vacancy on the South Carolina Supreme Court created by the election of Justice Gregory to the position of Chief Justice. [¶] I have known Jean since law school and her family before that. As an active Republican I had the opportunity to see Jean as a member of the opposition. In addition, as a trial lawyer I have had the opportunity to see Jean both at administrative hearings and non-jury and jury matters in our trial Courts. [¶] About five (5) years ago my firm merged with Jean's firm and since that time I have had the pleasure of working with her in administrative hearings, non-Jury and jury matters in the Federal and State Courts and in Appellate matters before the Courts of Appeal and the State and Federal judicial system. Given that background I am in a good position to give your Committee some insight into Jean H. Toal, the lawyer, the legislator and the person. [¶] Jean's experience on the South Carolina Law Review coupled with her substantial writing skills have come together to produce a consummate appellate attorney. Her forceful writing and appellate advocacy are widely recognized by the South Carolina Bar and in the most sincere way possible, she is frequently associated by members of the Bar to prepare briefs and argue before the various Federal and State Courts of Appeal. [¶] I have also had the opportunity to see

Jean in the Courtroom and her skill in the examination of witnesses is unexcelled. I have seen her turn an entire case around on the strength of her cross-examination of hostile witnesses. She is clearly one of the most skillful advocates in the active practice today. [¶] Of equal importance, Jean's advocacy is carried out within the framework of the Rules of Practice and the Code of Professional Responsibility. Ethical considerations, not temporary expediency, govern her conduct as an attorney. [¶] While it is always problematical to predict how donning the black robe will affect a person's attitude I have known Jean both as an adversary, as well as a law partner and she has, without failure, acted in a professional and courteous manner while presenting her client's position with force and clarity. [¶] I have further observed that Jean has not taken advantage of her position as an attorney, or a legislator to demean, ridicule or take unfair advantage of any opponent. She fights to win, but she fights within the rules and without rancor or pettiness. [¶] Although I do not know how she manages she has accomplished all this without sacrificing the really important things in her life, her family and her church. If I had to guess, it is this balance to her life that gives her the remarkable insights and judgment she brings to the practice of law. [¶] Jean's children are a reflection of a life that not only is competitive and adversarial, but one in which expediency is abjured. It is impossible to see Jean and Bill with their children and not know that not only are these children taught what is right, but also that they, on a daily basis, see those lessons put into practice. [¶] I was once told by an attorney for whom I have the greatest respect that a Judge's life must, of necessity, be a lonely one. I did not fully appreciate what he said until much later in my life. I think Jean would be "a lonely woman" in the sense that she would let the law lead her to a logical, reasoned opinion regardless of how the result might affect friend or foe. [¶] South Carolina has the opportunity, not just to place a woman on the Court, but to have the benefit of the thoughtful, well reasoned opinions of one of the brightest minds available. I strongly recommend Jean H. Toal for your Committee's favorable consideration. [¶] **Yours truly,** [¶] /s/ **D. Cravens Ravenel**

Dear Senator Smith: [¶] I am writing to commend to you the qualifications of Jean H. Toal to serve on the Supreme Court of South Carolina. I am sure that your file contains the essential biographical information on Mrs. Toal, her academic credentials, her leadership in the General Assembly and her service to the Bar. I will therefore limit my comments to first-hand observations of Mrs. Toal as a practicing lawyer. [¶] During my years in the practice, I have had the opportunity to observe Jean Toal as a legal practitioner in a number of cases, in some of which our interests were compatible and in others, we have been adversaries. I have always been impressed with her knowledge of the law, her skills as an advocate, and her professional commitment to the representation of her clients. [¶] In at least two cases, we dealt with issues of first impression in this state. One involved an early and, at that time, the most comprehensive interpretation of the State's Freedom of Information Act. Recently, we were involved in litigation lasting several years in which there were significant constitutional issues regarding the administrative review processes to be followed by a State agency. Unfortunately, in the latter, each of our clients withdrew their applications for certificates of need from DHEC before the case was heard by the S.C. Supreme Court. The case was, however, heard by the Honorable Walter Bristow at the first level of appellate review. In each of these cases I found Jean Toal to be well-grounded in the applicable constitutional law, perceptive in her analysis of the issues and skilled in articulating the arguments to be made. She displayed a keen awareness of the appellate process and the precision with which issues must be addressed on appeal. [¶] Mrs. Toal's writing skills are superb. She makes her points with clarity and forcefulness. She is a creative lawyer, but creative in a judicious sense. By that, I mean, she possesses the appropriate sensitivity to judicial precedent while being acutely conscious of the evolving application of the law. [¶] Finally, I believe Jean Toal possesses the temperament to be a first-rate appellate judge. She has the intellect and moral stamina to dispassionately address issues and to make decisions fairly and impartially. [¶] In the course of your deliberations as a committee, you may hear it said that it is time for a female to serve on the highest court of our state. That may be true, and if it is, there is none more qualified than Jean Toal. However, this recommendation is not predicated on this partisan issue. Among all candidates, I believe you will find no one more qualified than she. [¶] **Respectfully,** [¶] /s/ **Francis P. Mood**

A There are a couple of technical corrections that I would ask you to make, senator. On the question number 9--because I assume this is what you are going to print in the journal?

Q Yes.

- A It says "frequency of appearances in court," you might want to add for me and for the other lawyers you screen "for the past five years," because of course with 19 years of experience this wouldn't begin to set forth all those, but I understood the question to give a frequency over the past five years.
- Q Fine. I see what you are saying. The questionnaire says that but the summary doesn't.
- A But the summary doesn't, yes, sir.
- Q We will add that. We will add that in all cases I might add.
- A On page number 2 of the summary again, it's not numbered, but you will see about midway of the page a summary of the state versus and it says Larry Porter, that should be Portee. That last "r" should be an "e", and my husband, who is here with me today and was co-counsel, points out that we ought to make it clear in that case that the death penalty was abandoned right before we began to try the case and then the plea was taken two days into trial. In fact, Judge Peeples heard most of the pre-trial motions on that case and was very kind to both of us. I think I had one other if you will just bear with me for a minute. It's been so long since I have looked at this thing and I have kind of been mesmerized as you all have gone through this day.
- Q I will be glad for you to take the time to find it, or if you would like to look, we can correct it later.
- A All right, why don't I just do that. I think I have some other notes and if I could simply get with Barbara, they are purely typos and things of that nature.
- Q Any objection to that procedure?
- A No objection.
- Q Ms. Toal, so with those pending typographical changes, is there any objection if we include this in the journal as your sworn testimony as if you had testified to it?
- A No objection, senator.
- Q We have your letters of reference. Of course the board of commissioners on grievances and discipline says that their records reflect no complaints have been filed against you. Now, you disclose, however, two complaints, and I think I can categorize them as minor, one Charlene Brandt believe and this was--somebody got the wrong papers?
- A Yes. Mrs. Brandt was my client and I sued the defendant, whose name frankly I can't recall now, at the place the Highway Department had him listed. It turned out both he and his father were listed at that residence and his father received the papers. He was a retired military person from Hilton Head and he was quite disappointed to be served with papers, so he complained against me and it was dismissed; and, the second one, let me ask you this, and I had forgotten, this was the other thing I wanted to bring to your attention, the record in this matter is sealed. It did result in a withdrawal of any complaint but I would like for you to keep confidential the name of the complainant. I do so at his request.
- Q So without objection--that would be there the middle of the line starting paragraph 2, that name there?
- A Yes, sir.
- Q If everybody would mark through that. Court reporter be so instructed.
- A That was a matter in which I was attorney for a gentleman, his mother and eight brothers and sisters and I was the second attorney to become involved in this matter and a dispute arose between myself and the various members of the family concerning the progress of a condemnation case. As soon as the complaint was lodged with the State Bar Association, I contacted the principal member of the family who was handling this affair for the other members of the family, I contacted him and his attorney. We met. We very quickly resolved the dispute and the family signed a release which was tendered to me as well as to the bar grievance committee. They withdrew their complaint. I interpreted your question, senator, to say if you had ever had anybody complain about you even if it had been dismissed. It's interesting to me, I received a copy of the same letter you got from the state grievance committee and it says no complaint has ever been filed against Mrs. Toal, I presume if they dismiss them, they must tear them up.
- Q That is exactly what happens. It's a question of semantics and we get caught on that petard every now and then. We do not intend to. That is something I think we are going to work on getting that word straight.
- Senator Lourie: I think, Mr. Chairman, when they use the word "complaint," they mean the committee has formally filed a complaint.
- Senator Smith: That's correct. It means the committee has formally filed a complaint, and we use it in the sense of someone complaining about you.

A I answered it the way you wanted me to.

Q Your credit report is satisfactory. The driver's record is clear. The Richland County sheriff's department was contacted and they are negative on you, meaning there is nothing there. The Columbia City Police Department has been contacted and their records are checked, and that is negative. The criminal records section of the South Carolina Law Enforcement Division were checked and the result was negative. Judgment rolls of the Richland County clerk of court's office shows no judgments, and the F.B.I. card is clear. Your statement of economic interest of course indicates no particular conflicting associations. You do indicate that one of your law partners is an OSHA judge for the OSHA review board and you disclose that, and other than your legislative salary. Are there any questions from members of the committee? Some of you have waited long and hard for an opportunity to have Ms. Toal under oath. I would say you have previously been screened by this committee in--

A In 1984 I believe, sir, or early '85.

Examination by Senator McConnell:

Q It's a pleasure after serving on the conference committee with Representative Toal on the omnibus crime bill to ask some questions. I have just one question. The question I asked previously, do you have an opinion as to whether or not the death penalty is unconstitutional?

A Yes, I do. I believe it to be entirely constitutional and, of course, you know that, Glenn, as does Tom, because we had a good many discussions about it when we revised it to some extent in the omnibus crime bill. I believe it was constitutional as we initially enacted it and I believe our revisions, after some considerable advice from a lot of quarters, are constitutional.

Senator Smith: Any other questions? Ms. Toal, I know it's been a long day. I think it would be remiss if I didn't ask this, how can someone jump from the legislature to the supreme court without having any previous judicial experience?

A I appreciate you asking that, senator, because it is the issue I covered in your kind of catchall question, question 33, where you asked if there was anything else the candidate would like to discuss about his or her candidacy. I believe I would bring, Senator Smith, to service on the highest appellate court in this state the experience of a litigator--

Senator Smith: let me stop you and let me say to the members of the committee, generally we don't put that in the--it's not in your copy is what I am trying to say. We have it on the original but it's not in your copy.

A I will answer the question briefly. Could I ask that item 33 be also added to my response?

Senator Smith: Any objection to that? It's a good statement.

A I had anticipated that question being asked and what I basically said there is this: I believe I would bring to the state supreme court the experience of a litigator, and a very active litigator with 19 years of experience, with a great deal of appellate as well as trial court experience with the experience on every level of court in this state from the magistrate's court to the domestic relations court to the circuit courts of this state to the master's court to the federal district bench, the bankruptcy court to the Fourth Circuit Court of Appeals, our own court of appeals, our state supreme court and the United States Supreme Court. I think that sort of perspective of a litigator whose practice has spanned the late '60s to the late '80s would be a very valuable addition to the considerable body of experience that currently exists on our court. Without being too self-aggrandizing, but in an attempt to answer the question accurately, I believe I would also bring the considerable experience of someone who for the past 13 years has been very active in crafting most of the major changes in difficult legislation, particularly that as it pertains to the Constitution, as pertains to our court system, but also as it pertains to such diverse subjects as home rule, the corporate code, the criminal code and the like. I believe I have done more than simply vote on those matters. I participated very actively in the drafting of those matters, in the floor leadership of those matters and in some cases the testing of their validity in the court system. I think I would bring that to the appellate experience. [¶] I think finally I would bring a practical approach and an experienced approach to research and scholarship that I believe would be a valuable addition to the considerable scholarship that already exists in the appellate courts of our state. I think I would be prepared to do that in a fair way, in an impartial way. I was very complimented, as I am sure you would imagine, by the very kind letters that were submitted as letters of recommendation on my behalf, which I hope the committee would have a chance to view. I carefully picked the individuals I asked to write those letters of reference because I wanted individuals

who knew me both as a co-practitioner and as an adversary, and I consciously picked out individuals who have a considerable body of experience in the areas I have talked about. I tried to blend one legislator with three litigators, and all four of them with a vast amount of experience from top to bottom. [¶] One of the comments that one of my references, Cravens Ravenel, one of my law partners, made with respect to the ability to judge things fairly, he said he only realized after he began to be in practice for a number of years that judging was a lonely profession, and he said he thought I would be prepared to be that lonely woman in the sense that I would be prepared to look at matters in a dispassionate way and be fair without regard to who might be appearing before me. I hope you all know me well enough to believe that that would be the case.

Senator Smith: Any other questions? (no response.) Thank you very much. Anything else to come before the committee in open session? If not, without objection I will order us into executive session under the terms of the statute.

(WHEREUPON, THE PROCEEDINGS WERE CONCLUDED AT 4:30 P.M.)

FINDINGS OF FACT

The Judicial Screening Committee has investigated the qualifications of the following candidates and finds each to be qualified to seek election.

Supreme Court [¶] Honorable David W. Harwell [¶] Honorable Jean H. Toal

Circuit Court [¶] G. Thomas Cooper, Jr. Fifth Judicial Circuit

Family Court [¶] Benny R. Greer Fourth Judicial Circuit, Seat #2

With regard to Judge Connor, two witnesses came forward to testify that she was not qualified. Mr. Cephas Jennings testified regarding his appearances before Judge Connor where among other thing he was found in contempt of court for nonpayment of child support. We find that there was ample authority for Judge Connor's decision. [¶] Mr. Ray Hamm testified before the Committee in Executive Session regarding a case in which he was the attorney for one of the parties. His complaint centered around Judge Connor's decision in that case. Again, we find ample authority for Judge Connor's decision. [¶] Accordingly, we find these allegations without merit and find Judge Connor qualified.

With regard to Judge Peeples, the Committee was equally divided and filed two reports which follows. [¶] **Respectfully submitted, [¶] Thomas E. Smith, Jr., Chairman [¶] /s/ Sen. John A. Martin [¶] /s/ Sen. Isadore E. Lourie [¶] /s/ Sen. Glenn F. McConnell [¶] /s/ Rep. James M. Arthur [¶] /s/ Rep. Larry E. Gentry [¶] /s/ Rep. D. Malloy McEachin, Jr. [¶] /s/ Rep. John I. Rogers, III**

REPORT OF SCREENING COMMITTEE MEMBERS: [¶] Thomas E. Smith, Jr., Chairman [¶] John A. Martin [¶] Isadore E. Lourie [¶] James M. Arthur

At the Committee's public hearing, two witnesses appeared to offer testimony as to complaints they had filed with the Committee against Judge Peeples. Thomas B. Bryant, III, Attorney at Law, Orangeburg, South Carolina, alleged that Judge Peeples violated the following Disciplinary Rules or Ethical Considerations of the South Carolina Codes of Professional Responsibility and Judicial Conduct (S.C. Supreme Court Rules 32 and 33):

DR1-1-2(A)(4) "A lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation." [¶] EC 5-5 "... Other than in exceptional circumstances, a lawyer should insist that an instrument in which his client desires to name him beneficially be prepared by another lawyer selected by the client." [¶] EC 5-6 "... A lawyer should not consciously influence a client to name him as executor, trustee, or lawyer in an instrument. In those cases where a client wishes to name his lawyer as such, care should be taken by the lawyer to avoid even the appearance of impropriety." [¶] Judicial Conduct Canon 5(D): A judge should not serve as the executor, administrator, trustee, guardian, or other fiduciary, except for the estate, trust, or person of a member of his family, and then only if such service will not interfere with the proper performance of his judicial duties. "Member of his family" includes a spouse, child, grandchild, parent, grandparent, or other relative or person whom the judge maintains a close familial relationship.

The Committee acknowledges and takes seriously its charge to "consider the qualifications of the candidates" for election to the Judiciary by the General Assembly. The Committee's investigation is a thorough one. Not only have we invited members of the public and the practicing bar to comment upon the qualifications of each of the

candidates, the Committee has made its own extensive inquiry into the allegations and complaints made by those appearing before our Committee. [¶] In reviewing the complaints made against Judge Peeples, we have weighed the testimony of Mr. Bryant concerning the actions of Judge Peeples. These allegations arise from an attorney/client relationship between then “attorney” Peeples and Mrs. Knight which began with his drafting of a will for Mrs. Knight in 1974. We are convinced by Judge Peeples’ testimony that he has not violated any of the Canons of Ethics above referenced or otherwise called into question by Mr. Bryant. He has explained to our satisfaction his close personal relationship with Mrs. Knight. We are convinced that the relationship between Mrs. Knight and Judge Peeples was an exceptional one, grounded in Mrs. Knight’s deep friendship with and trust in Judge Peeples. [¶] We have weighed the testimony of both complainants and candidate so as to determine whether there has been a breach of ethics which would impugn the ability of a candidate to serve honorably and competently in the Judiciary. Taken alone, some interpretations of Mr. Bryant’s testimony as to Judge Peeples’ conduct might arguably warrant this Committee’s questioning of his integrity and qualification to sit on the Supreme Court of South Carolina. We do not subscribe to these interpretations, but recognize everyone’s right to his personal opinion. [¶] In considering all of the foregoing, it is important to realize that Judge Peeples was screened in 1976, 1980 and 1986 and found qualified, without any appearances against him. Further, Judge Peeples has served as Chairman of the National Conference of State Trial Judges, has been elected as the only judicial member of the Board of Governors of the American Bar Association, is on the Board of Directors of the American Judicature Society, is one of six judges selected by the President of the United States and confirmed by the United States Senate to serve on the State Justice Institute Board of Directors. Judge Peeples is an able and respected trial judge with years of experience in every county of the State. This experience makes him qualified to serve on the South Carolina Supreme Court. [¶] The second witness appearing against Judge Peeples was Charles H. Heath, Jr. We find that his contentions are not supported by the record. We do not find that Mr. Heath was treated improperly by Judge Peeples. Mr. Heath’s main complaint was that he wanted an apology from Judge Peeples. Obtaining an apology is beyond the power of this Committee. The Board of Judicial Standards investigated the same complaint of Mr. Heath and on March 14, 1986, dismissed it. [¶] /s/ **Senator Thomas E. Smith, Jr.** [¶] /s/ **Senator John A. Martin** [¶] /s/ **Senator Isadore E. Lourie** [¶] /s/ **Rep. James M. Arthur**

REPORT OF SCREENING COMMITTEE MEMBERS: [¶] Senator Glenn F. McConnell [¶] Representative John I. Rogers, III [¶] Representative D. Malloy McEachin, Jr. [¶] Representative Larry E. Gentry

There were two witnesses who filed complaints concerning Judge Rodney A. Peeples. The undersigned members of the Screening Committee make the following findings and recommendations:

Thomas B. Bryant, III, Attorney at Law, Orangeburg, South Carolina made several allegations against Judge Peeples. [¶] The basis facts arose as follows: On April 17, 1974, Judge Peeples, then a private attorney, drafted a Will for Pauline H. Knight. The Will left her estate to her husband for his lifetime and the remainder to the two daughters of Judge Peeples, and named Mr. Knight Executor; it provided that should he predecease her, Judge Peeples would serve as substitute Executor. Judge Peeples was elected Circuit Judge on February 13, 1974 and qualified on December 5, 1974. [¶] Mr. Knight predeceased Mrs. Knight on August 22, 1983; his Will left his entire estate, except for some small bequests to Mrs. Knight. Mr. Knight appointed Mr. William W. Kelly, his stepson, as Executor of his estate. [¶] Several days after Mr. Knight’s death, Mr. Kelly, a resident of Washington, D.C., agreed to allow Judge Peeples and his wife to assume responsibility for Mrs. Knight. On August 31, 1983, Judge Peeples arranged for Mr. Elroy Dantzler, an Orangeburg bookkeeper and friend of Judge Peeples, to be given a power of attorney from Mrs. Knight. At that time, she was residing in an Orangeburg nursing home. After Mr. Knight’s death, Judge and Mrs. Peeples moved Mrs. Knight to a Barnwell County nursing home in 1983. [¶] After Mr. Knight’s death, Judge Peeples contacted Mr. Kelly by telephone concerning an alleged purchase agreement between Mr. Kelly and Mr. Knight, demanding payment. Then on November 6, 1983, Judge Peeples wrote to Mr. Kelly on Judicial stationery, expressing his legal opinion that the debt was owed and demanded payment. [¶] Mr. Kelly’s position to Judge Peeples was that the 1972 agreement had been rescinded and the parties had engaged in a rental agreement which had subsequently terminated with assets being distributed. Mr. Andrew Berry, Mr. Knight’s accountant, confirmed to Judge Peeples and others that Mr. Knight had rescinded the contract many years prior to his death. The attorney in fact for Mrs. Knight, Mr. Dantzler, brought action in the Probate Court to have Mr. Kelly removed as Executor because Mr. Kelly was not going to sue himself to collect the money alleged by Mr. Dantzler

and Judge Peeples to be owed Mr. Knight's estate. Mr. Kelly was removed as Executor. An appeal to the Supreme Court affirmed that decision. [¶] In October, 1984, Mr. Kelly brought a declaratory judgment action in Orangeburg County to resolve whether or not there were any legal obligations by Mr. Kelly to pay money to Mr. Knight's estate. Mr. Dantzler, on behalf of Mrs. Knight, counterclaimed for the \$300.00 monthly payment. He also sought collection of the accrued payments from 1978 until Mr. Knight's death in 1983. Based on affidavits executed by purported witnesses of whom Judge Peeples was the only one to eventually testify, the case was transferred to Barnwell County. It came to trial December 4, 1985. Judge Peeples was called to testify and, during the course of his testimony, the following colloquy took place between Judge Peeples and Mr. Bryant:

- Q. Judge Peeples, do you have any interest in this matter other than the fact that you are friends with Mrs. Pauline Knight?
- A. No sir, just trying to help this lady who doesn't have any kin folks other than third or fourth cousins.
- Q. All right, sir. Have you ever prepared a Will for Mrs. Knight?
- A. Yes, I have. I've prepared probably five Wills, I'd say, in the ten years that I represented her.
- Q. And do you have presently a Will that you prepared for her?
- A. No sir, I don't have it.
- Q. Do you know where it is?
- A. Yes sir, I know where it is.
- Q. And do you know what it contains?
- A. Yes sir.

The trial judge found the purchase agreement to be in force. Mrs. Knight died on June 11, 1986. After appeal of the trial judge's decision, the Supreme Court reversed the lower court finding as follows:

"We find, even without appellant's (William W. Kelly) testimony, the preponderance of the evidence indicates the 1972 agreement was rescinded. The stepfather's (Mr. Knight) tax returns and testimony of the accountant who prepared them overwhelmingly support this conclusion."

Subsequent to the Supreme Court's decision, Mr. Kelly was reinstated as Executor of Mr. Knight's estate. Judge Peeples continues to serve as Executor of Mrs. Knight's estate. The value of Mrs. Knight's estate, including what she inherited from Mr. Knight, would be approximately \$150,000.00 which, had the suit against Mr. Kelly been successful, would have been increased by approximately \$35,000.00 [¶] At the time of Mrs. Knight's death, one of Judge Peeples' daughters was 16 years of age and the other over age 18. [¶] The undersigned members of the Screening Committee are mindful of Justice Oliver Wendell Holmes' sentiment that of all the secular professions, the legal profession should have the highest standards. We are mindful of the practical realities of being a judge, as opposed to unrealistic ideals, however, there are certain fundamentals of right and wrong that judges must meet. [¶] Judge Peeples wrote a Will for Mrs. Pauline Knight, naming his two daughters as remaindermen and himself as contingent Executor. We are of the opinion that this violates the Code of Professional Ethics for Attorneys. [¶] Judge Peeples took an active role in the marshalling of the assets of Mr. Knight's estate, including the writing of a letter on Judicial stationery, expressing a legal opinion that a debt was owed and demanding payment. Had the alleged debt been collected, Judge Peeples' daughters would have benefitted. We are of the opinion this violates the Code of Judicial Ethics. [¶] Judge Peeples took over the affairs of Mrs. Pauline Knight and exceeded the bounds of propriety for the involvement of a judge in civil affairs. [¶] However, the gravest deficiency occurred when Judge Peeples testified in the case of Kelly v. Knight. The testimony of Judge Peeples was in our opinion not the truth. Judge Peeples did not provide sufficient explanation to justify his failure in court to disclose his interest to this Committee. [¶] Judge Peeples had no reason to testify and should have distanced himself from the entire matter. His participation in the trial needlessly exposed his position as a judge to an adversary proceeding. [¶] Finally, Judge Peeples continues to serve as Executor of the Estate of Pauline Knight. We are of the opinion that this is contrary to the provision of Canon 5 (D) of the Code of Judicial Conduct. [¶] From the totality of the circumstances, we are compelled to find that Judge Peeples is not qualified to serve on our State's highest court. [¶] /s/ **Senator Glenn F. McConnell** [¶] /s/ **Rep. John I. Rogers, III** [¶] /s/ **Rep. D. Malloy McEachin, Jr.** [¶] /s/ **Rep. Larry E. Gentry** (NOTE: During the hearing certain exhibits were presented by Judge Peeples. These exhibits are available at the Clerk's Desk.) [¶] /s/ **Senator Thomas E. Smith, Jr.** [¶] **Received as information.** [¶] (On motion of Rep. McEachin, the report was ordered printed in the Journal.)

COMMITTEE APPOINTMENT [¶] The following was received.

OFFICE OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

October 1, 1987 [¶] The Honorable James W. Johnson Jr. [¶] Member of the South Carolina House of Representatives [¶] Box 724 [¶] Clinton S.C. 29325

Dear Jim: [¶] It is with pleasure that I am today appointing you to serve on the Ways and Means Committee. I am confident that you will be an asset to the committee and deeply appreciate your interest in serving in this capacity. [¶] **Sincerely,** [¶] **Robert J. Sheheen** [¶] Received as information.

RULES AND REGULATIONS RECEIVED [¶] The following were received.

OFFICE OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

September 28, 1987 [¶] The Honorable Lois T. Shealy [¶] Clerk of the South Carolina House of Representatives [¶] Post Office Box 11867 [¶] Columbia, S.C. 29211

Dear Mrs. Shealy: [¶] Pursuant to Act 176 of 1977, I have received on September 25, 1987 regulations concerning Restricting the use of Watercraft in the Waters in a Certain Portion in Lake Marion Around the I-95 and 301 Bridges in Clarendon and Orangeburg Counties, S.C. from the S.C. Wildlife & Marine Resources Department. [¶] They are hereby referred to the Committee on Agriculture and Natural Resources for consideration. [¶] **Sincerely,** [¶] **Robert J. Sheheen**

OFFICE OF THE SPEAKER OF [¶] THE HOUSE OF REPRESENTATIVES

September 28, 1987 [¶] The Honorable Lois T. Shealy [¶] Clerk of the South Carolina House of Representatives [¶] Post Office Box 11867 [¶] Columbia, S.C. 29211

Dear Mrs. Shealy: [¶] Pursuant to Act 176 of 1977, I have received on September 24, 1987 regulations concerning Scope of Powers Granted to Tier B Land Surveyors from the S.C. State Board of Registration for Professional Engineers and Land Surveyors. [¶] They are hereby referred to the Committee on Labor, Commerce and Industry for consideration. [¶] **Sincerely,** [¶] **Robert J. Sheheen**

OFFICE OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

October 15, 1987 [¶] The Honorable Lois T. Shealy [¶] Clerk of the South Carolina House of Representatives [¶] Post Office Box 11867 [¶] Columbia, S.C. 29211

Dear Mrs. Shealy: [¶] Pursuant to Act 176 of 1977, I have received on October 14, 1987 regulations concerning Interscholastic Activities: Academic Requirements for Participation from the Department of Education. [¶] They are hereby referred to the Committee on Education and Public Works for consideration. [¶] **Sincerely,** [¶] **Robert J. Sheheen**

OFFICE OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

November 3, 1987 [¶] The Honorable Lois T. Shealy [¶] Clerk of the South Carolina House of Representatives [¶] Post Office Box 11867 [¶] Columbia, S.C. 29211

Dear Mrs. Shealy: [¶] Pursuant to Act 176 of 1977, I have received on November 3, 1987 regulations concerning Variable Contracts from the Department of Insurance. [¶] They are hereby referred to the Committee on Labor, Commerce and Industry for consideration. [¶] **Sincerely,** [¶] **Robert J. Sheheen**

OFFICE OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

November 3, 1987 [¶] The Honorable Lois T. Shealy [¶] Clerk of the South Carolina House of Representatives [¶] Post Office Box 11867 [¶] Columbia, S.C. 29211

Dear Mrs. Shealy: [¶] Pursuant to Act 176 of 1977, I have received on November 3, 1987 regulations concerning Parking and Traffic from Clemson University. [¶] They are hereby referred to the Committee on Education and Public Works for consideration. [¶] **Sincerely,** [¶] **Robert J. Sheheen**

OFFICE OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

November 3, 1987 [¶] The Honorable Lois T. Shealy [¶] Clerk of the South Carolina House of

Representatives [¶] Post Office Box 11867 [¶] Columbia, S.C. 29211

Dear Mrs. Shealy: [¶] Pursuant to Act 176 of 1977, I have received on November 3, 1987 regulations concerning Agents and Agency Licenses from the Department of Insurance. [¶] They are hereby referred to the Committee on Labor, Commerce and Industry for consideration. [¶] **Sincerely, [¶] Robert J. Sheheen**

OFFICE OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

December 2, 1987 [¶] The Honorable Lois T. Shealy [¶] Clerk of the South Carolina House of Representatives [¶] Post Office Box 11867 [¶] Columbia, S.C. 29211

Dear Mrs. Shealy: [¶] Pursuant to Act 176 of 1977, I have received on December 2, 1987 regulations concerning Vehicle Inspection from the Department of Highways and Public Transportation. [¶] They are hereby referred to the Committee on Education and Public Works for consideration. [¶] **Sincerely, [¶] Robert J. Sheheen**

OFFICE OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

December 15, 1987 [¶] The Honorable Lois T. Shealy [¶] Clerk of the South Carolina House of Representatives [¶] Post Office Box 11867 [¶] Columbia, S.C. 29211

Dear Mrs. Shealy: [¶] Pursuant to Act 176 of 1977, I have received on December 15, 1987 regulations concerning Requirements for Teacher Education and Certification from the Department of Education. [¶] They are hereby referred to the Committee on Education and Public Works for consideration. [¶] **Sincerely, [¶] Robert J. Sheheen**

OFFICE OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

December 15, 1987 [¶] The Honorable Lois T. Shealy [¶] Clerk of the South Carolina House of Representatives [¶] Post Office Box 11867 [¶] Columbia, S.C. 29211

Dear Mrs. Shealy: [¶] Pursuant to Act 176 of 1977, I have received on December 14, 1987 regulations concerning Licensing Fees and composition of Board from the Licensing Board for Contractors. [¶] They are hereby referred to the Committee on Labor, Commerce and Industry for consideration. [¶] **Sincerely, [¶] Robert J. Sheheen**

OFFICE OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

December 29, 1987 [¶] The Honorable Lois T. Shealy [¶] Clerk of the South Carolina House of Representatives [¶] Post Office Box 11867 [¶] Columbia, S.C. 29211

Dear Mrs. Shealy: [¶] Pursuant to Act 176 of 1977, I have received on December 29, 1987 regulations concerning Renewal of Licenses and Advertising from the Board of Examiners in Psychology. [¶] They are hereby referred to the Committee on Medical, Military, Public and Municipal Affairs for consideration. [¶] **Sincerely, [¶] Robert J. Sheheen**

OFFICE OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

January 4, 1988 [¶] The Honorable Lois T. Shealy [¶] Clerk of the South Carolina House of Representatives

Dear Mrs. Shealy: [¶] Pursuant to Act 176 of 1977, I have received on January 4, 1988 regulations concerning Establishment of Rates for the South Carolina Medical Malpractice Joint Underwriting Association from the Department of Insurance. [¶] They are hereby referred to the Committee on Labor, Commerce and Industry for consideration. [¶] **Sincerely, [¶] Robert J. Sheheen**

OFFICE OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

January 4, 1988 [¶] The Honorable Lois T. Shealy [¶] Clerk of the South Carolina House of Representatives

Dear Mrs. Shealy: [¶] Pursuant to Act 176 of 1977, I have received on January 4, 1988 regulations concerning Filing of Malpractice Insurance Claims with the Chief Insurance Commissioner from the Department of Insurance. [¶] They are hereby referred to the Committee on Labor, Commerce and Industry for consideration. [¶] **Sincerely, [¶] Robert J. Sheheen**

OFFICE OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

January 4, 1988 [¶] The Honorable Lois T. Shealy [¶] Clerk of the South Carolina [¶] House of Representatives

Dear Mrs. Shealy: [¶] Pursuant to Act 176 of 1977, I have received on January 4, 1988 regulations concerning Board of Directors of the South Carolina Medical Malpractice Joint Underwriting Association from the

Department of Insurance. [¶] They are hereby referred to the Committee on Labor Commerce and Industry for consideration. [¶] **Sincerely, [¶] Robert J. Sheheen**

OFFICE OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

January 5, 1988 [¶] The Honorable Lois T. Shealy [¶] Clerk of the South Carolina [¶] House of Representatives

Dear Mrs. Shealy: [¶] Pursuant to Act 176 of 1977, I have received on January 5, 1988 regulations concerning Medicaid Eligibility from the State Health and Human Services Finance Commission. [¶] They are hereby referred to the Committee on Medical, Military, Public and Municipal Affairs for consideration. [¶] **Sincerely, [¶] Robert J. Sheheen**

OFFICE OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

January 11, 1988 [¶] The Honorable Lois T. Shealy [¶] Clerk of the South Carolina [¶] House of Representatives

Dear Mrs. Shealy: [¶] Pursuant to Act 176 of 1977, I have received on January 4, 1988 regulations concerning Filing of Claims from the Department of Insurance. [¶] They are hereby referred to the Committee on Labor, Commerce and Industry for consideration. [¶] **Sincerely, [¶] Robert J. Sheheen** [¶] Received as information.

RULES AND REGULATIONS WITHDRAWN [¶] The following was received.

OFFICE OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

December 2, 1987 [¶] The Honorable Lois T. Shealy [¶] Clerk of the South Carolina [¶] House of Representatives

Dear Mrs. Shealy: [¶] The South Carolina Board of Pharmacy is hereby withdrawing Regulation Document Number 843 from the Medical, Military, Public and Municipal Affairs Committee, effective December 1, 1987. [¶] **Sincerely, [¶] Robert J. Sheheen** [¶] Received as information.

RULES AND REGULATIONS WITHDRAWN AND RESUBMITTED [¶] The following was received.

OFFICE OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

December 15, 1987 [¶] The Honorable Lois T. Shealy [¶] Clerk of the South Carolina [¶] House of Representatives

Dear Mrs. Shealy: [¶] The State of South Carolina Public Service Commission is hereby simultaneously withdrawing and resubmitting regulations with changes pertaining to Common and Motor Carriers, effective December 14, 1987. [¶] These regulations have been referred to the Labor, Commerce and Industry Committee. [¶] **Sincerely, [¶] Robert J. Sheheen** [¶] Received as information.

COMMUNICATION [¶] The following was received.

STATE OF SOUTH CAROLINA ELECTION COMMISSION [¶] **CERTIFICATION**

Honorable John T. Campbell [¶] Secretary of State [¶] Wade Hampton Office Building [¶] Columbia, S.C. 29201

Dear Mr. Secretary: [¶] The State Board of Canvassers hereby certifies that Mr. J. Derham Cole was elected to the office of South Carolina House of Representatives, District 32, at the election held in Spartanburg County on September 1, 1987. [¶] **Sincerely, [¶] C. Tyrone Gilmore, Chairman [¶] Dr. Neal D. Thigpen [¶] C.D. Sexton [¶] STATE BOARD OF CANVASSERS** [¶] Dated this 8th day of September, 1987. [¶] Received as information.

COMMUNICATION [¶] The following was received.

STATE OF SOUTH CAROLINA DEPARTMENT OF STATE

September 9, 1987 [¶] The Honorable Lois T. Shealy [¶] Clerk of the South Carolina [¶] House of Representatives

Dear Mrs. Shealy: [¶] Under date of September 8, 1987, the State Election Commission certified to this office the results of the election in House District No. 32, held in Spartanburg County on September 1, 1987. The certification shows that J. Derham Cole has been elected to the S.C. House of Representatives, District 32. [¶] I, therefore, certify that J. Derham Cole has been duly elected as a member of the S.C. House of Representatives from District 32, Spartanburg County, for a term as prescribed by law. [¶] **Yours very truly, [¶] John T. Campbell [¶] Secretary of State** [¶] Received as information.

COMMUNICATION [¶] The following was received.

STATE OF SOUTH CAROLINA ELECTION COMMISSION

November 3, 1987 [¶] Honorable John T. Campbell [¶] Secretary of State [¶] Wade Hampton Office Building [¶] Columbia, S.C. 29202

Dear Mr. Secretary: [¶] The State Board of Canvassers hereby certifies that Mr. Steve Lanford was elected to the office of South Carolina State House of Representatives, District 35, at the special election held in Spartanburg County October 27, 1987. [¶] **Sincerely,** [¶] **C. Tyrone Gilmore** [¶] **Sylvia Schwartz** [¶] **C.D. Sexton** [¶] **STATE BOARD OF CANVASSERS** [¶] Received as information.

COMMUNICATION [¶] The following was received.

STATE OF SOUTH CAROLINA DEPARTMENT OF STATE

November 4, 1987 [¶] The Honorable Lois T. Shealy [¶] Clerk of the South Carolina [¶] House of Representatives

Dear Mrs. Shealy: [¶] Under date of November 3, 1987, the State Election Commission certified to this office the results of the election in House District No. 35, held in Spartanburg County on October 27, 1987. The certification shows that Steve Lanford has been elected to the S.C. House of Representatives, District 35. [¶] I, therefore, certify that Steve Lanford has been duly elected as a member of the S.C. House of Representatives from District 35, Spartanburg County, for a term as prescribed by law. [¶] **Yours very truly,** [¶] **John T. Campbell** [¶] **Secretary of State** [¶] Received as information.

COMMUNICATION [¶] The following was received.

STATE OF SOUTH CAROLINA ELECTION COMMISSION

January 12, 1988 [¶] Honorable John T. Campbell [¶] Secretary of State [¶] Wade Hampton Office Building [¶] Columbia, S.C. 29202

Dear Mr. Secretary: [¶] The State Board of Canvassers hereby certifies that Mr. Paul M. Burch was elected to the office of South Carolina State House of Representatives, District 51, at the special election held in Chesterfield, Kershaw, Lancaster Counties on January 5, 1988. [¶] **Sincerely,** [¶] **C. Tyrone Gilmore, Chairman** [¶] **Margaret Townsend** [¶] **Dr. Neal D. Thigpen** [¶] **C.D. Sexton** [¶] Received as information.

COMMUNICATION [¶] The following was received.

STATE OF SOUTH CAROLINA DEPARTMENT OF STATE

January 12, 1988 [¶] The Honorable Lois T. Shealy [¶] Clerk of the South Carolina [¶] House of Representatives

Dear Mrs. Shealy: [¶] Under date of January 12, 1988, the State Election Commission certified to this office the results of the election in House District No. 51, held in Chesterfield, Kershaw, and Lancaster Counties on January 5, 1988. The certification shows that Paul M. Burch has been elected to the S.C. House of Representatives, District 51. [¶] I, therefore, certify that Paul M. Burch has been duly elected as a member of the S.C. House of Representatives from District 51, Chesterfield, Kershaw, and Lancaster Counties, for a term as prescribed by law. [¶] **Yours very truly,** [¶] **John T. Campbell** [¶] **Secretary of State** [¶] Received as information.

COMMUNICATION [¶] The following was received.

STATE OF SOUTH CAROLINA ELECTION COMMISSION

January 12, 1988 [¶] Honorable John T. Campbell [¶] Secretary of State [¶] Wade Hampton Office Building [¶] Columbia, S.C. 29202

Dear Mr. Secretary: [¶] The State Board of Canvassers hereby certifies that Mr. Alva Humphries was elected to the office of South Carolina State House of Representatives, District 71, at the special election held in Richland County January 5, 1988. [¶] **Sincerely,** [¶] **C. Tyrone Gilmore, Chairman** [¶] **Margaret Townsend** [¶] **Dr. Neal D. Thigpen** [¶] **C.D. Sexton** [¶] **STATE BOARD OF CANVASSERS** [¶] Received as information.

COMMUNICATION [¶] The following was received.

STATE OF SOUTH CAROLINA DEPARTMENT OF STATE

January 12, 1988 [¶] The Honorable Lois T. Shealy [¶] Clerk of the South Carolina [¶] House of Representatives

Dear Mrs. Shealy: [¶] Under date of January 12, 1988, the State Election Commission certified to this office the results of the election in House District No. 71, held in Richland County on January 5, 1988. The

certification shows that Alva Humphries has been elected to the S.C. House of Representatives, District 71. [¶] I, therefore, certify that Alva Humphries has been duly elected as a member of the S.C. House of Representatives from District 71, Richland County, for a term as prescribed by law. [¶] **Yours very truly,** [¶] **John T. Campbell** [¶] **Secretary of State** [¶] Received as information.

MEMBERS-ELECT SWORN IN [¶] Mr. J. Derham Cole, Member-elect from District No. 32, Spartanburg County, Mr. Stephen P. Lanford, Sr., Member-elect from District No. 35, Spartanburg County, Mr. Paul M. Burch, Member-elect from District No. 51, Kershaw, Chesterfield and Lancaster Counties, and Mr. Alva Humphries, Member-elect from District No. 71, Richland County, **presented their credentials and the oath of office was administered to them by the SPEAKER.**

STATEMENT BY REP. WASHINGTON [¶] Rep. WASHINGTON made a statement relative to Legislative Aides.

INVITATIONS

The following invitations were taken up for immediate consideration and accepted.

April 15, 1987 [¶] The Honorable Samuel R. Foster [¶] Chairman [¶] House Invitations Committee [¶] 532B Blatt Building [¶] Columbia, S.C. 29211

Dear Sam: [¶] The South Carolina Bankers Association would like to invite the members of the South Carolina State House of Representatives and their spouse/guest to our annual reception to be held at The Town House, 1615 Gervais Street, on the opening day of the legislative session, Tuesday, January 12, 1988, from 6:00-8:00 P.M. [¶] I would appreciate the acceptance of this invitation by your committee, and we look forward to having all of you join us on that evening. [¶] **Sincerely,** [¶] **Lloyd I. Hendricks** [¶] **Executive Vice President**

December 7, 1987 [¶] The Honorable Samuel R. Foster [¶] P.O. Box 11867 [¶] Columbia, S.C. 29211

Dear Representative Foster: [¶] The office of W. Powers McElveen & Associates, Inc. would like to cordially invite the General Assembly of the South Carolina Senate and House of Representatives to a "Welcome Back" party at the Radisson Hotel, Wednesday, January 13, 1988 from 6:30 to 9:00 P.M. [¶] I look forward to hearing from you concerning your response. [¶] **Sincerely,** [¶] **William C. Smith, Jr.**

November 17, 1987 [¶] Ms. Catherine G. Jeter [¶] Invitations and Memorial Resolutions Committee [¶] P.O. Box 11867 [¶] Columbia, S.C. 29211

Dear Ms. Jeter: [¶] The House Reservations Committee has reserved Tuesday, January 19, 1988 for a legislative reception at the Radisson Hotel and Wednesday, January 20, 1988 for the Governor's Conference on Education Legislative Luncheon to be held at the Cantey Building. Both events are sponsored by the South Carolina School Boards Association. [¶] This letter serves as our formal letter of invitation concerning the above events. The January 19 reception at the Radisson will begin at 7:00 P.M. and end at 9:00 P.M. The January 20 Governor's Conference Luncheon at the Cantey Building will begin at 12:30 P.M. [¶] Thank you for your assistance in this matter. [¶] **Cordially,** [¶] **Jeannie M. Henry** [¶] **Director of Board Development**

September 24, 1987 [¶] Representative Sam Foster [¶] Invitations Committee [¶] 518 Blatt Building [¶] Columbia, S.C. 29221

Dear Representative Foster: [¶] The Executive Board of Palmetto State Teachers Association invites the members of the South Carolina House of Representatives to a buffet breakfast on Wednesday, January 20 from 8:00-9:00 A.M. at the Radisson. [¶] We look forward to seeing you. [¶] **Sincerely,** [¶] **Lynn Breedin** [¶] **President**

October 21, 1987 [¶] The Honorable Sam Foster, Chairman [¶] House Invitations Committee [¶] Post Office Box 11867 [¶] Columbia, S.C. 29202

Dear Representative Foster: [¶] The South Carolina Education Association cordially invites members of the House of Representatives to attend a reception honoring the General Assembly on Wednesday evening, January 20, 1988 from 8:00-9:30 P.M. The event will be held at the Radisson Hotel, Assembly Street, Columbia. [¶] Members of our association look forward to greeting you and the other members of the House and sharing the pleasure of your company. [¶] **Sincerely,** [¶] **Terry M. Mcmillan**

November 20, 1987 [¶] The Honorable Samuel R. Foster, Chairman [¶] House Invitations Committee [¶] Columbia, S.C. 29201

Dear Mr. Foster: [¶] This letter will confirm the following dates we have scheduled through your Committee via telephone for the Legislative Open House at the State Museum. [¶] January 21, 1988 - 8:00-10:00 A.M. - Drop In [¶] April 19, 1988 - 6:00- 8:00 P.M. – Reception [¶] These two events will take place at the South Carolina State Museum, 301 Gervais Street. This invitation should be extended to the spouses of all House members. [¶] We would appreciate confirmation of these dates and times on the House's legislative calendar. [¶] **Sincerely,** [¶] **Overton G. Ganong** [¶] **Executive Director**

December 21, 1987 [¶] Representative Samuel R. Foster, Chairman [¶] House Invitations Committee [¶] P.O. Box 11867 [¶] Columbia, S.C. 29211

Dear Representative Foster: [¶] This is to confirm that the South Carolina Association of Regional Councils will host a legislative reception at the Town House Hotel in Columbia on January 26, 1988, from 6:00 P.M. until 7:30 P.M. [¶] Thank you for your assistance and we look forward to meeting with members of the General Assembly. [¶] **Sincerely,** [¶] **Larry B. Richardson, Sr.** [¶] **Executive Director**

November 13, 1987 [¶] Honorable Samuel R. Foster [¶] Chairman, House Invitations Committee [¶] 518 Blatt Building [¶] Columbia, S.C. 29211

Dear Representative Foster: [¶] The South Carolina Economic Developers Association cordially invite you and the members of the South Carolina Senate to our annual Legislative Reception to be held at the Townhouse from 7:30 P.M. to 9:30 P.M., the evening of Tuesday, January 26, 1988. We sincerely hope that you and the other members of this distinguished body will be able to join the 500 plus members of our professional association in fellowship and appreciation of your service to South Carolina and economic development. [¶] **Sincerely,** [¶] **Michael W. Campbell** [¶] **Vice President-Treasurer**

November 19, 1987 [¶] The Honorable Samuel R. Foster [¶] Chairman [¶] House Invitations Committee [¶] 532 Blatt Building [¶] Columbia, S.C. 29211

Dear Representative Foster: [¶] On behalf of the members of Columbia City Council and the Greater Columbia Chamber of Commerce, I would like to cordially invite the members of the House and their respective staffs to a reception in honor of the South Carolina Senate and House of Representatives on Wednesday, January 27, 1988. [¶] We look forward to welcoming each member of the House to Columbia for the start of the 1988 legislative session. [¶] The affair will begin at 6:00 P.M. in the Embassy Suites Hotel Ballroom, located at 240 Stoneridge Drive, and should conclude around 8:00 P.M. We hope that each House member and their staffs will be able to attend this truly entertaining evening. [¶] **Yours very truly,** [¶] **T. Patton Adams**

INVITATIONS

The following were received and referred to the Committee on Invitations and Memorial Resolutions.

January 5, 1988 [¶] The Honorable Samuel R. Foster [¶] Chairman [¶] Invitations and Memorial Resolutions [¶] S.C. House of Representatives [¶] 523B Blatt Building [¶] Columbia, S.C. 29211

Dear Mr. Foster: [¶] On behalf of our membership, we would like to extend an invitation to the members of the House of Representatives to join us in honoring our Regional Representative, Dr. Gwendolyn Prater of Jackson, Mississippi at a reception. Dr. Prater will be visiting Columbia on January 19 and 20, 1988 and the reception is scheduled from 6:00 P.M. to 7:00 P.M. on Tuesday, January 19th at the Radisson Hotel. [¶] We are honored to have Dr. Prater visit South Carolina and would be so pleased to have the members of the House join us in welcoming her. [¶] **Sincerely,** [¶] **Annette Hairston Boette, ACSW** [¶] **President**

December 17, 1987 [¶] Ms. Catherine Jeter, Executive Secretary [¶] House Invitations Committee [¶] P.O. Box 11867 [¶] Columbia, S.C. 29211

Dear Ms. Jeter: [¶] This is to confirm that the South Carolina Association of Regional Councils will host a legislative reception at the Town House Motel in Columbia on January 26, 1988, from 6:00 P.M. until 7:30 P.M. Mr. Sid Thomas has previously discussed this matter with you. If you have questions or need any

additional information, please contact Mr. Thomas at 254-1100 in Columbia. [¶] Thank you for your assistance and we look forward to meeting with members of the General Assembly. [¶] **Sincerely, [¶] Larry B. Richardson, Sr. [¶] Executive Director**

MOTION ADOPTED [¶] Rep. T.M. BURRISS moved that upon completion of the introduction of Bills, the House recede until 1:45, which was agreed to.

R. 266, H. 3197--GOVERNOR'S VETO RECEIVED [¶] The following was received.

STATE OF SOUTH CAROLINA OFFICE OF THE GOVERNOR

June 25, 1987 [¶] **Mr. Speaker and Members of the House:** [¶] I am hereby returning without my approval H. 3197 (R-266), an Act: [¶] (R266) H. [3197](#) -- Reps. Barfield and Thrailkill: AN act to amend Section 30-5-10, Code of Laws of South Carolina, 1976, and act 123 of 1985, both as amended, relating to registers of mesne conveyances, so as to provide that Horry county shall have a register of mesne conveyances appointed by the Horry county governing body. [¶] This veto is based upon the fact that the provisions of this bill are identical to the provisions of Section 30-5-10 of S. 822 (R-214) which I signed into law June 8, 1987. It is my view that since the purpose of this bill has already been accomplished, the bill is unnecessary and should be vetoed. [¶] **Yours sincerely, [¶] Carroll A. Campbell, Jr. [¶] Governor [¶]** Received as information.

REPORTS OF STANDING COMMITTEES

Rep. WILKINS, from the Committee on Judiciary, submitted a favorable report, on: [¶] [H. 2910](#) -- Ethics Committee: A bill to amend Section 8-13-470, Code of Laws of South Carolina, 1976, relating to ethics, so as to prohibit members of the general assembly from appearing before the South Carolina public service commission and the South Carolina insurance commission in rate or price fixing matters and to delete the prohibition against public officers and employees so appearing and also delete the South Carolina dairy commission. [¶] **Ordered for consideration tomorrow.**

Rep. WILKINS, from the Committee on Judiciary, submitted a favorable report, on: [¶] [H. 3195](#) -- Rep. J. Bradley: A bill to amend Section 5-27-910, Code of Laws of South Carolina, 1976, relating to the issuance of permits to certain organizations to solicit funds from motorists within a municipality, so as to also permit this solicitation within the unincorporated area of a county, and to provide that the county or municipality is immune from liability for any loss or injury occurring as a result of these solicitations, to amend Section 15-78-60, relating to when a governmental entity is not liable under the tort claims act so as to provide that there is also no liability as a result of solicitations authorized by section 5-27-910, and to amend Section 56-5-3180, relating to solicitations by pedestrians so as to authorize solicitations pursuant to section 5-27-910. [¶] **Ordered for consideration tomorrow.**

Rep. WILKINS, from the Committee on Judiciary, submitted a favorable report, with amendments, on: [¶] [S. 415](#) -- Judiciary Committee: A bill to amend Chapters 1 through 20 of Title 33, Code of Laws of South Carolina, 1976, relating to business corporations, so as to enact the "South Carolina Business Corporation Act of 1988" including provisions relating to incorporation of business organizations, purposes, and powers of corporations, names, offices, and agents, shares and distributions, shareholders, directors, and officers, amendments of articles of incorporation and bylaws, merger and share exchange, sale of assets, dissenters' rights, dissolution, foreign corporations, records, and reports, close corporations, professional corporations, and transition provisions; to amend Sections 33-42-30 and 12-19-20, both as amended, and 12-19-70, 12-19-120, 15-9-210, 15-9-240, 15-9-245, and 15-9-430, relating to the name of a limited partnership, filing of annual reports, corporate license fees or taxes, and service of process, so as to conform them to the new provisions of the South Carolina business corporation act of 1988 and to make certain other changes; to amend the 1976 Code by adding Section 15-7-35 so as to provide for venue in suits brought against domestic and foreign corporations; and to repeal Sections 12-19-130, 15-9-260, 15-63-20 through 15-63-50, 33-51-10 through 33-51-170 and Chapters 21, 23, and 25 of Title 33 relating to the time for filing of annual reports and payment of fees or taxes, service of process, charter annulment, professional associations, dissolution, foreign business corporations, annual reports, powers of the secretary of state, and miscellaneous matters. [¶] **Ordered for consideration tomorrow.**

Rep. WILKINS, from the Committee on Judiciary, submitted a favorable report, on: [¶] [S. 556](#) -- Judiciary Committee: A bill to amend Sections 15-3-340 and 15-67-20, Code of Laws of South Carolina, 1976, relating to actions for recovery of real property, so as to limit the number of actions that may be brought. [¶] **Ordered for consideration tomorrow.**

Rep. DANGERFIELD, from the Committee on Labor, Commerce and Industry, submitted a favorable report, on: [¶] [H. 2019](#) -- Reps. J. Bradley, Boan and P. Bradley: A bill to provide a plan for the writing of legal professional liability insurance for attorneys through a joint underwriting association upon a finding of an emergency by the insurance commission because this

insurance is not available through normal channels or at a reasonable cost. [¶] **Ordered for consideration tomorrow.**

Rep. DANGERFIELD, from the Committee on Labor, Commerce and Industry, submitted a favorable report, with amendments, on: [¶] [H. 2699](#) -- Reps. Clyborne, Baker, Haskins, Kirsh, Gilbert, Petty and J. Bradley: A bill to amend the Code of Laws of South Carolina, 1976, by adding Section 38-35-235 so as to require insurers to notify in writing all health and medical insurance policyholders and all group members covered by a group policy of insurance by the insurer of any changes in coverage prior to the effective date of the change. [¶] **Ordered for consideration tomorrow.**

Rep. DANGERFIELD, from the Committee on Labor, Commerce and Industry, submitted a favorable report, on: [¶] [H. 3149](#) -- Rep. Harvin: A bill to enact the "South Carolina shareholder protection act of 1988."

H. 3149--REFERRED TO COMMITTEE ON JUDICIARY

On motion of Rep. DANGERFIELD the Bill was referred to the Committee on Judiciary. [¶] Rep. DANGERFIELD, from the Committee on Labor, Commerce and Industry, submitted a favorable report, on: [¶] [H. 3194](#) -- Rep. J. Bradley: A bill to amend Section 38-55-200, Code of Laws of South Carolina, 1976, relating to a statement of charges and notice of hearing served by the chief insurance commissioner on a person alleged to have committed an unfair or deceptive insurance trade practice, so as to require the commissioner to act on complaints alleging the above within sixty days after receipt. [¶] **Ordered for consideration tomorrow.**

Rep. WILKINS, from the Committee on Judiciary, submitted a favorable report, on: [¶] [H. 2572](#) -- Reps. J.C. Johnson and Snow: A bill to repeal Section 17-13-90, Code of Laws of South Carolina, 1976, relating to the prohibition against the service of criminal process on Sunday. [¶] **Ordered for consideration tomorrow.**

Rep. WILKINS, from the Committee on Judiciary, submitted a favorable report, on: [¶] [H. 2591](#) -- Rep. Davenport: A bill to amend Sections 1-23-120 and 1-23-125, both as amended, Code of Laws of South Carolina, 1976, relating to the administrative procedures act, so as to provide for copies of regulations and amendments to be given to members of the standing committees to which they are assigned and to require a twenty-day period after amendment and receipt of the amendment for consideration before the regulation takes effect. [¶] **Ordered for consideration tomorrow.**

Rep. WILKINS, from the Committee on Judiciary, submitted a favorable report, on: [¶] [H. 2671](#) -- Reps. Limehouse, Hodges and McCain: A bill to amend Section 8-17-330, Code of Laws of South Carolina, 1976, relating to state agency employee grievance plans and procedures, so as to change the time for appealing to the state employee grievance committee. [¶] **Ordered for consideration tomorrow.**

Rep. WILKINS, from the Committee on Judiciary, submitted a favorable report, on: [¶] [H. 2716](#) -- Reps. Evatt, M.D. Burriss, Cork, Hearn, Beasley, Corning, Hayes and Fair: A bill to amend Article 3, Chapter 13, Title 61, Code of Laws of South Carolina, 1976, relating to offenses against and enforcement of alcoholic beverage control laws, by adding Section 61-13-285 so as to prohibit the transfer of alcoholic liquors to persons under the age of twenty-one years, to provide exceptions, and to provide penalties for violations. [¶] **Ordered for consideration tomorrow.**

Rep. WILKINS, from the Committee on Judiciary, submitted a favorable report, on: [¶] [H. 2871](#) -- Rep. L. Martin: A bill to amend Section 16-17-530, Code of Laws of South Carolina, 1976, relating to public disorderly conduct, so as to further define the term "public place" for purposes of this section. [¶] **Ordered for consideration tomorrow.**

Rep. WILKINS, from the Committee on Judiciary, submitted a favorable report, with amendments, on: [¶] [H. 2909](#) -- Ethics Committee: A bill to amend Section 8-13-120, Code of Laws of South Carolina, 1976, relating to ethics, so as to provide for the state ethics commission to make an investigation of statements filed with it with respect to violation of the ethics code by a candidate for public office or any person, to prohibit the ethics commission from disclosing the disposition of a complaint concerning a candidate for elective office thirty days prior to an election, to provide that the filing and all matters pertaining to a complaint are confidential unless waived in writing, and to provide a penalty. [¶] **Ordered for consideration tomorrow.**

Rep. WILKINS, from the Committee on Judiciary, submitted a favorable report, with amendments, on: [¶] [S. 131](#) -- Senators Pope, Lourie, Giese and Leventis: A bill to amend Title 8, Code of Laws of South Carolina, 1976, relating to public officers and employees, by adding Chapter 27 so as to provide for the employment protection for an employee of a public body who reports a violation of any state or federal law or regulation involving a public body or its employees or officials and to provide penalties for violations. [¶] **Ordered for consideration tomorrow.**

Rep. WILKINS, from the Committee on Judiciary, submitted a favorable report, on: [¶] [S. 179](#) -- Senators Shealy and Drummond: A bill to amend Section 14-7-140, as amended, Code of Laws of South Carolina, 1976, relating to drawing and summoning jurors by utilizing a computer, so as to include jurors for the grand jury. [¶] **Ordered for consideration tomorrow.**

Rep. WILKINS, from the Committee on Judiciary, submitted a favorable report, on: [\[¶\] S. 260](#) -- Senator Waddell: A bill to amend the Code of Laws of South Carolina, 1976, by adding Section 4-9-82 so as to provide for the governing body of any public service district to transfer its assets and properties and responsibilities for the delivery of clinical medical services to another political subdivision or an appropriate health care provider and for the dissolution of the district upon the completion of the transfer. **[¶] Ordered for consideration tomorrow.**

Rep. WILKINS, from the Committee on Judiciary, submitted a favorable report, on: [\[¶\] S. 279](#) -- Senator Thomas E. Smith, Jr.: A bill to amend Section 4-9-30, Code of Laws of South Carolina, 1976, relating to the powers of county councils, so as to delete a reference to an employee discharged by an elected official, and to add a specific reference that an employee discharged by the administrator or designated department head shall follow the grievance procedures as established by county council, but if no grievance procedures are in place, to allow the discharged employee to request a hearing before county council. **[¶] Ordered for consideration tomorrow.**

Rep. WILKINS, from the Committee on Judiciary, submitted a favorable report, on: [\[¶\] S. 651](#) -- Senators Thomas E. Smith, Jr., Peeler, Bryan and Hayes: A bill to amend Section 44-23-1080, Code of Laws of South Carolina, 1976, relating to the prohibition against furnishing a patient or prisoner under jurisdiction of the South Carolina department of mental health with any matter declared contraband, so as to make it unlawful for any person to intentionally or negligently allow a patient or prisoner to have access to alcoholic beverages, firearms, dangerous weapons, or controlled substances as defined in section 44-53-110. **[¶] Ordered for consideration tomorrow.**

Rep. WILKINS, from the Committee on Judiciary, submitted a favorable report, with amendments, on: [\[¶\] S. 732](#) -- Judiciary Committee: A bill to amend Section 15-3-40, Code of Laws of South Carolina, 1976, relating to extending the time within which certain persons under disability may bring a civil action, so as to provide that an action accruing under the South Carolina tort claims act is not so extended; Section 15-78-20, as amended, relating to legislative findings regarding the tort claims act, so as to further delineate when the doctrine of sovereign immunity is reinstated for governmental entities and to provide for additional legislative findings in regard to bringing governmentally employed physicians and dentists under the provisions of the act; Section 15-78-30, relating to definitions under the tort claims act, so as to revise the definition of “employee” and “scope of official duty”; Section 15-78-60, relating to exceptions to the waiver of immunity, so as to further provide for these exceptions in regard to recreational areas, activities of the South Carolina state guard, and governmentally employed physicians and dentists; Section 15-78-70, relating to the liability for an act of a government employee, so as to further provide for this liability in regard to governmentally employed physicians and dentists; Sections 15-78-100 and 15-78-110, relating to when an action under the tort claims act must be instituted, so as to further provide for this time; Section 15-78-120, relating to limitations on the amount of recovery, so as to further provide for these limitations and to increase these limitations in regard to governmentally employed physicians and dentists; Section 59-67-710, as amended, relating to contracts of insurance on state-owned school buses and the benefits and limits of liability thereon, so as to further provide for these limits and liability; and to provide the manner in which the statutory time for filing of certain claims under the tort claims act must be computed. **[¶] Ordered for consideration tomorrow.**

Rep. L. PHILLIPS, from the Committee on Education and Public Works, submitted a favorable report, with amendments, on: [\[¶\] S. 93](#) -- Senator Lourie: A bill to amend Section 58-17-1450, Code of Laws of South Carolina, 1976, relating to examination of railroad crossings by county supervisors, so as to assign the responsibility to examine crossings to the state highway engineer, to require him to have the highways and public transportation department to take corrective actions or to direct railroad companies, counties, and municipalities to take appropriate corrective safety measures, to provide for the payment of safety-related expenses, and to provide civil penalties for noncompliance. **[¶] Ordered for consideration tomorrow.**

Rep. WILKINS, from the Committee on Judiciary, submitted a favorable report, with amendments, on: [\[¶\] H. 2955](#) -- Reps. Hodges and Baxley: A bill to provide that in civil actions proof of service by publication may be made by the affidavit of a South Carolina notary public that the appropriate notice has been printed or published. **[¶] Ordered for consideration tomorrow.**

Rep. WILKINS, from the Committee on Judiciary, submitted a favorable report, with amendments, on: [\[¶\] H. 3227](#) -- Reps. P. Bradley, Toal, Haskins, Davenport, Baxley, G. Bailey, Limehouse, Jones, Barfield, Wilkins, Klapman, Day, Pettigrew, J.W. McLeod, R. Brown, Gentry, Hawkins, Lockemy, Fair, Taylor, Ferguson, Thraillkill, Nesbitt, Petty,

Baker, Rice, McCain, Mattos, J. Harris, Wells, Felder, Koon, Townsend, Kay, Helmly, Sharpe, Sheheen, H. Brown, G. Brown, Mappus, E.B. McLeod, Elliott, McGinnis, Huff, T.M. Burriss, Hearn, Moss, O. Phillips, Chamblee, D. Martin, Dangerfield, Neilson, Lewis, Evatt and Cork: A bill to amend Chapter 15 of Title 16, Code of Laws of South Carolina, 1976, relating to offenses against morality and decency by adding Section 16-15-450, so as to make it a felony for any person to fertilize female animals with human sperm, to attempt this fertilization, or to engage in research or conduct experiments regarding this fertilization, to provide penalties for violations, and to add violations of section 16-15-450 to the list of crimes classified as felonies by section 16-1-10. [¶] Ordered for consideration tomorrow.

Rep. WILKINS, from the Committee on Judiciary, submitted a favorable report, with amendments, on: [¶] [H. 2013](#) -- Rep. Taylor: A bill to amend Sections 7-13-35, 7-13-40, 7-13-50, 7-13-60, as amended, 7-13-70, 7-13-610, 7-13-830, 7-15-450, 7-17-510, 7-17-520, 7-17-530, 7-17-540, 7-17-550, 7-17-560, 7-17-570, and 7-25-140, Code of Laws of South Carolina, 1976, relating to elections, so as to provide that primaries, except municipal primaries, must be conducted by the state election commission and the respective county election commissions; to amend Article 5 of chapter 13 of title 7, relating to ballots for primary elections, by adding Section 7-13-611 so as to provide for the arrangement of each “official county ballot” and of every “official state ballot”; to provide that nothing in this act or any other provision of law may be construed as prohibiting political parties from conducting presidential preference primaries; to provide that, in the case of any county which operates its elections through an election and registration commission composed of seven members, the structure and composition are not affected or changed by the provisions of this act; to repeal sections 7-9-110, relating to permitting county political party committees to establish a county party election commission for certain purposes, and 7-13-90, relating to the appointment of managers of primaries; and to provide that certain primaries, except municipal primaries, must be conducted by the state election commission and the county election commissions on the second Tuesday in June of each general election year. [¶] Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report, with amendments, on: [¶] [H. 2407](#) -- Reps. P. Harris, Blackwell and Waldrop: A bill to amend Section 1-13-30, Code of Laws of South Carolina, 1976, relating to definitions under the “South Carolina human affairs law”, so as to change the definition of “age”; to amend Section 1-13-80, relating to unlawful employment practices and exceptions under the “South Carolina human affairs law”, so as to, among other things, make changes with respect to age levels dealing with compulsory retirement and related matters, provide that it is not unlawful for an employer which is a governmental entity to fail or refuse to hire or to discharge any individual because of the individual’s age if the action is taken with respect to the employment of an individual as a firefighter or as a law enforcement officer and the individual has attained the age of hiring or retirement in effect under applicable law on March 3, 1983, and pursuant to a bona fide hiring or retirement plan that is not a subterfuge to evade the purposes of chapter 13 of title 1, and provide that nothing in Chapter 13 of Title 1 relating to age discrimination in employment may be construed to prohibit compulsory retirement of any employee who has attained seventy years of age and who is serving under a contract of unlimited tenure (or similar arrangement providing for unlimited tenure) at an institution of higher education, including providing for the repeal of this provision on December 31, 1993; and to amend Sections 9-8-40 and 9-8-60, relating to the retirement system for judges and solicitors, so as to delete references to the attaining of age seventy-two. [¶] Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report, on: [¶] [H. 2533](#) -- Rep. Blackwell: A bill to amend Section 24-21-950, Code of Laws of South Carolina, 1976, relating to the guidelines for determining eligibility for pardon consideration, so as to add a guideline which would authorize the victim of a crime or any member of the convicted person’s family living within the state to petition for a pardon for any person who is no longer an inmate or a probationer. [¶] Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report, with amendments, on: [¶] [H. 3043](#) -- Reps. Simpson and Hendricks: A bill to amend Section 43-25-10, Code of Laws of South Carolina, 1976, relating to the commission for the blind, so as to increase the membership of the commission from seven to eight members, provide that the additional member must be appointed by the governor, with the advice and consent of the senate, from the state at large for a four-year term and must be a member in good standing of a lions club in this state, and provide that the governor shall select this additional member from a list submitted by the statewide organization of lions international; and to provide for the commencement of the initial term of this additional member. [¶] Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report, on: [¶] [H. 3153](#) -- Rep. Hearn: A bill to amend Section 6-9-60, Code of Laws of South Carolina, 1976, relating to adoption and modification of certain standard codes by reference by municipalities and counties, so as to substitute the council of American building officials one and two family dwelling code for the standard code, change the composition of the building code council by deleting references to representatives from various organizations and providing that each member must be a member of the industry or profession he represents, reduce the term of a member of the council from six to four years, delete the requirement that at least one member of the council must be a member of each congressional district, delete the primary function of the council to decide to what extent any jurisdiction may vary from the codes listed in this section, delete obsolete language, authorize the council to elect a vice-chairman, and delete the authority of the council to adopt regulations. [¶] **Ordered for consideration tomorrow.**

Rep. WHITE, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report, on: [¶] [H. 3175](#) -- Reps. Wilkins, Tucker, Wilder, J.W. Johnson, D. Martin, McEachin, Hayes, Hendricks, H. Brown, Nettles, J. Rogers, Clyborne, Haskins, McElveen, Waldrop and Rhoad: A bill to amend Chapter 11 of title 23, Code of Laws of South Carolina, 1976, relating to sheriffs, by adding Section 23-11-110 so as to provide qualifications and training requirements for sheriffs. [¶] **Ordered for consideration tomorrow.**

Rep. WHITE, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report, with amendments, on: [¶] [S. 582](#) -- Senators Shealy, Thomas and Patterson: A bill to amend Section 40-75-100, Code of Laws of South Carolina, 1976, relating to the requirements for licensure under the professional counselor, associate counselor, and marital and family therapist licensing act, so as to clarify the required amount of clinical contact and supervised experience for a marital and family therapist as twelve hundred hours. [¶] **Ordered for consideration tomorrow.**

Rep. WHITE, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report, on: [¶] [S. 625](#) -- Senators Hayes, Nell W. Smith and Moore: A bill to amend the Code of Laws of South Carolina, 1976, by adding Section 20-7-1895 so as to provide for a statewide adoption exchange which is to be established by the department of social services to recruit adoptive families. [¶] **Ordered for consideration tomorrow.**

Rep. WHITE, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report, with amendments, on: [¶] [S. 759](#) -- Senator Lee: A bill to amend Act 1 120 of 1960, as amended, relating to the Liberty-Chesnee-Fingerville water district in Spartanburg County, so as to provide for the election instead of the appointment of the members of the commission to begin in 1989, provide for the terms of office, staggering of terms, method by which candidates' names may be placed on the ballot, and for filling of vacancies. [¶] **Ordered for consideration tomorrow.**

Rep. WHITE, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report, on: [¶] [S. 775](#) -- Medical Affairs Committee: A joint resolution to approve regulations of the Department of Health and Environmental Control, relating to standards for licensing outpatient facilities for chemically dependent or addicted persons, designated as regulation document number 810, pursuant to the provisions Of Article 1, Chapter 23, Title 1 of the 1976 code. [¶] **Ordered for consideration tomorrow.**

Rep. L. PHILLIPS, from the Committee on Education and Public Works, submitted a favorable report, with amendments, on: [¶] [H. 2734](#) -- Reps. Keyserling, T. Rogers, Shelton, White, Hearn, mcteer, Foxworth, Foster, Wilder, Sheheen, Rudnick, Whipper, Moss, Nesbitt, Helmly, Cork, Kirsh, H. Brown, Hayes, Hodges, Toal, Neilson, J. Rogers, Evatt, Washington and Dangerfield: A bill to amend the Code of Laws of South Carolina, 1976, by adding Chapter 32 to title 59 so as to provide for the establishment of a comprehensive health education program in elementary and secondary schools through appropriate program development, adequate teacher training, required hours of health instruction, and an exemption for student participation. [¶] **Ordered for consideration tomorrow.**

CONCURRENT RESOLUTION [¶] The following was introduced: [¶] [H. 3437](#) -- Reps. Sheheen, J. Rogers, Dangerfield, McLellan, L. Phillips, Pearce, Toal, White and Wilkins: A concurrent resolution inviting his excellency, Carroll A. Campbell, Jr., Governor of the state of South Carolina, to address the general assembly in joint session at 7:00 p.m. on Wednesday, January 20, 1988. [¶] Be it resolved by the House of Representatives, the Senate concurring: [¶] That His Excellency, Carroll A. Campbell, Jr., Governor of the State of South Carolina, is invited to address the General Assembly in joint session at 7:00 p.m. On Wednesday, January 20, 1988, in the Hall of the House of Representatives. [¶] **The Concurrent Resolution was agreed to and ordered sent to the Senate.**

HOUSE RESOLUTION [¶] The following was introduced: [¶] [H. 3438](#) -- Rep. Sharpe: A house resolution to request the

clerk of the house to remove all printed or other material from each member's desk upon the adjournment of the house on Tuesday, January 12, 1988, which the member does not place inside or under his rolltop desk, and to place this material in the member's blatt building office. [¶] **The Resolution was ordered referred to the Committee on Rules.**

HOUSE RESOLUTION [¶] The following was introduced: [¶] [H. 3439](#) -- Rep. Edwards: A house resolution inviting a group of the students from the South Carolina School for the Deaf and Blind to the House Chamber on Tuesday, February 16, 1988, at 12:00 noon, to lead the members of the House of Representatives in the pledge of allegiance to the flag in sign language and to perform for the House two patriotic songs. [¶] **The Resolution was ordered referred to the Committee on Invitations and Memorial Resolutions.**

CONCURRENT RESOLUTION [¶] The following was introduced: [¶] [H. 3440](#) -- Rep. Harvin: A concurrent resolution naming Robert C.J. Chen as honorary representative for South Carolina to the Province of Taiwan. [¶] The Concurrent Resolution was ordered referred to the Committee on Invitations and Memorial Resolutions.

CONCURRENT RESOLUTION [¶] The following was introduced: [¶] [H. 3441](#) -- Reps. Beasley and Hayes: A concurrent resolution to recognize the accomplishments and contributions of the Honorable Parker Evatt of Richland County and to extend the best wishes of the members of the General Assembly to their former colleague in his new position as Commissioner of the South Carolina Department of Corrections. [¶] Whereas; it is with mixed emotions that the members of the General Assembly bid farewell to the Honorable Parker Evatt of Richland County as he leaves the Hall of the House of Representatives to become chief of South Carolina's prisons; and [¶] Whereas, Mr. Evatt follows Commissioner William Leeke to head the South Carolina Department of Corrections beginning his new job in the fall of 1987; and [¶] Whereas, as Mr. Evatt ends his outstanding career of thirteen years in the legislature, the State loses a well-qualified, highly respected individual, but another area of state government gains the services of a man with a strong legislative background in corrections matters and in issues concerning our youth; and [¶] Whereas, Mr. Evatt has headed the Alston Wilkes Society for seventeen years and, among his numerous awards and honors in his work with the youth and prisoners of our State, he has received the following: Outstanding Achievement Award, National Association of Volunteers in Criminal Justice, 1979; Legislator of the Year, [¶] South Carolina Perinatal Association, 1980; Distinguished Service Award, South Carolina Correctional Association, 1981; Youth Advocacy Award, Council on Child Abuse and Neglect, 1983; Leadership Award, South Carolina Department of Parole and Community Corrections, 1984; Legislator of the Year, Council for Exceptional Children, 1985; and Child Advocate Award, South Carolina Chapter of American Academy of Pediatrics, 1986; and [¶] Whereas, as chairman of the Joint Legislative Committee on Children, Mr. Evatt has been a vigorous and tireless advocate for the children of our State fighting to protect their rights and giving them a voice in his continuous support of issues in their best interest. Now, therefore, [¶] Be it resolved by the House of Representatives, the Senate concurring: [¶] That the members of the General Assembly recognize the accomplishments and contributions of the Honorable Parker Evatt of Richland County and extend best wishes to their former colleague in his new position as Commissioner of the South Carolina Department of Corrections. [¶] Be it further resolved that a copy of this resolution be forwarded to the Honorable Parker Evatt. [¶] **The Concurrent Resolution was agreed to and ordered sent to the Senate.**

CONCURRENT RESOLUTION [¶] The following was introduced: [¶] [H. 3442](#) -- Rep. Rhoad: A concurrent resolution expressing the congratulations of the members of the general assembly to Herbert R. Koon, Jr., of Bamberg County on being selected 1986 county supervisor of the year for the farmers home administration. [¶] **The Concurrent Resolution was agreed to and ordered sent to the Senate.**

CONCURRENT RESOLUTION [¶] The following was introduced: [H. 3443](#) -- Rep. McTeer: A concurrent resolution to congratulate twin brothers, Lynn H. Youmans and Robert A. Youmans, of Furman in Hampton County for receiving the South Carolina farm bureau distinguished service award for 1987. [¶] **The Concurrent Resolution was agreed to and ordered sent to the Senate.**

CONCURRENT RESOLUTION [¶] The following was introduced: [¶] [H. 3444](#) -- Rep. Fair: A concurrent resolution to authorize the Young Men's Christian Association to use the Senate and House of Representatives Chambers on Thursday, April 28, 1988, after the adjournment of the general assembly, Friday, April 29, 1988, and Saturday, April 30, 1988, to conduct a youth in government program. [¶] **The Concurrent Resolution was ordered referred to the Committee on Invitations and Memorial Resolutions.**

CONCURRENT RESOLUTION [¶] The Senate sent to the House the following: [¶] [S. 882](#) -- Senator Hayes:

A concurrent resolution to recognize the contributions of the Honorable William R. Bradford, Jr., of York County, and to request the department of highways and public transportation to name the bridge presently known as Dobys Bridge Road Bridge in York County the “William R. Bradford, Jr., Bridge”. **[¶] The Concurrent Resolution was ordered referred to the York Delegation.**

COMMITTEE FROM THE SENATE **[¶]** Senators Patterson, Martschink and Moore of a committee from the Senate informed the House that the Senate was organized and ready for the transaction of business.

COMMITTEE TO NOTIFY THE SENATE **[¶]** The SPEAKER appointed Reps. J. ROGERS, LEWIS and KEYSERLING of a committee to notify the Senate that the House had organized and was ready for the transaction of business.

INTRODUCTION OF BILLS **[¶]** The following Bills and Joint Resolutions were introduced, read the first time, and referred to appropriate committees:

[H. 3279](#) -- Rep. Limehouse: A joint resolution proposing an amendment to Section 23 of Article III of the constitution of South Carolina, 1895, relating to open sessions of the house of representatives and the senate and when secret sessions are permitted, so as to prohibit secret, closed, or executive sessions. **[¶] Referred to Committee on Judiciary.**

[H. 3280](#) -- Rep. Limehouse: A bill to amend Section 30-4-70, as amended, Code of Laws of South Carolina, 1976, relating to closed meetings of a public body under the South Carolina Freedom of Information Act and executive sessions of the General Assembly, so as to prohibit executive sessions of the General Assembly and to provide that the above provisions are effective upon the ratification of a constitutional amendment prohibiting closed, secret, or executive sessions of each house of the general assembly. **[¶] Referred to Committee on Judiciary.**

[H. 3281](#) -- Rep. Fair: A bill to amend the Code of Laws of South Carolina, 1976, by adding Section 44-29-220 so as to provide for the tax commission to include information on Acquired Immunodeficiency Syndrome in income tax returns, for the Department of Health And Environmental Control to prepare the information, and for the information to be furnished to any other state agency. **[¶] Referred to Committee on Medical, Military, Public and Municipal Affairs.**

[H. 3282](#) -- Reps. Aydlette, McElveen, Lockemy, H. Brown, Thrailkill, Moss, Winstead, G. Bailey, Haskins, Whipper, Mappus, Kay, Klapman, Townsend, Blackwell, Corning, White, Elliott, Derrick, Koon, Simpson, P. Bradley, Wells, Pettigrew, McAbee, Petty, R. Brown, McGinnis, Nesbitt, Wilder, Ogburn, Day, Cooper, Davenport, Baker, T.C. Alexander, J.C. Johnson, McCain, Clyborne and McEachin: A joint resolution proposing an amendment to Article III of the Constitution of South Carolina, 1895, relating to the legislative department, by adding Section 37 so as to prohibit any regulation promulgated by a state agency, board, commission, committee, or department from becoming effective unless approved by concurrent resolution of the General Assembly and to allow the General Assembly to provide by law for the promulgation of emergency regulations. **[¶] Referred to Committee on Judiciary.**

[S. 116](#) -- Senator J. Verne Smith: A bill to amend Section 56-5-4100, Code of Laws of South Carolina, 1976, relating to prohibiting spilling loads on highways and removing spilled loads, so as to limit the height of loads of rock, gravel, stone, or other similar substances on trucks, trailers, or other vehicles when driven or moved on any highway; to provide that the load must be securely covered or the vehicle must be constructed to prevent the load from escaping, as alternatives to limiting the height of the load; to provide penalties for violations of the provision requiring public highways to be cleaned of glass or objects by operators of vehicles from which the glass or objects have fallen; and to provide exceptions. **[¶] Referred to Committee on Education and Public Works.**

[S. 315](#) -- Senator Drummond: A bill to reauthorize the South Carolina state board of dentistry for six years; to amend Section 40-15-20, Code of Laws of South Carolina, 1976, relating to the membership of the board, so as to authorize the dental hygienist member to vote on disciplinary matters for dentists; to amend Section 40-15-80, relating to the definition of “dental hygiene”, so as to redefine the term, to authorize a registered hygienist to perform certain services under the general supervision of a licensed dentist, and to define “general supervision”; and to amend Section 40-15-270, relating to reciprocal agreements for dentists and dental hygienists licensed in other states, so as to delete language requiring membership in regional testing services and provide that the board may grant licenses to licensees of other states if the requirement for licensure in those states is substantially equivalent to the requirements for licensure required by the provisions of chapter 15 of title 40. **[¶] Referred to Committee on Medical, Military, Public and Municipal Affairs.**

[S. 855](#) -- Senators Lourie, Courson, Giese and Patterson: A bill to amend act 626 of 1980, relating to magistrates and magisterial districts in Richland County, so as to merge the Horrell Hill District into the Eastover District and to provide

for a ministerial magistrate who may be appointed from the county at large. **[¶] Referred to Richland Delegation.**

H. 3283 -- Rep. J. Bradley: A bill to amend Section 38-29-260, Code of Laws of South Carolina, 1976, relating to notice and approval of extraordinary dividends or distributions by domestic insurers being required, so as to revise what constitutes an extraordinary dividend or distribution for purposes of this section. **[¶] Referred to Committee on Labor, Commerce and Industry.**

H. 3284 -- Rep. Hayes: A bill to amend Article 35, Chapter 5, Title 56, Code of Laws of South Carolina, 1976, relating to equipment and identification of motor vehicles, so as to prohibit the use of devices on motor vehicles to detect the presence of radar which measures the speed of motor vehicles. **[¶] Referred to Committee on Judiciary.**

H. 3285 -- Rep. J. Bradley: A bill to amend Article 1, Chapter 51, Title 15, Code of Laws of South Carolina, 1976, relating to wrongful death actions, by adding Section 15-51-45, so as to provide that an unmarried testator in his last will and testament may stipulate that a person other than those permitted by the provisions of this article may maintain a wrongful death action against another person who causes the testator's wrongful death. **[¶] Referred to Committee on Judiciary.**

H. 3286 -- Rep. M.D. Burriss: A bill to amend Article 11, Chapter 3, Title 16, Code of Laws of South Carolina, 1976, relating to miscellaneous criminal offenses against persons, by adding Section 16-3-1075 so as to permit the use of deadly physical force by an occupant of a dwelling against an intruder under certain conditions. **[¶] Referred to Committee on Judiciary.**

H. 3287 -- Rep. J. Bradley: A bill to amend Chapter 63 of title 44, Code of Laws of South Carolina, 1976, relating to vital statistics, by adding Section 44-63-210 so as to provide that the department of health and environmental control shall promulgate regulations which provide for the issuance by appropriate authorities of a birth certificate for a fetus which is born dead. **[¶] Referred to Committee on Medical, Military, Public and Municipal Affairs.**

H. 3288 -- Rep. J. Bradley: A bill to amend Article 3, Chapter 47, Title 40, Code of Laws of South Carolina, 1976, relating to registration of persons licensed to practice medicine or osteopathy, by adding Section 40-47-425 so as to provide that all persons licensed to practice medicine or osteopathy when applying for an annual reregistration certificate shall file with the board on a form approved by it a certificate that they will accept as full payment for services rendered to patients covered by Medicare the Medicare-determined reasonable charge for those services; and to amend Article 1, Chapter 47 of title 40, relating to physicians, surgeons and osteopaths by adding Section 40-47-195 so as to provide that persons applying for temporary or permanent licenses to practice medicine or osteopathy may not be issued the license until they have executed the certificate required by section 40-47-425. **[¶] Referred to Committee on Medical, Military, Public and Municipal Affairs.**

H. 3289 -- Rep. J. Bradley: A bill to amend Section 16-17-495, Code of Laws of South Carolina, 1976, relating to the unlawful transporting of a child under sixteen years of age outside this state with intent to violate a custody order of a court of this state, so as to provide that it is also a violation of this section for any person to so transport or keep a child outside the limits of this state when a court of competent jurisdiction of another state has awarded custody of the child to a custodian lawfully residing in this state who is maintaining the child in this state not in violation of the court order. **[¶] Referred to Committee on Judiciary.**

H. 3290 -- Reps. Harvin, Aydlette, J. Brown, Davenport, Day, Foxworth, P. Harris, Haskins, Kirsh, Klapman, Limehouse, Moss, Rhoad, Sharpe, Barfield, Baxley, J.H. Burriss and Corning: A bill to amend the Code of Laws of South Carolina, 1976, by adding Section 16-3-65 so as to enact the home protection bill of rights. **[¶] Referred to Committee on Judiciary.**

H. 3291 -- Rep. Davenport: A concurrent resolution memorializing congress to refrain from enacting any physician diagnosis related group (DRG) payment scheme under Medicare and to adopt house concurrent resolution 30 and senate concurrent resolution 15 which oppose DRG's for doctors and the mandated assignment under Medicare. **[¶] Referred to Committee on Invitations and Memorial Resolutions.**

H. 3292 -- Rep. Hayes: A bill to amend Section 46-41-10, Code of Laws of South Carolina, 1976, relating to definitions in regard to the licensing and bonding of dealers and handlers of agricultural products, so as to revise the definition of "agricultural products" in order to provide that certain persons purchasing timber are considered dealers in these products. **[¶] Referred to Committee on Agriculture and Natural Resources.**

H. 3293 -- Rep. McLellan: A bill to amend the Code of Laws of South Carolina, 1976, by adding Section 50-11-190 so as to define as a primitive weapon a rifle,.36 caliber or larger, with a one-eighth inch non-magnified peep site on the rear of the barrel. **[¶] Referred to Committee on Judiciary.**

[H. 3294](#) -- Rep. J. Bradley: A concurrent resolution to memorialize the President and the Congress to take appropriate action to stop supplying any kind of funding, aid, or trade to the Soviet Union and to all other communist nations. **[¶] Referred to Committee on Invitations and Memorial Resolutions.**

[H. 3295](#) -- Rep. Day: A bill to amend Section 24-21-645, Code of Laws of South Carolina, 1976, relating to parole orders, so as to require all members of the parole and community corrections board to authorize and sign orders authorizing parole for persons convicted of murder. **[¶] Referred to Committee on Medical, Military, Public and Municipal Affairs.**

[H. 3296](#) -- Rep. Clyborne: A bill to amend Section 18-7-20, Code of Laws of South Carolina, 1976, relating to an appeal from a judgment in a magistrate's or municipal court, so as to change from ten to thirty days the time an appellant has to file his notice of appeal. **[¶] Referred to Committee on Judiciary.**

[H. 3297](#) -- Rep. J. Rogers: A bill to amend Section 58-27-1300, Code of Laws of South Carolina, 1976, relating to disposition of property, powers, franchises, or privileges of electric utilities with the approval of the public service commission, so as to provide that electric utilities may dispose of property, powers, franchises, or privileges owned by them outside this state or property which has an initial cost of one million dollars or less without the prior approval of the commission. **[¶] Referred to Committee on Judiciary.**

[H. 3298](#) -- Reps. Day, Winstead, Mappus, H. Brown, Dangerfield and Moss: A bill to amend title 59, Code of Laws of South Carolina, 1976, relating to education, by adding Chapter 130 so as to provide for a separate governing board for the College of Charleston; to amend Section 59-101-10, relating to the designation of state colleges and universities, so as to designate the College of Charleston as a separate and distinct institution under its own board of trustees and to designate Lander College and Francis Marion College by name and provide that they are governed by the state college board of trustees; to amend Section 59-101-20, relating to the transfer of the college of Charleston to the state, so as to delete certain provisions, including the provision that the college be governed by the state college board of trustees; to amend Section 59-131-10, relating to the authorization of the state college board of trustees to provide parking facilities at the College of Charleston, so as to delete reference to the state college board of trustees, to include reference to the board of trustees for the college of Charleston, and to delete certain other language; to amend Section 59-131-30, relating to parking facilities at the college of Charleston and the provisions that bonds are payable solely from revenues of parking facilities, so as to delete reference to the state college board of trustees and to include reference to the board of trustees for the college of Charleston; to amend Section 59-112-10, relating to determination of rates of tuition and fees and definitions thereunder, so as to provide that "state institution" means post-secondary educational institutions under the jurisdiction of the board of trustees of the college of Charleston, among other boards; and to provide for the selection of the initial trustees for the separate governing board for the college of Charleston. **[¶] Referred to Committee on Education and Public Works.**

[H. 3299](#) -- Rep. Day: A bill to amend the Code of Laws of South Carolina, 1976, by adding Section 12-37-226 so as to provide for a partial exemption from ad valorem taxation for privately-owned community swimming pools opened to the general public at least forty percent of the time. **[¶] Referred to Committee on Ways and Means.**

[H. 3300](#) -- Rep. Kirsh: A bill to amend Chapter 55 of title 44, Code of Laws of South Carolina, 1976, relating to water, sewage, waste disposal, and the like, by adding article 19 so as to provide for the sale of cleaning agents containing phosphorus. **[¶] Referred to Committee on Medical, Military, Public and Municipal Affairs.**

[H. 3301](#) -- Rep. Waldrop: A bill to amend Section 56-3-1240, Code of Laws of South Carolina, 1976, relating to display of motor vehicle license plates, so as to require license plates to be attached to front and rear of the motor vehicle for motor vehicle registration years beginning after December, 1989. **[¶] Referred to Committee on Education and Public Works.**

[H. 3302](#) -- Rep. Waldrop: A bill to make it unlawful to use any device, commonly known as a radar detector, the effect of which is to detect and counteract the use of radar or similar equipment by law enforcement agencies in ascertaining the rate of travel of motor vehicles, to provide penalties, to provide for the seizure and destruction of the unlawful device, and to provide for the promulgation of regulations by the state law enforcement division. **[¶] Referred to Committee on Education and Public Works.**

[H. 3303](#) -- Rep. Waldrop: A bill to prohibit the entering into or proposal of a plea bargain agreement on behalf of any person charged with a violent crime as defined in Section 16-1-60, Code of Laws of South Carolina, 1976, until the approval of the victim of the crime or of his nearest relative has been obtained and to require the court to ascertain whether such approval has been given. **[¶] Referred to Committee on Judiciary.**

[H. 3304](#) -- Rep. Kirsh: A bill to amend Sections 52-17-20, 52-17-30, and 52-17-40, Code of Laws of South Carolina, 1976, relating to bingo, so as to transfer the licensing functions of the secretary of state in regard to bingo to the South

Carolina tax commission. **[¶] Referred to Committee on Ways and Means.**

[H. 3305](#) -- Reps. J. Bradley, Boan and J.W. McLeod: A bill to amend the Code of Laws of South Carolina, 1976, by adding Section 38-63-80 so as to provide that interest at the legal rate must be paid by a life insurer on a lump sum death benefit if the insurer fails to pay the benefit within thirty days of the claimant submitting proof of death. **[¶] Referred to Committee on Labor, Commerce and Industry.**

[H. 3306](#) -- Reps. J. Bradley, Boan and J.W. McLeod: A bill to amend Section 38-29-70, Code of Laws of South Carolina, 1976, relating to the powers and duties of the South Carolina life and accident and health insurance guaranty association, so as to provide that the association has no liability under chapter 29, Title 38, for covered policies of a domestic insurer for residents of another state except under certain conditions; and to amend Section 38-29-80, relating to the association and assessments, so as to provide that in the event an assessment against a member insurer is abated or deferred, in whole or in part, because of certain limitations, the amount by which the assessment is abated or deferred may, rather than must, be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in section 38-29-80. **[¶] Referred to Committee on Labor, Commerce and Industry.**

[H. 3307](#) -- Reps. J. Bradley, Boan and J.W. McLeod: A bill to amend the Code of Laws of South Carolina, 1976, by adding sections 38-43-107, 38-45-35, 38-47-15, and 38-49-25 so as to require an individual applying for an insurance agent's, broker's, adjuster's, or damage appraiser's license from the department of insurance to furnish the department his business and residence address and to require notification to the department within ten days of any change in address. **[¶] Referred to Committee on Labor, Commerce and Industry.**

[H. 3308](#) -- Reps. J. Bradley, Boan and J.W. McLeod: A bill to amend Chapter 13, Title 38, Code of Laws of South Carolina, 1976, relating to insurance, by adding Section 38-13-85 so as to require each insurer authorized to write insurance in this state to file certain information annually with the national association of insurance commissioners, to provide that the association and its authorized committees, employees, or persons are immune from civil liability when disseminating this information in absence of actual malice, and to provide that certain information submitted to the state department of insurance by the association must be confidential. **[¶] Referred to Committee on Labor, Commerce and Industry.**

[H. 3309](#) -- Reps. J. Bradley, Boan and J.W. McLeod: A bill to amend Section 38-75-10, Code of Laws of South Carolina, 1976, relating to a foreign or alien fire insurer being required to write on the face of each fire insurance policy issued by it the name of the county entitled to an allocation of the premiums thereon and the location of the property so insured, so as to make this provision applicable to all fire insurers. **[¶] Referred to Committee on Labor, Commerce and Industry.**

[H. 3310](#) -- Reps. J. Bradley, Boan and J.W. McLeod: A bill to amend Section 38-65-40, Code of Laws of South Carolina, 1976, relating to the requirements for group life insurance policies, and section 38-71-730, relating to the requirements for group health, group accident, and group accident and health insurance policies, so as to delete the requirement that seventy-five percent of employees or members shall participate before the policy may be placed in force. **[¶] Referred to Committee on Labor, Commerce and Industry.**

[H. 3311](#) -- Reps. J. Bradley, Boan and J.W. McLeod: A bill to amend Section 38-3-90, Code of Laws of South Carolina, 1976, relating to the advisory committee to the insurance commission, so as to provide for the attendance of the committee members at public and executive commission meetings; and section 38-3-110, relating to the duties of the chief insurance commissioner, so as to revise his duties to report violations of the laws and to institute civil actions relative to the business of insurance. **[¶] Referred to Committee on Labor, Commerce and Industry.**

[H. 3312](#) -- Reps. J. Bradley, Boan and J.W. McLeod: A bill to amend Section 38-13-80, Code of Laws of South Carolina, 1976, relating to the requirement that every insurer file an annual statement with the chief insurance commissioner showing the business standing and financial condition of the insurer, so as to require that the statement be verified by two of its principal officers instead of being signed by its president. **[¶] Referred to Committee on Labor, Commerce and Industry.**

[H. 3313](#) -- Reps. J. Bradley, Boan and J.W. McLeod: A bill to amend sections 38-15-10 and 38-15-20, Code of Laws of South Carolina, 1976, relating to surety insurers and the special authority required for writing certain bonds, forms of the bonds, and the withdrawal of the special authority, so as to delete the governor from the list of state officials authorized to act under these provisions. **[¶] Referred to Committee on Labor, Commerce and Industry.**

[H. 3314](#) -- Reps. J. Bradley, Boan and J.W. McLeod: A bill to amend Section 38-13-10, Code of Laws of South Carolina, 1976, relating to insurance, so as to make the inspection and examination of domestic insurance companies discretionary instead of mandatory. **[¶] Referred to Committee on Labor, Commerce and Industry.**

[H. 3315](#) -- Reps. J. Bradley, Boan and J.W. McLeod: A bill to amend sections 38-65-60, 38-65-70, 38-65-210, and 38-65-310, Code of Laws of South Carolina, 1976, relating to group life insurance, so as to provide for continued coverage

during an insured's total disability and delivery of certificates of insurance to covered debtors, to require adjustments when the sex of an insured is misstated, to increase the limitation on the amount which the insurer may pay to persons who incur expense by reason of the death of an insured with no named beneficiary from five hundred dollars to two thousand dollars and the limitation on the amount of individual coverage a member of a group whose group coverage is terminated may receive from two thousand dollars to ten thousand dollars, to eliminate a restriction on groups which may not be insured by out-of-state insurers, to further define the dependent children whose lives may be insured under group policies and increase the limit of coverage from five thousand dollars to ten thousand dollars, and to eliminate a restriction on the amount of life insurance coverage a person may receive under a franchise or wholesale life insurance plan; to amend the 1976 code by adding Section 38-65-110 so as to provide for the extension of time for exercising the right of obtaining life insurance without evidence of insurability when notice of the right has not been given as required; and to repeal section 38-65-80 relating to inapplicability of chapter 65 of title 38 to an association of members involved in one hazardous occupation. **[¶] Referred to Committee on Labor, Commerce and Industry.**

H. 3316 -- Reps. Keyserling, Altman, K. Bailey, J. Brown, J.H. Burriss, T.M. Burriss, Carnell, Davenport, Elliott, Foxworth, Harvin, Lewis, Mappus, McElveen, Rudnick, Snow, Sturkie, Washington, Wells, White, Wilder, T. Rogers and Corning: A bill to amend Article 10, Chapter 7, Title 12, Code of Laws of South Carolina, 1976, relating to income tax credits, by adding Sections 12-7-1245, 12-7-1246, 12-7-1247, and 12-7-1248 so as to provide for an income tax credit for qualified renewable energy source expenditures and provide for the establishment of procedures and the promulgation of regulations by the tax commission after consultation with the joint legislative committee on energy. **[¶] Referred to Committee on Ways and Means.**

H. 3317 -- Reps. Whipper, Winstead, D. Martin and Foxworth: A bill to amend Article 11, Chapter 3, Title 16, Code of Laws of South Carolina, 1976, relating to miscellaneous offenses against a person, by adding Section 16-3-1080 so as to make it a crime for an owner of a dwelling unit to install a security measure which would hinder the exit of a person from the unit in case of a fire and require an owner of a dwelling unit to provide easy access to all exits of the dwelling unit or building in which the unit is located and to provide a penalty for violation. **[¶] Referred to Committee on Judiciary.**

H. 3318 -- Rep. Day: A joint resolution proposing an amendment to Sections 2 and 8 of Article III of the constitution of South Carolina, 1895, relating to the legislative branch of government, so as to provide that members of the house of representatives must be elected for terms of four instead of two years beginning with those members elected in the 1990 general election. **[¶] Referred to Committee on Judiciary.**

H. 3319 -- Reps. J. Harris, J.H. Burriss, Keyserling, T. Rogers, Shelton and Corning: A bill to amend Chapter 16, Title 12, Code of Laws of South Carolina, 1976, by adding Article 21 so as to provide for the payment of estate tax with a contribution of cultural property to a state agency. **[¶] Referred to Committee on Ways and Means.**

H. 3320 -- Rep. Fair: A bill to amend the Code of Laws of South Carolina, 1976, by adding Section 61-13-287 so as to prohibit the transfer of beer, wine, or alcoholic liquor to persons under the age of twenty-one years, provide exceptions, and provide penalties for violations. **[¶] Referred to Committee on Judiciary.**

H. 3321 -- Reps. McEachin and Corning: A bill to amend Section 56-3-3310, Code of Laws of South Carolina, 1976, relating to special license plates for purple heart recipients, so as to provide that no fee may be charged for these special license plates. **[¶] Referred to Committee on Education and Public Works.**

H. 3322 -- Reps. Edwards, D. Martin, White and Clyborne: A bill to amend Section 7-13-190, Code of Laws of South Carolina, 1976, relating to special elections to fill office vacancies, so as to provide for elections to be held on the same date if they are required within a twenty-eight-day period in the same county. **[¶] Referred to Committee on Judiciary.**

H. 3323 -- Rep. Sharpe: A bill to amend Chapter 3, Title 47, Code of Laws of South Carolina, 1976, relating to dogs and other domestic pets, by adding Article 11 so as to regulate the training, care, and custody of dangerous dogs and to provide penalties for violations and to provide that magistrates have jurisdiction to try cases involving violations. **[¶] Referred to Committee on Judiciary.**

H. 3324 -- Rep. Fair: A bill to amend Section 59-1-150, Code of Laws of South Carolina, 1976, relating to definitions of the various school levels, Section 59-63-20, relating to a pupil's age of school attendance, and section 59-65-10, as amended, relating to compulsory school attendance and the responsibilities of parents and the school district, so as to allow students to enter public kindergarten if they are five years of age before September second instead of before November second and to prohibit students from entering first grade in public school unless they are six before September second instead of November second. **[¶] Referred to Committee on Education and Public Works.**

[H. 3325](#) -- Rep. Day: A bill to amend the Code of Laws of South Carolina, 1976, by adding Section 57-1-130 so as to provide for the department of highways and public transportation to construct speed bumps in residential areas on roads which the department is required to maintain. **[¶] Referred to Committee on Education and Public Works.**

[H. 3326](#) -- Rep. M.D. Burriss: A House resolution to invite the South Carolina Air National Guard flag team to perform its patriotic flag ceremony on Thursday, February 11, 1988, in the hall of the house immediately following the chaplain's prayer. **[¶] Referred to Committee on Invitations and Memorial Resolutions.**

[H. 3327](#) -- Rep. Aydlette: A bill to amend Section 57-11-20, Code of Laws of South Carolina, 1976, relating to the state highway fund, so as to require interest earned from the fund to be deposited in the fund. **[¶] Referred to Committee on Ways and Means.**

[H. 3328](#) -- Rep. Aydlette: A bill to amend Article 1, Chapter 11, Title 57, Code of Laws of South Carolina, 1976, relating to general provisions concerning the financial matters of the department of highways and public transportation, by adding Section 57-11-25 so as to provide that no more than thirty-two million dollars may be appropriated from the state highway fund for the operation of the highway patrol and provide that any additional funding must be appropriated from the general fund of the state. **[¶] Referred to Committee on Ways and Means.**

[H. 3329](#) -- Rep. Kohn: A bill to amend Chapter 13, Title 61, Code of Laws of South Carolina, 1976, relating generally to the enforcement of alcoholic beverage control laws, by adding article 6 so as to provide that persons who hold a license to sell alcoholic liquors, beer, or wine for on-or off premises consumption, and the managers and employees of the establishments wherein these beverages are sold, are liable for certain damages if they negligently sell or furnish these beverages to an underage or intoxicated person, and to require holders of these licenses to furnish to the alcoholic beverage control commission proof of financial responsibility in meeting any liability imposed above. **[¶] Referred to Committee on Judiciary.**

[H. 3330](#) -- Reps. J. Bradley, Boan and J.W. McLeod: A bill to amend the Code of Laws of South Carolina, 1976, by adding Chapter 2 in title 38, relating to insurance, so as to provide civil and criminal penalties for violations of the insurance law; to amend Section 38-25-320, relating to the fine for conducting unauthorized insurance business in this state, so as to increase the maximum fine from ten to fifty thousand dollars; to amend Section 38-5-120, relating to acts which result in the revocation or suspension of an insurer's certificate of authority, so as to include failure to comply with a lawful order of the commission; to amend Section 38-43-130, relating to the commissioner's authority to revoke or suspend agents' licenses, so as to delete wilfulness as an element of a violation, to increase from one to two years the maximum period of a license suspension, and to reference the general penalty provisions added by this act; to amend sections 38-5-130, 38-7-80, 38-13-90, 38-13-150, 38-17-170, 38-15-330, 38-27-420, 38-29-100, 38-31-80, 38-37-930, 38-39-20, 38-39-40, 38-43-160, 38-43-190, 38-45-140, 38-45-150, 38-47-60, 38-47-70, 38-53-150, 38-53-340, 38-55-40, 38-55-60, 38-55-80, 38-55-340, 38-57-200, 38-59-30, 38-59-50, 38-63-10, 38-65-10, 38-65-20, 38-69-10, 38-69-20, 38-71-90, 38-71-220, and 38-73-80, all relating to the insurance law and containing separate penalty provisions, so as to delete the existing penalty provisions and add references to the general penalty provisions added by this act; and to repeal sections 38-25-340, 38-25-350, 38-37-950, 38-37-960, 38-43-140, 38-43-150, 38-61-60, and 38-73-100 relating to the insurance law. **[¶] Referred to Committee on Labor, Commerce and Industry.**

[H. 3331](#) -- Reps. J. Bradley, Boan and J.W. McLeod: A bill to amend Article 9, Chapter 19, Title 38, Code of Laws of South Carolina, 1976, relating to operations generally of a domestic mutual insurer, by adding sections 38-19-815 and 38-19-825 so as to define "bulk reinsurance and assumption", "merger", and "conversion of a mutual insurer to a stock insurer", and provide for a procedure for bulk reinsurance and assumption, merger, and conversion; to amend Section 38-19-20, relating to contracts issued by domestic mutual insurers, so as to provide that the employer whose name is on the master contract is a member of the insurer when the contract is a group annuity contract or a contract of group insurance and the holder of an individual or group annuity contract or an individual or group contract of insurance instead of a holder of one or more insurance contracts issued by an insurer; to amend Section 38-19-40, relating to notice of the time and place of the annual meeting of members required to be given by a domestic mutual insurer, so as to require a procedure for changing the time instead of the date of the annual meeting; to amend Section 38-19-50, relating to the use of a proxy by a member of a domestic mutual insurer, so as to delete the authority of a member of the insurer to give his proxy to another member, the prohibition of an officer of the insurer holding or voting the proxy of any member, and the conditions under which a proxy is no longer valid, to provide when the appointment of the proxy is effective, and to add conditions under which a member's vote upon a proposal may be registered, provide conditions under which a proxy only may be used; to amend Section 38-19-60, relating to the conduct of business at an annual meeting of a domestic mutual insurer, so as to delete the provisions governing the utilization of a proxy; to amend Section 38-19-610, relating to the borrowing of money by a domestic mutual insurer, so as to delete the maximum percentage rate of eight percent a year at which the money may be borrowed; to amend Section 38-27-610, relating to the priority of distribution of

claims from the insurer's estate, so as to delete the provisions in class 7 which authorize payments to members of domestic mutual insurance companies limited in accordance with law and create a new class 8 authorizing payments to members of domestic mutual insurance companies; and to repeal sections 38-19-210 through 38-19-260 relating to operations generally of domestic mutual insurers, and sections 38-19-810, 38-19-820, 38-19-830, 38-19-840, 38-19-850, 38-19-860, 38-19-870, 38-19-880, 38-19-890 relating to conversion of reinsurance, liquidation, and merger of a domestic mutual insurer. **[¶] Referred to Committee on Labor, Commerce and Industry.**

H. 3332 -- Reps. J. Bradley, Boan and J.W. McLeod: A bill to amend Section 38-71-190, Code of Laws of South Carolina, 1976, relating to the insurer's right of subrogation in policies of accident and health insurance, so as to allow the chief insurance commissioner to disallow subrogation if, after petition by the insured, he determines the subrogation to be inequitable; to amend the 1976 code by adding Section 38-71-335 so as to prohibit the writing of individual or family accident, health, or accident and health insurance policies which allow the insurer to cancel the policy on a date other than the anniversary or premium due date and policies which are optionally renewable and to require thirty-one days' written notice of nonrenewal; to amend Section 38-71-340, relating to mandatory provisions in accident, health, or accident and health insurance policies, so as to revise the required provisions; to amend Section 38-71-370, relating to optional provisions in life insurance policies, so as to revise the required provisions; to amend Section 38-71-610, relating to notice of premiums due for accident or health insurance policies, so as to revise a term; to amend the 1976 code by adding Section 38-71-735 so as to provide mandatory provisions for group accident, group health, or group accident and health insurance policies; to amend Section 38-71-810, relating to readjustment of premiums for group accident, group health, or group accident and health insurance policies, so as to clarify terms; to amend Section 38-71-1010, relating to the definition of blanket accident and health insurance, so as to expand the definition; to amend Section 38-71-1110, relating to the definition of accident and health insurance in a franchise plan, so as to revise the definition; to amend sections 38-55-50 and 38-71-200, relating to the prohibition on discrimination between insureds of the same class or hazard, so as to allow statutory exceptions; to amend Section 38-57-190, relating to types of insurance exempt from restrictions on preferences, so as to revise the exempt categories; to amend the 1976 code by adding Section 38-55-180 so as to provide for the safeguarding of premiums of industrial insurance; and to repeal sections 38-71-130, 38-71-180, 38-71-380, 38-71-390, 38-71-400, 38-71-820, and article 7, Chapter 71 relating to accident and health insurance. **[¶] Referred to Committee on Labor, Commerce and Industry.**

H. 3333 -- Reps. McLellan, Sheheen, Dangerfield, Wilkins, J. Rogers, Toal, T.C. Alexander, Edwards, J.C. Johnson, Baxley, McTeer, Kohn, Short, Wilder, G. Bailey, Felder, McElveen, Holt, Tucker, Rhoad, Hodges, T.M. Burriss, McGinnis, McAbee, Helmly, Petty, McKay, Carnell, Bennett, McCain, Foster, Boan, L. Martin, McBride, Snow, Harvin, Winstead, T. Rogers, Cork and Corning: A bill to amend Chapter 19, Title 12, Code of Laws of South Carolina, 1976, relating to license fees of corporations, by adding Section 12-19-95 so as to provide a method by which the amount of the license fee must be measured and provide for the definitions of "bank", "bank holding company", "subsidiary", "association", and "savings and loan holding company". **[¶] Referred to Committee on Ways and Means.**

H. 3334 -- Rep. Kirsh: A house resolution to amend the rules of the house of representatives by adding rule 9.6 so as to require amendments changing appropriations in the annual general appropriations bill to state in the left margin the total amount added to or subtracted from the report of the ways and means committee on the bill and to provide that the clerk shall cause the margin notes to be changed to reflect prior amendments to the same appropriation. **[¶] Referred to Committee on Rules.**

H. 3335 -- Rep. J. Bradley: A bill to amend the Code of Laws of South Carolina, 1976, by adding Section 38-71-775 so as to provide special insurance continuation privileges for employees who have retired, are fifty-five years of age or over, and have participated in a group policy for ten years or for the life of a group plan within a company, to provide an enrollment period for a retiree to exercise the above privileges, to provide for renewed coverage after a group plan is discontinued and a new plan is instituted under certain conditions, to make it a misdemeanor to commit certain violations and a felony to commit the violations for a second or subsequent time, and to add this felony to the list of crimes classified as felonies by section 16-1-10. **[¶] Referred to Committee on Labor, Commerce and Industry.**

H. 3336 -- Rep. J. Bradley: A bill to amend Article 3, Chapter 37, Title 38, Code of Laws of South Carolina, 1976, relating to the regulation of automobile insurance by adding Section 38-37-145 so as to provide that every automobile insurance policy or other policy containing automobile insurance coverage on the face of the policy must state the complete name of the company issuing the policy, its address, and telephone number and the name, address, and telephone number of its resident insurance adjustor. **[¶] Referred to Committee on Labor, Commerce and Industry.**

H. 3337 -- Rep. M.D. Burriss: A bill to amend Section 56-5-2945, as amended, Code of Laws of South Carolina, 1976, relating to felony dui, so as to provide that any person in a vehicle which causes great bodily injury or death of another,

who was under the influence of alcohol, drugs, or a combination of alcohol or drugs, is guilty of a violation of this section if the driver of the vehicle cannot be reasonably determined and it is not shown by clear preponderance of the evidence that this person was not the driver of the vehicle. **[¶] Referred to Committee on Judiciary.**

[H. 3338](#) -- Rep. Fair: A bill to amend Section 61-13-875, Code of Laws of South Carolina, 1976, relating to the prohibition against the sale of beer, wine, or alcoholic liquor for on-premises consumption on a two or more for the price of one basis, so as to provide for the section to apply to persons who hold licenses and permanent permits to sell the beverages, to prohibit dispensing the beverages for free, and to prohibit sale of the beverages at less than the regular price except from four o'clock p.m. until eight o'clock p.m. **[¶] Referred to Committee on Judiciary.**

[H. 3339](#) -- Reps. Harvin, Baxley, J. Brown, J.H. Burriss, Foxworth, Huff, Mappus, McAbee, Rudnick, Snow, Wells, White and Corning: A bill to amend the Code of Laws of South Carolina, 1976, by adding Chapter 110 in title 59 so as to provide for the South Carolina education trust act; to amend Section 12-7-435, as amended, relating to deductions from South Carolina taxable income, so as to allow the deduction of payments paid by the purchaser of an advance tuition payment contract, to require the South Carolina education trust established by this act to obtain rulings from the internal revenue service and the securities and exchange commission before commencing operations and to provide for an unfavorable ruling and to repeal the chapter added by this act if no advance tuition payment contract is entered into by the trust before July 1, 1990. **[¶] Referred to Committee on Ways and Means.**

[H. 3340](#) -- Reps. T.M. Burriss, J.H. Burriss, M.D. Burriss, M.O. Alexander, P. Bradley, Clyborne, Cork, Corning, Foxworth, Hearn, J.C. Johnson, Kirsh, Mappus, McElveen, Sturkie, Waldrop and Wells: A bill to amend the Code of Laws of South Carolina, 1976, by adding Section 23-5-70 so as to make it unlawful for members of the state highways and public transportation commission to solicit or accept transportation to or from commission meetings furnished by the South Carolina highway patrol, to make it unlawful for members of the general assembly to solicit or accept transportation to or from sessions of the general assembly or committee meetings furnished by the South Carolina highway patrol, and to provide a penalty for violations. **[¶] Referred to Committee on Judiciary.**

[H. 3341](#) -- Reps. Whipper, Winstead, D. Martin, Washington and Foxworth: A bill to amend Article 1, Chapter 71, Title 38, Code of Laws of South Carolina, 1976, relating to the general provisions regarding accident and health insurance, by adding Section 38-71-230 so as to require providers of medical services to file claims with an insurer before submitting the claim to an insured and provide for a penalty. **[¶] Referred to Committee on Labor, Commerce and Industry.**

[H. 3342](#) -- Reps. McLellan, M.O. Alexander, T.C. Alexander, Altman, Baxley, J. Brown, R. Brown, J.H. Burriss, M.D. Burriss, T.M. Burriss, Carnell, Dangerfield, Davenport, Elliott, Felder, Gregory, Ferguson, J. Harris, P. Harris, Harvin, Haskins, Hodges, Kirsh, Koon, L. Martin, McAbee, McCain, McElveen, McGinnis, J.W. McLeod, McTeer, Moss Neilson, Nesbitt, Nettles, Pearce, Pettigrew, Petty, Rice, T. Rogers, Rudnick, Snow, Sturkie, Toal, Tucker, Wells, Wilder, Winstead, Barfield and Corning: A bill to amend Section 9-11-70, Code of Laws of South Carolina, 1976, relating to the years of service required for retirement eligibility for members of the South Carolina police officers retirement system, so as to reduce from thirty to twenty-five years the years of service necessary to retire at any age without penalty for members retiring after June 30, 1988, and to delete provisions relating to reduction of benefits for members with twenty-five years' service retiring before age fifty-five. **[¶] Referred to Committee on Ways and Means.**

[H. 3343](#) -- Reps. McCain, Baker, Baxley, J. Brown, J.H. Burriss, M.D. Burriss, Cork, Davenport, Foxworth, Harvin, Haskins, Limehouse, Mappus, McAbee, McEachin, Pettigrew, Snow, Sturkie, Wells, P. Bradley and Corning: A bill to amend Section 12-7-435, as amended, Code of Laws of South Carolina, 1976, relating to deductions from South Carolina taxable income, so as to allow a deduction equal to sixty percent of net capital gains. **[¶] Referred to Committee on Ways and Means.**

[H. 3344](#) -- Rep. Ferguson: A bill to amend Section 5-15-70, Code of Laws of South Carolina, 1976, relating to the duties of a municipal governing body to enact appropriate election ordinances for conducting municipal elections, so as to provide that in nonpartisan municipal elections held after 1988, filing a statement of candidacy with the municipal election commission is the only method for a candidate to get his name placed on the ballot and to eliminate all references to the petition method of candidacy. **[¶] Referred to Committee on Judiciary.**

[H. 3345](#) -- Rep. Ferguson: A bill to amend the Code of Laws of South Carolina, 1976, by adding Section 16-3-1565 so as to require the state department of mental health to provide long-term counseling services at no cost to victims of the offense of criminal sexual conduct and to require that the counseling be provided at a location convenient to the victim. **[¶] Referred to Committee on Medical, Military, Public and Municipal Affairs.**

[H. 3346](#) -- Reps. T.M. Burriss, J.H. Burriss, M.D. Burriss, P. Bradley, Corning, Foxworth, Hearn, Mappus Sturkie and Wells: A bill to amend Section 57-3-210, Code of Laws of South Carolina, 1976, relating to the composition of the state highways and public transportation commission, so as to reconstitute the commission to consist of nine members, one appointed by the governor from the state at large to serve as chairman, one member appointed by the governor from each of the six congressional districts, and, ex officio, the chairmen of the senate transportation committee and house education and public works committee, to provide that members appointed by the governor must be appointed with the advice and consent of the senate for four-year terms, and to provide for the filling of vacancies; to amend Section 57-3-260, relating to the commission's officers and rules, so as to delete a reference to the selection of a chairman; and to repeal sections 57-3-215, 57-3-220, 57-3-230, and 57-3-240 all relating to the commission. [¶] Referred to Committee on Education and Public Works.

[H. 3347](#) -- Reps. R. Brown, Lewis, Pearce, Keyserling, Williams, Rudnick and Mappus: A bill to amend the Code of Laws of South Carolina, 1976 by adding article 50 to chapter 5 of title 56 so as to require occupants of motor vehicles to wear a properly fastened safety belt, to provide exceptions, and to provide penalties for violations. [¶] Referred to Committee on Education and Public Works.

[H. 3348](#) -- Rep. Simpson: A bill to amend Chapter 101, Title 59, Code of Laws of South Carolina, 1976, relating to colleges and institutions of higher learning by adding Section 59-101-285 so as to make it unlawful for any person, for the purpose of inducing a student athlete at an institution of higher learning in this state to allow that person to become a student's agent, to cause, encourage, or induce the student to violate any rule or regulation affecting the student's eligibility to participate in intercollegiate athletic competition in a sport in which the prospective agent seeks to represent the student, and to provide penalties for violation. [¶] Referred to Committee on Education and Public Works.

[H. 3349](#) -- Rep. Day: A bill to amend Section 12-37-2650, as amended, Code of Laws of South Carolina, 1976, relating to notice and collection of ad valorem property taxes on motor vehicles, so as to provide for collection of the taxes at the department of highways and public transportation. [¶] Referred to Committee on Ways and Means.

[H. 3350](#) -- Rep. Moss: A bill to amend Section 33-31-180, Code of Laws of South Carolina, 1976, relating to immunity from suit of directors, trustees, or members of the governing bodies of certain not-for-profit cooperatives, corporations, associations, and organizations, so as to extend the immunity to officers and volunteers of those not-for-profit entities. [¶] Referred to Committee on Judiciary.

[H. 3351](#) -- Reps. Sheheen and Wilkins: A bill to amend Section 14-27-60, Code of Laws of South Carolina, 1976, relating to reimbursement to members of the judicial council, so as to provide for per diem, subsistence, and mileage for meetings attended by the members as provided by law for members of state boards, commissions, and committees. [¶] Referred to Committee on Ways and Means.

[H. 3352](#) -- Rep. Day: A joint resolution proposing an amendment to sections 2 and 8 of article iii of the constitution of South Carolina, 1895, relating to the legislative branch of government, so as to provide that members of the house of representatives must be elected for terms of four instead of two years beginning with those members elected in the 1992 general election and to provide for the terms to run concurrently with the terms of the members of the senate. [¶] Referred to Committee on Judiciary.

[H. 3353](#) -- Rep. Winstead: A bill to amend the Code of Laws of South Carolina, 1976, by adding Section 37-2-417 so as to provide that before a delinquent credit sale account may be turned over to a collection agency notice that the action is to be taken must be mailed to the debtor by registered mail. [¶] Referred to Committee on Labor, Commerce and Industry.

[H. 3354](#) -- Rep. Blackwell: A bill to amend Section 12-35-550, as amended, Code of Laws of South Carolina, 1976, relating to sales tax exemptions, so as to exempt the gross proceeds of the sale derived by a custom computer software programming business engaged in the business of providing custom software programs and magnetic media data to its customers where the object of the transaction is the sale of coded information custom designed for the customer and produced by a business located in this state. [¶] Referred to Committee on Ways and Means.

[H. 3355](#) -- Rep. Aydlette: A bill to amend the Code of Laws of South Carolina, 1976, by adding Section 56-5-6215 so as to provide for the deposit of a driver's license in lieu of bond in traffic violation cases and to provide an implementation procedure. [¶] Referred to Committee on Judiciary.

[H. 3356](#) -- Reps. Waldrop, J. Bradley, J. Brown, R. Brown, Carnell, Chamblee, Davenport, Elliott, Felder, Ferguson, Harvin, Huff, McAbee, J.W. McLeod, Moss, White, Wilder, Winstead, Wells, Cole, Stoddard, P. Bradley, Rice, Lanford and Clyborne: A bill to amend sections 9-11-60 and 9-11-70, Code of Laws of South Carolina, 1976, relating to the

calculation of retirement allowances and years of service required for retirement eligibility for members of the South Carolina police officers retirement system, so as to increase from one and three-fourths to two percent the fraction used in calculating retirement allowances and to reduce from thirty to twenty-five years the years of service necessary to retire at any age without penalty, to make the provisions of this act effective for members retiring after June 30, 1988, to delete provisions relating to reduction of benefits for members with twenty-five years' service retiring before age fifty-five, and to provide for increases in employer and employee contributions to cover the actuarial cost of the additional benefits. [¶] Referred to Committee on Ways and Means.

[H. 3357](#) -- Reps. Kirsh, McTeer, Elliott and McLellan: A bill to amend Section 12-3-260, Code of Laws of South Carolina, 1976, relating to authority of the South Carolina tax commission to contract for computer services with other state agencies, so as to broaden the contracting authority to information resources or other related services. [¶] Referred to Committee on Ways and Means.

[H. 3358](#) -- Reps. Kirsh, McTeer, Elliott and McLellan: A bill to amend sections 12-21-780, 12-21-2120, and 12-21-2550, Code of Laws of South Carolina, 1976, relating to taxes on tobacco products, soft drinks, and admissions, so as to allow quarterly instead of monthly reports on accounts with less than one hundred dollars of tax liability monthly. [¶] Referred to Committee on Ways and Means.

[H. 3359](#) -- Reps. Kirsh, McTeer, Elliott and McLellan: A bill to amend the Code of Laws of South Carolina, 1976, by adding Section 12-54-35 so as to adopt for state income tax purposes the provisions of the internal revenue code innocent spouse rule. [¶] Referred to Committee on Ways and Means.

[H. 3360](#) -- Reps. Kirsh, McTeer, Elliott and McLellan: A bill to amend Section 12-35-320, Code of Laws of South Carolina, 1976, relating to the retail license fee, so as to provide a temporary retail license for transient retailers selling in this state for not more than thirty days at a fee of fifty dollars. [¶] Referred to Committee on Ways and Means.

[H. 3361](#) -- Reps. Kirsh, McTeer, Elliott and McLellan: A bill to amend Section 12-35-570, Code of Laws of South Carolina, 1976, relating to sales tax monthly returns and payments, so as to permit retailers to file every twenty-eight days. [¶] Referred to Committee on Ways and Means.

[H. 3362](#) -- Reps. Kirsh, McTeer, Elliott and McLellan: A bill to repeal section 12-21-630, Code of Laws of South Carolina, 1976, relating to the tax on playing cards. [¶] Referred to Committee on Ways and Means.

[H. 3363](#) -- Reps. Kirsh, McTeer, Elliott and McLellan: A bill to amend Section 12-35-550, as amended, Code of Laws of South Carolina, 1976, relating to sales tax exemptions, so as to extend the exemption for gasoline and other motor fuels to ethanol blends qualifying for reduced motor fuels tax during the incentive period. [¶] Referred to Committee on Ways and Means.

[H. 3364](#) -- Reps. Kirsh, McTeer, Elliott and McLellan: A bill to amend Section 12-37-970, Code of Laws of South Carolina, 1976, relating to ad valorem tax returns required to be filed with the South Carolina tax commission, so as to provide for the return and payment of taxes when sellers and purchasers have different accounting periods. [¶] Referred to Committee on Ways and Means.

[H. 3365](#) -- Reps. Kirsh, McTeer, Elliott and McLellan: A bill to repeal section 61-13-560, Code of Laws of South Carolina, 1976, relating to the declaration of unstamped alcoholic liquors as contraband. [¶] Referred to Committee on Ways and Means.

[H. 3366](#) -- Reps. Kirsh, McTeer, Elliott and McLellan: A bill to amend Section 12-7-1640, Code of Laws of South Carolina, 1976, relating to the requirements for filing state income tax returns, so as to delete requirements relating to tentative returns and partial payments. [¶] Referred to Committee on Ways and Means.

[H. 3367](#) -- Reps. Kirsh, McTeer, Elliott and McLellan: A bill to amend Section 12-37-800, Code of Laws of South Carolina, 1976, relating to the penalty for failure to list personal property for purposes of ad valorem taxation, so as to include real property within the penalty provision. [¶] Referred to Committee on Ways and Means.

[H. 3368](#) -- Reps. Kirsh, McTeer, Elliott and McLellan: A bill to amend Section 12-54-40, Code of Laws of South Carolina, 1976, relating to penalties and offenses under the uniform method of collection and enforcement of taxes levied and assessed by the South Carolina tax commission, so as to include property assessments within the evasion offense. [¶] Referred to Committee on Ways and Means.

[H. 3369](#) -- Reps. Kirsh, McTeer, Elliott and McLellan: A bill to amend Section 12-21-1010, Code of Laws of South Carolina, 1976, relating to definitions for purposes of the beer and wine license tax, so as to exclude from the definition of beer and wine beverages with an alcohol content of less than one-half percent by weight; to amend Section 12-21-

1730, relating to the imposition of the soft drink license tax, so as to include as soft drinks beer and wine with an alcohol content of one-half percent or less by weight; and to amend Section 12-21-1860, relating to definitions for purposes of the soft drink license tax, so as to include within the definition beer and wine with an alcohol content of one-half percent or less by weight. [¶] Referred to Committee on Ways and Means.

[H. 3370](#) -- Reps. Kirsh, McTeer, Elliott and McLellan: A bill to amend Section 12-7-2250, Code of Laws of South Carolina, 1976, relating to the provision that the refund of an income tax overpayment of a deceased taxpayer is the sole and separate property of the taxpayer's surviving spouse if the overpayment is three hundred fifty dollars or less, so as to delete the requirement of the section that the refund be three hundred fifty dollars or less. [¶] Referred to Committee on Ways and Means.

[H. 3371](#) -- Reps. Kirsh, McTeer, Elliott and McLellan: A bill to amend Section 12-35-1540, Code of Laws of South Carolina, 1976, relating to the sharing of sales and use tax returns and records with other states of the united states, so as to permit reciprocal agreements with other states to obtain records of sales or purchase of tangible personal property of five hundred dollars or more and to amend the 1976 code by adding Section 12-35-1545 so as to require reporting to the tax commission of sales of tangible personal property of five hundred dollars or more not subject to sales or use tax in this state. [¶] Referred to Committee on Ways and Means.

[H. 3372](#) -- Rep. Ferguson: A bill to amend the Code of Laws of South Carolina, 1976, by adding Section 59-63-280 so as to provide that no student may be disciplined for fighting unless the disciplinary authority determines that the student initiated or provoked the fight. [¶] Referred to Committee on Education and Public Works.

[H. 3373](#) -- Rep. Kirsh: A bill to amend Section 16-3-910, Code of Laws of South Carolina, 1976, relating to kidnapping, so as to provide a mandatory minimum term of imprisonment of twenty years when a person is sentenced to two or more consecutive life imprisonment terms for a violation of this section; and to amend Section 24-21-610, relating to the requirement that a portion of a sentence is required to be served as a prerequisite to parole, so as to exclude the offense of kidnapping from the provisions of this section when a person is sentenced to two or more consecutive life imprisonment terms. [¶] Referred to Committee on Judiciary.

[H. 3374](#) -- Rep. Elliott: A bill to amend Section 14-7-840, Code of Laws of South Carolina, 1976, relating to exemptions from jury service, so as to provide that college, university, or technical school students taking at least twelve credit hours and high school students taking at least four credit hours are exempt, and to delete an obsolete provision in the section. [¶] Referred to Committee on Judiciary.

[H. 3375](#) -- Rep. Aydlette: A bill to amend the Code of Laws of South Carolina, 1976, by adding Section 1-1-15 so as to vest in the state of South Carolina title to coastal lands and waters not specifically deeded to any person or claimed by the United States and to provide for the regulation of its use by the state only. [¶] Referred to Committee on Agriculture and Natural Resources.

[H. 3376](#) -- Rep. Aydlette: A bill to amend the Code of Laws of South Carolina, 1976, by adding Section 38-37-155, so as to provide that liability for the operation of a motor vehicle is transferred from the owner to the new owner when a bill of sale is given to the new owner and he takes possession of the vehicle. [¶] Referred to Committee on Judiciary.

[H. 3377](#) -- Rep. Ferguson: A bill to amend Section 40-57-100, Code of Laws of South Carolina, 1976, relating to license requirements for real estate salesmen and brokers, so as to delete the one-year waiting period before taking the final sales examination. [¶] Referred to Committee on Labor, Commerce and Industry.

[H. 3378](#) -- Reps. Keyserling and M.D. Burriss: A bill to amend Section 48-47-170, Code of Laws of South Carolina, 1976, relating to development and operation of low-level radioactive waste disposal facilities for purposes of the south-eastern radioactive waste compact, so as to provide that no host state is required to operate a regional disposal facility for longer than twenty years or to dispose of more than thirty-two million cubic feet of low-level radioactive waste, whichever occurs first; to amend Section 48-47-280, relating to the requirements for withdrawing from the compact, so as to qualify the right of withdrawal and further provide for the procedural requirements for withdrawal; and to amend the 1976 code by adding Section 48-47-285 so as to allow withdrawal by a state more than thirty days after the commencement of the second host state's disposal facility only with the unanimous approval of the southeast interstate low-level radioactive waste management commission and the consent of congress and to provide that the Barnwell County disposal facility is considered the first host state disposal facility. [¶] Referred to Committee on Judiciary.

[H. 3379](#) -- Rep. Hayes: A bill to amend Section 12-7-2240, Code of Laws of South Carolina, 1976, relating to income tax refunds and the retention of refunds under certain conditions, so as to provide that upon request from an educational

institution, the tax commission shall send to it the home address, corrected social security number, or additional social security numbers, if more than one is used, of any taxpayer whose name has been submitted to the commission by the educational institution for defaulting on an educational loan. [H] Referred to Committee on Ways and Means.

[H. 3380](#) -- Reps. Wilkins, Huff, Hayes, McElveen and Limehouse: A bill to amend Section 29-3-50, Code of Laws of South Carolina, 1976, relating to mortgages for future advances, so as to provide for the superiority of the lien of a person who has furnished labor, services, or material in connection with the construction of improvements to real property and to amend Section 29-5-70, relating to mechanics' liens, so as to provide for unenforceable liens claimed by any mechanic or materialman furnishing labor, services, or material and provide exceptions. [H] Referred to Committee on Judiciary.

[H. 3381](#) -- Reps. Wilkins, Corning, Huff, Clyborne, Gentry and Toal: A bill to amend Section 33-55-210, as amended, Code of Laws of South Carolina, 1976, relating to the immunity from civil liability of health care providers when providing free and voluntary medical services at hospitals and certain other locations, so as to delete the requirement that these services be provided at hospitals or other specified locations in order for the health care provider to be so immune from civil liability. [H] Referred to Committee on Judiciary.

[H. 3382](#) -- Rep. P. Bradley: A bill to amend Section 43-33-20, as amended, Code of Laws of South Carolina, 1976, relating to rights of blind and other physically disabled persons to use public facilities and accommodations, so as to add schools, colleges and universities. [H] Referred to Committee on Education and Public Works.

[H. 3383](#) -- Rep. Huff: A bill to amend Section 44-29-20, Code of Laws of South Carolina, 1976, relating to the transportation and handling of human remains infected by a dangerous, contagious, or infectious disease, so as to require the person or entity having possession of medical records acknowledging and indicating an infectious disease, instead of the human remains, to inform any funeral director, ambulance driver, or any other person or entity who is to transport the remains that they are infected by a dangerous, contagious, or infectious disease prior to the transportation of the remains known to be infected by these diseases into, through, or out of this state or any municipality or county within this state. [H] Referred to Committee on Medical, Military, Public and Municipal Affairs.

[H. 3384](#) -- Rep. Kirsh: A bill to amend Chapter 75, Title 15, Code of Laws of South Carolina, 1976, relating to suits involving miscellaneous acts of wrongful conduct, by adding Section 15-75-40 so as to create a cause of action against shoplifters. [H] Referred to Committee on Judiciary.

[H. 3385](#) -- Reps. Gregory, Davenport, Klapman, McGinnis, Rudnick, Washington, Winstead, Kirsh, Wells, J. Brown, J. Bradley, Waldrop, Toal, Keyserling, Dangerfield, L. Martin, Day, McElveen and Elliott: A bill to amend Section 50-11-140, Code of Laws of South Carolina, 1976, relating to prohibiting deer hunting within three hundred yards of a residence on game management lands, so as to prohibit deer hunting within three hundred yards of any residence. [H] Referred to Committee on Agriculture and Natural Resources.

[H. 3386](#) -- Rep. Aydlette: A house resolution to request the interstate cooperation committee of the house of representatives to sponsor legislation to create a compact for southeastern states to provide for the collection of bad checks issued by nonresidents. [H] Referred to Committee on Invitations and Memorial Resolutions.

[H. 3387](#) -- Rep. Aydlette: A bill to provide that a company which sells a list of its account holders to another company is secondarily liable for warranty claims made against the purchasing company by a customer obtained from the account holder of the selling company. [H] Referred to Committee on Labor, Commerce and Industry.

[H. 3388](#) -- Rep. Aydlette: A concurrent resolution memorializing the congress of the United States to pass appropriate legislation providing for recognition by the bureau of Indian affairs of the United States department of the interior of South Carolina's Indian tribes. [H] Referred to Committee on Invitations and Memorial Resolutions.

[H. 3389](#) -- Rep. Aydlette: A bill to provide that an insurance company may not use loss reserves to determine the profitability of its agents. [H] Referred to Committee on Labor, Commerce and Industry.

[H. 3390](#) -- Reps. J. Bradley, Boan and J.W. McLeod: A bill to amend Section 38-79-270, Code of Laws of South Carolina, 1976, relating to appealing actions of the joint underwriting association, so as to further provide for who may appeal to the insurance commission and change the time when the appeal may begin. [H] Referred to Committee on Labor, Commerce and Industry.

[H. 3391](#) -- Reps. J. Bradley, Boan and J.W. McLeod: A bill to amend Section 38-31-20, Code of Laws of South Carolina, 1976, relating to definitions in the property and casualty insurance guaranty association act, so as to revise the definitions;

section 38-31-30, relating to application of the act, so as to provide for exceptions; section 38-31-40, relating to the creation of and membership in the association, so as to provide for an additional account; section 38-31-60, relating to the powers and duties of the association, so as to provide for new duties; section 38-31-100, relating to exhausting rights under other policies and claims recoverable from more than one association, so as to provide for a claim under a governmental insurance or guaranty program, claim held by an insurer, reinsurer, insurance pool, or underwriting association, and claim against an insured under a policy issued by an insolvent insurer; section 38-31-110, relating to detection and prevention of insurer insolvencies, so as to revise the duties of the association's board of directors and the insurance commissioner; section 38-31-150, relating to immunity from liability for action under this act, so as to provide for immunity from any omission; and section 38-31-160, relating to proceedings involving insolvent insurers, so as to provide for extension of the period of time to stay the proceedings; and to repeal section 38-31-180 relating to construction of the act. [H] Referred to Committee on Labor, Commerce and Industry.

[H. 3392](#) -- Reps. Kirsh, McTeer, Elliott and McLellan: A bill to amend Chapter 51 of title 12 of the Code of Laws of South Carolina, 1976, relating to the collection of property taxes, by adding sections 12-51-15, 12-51-180, 12-51-190, 12-51-200, 12-51-210, 12-51-220, 12-51-230, 12-51-240, 12-51-250, 12-51-260, 12-51-270, 12-51-280, and 12-51-290 so as to provide definitions, to authorize the delinquent tax collector to employ or appoint others to assist in the collection of taxes, to provide a form for tax executions, to define the duties of the delinquent tax collector, to authorize the sale of real or personal property without referring to heirs, the estate, or successors of a deceased taxpayer or a taxpayer no longer in existence, to allow a defaulting taxpayer to have the tax sale suspended if he offers satisfactory evidence that he has paid the taxes or that the taxes have been improperly assessed and within twenty days takes action provided by law to correct the assessment and prosecute the action to a successful conclusion, provide for cases where bids at a tax sale do not equal taxes, assessments, penalties, and costs, and to establish a first lien in favor of a tax sale purchaser for the purchase price and the value of improvements if the purchaser is dispossessed because of a defective title; to amend Section 12-47-70, relating to abatement or refund of incorrect property taxes, so as to increase to five years the period during which a claim for abatement or refund may be made; to amend Section 12-51-40, relating to the duties of the delinquent tax collector, so as to require payment of delinquent taxes by the close of business on the last business day before the day of the sale; to amend sections 12-51-50 and 12-51-60, relating to the duties of the delinquent tax collector with respect to tax sales, so as to make grammatical changes and delete unnecessary language; to amend Section 12-51-70, relating to defaulting bidders at tax sales, so as to provide that a defaulting bidder is liable for the costs of advertising the property and a penalty equal to ten percent of the bid and to make the amount of the costs and penalty a first lien on all property of the defaulting bidder; to amend Section 12-51-80, relating to the duties of the treasurer with respect to the proceeds of tax sales, so as to require the treasurer to invest the proceeds until claimed and distributed; to amend Section 12-51-100, relating to redemption of property, so as to provide for proof of payments when the tax sale receipt is lost or destroyed; to amend Section 12-51-170, relating to contracting for the collection of municipal taxes, so as to conform the language to other provisions of this act; to redesignate section 12-45-70, relating to property tax due dates, as section 12-51-25 and incorporate in it the definitions added by this act, and to redesignate section 12-45-180, relating to penalties, as section 12-51-35, and to provide for alternate due dates when due dates fall on holidays or weekends. [H] Referred to Committee on Ways and Means.

[H. 3393](#) -- Reps. Wilkins, Hayes, J.W. Johnson and Fair: A bill to amend Section 56-5-2950, as amended, Code of Laws of South Carolina, 1976, relating to implied consent to tests to determine the alcoholic or drug content of blood, so as to define persons who are permitted to take blood and urine samples instead of administering tests to determine the presence of alcohol or drugs or a combination of them in the systems of persons arrested for DUI. [H] Referred to Committee on Judiciary.

[H. 3394](#) -- Reps. J. Bradley, Boan and J.W. McLeod: A bill to amend Article 5, Chapter 75, Title 38, Code of Laws of South Carolina, 1976, relating to windstorm and hail insurance, by adding Section 38-75-385 so as to provide immunity for any private insurer who is a member of the South Carolina windstorm and hail underwriting association, agent, employee, any member of the board of directors, or the commissioner or his representatives for any act or omission in the performance of his powers or duties under the provisions of this article; and to amend Section 38-75-310, relating to definitions used regarding windstorm and hail insurance, so as to redefine "coastal area" and extend areas covered under the definition. [H] Referred to Committee on Labor, Commerce and Industry.

[H. 3395](#) -- Reps. J. Bradley, Boan and J.W. McLeod: A bill to amend Section 38-73-1100, Code of Laws of South Carolina, 1976, relating to the determination of excessive or unreasonable rates by the chief insurance commissioner, so as to authorize him to order a refund of premiums where a determination that excessive or unreasonable profits have

been realized; and to repeal section 38-73-465 relating to the authority of the chief insurance commissioner to order rates of individual insurers to be revised and excessive benefits rebated under certain conditions. [¶] Referred to Committee on Labor, Commerce and Industry.

[H. 3396](#) -- Reps. J. Bradley, Boan and J.W. McLeod: A bill to amend sections 38-79-110, 38-79-120, and 38-79-250, Code of Laws of South Carolina, 1976, relating to the South Carolina medical malpractice liability joint underwriting association, so as to exclude homeowners and farm-owners liability from net direct premiums of the association. [¶] Referred to Committee on Labor, Commerce and Industry.

[H. 3397](#) -- Reps. J. Bradley, Boan and J.W. McLeod: A bill to amend Article 11, Chapter 75, Title 38, Code of Laws of South Carolina, 1976, relating to title insurance, by adding sections 38-75-905 and 38-75-920 through 38-75-1000 so as to regulate more stringently the title insurance business in this state. [¶] Referred to Committee on Labor, Commerce and Industry.

[H. 3398](#) -- Reps. J. Bradley, Boan and J.W. McLeod: A bill to repeal section 38-57-190, Code of Laws of South Carolina, 1976, relating to the prohibition against group property, marine, casualty, or surety insurance. [¶] Referred to Committee on Labor, Commerce and Industry.

[H. 3399](#) -- Reps. Boan and J.W. McLeod: A bill to amend Section 38-53-170, Code of Laws of South Carolina, 1976, relating to unlawful acts regarding bail bondsmen and runners, so as to delete the provision that loitering in or about a magistrate's office or any place where prisoners are confined is prima facie evidence of soliciting, to provide that judicial officers, law enforcement officers, and jailers have full responsibility, power, and authority to enforce certain provisions of section 38-53-170, and to require that any action taken pursuant to certain provisions of section 38-53-170 resulting in a conviction, guilty plea, or plea of nolo contendere must be reported to the chief insurance commissioner. [¶] Referred to Committee on Judiciary.

[H. 3400](#) -- Reps. J. Bradley, Boan and J.W. McLeod: A bill to amend title 38, as amended, Code of Laws of South Carolina, 1976, relating to insurance, by adding Chapter 83 so as to provide for the regulation and taxation of risk retention groups and purchasing groups authorized under the federal liability risk retention act of 1986, including the provision of certain penalties. [¶] Referred to Committee on Labor, Commerce and Industry.

[H. 3401](#) -- Reps. Boan and J.W. McLeod: A bill to amend Section 38-63-220, Code of Laws of South Carolina, 1976, relating to the incontestability of individual life insurance policies and exceptions thereto, so as to provide for the required contents of these policies; to amend Article 1, Chapter 63, Title 38, relating to individual life insurance policies, by adding Section 38-63-60 so as to define what constitutes "industrial life insurance" and to provide that no policy of life insurance delivered or issued for delivery in South Carolina may use industrial mortality tables unless the policy is an industrial life insurance policy; to amend Article 1, Chapter 63, Title 38, relating to individual life insurance policies, by adding Section 38-63-80 so as to provide that when an individual life insurance policy provides for payment of its proceeds in a lump sum upon the death of the insured and the insurer fails to pay the proceeds within thirty days of submission of proof of death, the payment shall include interest at the legal rate of interest from the date of death of the insured until the date the claim is paid; to amend Article 3, Chapter 63, Title 38, relating to individual life insurance, by adding Section 38-63-225 so as to regulate the use of certain suicide and death exclusions and restrictions in these policies; and to repeal section 38-63-230 relating to limitations on proceedings to contest life insurance policies. [¶] Referred to Committee on Labor, Commerce and Industry.

[H. 3402](#) -- Reps. Wilkins, J.W. Johnson, Fair, H. Brown, Ferguson, Arthur, Tucker and Nettles: A bill to amend sections 16-1-10, as amended, 16-1-20, 16-3-210, 16-3-430, 16-3-730, 16-11-617, 16-5-10, 16-7-170, 16-9-320, 16-11-20, 16-11-125, 16-11-170, 16-11-510, 16-11-520, 16-11-560, 16-11-570, 16-13-110, 16-13-160, 16-13-180, 16-13-190, 16-13-200, 16-13-250, 16-13-260, 16-13-290, 16-13-320, 16-13-385, 16-15-130, 16-15-250, 16-17-410, 16-17-430, 16-21-10, 16-21-40, 16-21-60, 16-21-80, 16-21-130, 16-21-140, 16-23-260, 16-23-440, 17-25-20, and 17-25-30, as amended, Code of Laws of South Carolina, 1976, relating to crimes, so as to redefine "felony" and "misdemeanor", to designate numerous crimes statutorily designated "misdemeanors" as "felonies", to establish the penalties for crimes not statutorily designated as felonies or misdemeanors, to delete the crimes unnecessarily listed in section 16-1-10, to reduce the sentence for conviction of lynching in the first degree and dueling from death to not less than three months to not more than thirty years, and to provide that convictions of cultivation of marijuana or receiving stolen goods are felonies instead of misdemeanors; to amend the 1976 code by adding sections 16-3-621 and 16-13-16 so as to define the felony of assault and battery of a high and aggravated nature and the felony of grand larceny; and to repeal sections 16-1-15, 16-1-30, 16-3-30, and 16-3-40 of the 1976 code, section 6 of act 168 of 1987, and section 8 of act 16 of 1987 relating to crimes. [¶]

Referred to Committee on Judiciary.

[H. 3403](#) -- Rep. J. Bradley: A bill to repeal section 50-17-56, Code of Laws of South Carolina, 1976, relating to the regulation and sale of spotted sea trout and red drum. [¶] Referred to Committee on Agriculture and Natural Resources.

[H. 3404](#) -- Rep. J. Bradley: A bill to repeal section 50-17-115, Code of Laws of South Carolina, 1976, relating to the prohibition of the use of various nets and seines in the waters of this state and to reenact sections 50-13-715, 50-17-1035, 50-17-1040, 50-17-1061, and 50-17-1066, relating to gill nets, anchor nets, or seines. [¶] Referred to Committee on Agriculture and Natural Resources.

[H. 3405](#) -- Rep. Baker: A bill to amend the Code of Laws of South Carolina, 1976, by adding Section 12-7-1250, so as to allow a state corporate income tax credit for corporate contributions for infrastructure construction or improvement, to limit the credit to fifty percent of the expenses, not to exceed fifteen thousand dollars, to allow a three-year carry forward of unused credit, and to define infrastructure as sewer lines, water lines, related facilities, and roads not for the taxpayer's exclusive benefit, built to appropriate standards, and dedicated to public use. [¶] Referred to Committee on Ways and Means.

[H. 3406](#) -- Reps. Mappus, Corning, R. Brown, Keyserling, Snow, Elliott, Baxley, J.H. Burriss and J. Harris: A bill to amend the Code of Laws of South Carolina, 1976, by adding Section 8-15-70 so as to require all public officers and employees to wear safety belts while they are occupants of a motor vehicle insured by the insurance reserve fund if the vehicle is equipped with safety belts and to require implementing regulations or procedures which include administrative penalties. [¶] Referred to Committee on Education and Public Works.

[H. 3407](#) -- Reps. Foxworth, Pearce, Corning, mckay, Davenport, T.M. Burriss, Harvin, Sharpe, Snow, J. Bradley, Elliott, Limehouse and Keyserling: A bill to amend Section 59-1-420, Code of Laws of South Carolina, 1976, relating to the length of the school term, so as to provide that no term may begin earlier than the day following Labor Day. [¶] Referred to Committee on Education and Public Works.

[H. 3408](#) -- Reps. Blackwell, P. Harris and Waldrop: A bill to amend Section 31-3-140, Code of Laws of South Carolina, 1976, relating to the powers and duties of the state housing authority, so as to authorize the authority to provide housing assistance to the beneficiary classes and persons over sixty-five years of age or incapable of fully caring for themselves. [¶] Referred to Committee on Medical, Military, Public and Municipal Affairs.

[H. 3409](#) -- Rep. Beasley: A bill to amend Section 37-4-103, Code of Laws of South Carolina, 1976, relating to the definition of "consumer credit insurance", so as to exclude from the definition insurance provided in relation to a credit transaction in which a payment is scheduled more than fifteen years after the extension of credit and the debt is secured by real estate. [¶] Referred to Committee on Labor, Commerce and Industry.

[H. 3410](#) -- Reps. Taylor and Corning: A bill to establish guidelines for the state in conducting or in supervising an environmental impact study and the approval of an environmental impact statement following such a study for proposed mining operations or related activity whenever the authority to conduct or to supervise such a study is delegated by the federal environmental protection agency or by any other federal agency or instrumentality pursuant to federal statute or regulation. [¶] Referred to Committee on Agriculture and Natural Resources.

[H. 3411](#) -- Reps. J. Bradley, M.O. Alexander, J.W. McLeod, Neilson, G. Bailey and Kohn: A bill to repeal item (14) of Section 38-77-30, Code of Laws of South Carolina, 1976, relating to the definition of "underinsured motor vehicle" for purposes of the automobile insurance laws of this state. [¶] Referred to Committee on Labor, Commerce and Industry.

[H. 3412](#) -- Reps. M.O. Alexander, Blackwell, L. Phillips, T.C. Alexander and Mattos: A bill to amend Section 12-43-300, Code of Laws of South Carolina, 1976, relating to notice requirements and appeal procedures for property tax reassessments, so as to require reassessment notices to be mailed to taxpayers on or before the third Monday in June of the reassessment year and to require the notice to contain both the prior market value, the market value following reassessment, the percentage changes and location of the property, and to require the tax commission to prescribe a standard reassessment form designed to provide the required information in an easily understood manner; and to amend Section 12-43-210, relating to uniform assessments for purposes of property taxation, so as to require all real property in a county to be reassessed in any reassessment program. [¶] Referred to Committee on Ways and Means.

[H. 3413](#) -- Rep. Taylor: A bill to levy a tax upon the severance of precious metals, provide for the payment and collection of the tax, provide for the promulgation of regulations by the tax commission, require every person subject to the tax imposed by this act to post an annual surety bond, establish a special fund known as the palmetto state environmental

impact fund, require state tax and bond receipts under this act to be remitted to the state treasurer and deposited by him in the fund, provide for the administration of the fund and for the use of the fund's proceeds, require the state budget and control board to hear and decide applications for the expenditure of the fund's proceeds, provide for the promulgation of regulations by the board, provide that this act does not abrogate or diminish any otherwise applicable civil liability, provide that this act does not relieve criminal liability, and provide that the tax and the bond required hereunder are in addition to any other applicable tax, fee, or bond imposed or provided for by the laws of this state. [¶] Referred to Committee on Ways and Means.

[H. 3414](#) -- Reps. P. Harris, Blackwell and Waldrop: A bill to amend Section 12-7-1235, Code of Laws of South Carolina, 1976, relating to the state income tax credit for payments by the taxpayer to institutions providing skilled or intermediate care, so as to extend the credit to payments for in-home or community care at the skilled or intermediate care level as certified by a licensed physician. [¶] Referred to Committee on Ways and Means.

[H. 3415](#) -- Rep. Wells: **A bill to amend Section 4-9-30, Code of Laws of South Carolina, 1976, relating to the powers of county councils, so as to allow county councils to enact ordinances regulating noise in residential areas and structures and provide for fines of not more than two hundred dollars for violations.** [¶] Referred to Committee on Judiciary.

[H. 3416](#) -- Reps. J. Bradley, J.W. McLeod, M.O. Alexander and Neilson: A bill to amend Article 1, Chapter 77, Title 38, Code of Laws of South Carolina, 1976, relating to automobile insurance, by adding Section 38-77-45 so as to provide that no used motor vehicle parts or motor vehicle parts other than those of the original equipment manufacturer may be used to repair a motor vehicle as a result of an automobile accident where the cost of the property damage is being paid by the insurer of the at-fault party, without the consent of the owner of the vehicle being repaired. [¶] Referred to Committee on Labor, Commerce and Industry.

[H. 3417](#) -- Reps. J. Bradley, G. Bailey, J.W. McLeod, Kohn, M.O. Alexander and Neilson: A bill to amend Article 1, Chapter 77, Title 38, Code of Laws of South Carolina, 1976, relating to the regulation of automobile insurance, by adding Section 38-77-35 so as to provide that where an insurance company, as a result of an automobile accident, requires a release from an injured party for property damages and related expenses, the release must be limited to property damage items only and may not be a full release as to all claims of the injured party against the insured covered by the insurance company. [¶] Referred to Committee on Labor, Commerce and Industry.

[H. 3418](#) -- Reps. Edwards, D. Martin, White and Clyborne: A bill to amend the Code of Laws of South Carolina, 1976, by adding Section 5-15-125 so as to provide for a runoff election to break ties in municipal elections and to postpone subsequent municipal elections if there is a tie-breaker runoff election; to add article 19 in chapter 13 of title 7, relating to the conduct of elections, so as to provide for tie-breaking general, special, and primary elections; to amend sections 7-13-50 and 7-13-1170, relating respectively to runoff primary elections and cases where the governor orders new elections, so as to delete provisions relating to tie elections. [¶] Referred to Committee on Judiciary.

[H. 3419](#) -- Rep. Mappus: A bill to amend the Code of Laws of South Carolina, 1976, by adding Section 38-5-170 so as to provide that after December 31, 1989, no insurance policy may be issued or renewed that provides coverage against punitive damages; and to amend Section 38-77-30, relating to definitions for purposes of automobile liability insurance, so as to exclude punitive damages from the definitions of "damages". [¶] Referred to Committee on Labor, Commerce and Industry.

[H. 3420](#) -- Reps. Rudnick, J.C; Johnson, Moss, Snow, Keyserling, J. Bradley, Kirsh, T. Rogers, J. Brown, White and Harvin: A bill to amend the Code of Laws of South Carolina, 1976, by adding Section 7-7-15 so as to provide for notice of a change in a polling place. [¶] Referred to Committee on Judiciary.

[H. 3421](#) -- Rep. J. Bradley: A bill to amend Article 1, Chapter 5, Title 39, Code of Laws of South Carolina, 1976, relating to the South Carolina unfair trade practices act, by adding Section 39-5-25 so as to provide that insurance companies doing business in this state are also subject to the provisions of this act and that improper claims practices engaged in by an insurance company are unfair or deceptive acts or practices within the meaning of this act thereby subjecting the insurance company to the rights, remedies, and enforcement provisions of this act, and to amend Section 39-5-40, relating to the inapplicability of the act to certain matters, so as to delete the exclusion of certain insurance practices from the provisions of this act. [¶] Referred to Committee on Judiciary.

[H. 3422](#) -- Reps. Taylor and Corning: A bill to make it unlawful for a mining operation which extracts any precious metal from a particular mine in the state to import any raw material existing outside an area having a twelve-mile radius in every direction from the processing facility for the mine into such prescribed area for processing purposes, or any other purpose, at that processing facility, and to prescribe penalties. [¶] Referred to Committee on Agriculture and Natural Resources.

[H. 3423](#) -- Rep. Elliott: A bill to amend the Code of Laws of South Carolina, 1976, by adding Section 50-11-2865 so as to establish Vereen Memorial Historical Gardens in Horry County as a wildlife sanctuary and to provide a penalty for violations. [¶] Referred to Horry Delegation.

[H. 3424](#) -- Reps. J. Bradley and Kohn: A bill to amend Chapter 5, Title 38, Code of Laws of South Carolina, 1976, relating to the authority and requirements to transact insurance business, by adding Section 38-5-165 so as to provide that where an injured party has made a written offer to settle a claim against an individual and the settlement offer is refused, the individual shall pay interest to the injured party from the date of the written offer to settle if the case results in a verdict against the individual and to provide that where the verdict is equal to or greater than the settlement offer, the individual in addition shall pay a penalty to the injured party equal to twenty-five percent of the verdict. [¶] Referred to Committee on Judiciary.

[H. 3425](#) -- Rep. McAbee: A bill to amend Section 44-9-30, Code of Laws of South Carolina, 1976, relating to the creation of the mental health commission, so as to increase the membership of the commission from seven to nine. [¶] Referred to Committee on Medical, Military, Public and Municipal Affairs.

[H. 3426](#) -- Rep. J. Brown: A bill to require deadbolt locks and security chains on the doors to certain leased or rented rooms, lodgings, and accommodations, to make the violation of this requirement a misdemeanor offense, to provide penalties, and to provide that every instance in which the required deadbolt lock and security chain are not provided constitutes a separate offense for the purposes of prosecution and conviction. [¶] Referred to Committee on Medical, Military, Public and Municipal Affairs.

[H. 3427](#) -- Rep. R. Brown: A bill to amend the Code of Laws of South Carolina, 1976, by adding Section 37-5-304 so as to require a credit bureau or any business which provides credit information to send a copy of the report to each person on whom it issues a report by registered mail, return receipt requested, within ten days of the date of the issuance and to provide penalties. [¶] Referred to Committee on Labor, Commerce and Industry.

[H. 3428](#) -- Rep. J.C. Johnson: A bill to amend Section 59-63-20, Code of Laws of South Carolina, 1976, relating to age of attendance of pupils, so as to permit a child who has completed one year of kindergarten, within or without this state, to enter the first grade. [¶] Referred to Committee on Education and Public Works.

[H. 3429](#) -- Reps. Wilkins, Gregory, Haskins and Wilder: A bill to amend Section 5-15-70, Code of Laws of South Carolina, 1976, relating to the responsibility of a municipal governing body to establish by ordinance time requirements for nominations, primaries, and conventions and the percentage required for nominating petitions, so as to require all nominating petitions to contain no less than five percent of the qualified electors of the geographical area of the office for which he offers as a candidate instead of authorizing the governing body to determine the percentage of the petition, within certain limits, which must be qualified electors of the municipality; and to amend Section 5-15-110, relating to the requirement that a nominating petition be filed with the municipal election commission in municipal, special, or partisan general elections, so as to require the petition to contain no less than five percent of the qualified electors of the geographical area of the office for which the candidate offers instead of the municipality. [¶] Referred to Committee on Judiciary.

[H. 3430](#) -- Reps. J. Bradley, Boan and J.W. McLeod: A bill to amend the Code of Laws of South Carolina, 1976, by adding sections 38-75-25 and 38-75-35 so as to provide for the liabilities of insurers in fire insurance policies and to limit and regulate property insurance policies containing coinsurance clauses and to repeal sections 38-75-20, 38-75-30, and 38-75-40 relating to policies of fire insurance and property insurance policy provisions with coinsurance clauses. [¶] Referred to Committee on Labor, Commerce and Industry.

[H. 3431](#) -- Reps. Boan and J.W. McLeod: a bill to amend sections 15-9-270, as amended, 15-9-285, and 38-25-520, Code of Laws of South Carolina, 1976, relating to civil remedies and procedures and service on insurance companies and the issuance and delivery of a policy of insurance or contract of insurance or indemnity offered by an

insurer not licensed in this state and the conditions under which service of process must be made, so as to increase the fee from four to ten dollars which must accompany the summons and any other legal processes delivered to the chief insurance commissioner by an insurance company and provide that five dollars of this fee must be retained by the chief insurance commissioner to offset his costs. [¶] Referred to Committee on Labor, Commerce and Industry.

[H. 3432](#) -- Reps. J. Bradley, Boan and J.W. McLeod: A bill to amend Section 38-69-120, Code of Laws of South Carolina, 1976, relating to the incontestability of annuity contracts and the exceptions thereto, so as to provide for the required contents of certain annuities and endowment contracts, to amend Article 1, Chapter 69, Title 38, relating to annuities by adding Section 38-69-30 so as to provide that when the proceeds of an annuity becoming a claim by the death of the insured are left with an insurance company under a trust or other agreement, the benefits accruing thereunder after the death of the insured are not transferable nor subject to computation or incumbrance nor to legal process, except in an action to recover for necessities if the parties to the trust or other agreement so agree, and to repeal section 38-69-130 relating to limitations on proceedings to contest certain annuity contracts. [¶] Referred to Committee on Labor, Commerce and Industry.

[H. 3433](#) -- Reps. Baker, M.O. Alexander, Blackwell, P. Bradley, Clyborne, Fair, Haskins, Mattos, L. Phillips, Rice, Shelton and Wilkins: A joint resolution to authorize the governing body of any county to extend until March 15, 1988, the deadline for appealing the reassessment of a person's ad valorem property taxes for tax year 1987 only. [¶] Referred to Committee on Ways and Means.

[H. 3434](#) -- Rep. Baxley: A concurrent resolution requesting all state-supported institutions of higher learning to observe the Veterans Day holiday as part of their holiday schedule. [¶] Referred to Committee on Invitations and Memorial Resolutions.

[H. 3435](#) -- Rep. McBride: A bill to amend the Code of Laws of South Carolina, 1976, by adding Section 6-9-67 so as to require all new residential structures completed after June 30, 1989, to have at least two exterior doors for each individual dwelling unit. [¶] Referred to Committee on Medical, Military, Public and Municipal Affairs.

[H. 3436](#) -- Reps. J. Bradley, Boan and J.W. McLeod: A bill to amend sections 38-61-20, 38-71-310, and 38-71-720, Code of Laws of South Carolina, 1976, relating to approval of insurance policy contract forms generally by the chief insurance commissioner, so as to provide standards for form approval, and to provide for exemption from form approval. [¶] Referred to Committee on Labor, Commerce and Industry.

[H. 3445](#) -- Rep. Davenport: A bill to authorize the secretary of state to restore the charter of Optimist Club of Spartanburg, South Carolina, in Spartanburg County. [¶] Without reference.

[H. 3446](#) -- Greenville Delegation: A bill to amend Section 7-7-280, Code of Laws of South Carolina, 1976, relating to polling precincts and voting places in Greenville County, so as to change the polling place in precinct 97 (Pliney) from Pliney Grange Hall to Five Forks Baptist Church. [¶] Without reference.

[H. 3447](#) -- Reps. Harvin and E.B. McLeod: A bill to authorize the board of trustees of School District No. 1 of Clarendon County to issue general obligation bonds of the district in an amount not exceeding two hundred thousand dollars for certain purposes; to prescribe the conditions under which the bonds may be issued and the purposes for which the proceeds may be expended; and to make provision for the payment of the bonds. [¶] Referred to Clarendon Delegation.

[H. 3448](#) -- Reps. J. Bradley, Boan and J.W. McLeod: A bill to amend Section 38-43-10, Code of Laws of South Carolina, 1976, relating to the definitions of "insurance agent", so as to delete categories; and to amend Section 38-43-20, relating to licensing requirement of insurance agents, so as to delete categories of employees, including clerical agency employees, and to allow delayed licensing for agents qualified to transact life, health, or group insurance when the agent is not specifically licensed for the insurer when the agent presents the proposal. [¶] Referred to Committee on Labor, Commerce and Industry.

[H. 3449](#) -- Reps. J. Bradley, Boan and J.W. McLeod: A bill to amend sections 38-1-20, 38-9-100, 38-25-540, 38-25-550, 38-45-20, 38-45-30, 38-45-90, 38-45-110, 38-75-710, and 38-75-770, Code of Laws of South Carolina, 1976, relating to insurance, so as to define "admitted insurer", "eligible surplus lines insurer", "non-admitted

insurer”, and “surplus lines insurance” and to regulate their use and activities, and to change provisions relating to security deposits; and to amend the 1976 code by adding sections 38-45-160 and 38-45-170 so as to regulate policy fees charged by brokers and to provide for the appointment of the chief insurance commissioner as true and lawful attorney for service of process for eligible surplus lines insurers. [¶] Referred to Committee on Labor, Commerce and Industry.

[H. 3450](#) -- Reps. J. Bradley, Boan and J.W. McLeod: A bill to amend Title 38, as amended, Code of Laws of South Carolina, 1976, relating to insurance, by adding Chapter 85 so as to regulate consolidations and mortgage insurance offered, issued, or delivered in South Carolina, by mail or otherwise, in connection with consolidations. [¶] Referred to Committee on Labor, Commerce and Industry.

[H. 3451](#) -- Reps. J. Bradley, Boan and J.W. McLeod: A bill to amend title 38, as amended, Code of Laws of South Carolina, 1976, relating to insurance, by adding Chapter 87 so as to provide for the regulation and taxation of risk retention groups and purchasing groups authorized under the federal liability risk retention act of 1986, including the provision of certain penalties. [¶] Referred to Committee on Labor, Commerce and Industry.

[H. 3452](#) -- Reps. Haskins, Davenport, Rudnick, J. Brown and Keyserling: A bill to amend the Code of Laws of South Carolina, 1976, by adding Article 7 in Chapter 5, Title 39, relating to the South Carolina unfair trade practices act, so as to define unfair and deceptive practices with respect to motor vehicle repair. [¶] Referred to Committee on Judiciary.

[H. 3453](#) -- Rep. Hayes: A bill to amend Article 7, Chapter 17, Title 16, Code of Laws of South Carolina, 1976, relating to offenses against public policy by adding Section 16-17-445 so as to provide restrictions upon unsolicited consumer telephone calls to residences, prohibit the making of unsolicited consumer telephone calls to certain subscribers, authorize the department of consumer affairs to investigate complaints of violations, and to provide civil and criminal penalties for violation. [¶] Referred to Committee on Judiciary.

[H. 3454](#) -- Rep. Foster: A bill to amend Article 1, Chapter 5, Title 61, Code of Laws of South Carolina, 1976, relating to the general provisions regarding the regulation of the transportation, possession, consumption, and sale of alcoholic beverages, by adding Section 61-5-27 so as to make it unlawful for anyone to transfer or give any alcoholic liquor to any person under the age of twenty-one and to provide exceptions and a penalty for violations. [¶] Referred to Committee on Judiciary.

[H. 3455](#) -- Rep. McEachin: A bill to amend Article 1, Chapter 11, Title 50, Code of Laws of South Carolina, 1976, relating to the protection of game, by adding Section 50-11-125 so as to provide that it is unlawful to sell live wolves within the state or to ship or import live wolves into this state, except for exhibition purposes upon the approval of the wildlife and marine resources department. [¶] Referred to Committee on Agriculture and Natural Resources.

[H. 3456](#) -- Rep. McEachin: A bill to amend Section 50-21-610, Code of Laws of South Carolina, 1976, relating to regulations of the division of boating of the wildlife and marine resources department as to the construction, equipment, and safety standards of boats, so as to require the division to promulgate regulations which require that boats with inboard motors or inboard/outboard motors are equipped with mufflers in good working order or with an acceptable sound retarding covering to prevent excessive, unusual, or annoying noise. [¶] Referred to Committee on Agriculture and Natural Resources.

[H. 3457](#) -- Rep. McLellan: A bill to amend Section 12-35-550, as amended, Code of Laws of South Carolina, 1976, relating to sales tax exemptions, so as to provide that batteries and cords for hearing aids as well as the hearing aids are exempt from the sales tax. [¶] Referred to Committee on Ways and Means.

[H. 3458](#) -- Rep. McLellan: A bill to amend Chapter 11, Title 8, Code of Laws of South Carolina, 1976, relating to state officers and employees, by adding article 9 so as to establish a state employee leave-transfer program whereby sick leave or annual leave of an employee of a state agency may be transferred for use by another employee of that agency in cases of personal emergency. [¶] Referred to Committee on Ways and Means.

[H. 3459](#) -- Rep. Lockemy: A joint resolution to provide that the time for filing of applications for ad valorem property tax exemption required by section 12-3-145, Code of Laws of South Carolina, 1976, for the 1987 and 1988

taxable years is extended until July 1, 1988. [¶] Referred to Committee on Ways and Means.

[H. 3460](#) -- Rep. Petty: A bill to amend Section 40-6-140, as amended, Code of Laws of South Carolina, 1976, relating to fees for auctioneers' licenses, so as to increase the fee for an apprentice auctioneer license from fifty dollars to one hundred dollars. [¶] Referred to Committee on Ways and Means.

[H. 3461](#) -- Rep. Petty: A bill to amend Section 40-6-10, Code of Laws of South Carolina, 1976, relating to definitions pertaining to auctioneers, so as to define "estate" auction; and to amend the 1976 code by adding Section 40-6-156 so as to prohibit the sale at auction of any property other than the property of a specified deceased person or the property of a specified living person's estate at any auction conducted or advertised as an estate sale. [¶] Referred to Committee on Labor, Commerce and Industry.

[H. 3462](#) -- Rep. Petty: A bill to amend Section 40-6-80, as amended, Code of Laws of South Carolina, 1976, relating to licensing of auctioneers, so as to allow persons completing classroom instruction in auctioneering at approved institutions to be licensed as auctioneers after one year of apprenticeship. [¶] Referred to Committee on Labor, Commerce and Industry.

[H. 3463](#) -- Rep. Petty: A bill to amend Section 40-6-10, Code of Laws of South Carolina, 1976, relating to definitions pertaining to auctioneers, so as to define "absolute auction" and to amend the 1976 code by adding Section 40-6-145 so as to provide that it is unlawful to conduct or advertise that an auction is "absolute" if minimum opening bids are required or other conditions are placed on the sale which limit the sale other than to the highest bidder. [¶] Referred to Committee on Labor, Commerce and Industry.

[H. 3464](#) -- Rep. Petty: A bill to amend the Code of Laws of South Carolina, 1976, by adding Section 40-6-155 so as to require each licensed auctioneer to establish a personal property trust fund in which all monies belonging to another which come into his possession through an auction sale must be deposited. [¶] Referred to Committee on Labor, Commerce and Industry.

[H. 3465](#) -- Rep. Petty: A bill to amend the Code of Laws of South Carolina, 1976, by adding Section 40-6-200 so as to create the auctioneer education and recovery fund. [¶] Referred to Committee on Labor, Commerce and Industry.

[H. 3466](#) -- Rep. Keyserling: A bill to amend Article 9, Chapter 55, Title 44, Code of Laws of South Carolina, 1976, relating to the approval of the sewerage disposal methods at homesites, by adding Section 44-55-875 so as to require a certificate by the county health department or other appropriate agency be furnished to the purchaser of a lot or parcel of land without improvements that it meets minimum standards for septic tank usage if it is not accessible to a sewer line, to require the certificate be furnished at the time of the closing of the sale of the lot or parcel, and to provide penalties for violations. [¶] Referred to Committee on Judiciary.

Further proceedings were interrupted by the House receding.

THE HOUSE RESUMES [¶] At 1:45 P.M. the House resumed, the SPEAKER in the Chair.

ROLL CALL

The roll call of the House of Representatives was taken resulting as follows. [¶] Alexander, M.O. [¶] Alexander, T.C. [¶] Altman [¶] Arthur [¶] Aydlette [¶] Bailey, G. [¶] Bailey, K. [¶] Baker [¶] Barfield [¶] Baxley [¶] Beasley [¶] Bennett [¶] Blackwell [¶] Blanding [¶] Boan [¶] Bradley, J. [¶] Bradley, P. [¶] Brown, G. [¶] Brown, H. [¶] Brown, J. [¶] Brown, R. [¶] Burch [¶] Burriss, J.H. [¶] Burriss, M.D. [¶] Burriss, T.M. [¶] Carnell [¶] Chamblee [¶] Clyborne [¶] Cole [¶] Cooper [¶] Cork [¶] Corning [¶] Dangerfield [¶] Davenport [¶] Day [¶] Derrick [¶] Edwards [¶] Elliott [¶] Faber [¶] Fair [¶] Felder [¶] Ferguson [¶] Foster [¶] Foxworth [¶] Gentry [¶] Gilbert [¶] Gordon [¶] Gregory [¶] Harris, J. [¶] Harris, P. [¶] Harvin [¶] Haskins [¶] Hayes [¶] Hearn [¶] Helmly [¶] Hendricks [¶] Hodges [¶] Huff [¶] Humphries [¶] Johnson, J.C. [¶] Johnson, J.W. [¶] Jones [¶] Kay [¶] Keyserling [¶] Kirsh [¶] Klapman [¶] Kohn [¶] Koon [¶] Lanford [¶] Lewis [¶] Limehouse [¶] Lockemy [¶] Mappus [¶] Martin, D. [¶] Martin, L. [¶] Mattos [¶] McAbee [¶] McBride [¶] McCain [¶] McEachin [¶] McElveen [¶] McGinnis [¶] McKay [¶] McLellan [¶] Mcleod, E.B. [¶] McLeod, J.W. [¶] McTeer [¶] Moss [¶] Neilson [¶] Nesbitt [¶] Nettles [¶] Pearce [¶] Pettigrew [¶] Petty [¶] Phillips, L. [¶] Phillips, O. [¶] Rhoad [¶] Rice [¶] Rogers, J. [¶] Rogers, T. [¶] Rudnick [¶] Sharpe [¶] Sheheen [¶] Shelton [¶] Short [¶] Simpson [¶] Snow [¶] Stoddard [¶] Sturkie [¶] Taylor [¶] Thrailkill [¶] Toal [¶] Townsend [¶] Tucker [¶] Waldrop [¶] Washington [¶] Wells [¶] Whipper [¶] White [¶] Wilder [¶] Wilkins [¶] Williams [¶] Winstead [¶] **Total--123**

DOCTOR OF THE DAY

Announcement was made that Dr. Charles Duncan of Greenville, is the Doctor of the Day for the General Assembly.

STATEMENT BY REP. McLellan

Rep. McLellan made a statement relative to the remaining vetoes on H. 2590, R. 243.

H. 2590, R. 243—VETOES [¶] FURTHER CONSIDERATION TABLED

Rep. BEASLEY moved to table further consideration of all remaining vetoes.

POINT OF ORDER

Rep. AYDLETTE raised the Point of Order that Rep. BEASLEY's motion was out of order as Rep. SHARPE had the floor on Veto No. 128. [¶] The SPEAKER sustained the Point of Order and ruled the motion out of order. [¶] Rep. SHARPE relinquished the floor on Veto No. 128. [¶] Rep. BEASLEY moved to table further consideration of all remaining vetoes, which was agreed to.

H. 3174--TABLED

The following Joint Resolution was taken up. [¶] [H. 3174](#) -- Reps. T.M. Burriss, Corning, Hearn, Toal, M.D. Burriss, McBride, Faber, J. Brown and T. Rogers: A joint resolution to direct the Department of Health and Environmental Control to cancel its moratorium on the installation of sewer lines in the east Richland County public service district. [¶] Rep. T.M. BURRISS moved to table the Joint Resolution, which was agreed to.

RETURNED TO THE SENATE WITH AMENDMENT

The following Bill was taken up, read the third time, and ordered returned to the Senate with amendments. [¶] [S. 363](#) -- Senator Waddell: A bill to amend the Code of Laws of South Carolina, 1976, by adding Section 50-21-125 so as to require watercraft to slow to no wake speed when operated within two hundred feet of public boat landings or ramps located on lakes and reservoirs constructed or developed for hydroelectric generation and to prohibit swimming within fifty feet of them.

S. 139--DEBATE ADJOURNED ON MOTION TO RECONSIDER [¶] The following Bill was taken up. [¶] [S. 139](#) -- Senator Setzler: A bill to amend Section 57-7-20, Code of Laws of South Carolina, 1976, relating to depositing foreign substances on highways, so as to increase the penalty when the deposit is likely to injure any person, animal, or vehicle and to provide for the penalties when personal injury or death results from the deposit. [¶] The motion of Rep. LIMEHOUSE to reconsider the vote whereby the Bill was given a second reading was taken up. [¶] Rep. LIMEHOUSE spoke in favor of the motion and moved to adjourn debate upon the motion to reconsider until Thursday, January 14, which was adopted.

H. 2154--DEBATE ADJOURNED [¶] Rep. McEachin moved to adjourn debate upon the following Bill until Tuesday, January 19, which was adopted. [¶] [H. 2154](#) -- Reps. McEachin, Gilbert, McKay and J.W. McLeod: A bill to amend Section 40-21-50, Code of Laws of South Carolina, 1976, relating to qualifications of members of the state board of registration for professional engineers and land surveyors, so as to revise the qualifications of certain land surveyor members of the board, and to amend Section 40-21-195, relating to qualifications for licensing as a tier b land surveyor, so as to extend from two to four years the practical experience qualification necessary for licensure.

H. 2742--DEBATE ADJOURNED [¶] The Conference Report on the following Bill was taken up. [¶] [H. 2742](#) -- Agriculture and Natural Resources Committee: A bill to amend Sections 50-17-1620 and 50-17-1621, Code of Laws of South Carolina, 1976, relating to taking shrimp by cast net over bait, so as to establish a season for taking shrimp in baited areas, provide for the issuance of shrimp baiting permits, prescribe their use, and the fee for their issuance; to establish a catch limit and a possession limit; and to increase penalties. [¶] Rep. FOXWORTH moved to adjourn debate upon the Conference Report until Wednesday, January 20, which was adopted.

H. 2804--DEBATE ADJOURNED [¶] Debate was resumed on the Senate Amendments to the following Concurrent Resolution, the pending question being shall the House concur in the Senate Amendments. [¶] [H. 2804](#) -- Reps. J. Bradley, Aydlette, Dangerfield, Foxworth, Holt, Kohn, Mappus, D. Martin, Washington, Whipper and Winstead: A concurrent resolution to invite the members of the general assembly to hold a joint session in Charleston on Monday, May 23, 1988, to celebrate the bicentennial of the constitution of the United States and to invite the members of the general assembly to visit in Charleston on the preceding weekend beginning on Saturday, May 21, 1988. [¶] Rep. J. BRADLEY moved to adjourn debate upon the Senate Amendments, which was adopted.

H. 2518--TABLED [¶] The Senate Amendments to the following Bill were taken up for consideration. [¶] [H. 2518](#) -- Rep. Ogburn: A bill to amend Section 56-11-110, Code of Laws of South Carolina, 1976, relating to minimum medical, hospital, and disability benefits, proof of loss of income, and subrogation or assignment of benefits under the automobile reparation reform act of 1974, so as to permit assignments to hospitals, physicians, or other medical providers. [¶] Rep. J. BRADLEY moved to table the Bill, which was agreed to.

MOTION REJECTED [¶] Rep. McEachin moved that the House do now adjourn. [¶] Rep. HUFF demanded the yeas and nays, which were not ordered. [¶] The question then recurred to the motion that the House do now adjourn, which was rejected.

H. 2550—TABLED [¶] The following Joint Resolution was taken up. [¶] H. 2550 -- Reps. McEachin, Keyserling and J.W. Johnson: A joint resolution proposing an amendment to Section 9, Article III, of the Constitution of South Carolina, 1895, relating to sessions of the general assembly, so as to provide that the annual session of the general assembly shall commence on the second Tuesday in February instead of the second Tuesday in January, and to delete obsolete language relating to earlier sessions of the General Assembly. [¶] Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. It is proposed that Section 9, Article III, of the Constitution of this State be amended to read:

~~"Section 9. The annual session of the General Assembly heretofore elected, fixed by the Constitution of the year Eighteen hundred and Sixty-eight to convene on the fourth Tuesday or November, in the year Eighteen hundred and Ninety-five, is hereby postponed, and the same shall be convened and held in the city of Columbia on the second Tuesday of January, in the year Eighteen hundred and Ninety-six. The first session of the General Assembly elected under this Constitution shall convene in Columbia on the second Tuesday in January, in the year Eighteen hundred and Ninety-seven, and thereafter annually at the same time and place shall convene at the state capitol in the City of Columbia on the second Tuesday of February of each year. Provided, That the The Senate and the House of Representatives shall meet on the first Tuesday following the certification of the election of its members for not more than three days following the general election in even-numbered years for the purpose of organizing. Should [¶] If the casualties of war or contagious disease render it unsafe to meet at the seat of government, then the Governor may, by proclamation, may appoint a more secure and convenient place of meeting. Members of the General Assembly shall not receive any compensation for more than forty days of any one session. Provided, That this limitation shall not affect the first four sessions of the General Assembly under this Constitution."~~

SECTION 2. The proposed amendment must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballots:

"Shall Section 9, Article III, Or the Constitution of this State be amended so as to provide for the annual session of the General Assembly convening on the second Tuesday of February of each year, provide for an organizational session for the Senate in those years in which the membership of the Senate is elected, and to delete obsolete language relating to earlier sessions of the General Assembly?"

Yes [] [¶] No []

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word 'Yes' and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word 'No'."

[¶] Rep. O. PHILLIPS and DAY proposed the following Amendment No. 6, which was ruled out of order. [¶] Amend as and if amended. Add new section, Section No. 9 to provide for this provision. [¶] Beginning in the Fiscal Year 1992, terms of all House members will be for 4 years instead of 2 years, 6 years for the Senate instead of 4.

POINT OF ORDER [¶] Rep. RUDNICK raised the Point of Order that Amendment No. 6 was out of order as it was not germane to the Joint Resolution. [¶] The SPEAKER sustained the Point of Order and ruled the amendment out of order. [¶] Rep. McEachin explained the Joint Resolution. [¶] Reps. KIRSH, O. PHILLIPS, SIMPSON and AYDLETTE spoke against the Joint Resolution. [¶] Rep. KEYSERLING spoke in favor of the Joint Resolution. [¶] Rep. KIRSH moved to table the Joint Resolution. [¶] Rep. McEachin demanded the yeas and nays, which were taken resulting as follows:

Yeas 66; Nays 50

Those who voted in the affirmative are: [¶] Arthur [¶] Aydlette [¶] [¶] Bailey, G. [¶] Bailey, K [¶] Baxley [¶] Bennett [¶] Boan [¶] [¶] Bradley, J. [¶] Brown, G. [¶] Brown, J. [¶] Burch [¶] Carnell [¶] Chamblee [¶] Dangerfield [¶] Davenport [¶] Day [¶] Elliott [¶] Faber [¶] Felder [¶] Ferguson [¶] Foster [¶] Foxworth [¶] Gilbert [¶] Gregory [¶] Harris, J. [¶] Harris, P. [¶] Harvin [¶] Helmly [¶] Kay [¶] Kirsh [¶] Klapman [¶] Kohn [¶] Koon [¶] Lanford [¶] Limehouse [¶] Martin, D. [¶] Martin, L. [¶] McAbee [¶] McBride [¶] McGinnis [¶] McLellan [¶] McLeod, E.B. [¶] Neilson [¶] Nesbitt [¶] Nettles [¶] Pettigrew [¶] Petty [¶] Phillips, L. [¶] Phillips, O. [¶] Rice [¶] Rogers, J. [¶] Rudnick [¶] Simpson [¶] Snow [¶] Stoddard [¶] Taylor [¶] Thrailkill [¶] Townsend [¶] Tucker [¶] Waldrop [¶] Washington [¶] Wells [¶] Whipper [¶] Wilder [¶] Williams [¶] Winstead [¶]

Total--66

Those who voted in the negative are: [¶] Alexander, M.O. [¶] Alexander, T.C. [¶] Altman [¶] Baker [¶] Barfield [¶] Beasley [¶] Blackwell [¶] Bradley, P. [¶] Brown, H. [¶] Brown, R. [¶] Burriss, M.D. [¶] Burriss, T.M. [¶] Clyborne [¶]

Cole [¶] Cooper [¶] Cork [¶] Corning [¶] Derrick [¶] Fair [¶] Gentry [¶] Haskins [¶] Hayes [¶] Hearn [¶] Hendricks [¶] Hodges [¶] Huff [¶] Humphries [¶] Johnson, J.C. [¶] Johnson, J.W. [¶] Jones [¶] Keyserling [¶] Lewis [¶] Lockemy [¶] Mappus [¶] McCain [¶] McEachin [¶] McElveen [¶] McKay [¶] McLeod, J.W. [¶] Moss [¶] Pearce [¶] Rhoad [¶] Rogers, T. [¶] Sharpe [¶] Sheheen [¶] Shelton [¶] Short [¶] Toal [¶] White [¶] Wilkins [¶] **Total--50**

So, the Joint Resolution was tabled.

RECORD FOR VOTING [¶] On H. 2550, the question was asked to table H. 2550 on a Roll Call vote. I voted YES and would like to go on record on changing my vote to NO. [¶] Rep. GEORGE H. BAILEY

RECURRENCE TO THE MORNING HOUR [¶] Rep. HUFF moved that the House recur to the morning hour.

POINT OF ORDER

Rep. T.M. BURRISS raised the Point of Order that the motion to recur to the morning hour was out of order as the House was considering Special Order legislation. [¶] The SPEAKER stated that no Special Order was before the House, and he overruled the Point of Order. [¶] Rep. T. ROGERS moved to table the motion to recur to the morning hour. [¶] Rep. KIRSH moved that the House do now adjourn. [¶] Rep. HEARN demanded the yeas and nays, which were taken resulting as follows: **Yeas 12; Nays 101**

Those who voted in the affirmative are: [¶] Bennett [¶] Boan [¶] Burch [¶] Carnell [¶] Edwards [¶] Helmly [¶] Hendricks [¶] Kirsh [¶] McEachin [¶] Pearce [¶] Rogers, J. [¶] Simpson [¶] **Total--12**

Those who voted in the negative are: [¶] Alexander, M.O. [¶] Alexander, T.C. [¶] Altman [¶] Arthur [¶] Aydlette [¶] Bailey, G. [¶] Bailey, K. [¶] Baker [¶] Barfield [¶] Baxley [¶] Beasley [¶] Blackwell [¶] Bradley, J. [¶] Brown, G. [¶] Brown, H. [¶] Brown, J. [¶] Brown, R. [¶] Burriss, M.D. [¶] Burriss, T.M. [¶] Chamblee [¶] Clyborne [¶] Cole [¶] Cooper [¶] Cork [¶] Corning [¶] Dangerfield [¶] Davenport [¶] Day [¶] Derrick [¶] Elliott [¶] Faber [¶] Fair [¶] Felder [¶] Ferguson [¶] Foster [¶] Foxworth [¶] Gentry [¶] Gilbert [¶] Gregory [¶] Harris, J. [¶] Harris, P. [¶] Harvin [¶] Haskins [¶] Hayes [¶] Hearn [¶] Hodges [¶] Huff [¶] Humphries [¶] Johnson, J.C. [¶] Johnson, J.W. [¶] Jones [¶] Kay [¶] Klapman [¶] Kohn [¶] Koon [¶] Lanford [¶] Lewis [¶] Limehouse [¶] Lockemy [¶] Mappus [¶] Martin, D. [¶] Martin, L. [¶] Mattos [¶] McAbee [¶] McBride [¶] McCain [¶] McElveen [¶] McGinnis [¶] McKay [¶] McLellan [¶] McLeod, E.B. [¶] Moss [¶] Neilson [¶] Nesbitt [¶] Nettles [¶] Pettigrew [¶] Petty [¶] Phillips, L. [¶] Phillips, O. [¶] Rhoad [¶] Rice [¶] Rogers, T. [¶] Rudnick [¶] Sharpe [¶] Sheheen [¶] Shelton [¶] Short [¶] Snow [¶] Taylor [¶] Thrailkill [¶] Toal [¶] Townsend [¶] Tucker [¶] Waldrop [¶] Washington [¶] Wells [¶] Whipper [¶] White [¶] Wilder [¶] Wilkins [¶] Williams [¶] **Total--101**

So, the House refused to adjourn.

LEAVE OF ABSENCE [¶] The SPEAKER granted Rep. AYDLETTE a leave of absence for the remainder of the day and tomorrow to attend a funeral. [¶] The question then recurred to the motion to table the motion to recur to the morning hour, which was rejected. [¶] The question then recurred to the motion to recur to the morning hour, which was agreed to by a division vote of 50 to 36.

HOUSE RESOLUTION [¶] On motion of Rep. TAYLOR, with unanimous consent, the following was taken up for immediate consideration: [¶] [H. 3467](#) -- Rep. Taylor: A house resolution to authorize the South Carolina Jaycees to use the hall of the house of representatives and the committee rooms of the house in the blatt building on Saturday and Sunday, January 23 and 24, 1988, to request the division of general services to provide for reasonable use of the underground parking facilities and the blatt building, and to arrange for assistance and access by the state house security forces. [¶] Be it resolved by the House of Representatives: [¶] That the South Carolina Jaycees are authorized to use the Hall of the House of Representatives and the committee rooms of the House in the Blatt Building on Saturday and Sunday, January 23 and 24, 1988, if the House is not in statewide session on those days, for the purpose of involving the Jaycees in the legislative process and for the purpose of conducting a model legislature. [¶] Be it further resolved that the Division of General Services is requested to provide for the underground parking facilities and the Blatt Building to be made available for reasonable use by the Jaycees and that the State House security forces provide assistance and access necessary for this meeting in accordance with previous procedures. [¶] The Resolution was adopted.

CONCURRENT RESOLUTION [¶] The following was introduced: [¶] [H. 3468](#) -- Rep. M.D. Burriss: A concurrent resolution expressing the sympathy of the General Assembly to the family and friends of the late General Emory M. Sneed of Columbia. [¶] The Concurrent Resolution was agreed to and ordered sent to the Senate.

CONCURRENT RESOLUTION [¶] The following was introduced: [¶] [H. 3469](#) -- Charleston County Delegation: A concurrent resolution expressing the sympathy of the general assembly to the family and friends of the late Mrs. Septima Poinsette Clark of Charleston. [¶] The Concurrent Resolution was agreed to and ordered sent to the Senate.

CONCURRENT RESOLUTION [¶] The following was introduced: [¶] [H. 3470](#) -- Reps. Foster, Kirsh, Hayes and Nesbitt: A concurrent resolution expressing the congratulations of the members of the General Assembly to Coach Jimmy Wallace of Northwestern High School in York County on being named associated press South Carolina high school football coach of the year. [¶] The Concurrent Resolution was agreed to and ordered sent to the Senate.

CONCURRENT RESOLUTION [¶] The following was introduced: [¶] [H. 3471](#) -- Reps. J.D. Bradley and Washington: A concurrent

resolution to direct the Department of Highways and Public Transportation to erect a traffic-control signal light at the intersection of Highway 17 and Highway 165 in the town of Ravenel, County of Charleston, South Carolina. [¶] The Concurrent Resolution was ordered referred to the Charleston Delegation.

CONCURRENT RESOLUTION

The following was introduced: [¶] [H. 3472](#) -- Reps. T. Rogers, J. Bradley, M.O. Alexander, T.C. Alexander, Altman, Arthur, Ay-dlette, G. Bailey, K. Bailey, Baker, Barfield, Baxley, Beasley, Bennett, Blackwell, Blanding, Boan, P. Bradley, G. Brown, H. Brown, J. Brown, R. Brown, Burch, J.H. Burriss, M.D. Burriss, T.M. Burriss, Carnell, Chamblee, Clyborne, Cole, Cooper, Cork, Corning, Dangerfield, Davenport, Day, Derrick, Edwards, Elliott, Faber, Fair, Felder, Ferguson, Foster, Foxworth, Gentry, Gilbert, Gordon, Gregory, J. Harris, P. Harris, Harvin, Haskins, Hayes, Hearn, Helmly, Hendricks, Hodges, Holt, Huff, Humphries, J.C. Johnson, J.W. Johnson, Jones, Kay, Keyserling, Kirsh, Klapman, Kohn, Koon, Lanford, Lewis, Limehouse, Lockemy, Mappus, D. Martin, L. Martin, Mattos, McAbee, McBride, McCain, McEachin, McElveen, McGinnis, McKay, McLellan, E.B. McLeod, J.W. McLeod, McTeer, Moss, Neilson, Nesbitt, Nettles, Pearce, Pettigrew, Petty, L. Phillips, O. Phillips, Rhoad, Rice, J. Rogers, Rudnick, Sharpe, Sheheen, Shelton, Short, Simpson, Snow, Stoddard, Sturkie, Taylor, Thrailkill, Toal, Townsend, Tucker, Waldrop, Washington, Wells, Whipper, White, Wilder, Wilkins, Williams and Winstead: A concurrent resolution to commemorate the life of J.P. "Pete" Strom, of Columbia, Chief of the State Law Enforcement Division for more than thirty years and often called South Carolina's "forty-seventh sheriff," express sorrow at his death, and extend sympathy to his family and many friends and admirers. [¶] Rep. T. ROGERS explained the Concurrent Resolution. [¶] The Concurrent Resolution was agreed to and ordered sent to the Senate.

SILENT PRAYER [¶] On motion of Rep. T. ROGERS, the House stood in silent prayer in memory of the late J.P. "Pete" Strom.

MOTION ADOPTED [¶] Rep. T. ROGERS moved that when the House adjourns today, it adjourn out of memory for the late Chief J.P. "Pete" Strom, which was agreed to.

CONCURRENT RESOLUTION [¶] The Senate sent to the House the following: [¶] [S. 985](#) -- Senator Thomas E. Smith, Jr.: A Concurrent Resolution To Fix 12 O'clock Noon On Wednesday, January 20, 1988, Immediately Following The Election Of Mem-bers Of The Legislative Audit Council As The Time To Fill The Seats On The South Carolina Employment Security Commission, The Terms For Which Expire In 1988. [¶] The Concurrent Resolution was ordered referred to the Committee on Invitations and Memorial Resolutions.

INTRODUCTION OF BILLS [¶] The following Bills were introduced, read the first time, and referred to appropriate committees:

[H. 3473](#) -- Rep. Elliott: A bill to amend Section 12-43-220, Code of Laws of South Carolina, 1976, relating to the classification and assessment ratios of property for purposes of ad valorem taxation, so as to provide that after an initial application for classification of property as a legal residence or agricultural real property is filed, no further application is necessary to main-tain that classification until the classification of the property changes, to require notification to the assessor within six months when property use changes, and to establish minimum and maximum penalties for failing to notify the assessor in a timely manner. [¶] Referred to Committee on Ways and Means.

[H. 3474](#) -- Rep. Gregory: A bill to amend Section 16-23-440, Code of Laws of South Carolina, 1976, relating to discharging firearms at or into dwellings, so as to provide it is unlawful also to discharge firearms at or into any building or structure regularly occupied by persons. [¶] Referred to Committee on Judiciary.

[H. 3475](#) -- Rep. Pearce: A bill to authorize the secretary of state to restore the charter of Gymkalos Investment Corporation in Horry County. [¶] On motion of Rep. PEARCE, with unanimous consent, the Bill was ordered placed on the Calendar without reference.

[H. 3476](#) -- Reps. J. Bradley, G. Bailey, J.W. McLeod, Kohn, M.O. Alexander and Neilson: A bill to amend Chapter 3, Title 38, Code of Laws of South Carolina, 1976, relating to the department of insurance, by adding Section 38-3-66 so as to provide that the department of insurance shall design a form which every insurance company doing business in this state shall use when offering optional coverages in automobile insurance policies. [¶] Referred to Committee on Labor, Commerce and Industry.

[H. 3477](#) -- Reps. J. Bradley, Kohn and Mappus: A bill to amend Article 1, Chapter 11, Title 6, Code of Laws of South Carolina, 1976, relating to special purpose or public service districts by adding Section 6-11-295 so as to provide that violations of ordi-nances or regulations of these districts relating to garbage or trash collection are unlawful and to provide penalties for these violations. [¶] Referred to Committee on Judiciary.

[H. 3478](#) -- Reps. J. Bradley, Boan and J.W. McLeod: A bill to amend Section 38-63-40, Code of Laws of South Carolina, 1976, relating to the protection of an individual life insurance policy for a married individual and children from claims of creditors and to amend Section 38-65-90, relating to the protection of a group life insurance policy for a married individual and children from claims of creditors, so as to increase the maximum amount of life insurance covered by these sections from twenty-five thousand to fifty thousand dollars and to remove the protection provided for a married individual and children in these sections when the policy was obtained with the intent to defraud creditors or the creditor or representative possesses a valid assignment of the cash surrender value of the policy from the policyholder on a separate form. [¶] Referred to Committee on Labor, Commerce and Industry.

[H. 3479](#) -- Rep. J. Bradley: A bill to amend Article 1, Chapter 71, Title 38, Code of Laws of South Carolina, 1976, relating to accident and health insurance, by adding Section 38-71-225 so as to provide that no accident or health insurer may assert a claim

for reimbursement of benefits paid against an insured's actual or anticipated recovery from a tortfeasor, and an accident or health insurer may not include such a provision in its insurance policies or require an agreement thereto as a condition of issuing the policy. [¶] Referred to Committee on Labor, Commerce and Industry.

H. 3480 -- Rep. J. Bradley: A bill to amend Section 53-5-20, Code of Laws of South Carolina, 1976, relating to the authority of the Governor to declare Christmas eve a holiday for state employees, so as to provide that the Governor may not declare Christmas eve a holiday for state employees if there is an intervening weekend between the holiday granted for December twenty-fifth and the holiday granted for December twenty-sixth unless he declares Christmas eve a holiday in lieu of the holiday to be granted for December twenty-sixth. [¶] Referred to Committee on Labor, Commerce and Industry.

H. 3481 -- Rep. J. Bradley: A bill to amend Article 33, Chapter 5, Title 56, Code of Laws of South Carolina, 1976, relating to size, weight, and load of motor vehicles, by adding Section 56-5-4165 so as to provide that the department of highways and public transportation when checking vehicles for weight and load at department-operated weigh stations or scales shall also randomly check these vehicles, in a manner determined by the state highway commission, for the operating equipment and safety devices required by law. [¶] Referred to Committee on Education and Public Works.

H. 3482 -- Rep. J. Bradley: A bill to amend Article 1, Chapter 11, Title 6, Code of Laws of South Carolina, 1976, relating to special purpose districts and public service districts, by adding Section 6-11-310 so as to provide that these districts, not otherwise empowered to condemn by law, are granted the power of eminent domain and for this purpose are considered to be "condemnors" within the meaning of the South Carolina Eminent Domain Procedure Act. [¶] Referred to Committee on Judiciary.

H. 3483 -- Reps. J. Bradley, T. Rogers, Limehouse, G. Bailey, Blanding, Waldrop, Neilson, Wells, Gentry, Davenport, Cole, Keyserling, G. Brown, Ferguson, Koon, Baxley, O. Phillips; Sharpe, Arthur, Moss, Whipper, D. Martin, Elliott, Barfield, Thrailkill and Jones: A bill to amend Article 3, Chapter 3, Title 56, Code of Laws of South Carolina, 1976, relating to registration and licensing of motor vehicles, by adding Section 56-3-235 so as to provide that the department of highways and public transportation when furnishing by mail renewal forms for the registration and licensing of motor vehicles shall also enclose a brochure of the insurance department relating to rates of automobile insurers. [¶] Referred to Committee on Education and Public Works.

H. 3484 -- Reps. J. Rogers and Limehouse: A bill to amend Section 56-5-4140, Code of Laws of South Carolina, 1976, relating to weight of vehicles and combinations of vehicles and loads, so as to allow continuation of the 35, 200-pound tandem axle weight limit beyond September 1, 1988, and to eliminate references to moratoriums on enforcement of the federal bridge formula. [¶] Referred to Committee on Education and Public Works.

H. 3485 -- Rep. Day: A bill to amend Section 59-67-420, Code of Laws of South Carolina, 1976, relating to school transportation of children, so as to provide for the local school district to assign priority based on the children's ages in its application to the department of education to assume the transportation for the children's health and safety. [¶] Referred to Committee on Education and Public Works.

H. 3486 -- Rep. Davenport: A bill to amend Section 14-7-1370, Code of Laws of South Carolina, 1976, relating to compensation of jurors in circuit courts, so as to provide that a juror serving in any court of the uniform judicial system shall receive for each hour he is required to serve the minimum wage required by the federal fair labor standards act of 1938 and increase the mileage allowance from five cents a mile to twenty cents a mile and to repeal Sections 14-9-250 and 22-2-160 relating to compensation of coroner's jurors and jurors in county and magistrate's courts. [¶] Referred to Committee on Ways and Means.

H. 3487 -- Rep. Davenport: A bill to amend the Code of Laws of South Carolina, 1976, by adding Section 14-7-1335 so as to prohibit polling of a juror after the foreman has declared a verdict. [¶] Referred to Committee on Judiciary.

H. 3488 -- Rep. Davenport: A bill to amend the Code of Laws of South Carolina, 1976, by adding Section 57-25-20 so as to prohibit the placing of a flashing light sign or a portable sign commonly known as a port-a-sign within fifteen feet of the right-of-way of any highway, road, or street and to provide penalties. [¶] Referred to Committee on Education and Public Works.

H. 3489 -- Reps. J.C. Johnson, Kirsh, McAbee, Carnell, McLellan and Cooper: A bill to amend Article 3, Chapter 43, Title 12, Code of Laws of South Carolina, 1976, relating to assessment of property for property tax purposes, by adding Section 12-43-222 so as to provide that the legal residence of a decedent not otherwise eligible for the special assessment ratios for legal residences is entitled to these special assessment ratios under certain conditions. [¶] Referred to Committee on Ways and Means.

H. 3490 -- Reps. J.C. Johnson, McAbee, Carnell and Cooper: A bill to amend Article 3, Chapter 37, Title 12, Code of Laws of South Carolina, 1976, relating to property tax exemptions, by adding Section 12-37-251 so as to provide any person who meets the qualifications for a homestead exemption but owns his dwelling place together with at least one other person, not his spouse, who does not meet these qualifications is entitled to a homestead exemption thereon in a certain percentage. [¶] Referred to Committee on Ways and Means.

H. 3491 -- Reps. J.C. Johnson, McAbee, Cooper, Carnell and P. Harris: A bill to amend Section 12-35-550, as amended, Code of Laws of South Carolina, 1976, relating to sales tax exemptions, so as to exempt the cross proceeds of the sale of durable

medical equipment, including hospital beds, wheelchairs, and crutches, not otherwise exempt from the sales tax when purchased for individual and not institutional use. [¶] **Referred to Committee on Ways and Means.**

[H. 3492](#) -- Rep. Simpson: A bill to **amend Section 56-5-5360**, Code of Laws of South Carolina, 1976, relating to motor vehicle inspection stations, so as to raise the vehicle inspection fee to five dollars and the fee for the inspection sticker to one dollar. [¶] **Referred to Committee on Ways and Means.**

[H. 3493](#) -- Reps. Edwards, Felder and Winstead: A bill to **amend Section 59-53-51**, Code of Laws of South Carolina, 1976, relating to educational and financial accountability for the operation of technical education institutions, so as to provide that locally appropriated county funds also are considered local funds of the institution and to provide that local funds of an institution must be retained and expended locally under guidelines of the state board for technical and comprehensive education, **and to amend Section 59-53-53**, relating to borrowing by area commissions, so as to provide that an area commission may issue covenants, enter into mortgages, and grant liens limiting the sale or use of certain parcels of real or personal property in its possession when required as a condition of accepting a grant, loan, or donation for specified capital improvement projects. [¶] **Referred to Committee on Ways and Means.**

[H. 3497](#) -- Reps. Kirsh, McLellan, Gregory, Fair, Klapman, J. Harris, Winstead, Ferguson, Hodges, Baker, T. Rogers, Elliott, Taylor, Stoddard, Shelton, J.W. Johnson, Hayes, Nesbitt, R. Brown, M.O. Alexander, Foster, Mattos, McKay, Gentry, Blackwell, Rice, McCain, Huff, L. Phillips, Gilbert, Day, Townsend, G. Bailey, Williams, Gordon, T.C. Alexander, J.C. Johnson, Boan, Lockemy, Hearn, P. Harris, McBride, Waldrop, K. Bailey, Bennett, Corning, White, Nettles, Sheheen, Beasley, Davenport, D. Martin, Faber, Haskins, O. Phillips, Arthur, Lewis, Petty, Kay, Thrailkill, McGinnis, Cole, Lanford, Simpson, Mappus, Wilkins, Toal, Barfield, J. Rogers, Washington, J. Bradley, P. Bradley, McEachin, T.M. Burriss, McAbee, Carnell and Clyborne: A bill to amend the Code of Laws of South Carolina, 1976, **by adding Chapter 22 to Title 1** so as to provide for the compliance review act of 1988 by creating a formal structured process to be conducted by the reorganization commission to determine the degree of agency compliance with the findings and recommendations contained in Legislative Audit Council reports and to provide for the chapter to apply to any audit or report released to the public after December 31, 1988. [¶] **Referred to Committee on Ways and Means.**

CONCURRENT RESOLUTION [¶] The following was introduced: [¶] [H. 3494](#) -- Rep. Davenport: A concurrent resolution requesting the Department of Highways and Public Transportation to install a traffic-control device at the intersection of S.C. Highway 9 at Fourth Street and Shoally Creek Road in Spartanburg County. [¶] The Concurrent Resolution was ordered referred to the Spartanburg Delegation.

CONCURRENT RESOLUTION [¶] The following was introduced: [¶] [H. 3495](#) -- Rep. Davenport: A concurrent resolution requesting the department of highways and public transportation to install a traffic-control device with delayed turning arrows at the intersection of S.C. Highway 176 at Springfield and Creosote Road in Spartanburg County. [¶] The Concurrent Resolution was ordered referred to the Spartanburg Delegation.

CONCURRENT RESOLUTION [¶] The following was introduced: [¶] [H. 3496](#) -- Rep. Davenport: a concurrent resolution requesting the department of highways and public transportation to install a traffic-control device at the intersection of S.C. Highway 9 at Double Bridge Road (S.C. 42-931) near Boiling Springs Elementary School in Spartanburg County. [¶] The Concurrent Resolution was ordered referred to the Spartanburg Delegation.

Rep. J. ROGERS moved that the House do now adjourn, which was adopted. [¶] **ADJOURNMENT** [¶] At 3:30 P.M. the House in accordance with the motion of Rep. T. ROGERS adjourned out of memory for the late Chief J.P. "Pete Strom to meet at 2:00 P.M. tomorrow.

* * *

This web page was last updated on Tuesday, June 30, 2009 at 1:37 P.M.

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
) FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND) 2009-CP-40-2219

MARIE ASSA'AD-FALTAS, MD, MPH,)
)
PLAINTIFF,)

VS.) TRANSCRIPT OF RECORD
)

DINAH STEELE; STEELE ENTERPRISES))
AND/OR A.A.A INVESTMENTS, A)
BUSINESS; LARRY ROE; SHARON B.)
KOON; EUGENE W. (BUDDY) KOON,)
JR.; EUGENE W. (TRIPP) KOON,)
III; EVERS-KOON AND/OR E.K.G. OF))
SOUTH CAROLINA, A BUSINESS; JANE))
DOE; AND OTHER UNKNOWN-NAMED)
PERSONS AND ENTITIES WHO INJURED))
THE PLAINTIFF,)

DEFENDANTS.) DECEMBER 1, 2009
) COLUMBIA, SOUTH CAROLINA
)

B E F O R E:

THE HONORABLE ALISON RENEE LEE, JUDGE

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

MARIE ASSA'AD-FALTAS
PRO SE PLAINTIFF

J. ANDREW DELANEY, ESQUIRE
ATTORNEY FOR DINAH STEELE, LARRY MASON, AND
STEELE ENTERPRISES

ALICE PRICE ADAMS, ESQUIRE
ATTORNEY FOR DEFENDANTS EUGENE W. (BUDDY) KOON, JR.;
EUGENE W. (TRIPP) KOON III; AND EVERS-KOON; AND/OR EKG
OF SOUTH CAROLINA

ROBERT A. MCKENZIE, ESQUIRE
ATTORNEY FOR SHARON KOON AND EUGENE W. KOON, JR.

ALSO PRESENT:
GARY H. JOHNSON, ESQUIRE
ATTORNEY FOR THE CITY OF COLUMBIA

ELIZABETH B. HARRIS, CVR
CIRCUIT COURT REPORTER

I N D E X

<u>WITNESS/DESCRIPTION</u>	<u>PAGE NO.</u>

MOTION HEARING

PHILLIPPE TESSIER

DIRECT EXAMINATION BY DR. FALTAS 12

CROSS-EXAMINATION BY MR. DELANEY 22

LARRY MASON

DIRECT EXAMINATION BY DR. FALTAS 24

PROFFER BY DR. FALTAS 43

MICHELLE GARNER

DIRECT EXAMINATION BY DR. FALTAS 85

MARIE ASSA'AD-FALTAS

TESTIMONY OF DR. FALTAS 108

CROSS-EXAMINATION BY MR. DELANEY 147

PROFFER BY DR. FALTAS 225

END OF MOTION HEARING

MOTION BY MR. DELANEY 231

CERTIFICATE PAGE 262

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>EV.</u>
P-1	TRANSCRIPT		43
P-2	FILE FROM CITY OF COLUMBIA		.106
P-3	COLLECTION OF PHOTOGRAPHS		.143
P-4	LETTER FROM SOCIAL SECURITY ADMINISTRATION.	144 .	.146
P-5	LETTER FROM SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES.	144	
P-6	LETTER FROM SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES.	144	
P-7	SUPREME COURT ORDER.	.144	
P-8	COLLECTION OF LETTERS		230

1 THE COURT: We are here on docket number
2 2009-CP-40-2219, *Maria Faltas-Assa'ad versus Dinah Steele;*
3 *Steele Enterprises, A.A.A. Investments; Sharon Koon; Buddy*
4 *Koon, Jr., or Eugene Koon, Jr.,; Eugene Koon, III, who's*
5 *Tripp Koon; Evers-Koon or Evers-Koon Group; Larry Mason,*
6 and I think that concludes the list. For the record,
7 Sharon Koon and Buddy Koon are represented by Robert
8 McKenzie. Is that correct?

9 MR. McKENZIE: That is correct, Your Honor.

10 THE COURT: Evers-Koon Group and Evers-Koon are
11 represented by Alice Adams. Is that correct?

12 MS. ADAMS: That's correct, Your Honor.

13 THE COURT: And then all the remaining defendants --
14 no?

15 MS. ADAMS: I've got Tripp Koon.

16 THE COURT: Okay, and you've got Tripp Koon as well?

17 MS. ADAMS: Yes, Your Honor.

18 THE COURT: And then Dinah Steele, Steele Enterprises,
19 Larry Mason are all represented by ---

20 MR. DELANEY: Yes.

21 THE COURT: --- by Mr. Delaney?

22 MR. DELANEY: That's correct, Your Honor.

23 THE COURT: Let me -- I know that you all received a
24 lot of notices -- and for the record, Dr. Faltas is
25 representing herself. I didn't ---

1 DR. FALTAS: Thank you.

2 THE COURT: I didn't mention that earlier.

3 DR. FALTAS: And, Your Honor, for the record, and I
4 don't know if that makes a difference, I think my name --
5 first of all, it's Marie, not Maria, the, the first name.
6 Second, my last name is Assa'ad-Faltas hyphenated.

7 THE COURT: Okay.

8 DR. FALTAS: So, so, I don't know how the clerk has
9 it, but also, Mr. Delaney keeps on mistyping it on
10 everything, and there is no "N" in my name at all. He
11 keeps on and I've told him many times, but he hasn't
12 corrected it. So, just to please...

13 THE COURT: So, your name is Maria A. Faltas -- Marie
14 A. Faltas?

15 DR. FALTAS: Yes.

16 THE COURT: Okay.

17 DR. FALTAS: Yes, Your Honor. Thank you.

18 THE COURT: And just -- then that will correct it for
19 record.

20 DR. FALTAS: Thank you.

21 THE COURT: I know that you all have received several
22 notices about motions that are pending. I think the
23 clerk's office has made certain errors, and so let me tell
24 you the motions that are currently going to be discussed
25 today. I think all of the other motions I heard on October

1 the 19th.

2 The motions that I have that are for discussion today
3 would -- the first one we'll take up is the motion for
4 temporary injunction filed by Dr. Faltas. There's also a
5 motion for summary judgment filed by Dr. Faltas, and then
6 there's also a motion filed by Evers-Koon and Evers-Koon
7 Group either to dismiss and/or summary judgment.

8 MS. ADAMS: That's correct, Your Honor.

9 THE COURT: Is that correct? And those are the only
10 ones that I know that, that are pending for us to consider
11 today. Is there any dispute on those?

12 DR. FALTAS: Your Honor, the motion to amend, which
13 Your Honor last time said that you will -- not to rule.
14 That will be for the next judge, and ---

15 THE COURT: Okay.

16 DR. FALTAS: --- gratefully, the next judge is Your
17 Honor, and I actually have -- Mr. McKenzie has sent a
18 proposed order which I received late and I sent this -- I
19 prepared a very strong objection to it which -- of which I
20 handed a copy to Judge Barber, and I know I handed it to
21 Ms. Adams. I don't know if I handed it to Mr. Delaney and
22 Mr. McKenzie because they came in late. But, of course, I
23 very strongly object.

24 The other thing, and that's a sign of respect and
25 confidence in a judge that Your Honor is not one of those

1 temperamental judges who, who does not listen. And I
2 believe that, Your Honor, I have a right to supplement,
3 especially when they do something in the interim. And
4 since the motion to amend was not heard, I believe it made
5 sense for me to file the last part of the first version of
6 my complaint so it can be, it can be -- because it wouldn't
7 make sense to, say, rule on that motion to amend as it was
8 in June, and then I make another one for the state of facts
9 as they were in November when now we're in December 1st
10 hearing it.

11 So, I hope that Your Honor indulges me. It's not in
12 defiance of Your Honor; it's not in any disrespect of Your
13 Honor's admonition. It's for judicial economy, and also
14 what they have done in the interim is horrendous,
15 horrendous.

16 THE COURT: Now, what I received, I just received this
17 morning a copy of a fourth substitution to the first
18 amended complaint, which I notice adds, proposes to add
19 parties and also adds causes of action that have not
20 heretofore been part of any of the discussions that the
21 parties have had. And what I am going to do -- the first
22 thing I'm going to do is I'm going to take up the temporary
23 injunction since we, we have witnesses that need to
24 testify. And then from there I'll address the other
25 motions.

1 DR. FALTAS: Thank you. Thank you very much, Your
2 Honor. So, if I may go ahead and present my evidence?

3 THE COURT: Yes, ma'am, and this is what I understand
4 is the issue. The -- for the temporary injunction, or
5 there was a request in the complaint for an immediate
6 restraining order preventing the defendants Steele and
7 Mason from harassing, threatening, or abusing the
8 plaintiff, or invading, invading her privacy, ordering
9 Mason to surrender any badge that he flashed on March the
10 14th of 2009, and ordering Steele to negotiate an easement
11 or reroute the sewer service relating to the property.

12 DR. FALTAS: That, that was the state of the, of the
13 motion in June. Since then, it has been added. What they
14 have done, of course, if Lasalle Bank gets added, ordering
15 Lasalle Bank to, to do the foreclosure, see, and ordering
16 the City of Columbia to either remove its sewer tap or
17 compensate me, me for its sewer tap being improperly on, on
18 my land.

19 THE COURT: Now, those are issues that will not be
20 addressed in any temporary injunction.

21 DR. FALTAS: Okay, but, but the sewer, the sewer issue
22 is, is -- may be addressed.

23 THE COURT: It may or may not be addressed because I
24 think that that's an issue that has to go through the
25 appropriate channels. That's not appropriate. I don't

1 believe now that that's appropriate action for me to order
2 the city to -- to conduct business relating to sewer taps
3 without there being the opportunity for applications to be
4 made, and whatever they need to do to consider those
5 matters that are outside of my, my jurisdiction.

6 DR. FALTAS: Oh, would -- they, they, they have
7 actually, the city has already -- but we'll put that into
8 evidence if that's, if that's agreeable to Your Honor.

9 THE COURT: Are there any statements we need to take
10 up before we begin?

11 DR. FALTAS: And, Your Honor, I have, as I said, if I
12 may hand a copy of the letter? If Mr. McKenzie and Mr.
13 Delaney can tell me if they have received a copy or not?

14 MR. MCKENZIE: I haven't gotten anything from you.

15 MR. DELANEY: You want to hand that up to the judge?

16 DR. FALTAS: You can review it.

17 MR. MCKENZIE: May it please the court? I'm not sure
18 I totally agree with the statement that Dr. Faltas made or
19 the -- exactly about the issues regarding the, the
20 amendment of the complaint and what else might be heard.
21 But we can certainly take that out. I wouldn't want to be
22 foreclosed by not speaking now, but certainly will keep my
23 peace until after this first part is done.

24 THE COURT: Okay. That fine.

25 Mr. Delaney?

1 MR. DELANEY: Yes, Your Honor, and to be honest with
2 you, I'm not sure this is the appropriate time. If it is
3 not, you, you can feel free to stop me at any point. But
4 my understanding of the remedies of the preliminary
5 injunction and a temporary restraining order are only
6 appropriate where there's no adequate remedy at law, and I
7 can -- it seems to me that there -- the things that she's
8 asked for are direct elements of her complaint which she's
9 filed, which would lead me to believe that there is an
10 adequate remedy at law available. She's filed a cause of
11 action for harassment, for the threatening conduct, the
12 invasion of privacy. All of those things are elements of
13 her actual summons and complaint.

14 The issues regarding this, the sewer lines or the line
15 next door, that's an issue of whether an easement exists or
16 not, which would again be an action at law and not
17 appropriate for an equitable remedy.

18 THE COURT: Okay.

19 DR. FALTAS: And, Your Honor, I, if I, I'd like to
20 then say that the evidence will show that there is no
21 adequate remedy in law because some of the injury is
22 irreparable. And that Your Honor of course knows that land
23 is unique, and that the deprivation of constitutional
24 rights are also deemed irreparable injury as a matter of
25 law, and the ---

1 COURT REPORTER: Excuse me, Judge. Could I have her
2 speak into the, into the microphone, please? Having a bit
3 of trouble hearing.

4 DR. FALTAS: I, I hope that it doesn't get too loud.

5 THE COURT: That's fine.

6 DR. FALTAS: This, this is good?

7 THE COURT: That's fine. Yes. The important thing is
8 the court reporter needs be able to make a record.

9 DR. FALTAS: Thank you. So, the irreparability of the
10 injury and the deprivation of constitutional rights are per
11 se deemed irreparable injury. But then there is
12 irreparable injury that is the factual issue, and I'm
13 prepared to put the evidence first.

14 COURT REPORTER: I'm sorry. I still need you to keep
15 your voice up, please.

16 THE COURT: I'll, I'll allow you to call your
17 witnesses, and I'll -- and, and if I find that something
18 that is not within -- that's not appropriate for a
19 temporary injunction, then I'll be sure to point that out
20 to you. But I, I think that you do have to show certain --
21 or requirements under the rules in order to make sure that
22 you are seeking relief that's appropriate under Rule I
23 think 65, if I'm not mistaken, regarding temporary
24 injunctions.

25 DR. FALTAS: Thank you, Your Honor. So, may, if it

1 pleases the court, may I call Sergeant Tessier, please?

2 THE COURT: I'm sorry?

3 DR. FALTAS: May, may I call Sergeant Tessier, please?

4 THE COURT: Yes, sir.

5 PHILLIPPE TESSIER, BEING FIRST
6 DULY SWORN, TESTIFIED AS FOLLOWS:

7 CLERK OF COURT: Thank you. Please have a seat in the
8 witness stand and state your full name for the record, and
9 please spell your first name and your last name.

10 WITNESS: Phillippe Tessier. P-H-I-L-L-I-P-P-E. Last
11 name Tessier, T-E-S-S-I-E-R.

12 THE COURT: Yes, ma'am.

13 DIRECT EXAMINATION BY DR. FALTAS:

14 Q. Sir, may I ask you your age, education, and
15 occupation, if you please?

16 A. Yes, ma'am. My age is fifty years old, and my
17 occupation is I'm a sergeant with the Richland County
18 Sheriff's Department.

19 Q. And your education?

20 A. I have a college education.

21 Q. In what specialty?

22 A. In law enforcement.

23 Q. Thank you. Sergeant Tessier, are you employed in the
24 Civil Process Division?

25 A. Yes, I am.

1 Q. Okay, and do you know a person called Deputy Mickens?

2 A. Yes, I do.

3 Q. And do you know, and do you know a person called
4 Senior Corporal Todd?

5 A. Yes, I do.

6 Q. And do also, are also they involved in the service of
7 process?

8 A. Yes, they are.

9 Q. And also in the eviction and set outs?

10 A. Yes, they are.

11 Q. And are you their supervisor?

12 A. Yes, I am.

13 Q. And are you, in turn, supervised by Lieutenant Baxter?

14 A. Yes, I am.

15 Q. And is he, in turn, supervised by the sheriff, Leon
16 Lott?

17 A. The sheriff is not his direct supervisor.

18 Q. Who is?

19 A. That would be Captain Howard Hughes.

20 Q. Okay, thank you. Is it customary for the Civil
21 Process Division, when an order of eviction has been
22 entered, to allow the tenant to move on his or her own?

23 A. I don't understand your question.

24 Q. When a writ of eviction has been issued by a court, is
25 it customary for the sheriff's department in which you work

1 to allow the tenant to, to move on his or her own without
2 the sheriff being involved?

3 MR. McKENZIE: Now, Your Honor, I'm going to object on
4 the basis that this is not tied to the temporary
5 restraining order. It sounds to me that she's getting into
6 the case that I'm here, and there's been no motion for a
7 restraining order against my people.

8 THE COURT: Can you briefly tell me the relevance as
9 it relates to Mason and I think it's Steele?

10 DR. FALTAS: Well, Your Honor, it may have more
11 relevance to the injunction on the Lasalle Bank, which is a
12 proposed defendant, and the other defendants. I -- you
13 know, bringing the witness once again, I, I, I, I was
14 hoping to get everything in briefly. And Your Honor can do
15 with it what Your Honor finds appropriate.

16 THE COURT: Well, I don't understand. Okay,
17 currently, Lasalle Bank is not a party in this particular
18 case. So, I'm going to restrict your, your relief that
19 you're seeking. You're seeking relief against those
20 individuals who've been named thus far as parties in this
21 particular lawsuit. So, I am going to restrict your, your
22 testimony and your questions to how it impacts these
23 particular ones. And specifically, what you specifically
24 requested was against Steele and Mason and not against Koon
25 or others.

1 DR. FALTAS: Yes, in, in the initial version, but,
2 but ---

3 THE COURT: Well, that's, that's in the last --
4 that's, that's in the document that was filed on October
5 the 19th. You specifically asked a preliminary injunction
6 preventing defendants Steele and Mason from harassing,
7 threatening, or abusing plaintiff or invading her privacy.
8 And that's been consistent throughout all the documents
9 that I've reviewed, unless there was something that was in
10 that, in the fourth one that was filed on November 20th.

11 DR. FALTAS: Yeah, in the, in the fourth.

12 THE COURT: And I ---

13 DR. FALTAS: But that -- this, this, this -- I, I, I
14 -- Your Honor, you're the judge. I'm not. I'm just trying
15 to ---

16 THE COURT: Okay. I'm, I'm going, I have to go by the
17 documents ---

18 DR. FALTAS: Yes.

19 THE COURT: --- that were in effect at the time that
20 you, that you filed the information, and I'm, I'm -- and
21 that was the last one. That was your brief in support of
22 your motion for preliminary relief. And so, that's what
23 I'm trying to follow.

24 DR. FALTAS: Thank you, Your Honor.

25 BY DR. FALTAS:

1 Q. Can you tell the court when was the first time you've
2 ever seen me?

3 A. No, I couldn't tell exactly when the first time was
4 I'd seen you, but I've been dealing with you for a period
5 of time now.

6 Q. Would it be correct that the first time you saw me was
7 September 30, 2008?

8 A. Again, I, I couldn't say that that would be a correct
9 date and time.

10 Q. Okay. On that date, did you know that Sharon Koon
11 went to default on ---

12 MR. McKENZIE: Your Honor?

13 DR. FALTAS: All right.

14 MR. McKENZIE: This, this hasn't -- this testimony and
15 line doesn't have anything to do with the issues that we're
16 talking about, and I, and I would object to it.

17 THE COURT: And, again, Ms. Faltas, to the extent that
18 you're claiming that you've been threatened or harassed, or
19 there's been some privacy issues relating to Steele and
20 Mason, I'll, I'll allow the information.

21 DR. FALTAS: Thank you.

22 BY DR. FALTAS:

23 Q. On October 1st, 2009, which is exactly two months ago,
24 were you called by the court to serve a writ of ejection
25 against me?

1 A. Well, we deal with approximately two hundred, three
2 hundred writs of ejections every month. I couldn't say
3 that that was -- without the document in front of me, I
4 couldn't say that that was the exact date and time.

5 Q. Do you recall going to that address, which is 304
6 Byron Road?

7 A. Yes, ma'am, I do.

8 Q. And do you recall who -- as -- is it usual for you
9 personally to serve writs, or subordinates of yours to
10 serve the writs?

11 A. I serve civil papers on a routine basis, both writs,
12 summons and complaints, rules to vacate. And any paper
13 that we receive, I do serve on a routine basis, yes,
14 ma'am.

15 Q. Okay. Do you recall going to apartment 3 in building
16 304 Byron Road?

17 A. Yes, ma'am, I do.

18 Q. And do you recall that you called the owner or the
19 owner called you and gave you the code on the door?

20 A. Actually, I called the owner because -- before I
21 called the plaintiff listed on the writ of ejectment
22 because there was a cipher lock on the outside door that
23 was not -- the combination was not listed on the writ of
24 ejectment. So, yes, I did call the plaintiff to obtain
25 that in order to successfully complete the posting of that

1 paper.

2 Q. And did she give it to you?

3 A. I don't remember who I talked to, but they did give me
4 the cipher code, which I did write on the court's copy of
5 the writ of ejectment.

6 Q. And did you go in and post that writ?

7 A. Yes, ma'am. I went up to the second floor of that
8 building, and the door was on the left-hand side on the
9 second floor. I knocked. Nobody came to the door, and I
10 did post, in accordance with the law, the writ of ejectment
11 on the door, and noted on the court copy the date and time
12 of the posting.

13 Q. And was there something on that door?

14 A. Yes, ma'am. There were other notices on the door,
15 and, and I don't know exactly, remember exactly what they
16 said. But they were trespassing notices and other notices
17 that, that were on the door.

18 Q. Would you agree that they basically said do not come
19 in in my absence, and do not try to come in in my presence
20 without my permission?

21 A. I ---

22 MR. DELANEY: I object. He already said he didn't
23 know what was on them.

24 THE COURT: If, if ---

25 WITNESS: I don't ---

1 THE COURT: If he read them, he can answer them,
2 answer the question.

3 BY DR. FALTAS:

4 A. I don't know the exact wording, but it was to that
5 effect, yes, ma'am.

6 Q. Okay, and do you recall that that day I -- either
7 Lieutenant Baxter contacted me or I contacted him and told
8 him that when I went home, the writ was not there?

9 A. I do remember that when I returned to the office,
10 Lieutenant Baxter had advised me that he had spoken with
11 you. And again, I don't know whether you called him or he
12 called you. That the writ was not on the door. But I did
13 inform him that I did, in fact, post it in accordance with
14 the law.

15 Q. Okay. So, assuming that you're telling the truth and
16 you did post it, the fact that I did not see it there may
17 mean one of two things. Either I was lying, or someone
18 came in and took it before, took it away before I got home.
19 Is that correct?

20 A. All I can testify to is that I did, in fact, post it.
21 And the date and time that it was posted is listed on your
22 copy of the writ of ejectment.

23 Q. And do you recall that I later came to Lieutenant
24 Baxter's office and took, and took a copy of that writ
25 which I had informed him was not on my door?

1 A. Yes, ma'am, I do recall you coming up and being
2 provided a copy of that writ, yes, ma'am.

3 Q. Thank you, and do you recall another time when I came
4 to both you and Lieutenant Baxter about the landlord trying
5 to prevent me from parking my own car in front of my own
6 apartment?

7 A. Yes, ma'am.

8 Q. And did you assist me in that respect and said they
9 cannot do that?

10 A. I, I didn't personally, but I think Lieutenant Baxter
11 did. But I cannot testify to what he did.

12 Q. Okay, and do you recall that I was very disturbed
13 about that request that, that I not park in front of my own
14 apartment?

15 A. Yes, ma'am.

16 Q. Thank you. Have you also taken a report from me about
17 being harassed by Mr. Mason and Ms. Steele?

18 A. Yes, ma'am.

19 Q. And have you ever [INAUDIBLE] if I did any of
20 [INAUDIBLE]? Do you have that? Do you have it with
21 you?

22 A. I don't have it with me as, as my subpoena did not
23 command me to bring that. I did file a report, and I
24 believe the report was administratively closed, as you had
25 asked me for a report for documentation purposes only.

1 Q. Thank you, and have you served in the military?

2 A. Yes, ma'am.

3 Q. Okay. Is it customary for the military -- and, you
4 know, I, I don't know the answer. I'm asking the question.
5 It may be yes or no, or you don't know. When you retire
6 from the military, do they issue anything called a retired
7 officer's military badge or something like that?

8 A. No, ma'am. I, and, and I can only speak for me. The
9 only thing that I was issued was a DD Form 2, a DD Form 2AF
10 for my -- or DD Form 214 for my retirement.

11 Q. DD meaning the defense department?

12 A. I don't know what the DD stands for, ma'am.

13 Q. Okay, but it's not a badge that you can flash to
14 somebody and say I'm law enforcement if you had been
15 showing it, the sheriff's department?

16 A. I was personally not issued anything of that sort when
17 I retired from the military.

18 Q. So, so, just by having been in the military, one
19 doesn't get a badge that one can flash to somebody and say
20 see, I am, I am a law enforcement officer?

21 A. I can't answer what anybody else might do. I can only
22 answer to the fact that I don't have one, and I didn't do
23 that.

24 DR. FALTAS: Thank you, Sergeant Tessier. I would ask
25 if you would answer any questions.

1 WITNESS: Yes, ma'am.

2 DR. FALTAS: Thank you.

3 THE COURT: Mr. McKenzie?

4 DR. FALTAS: Thank you.

5 THE COURT: Mr. Delaney?

6 MR. DELANEY: May it please the court, Your Honor?

7 THE COURT: Yes, sir.

8 CROSS-EXAMINATION BY MR. DELANEY:

9 Q. Sergeant Tessier, I thank you for coming here today.
10 I have just a couple of questions.

11 A. Yes, sir.

12 Q. You mentioned earlier today that you had taken a
13 report at Dr. Faltas's request regarding my clients
14 harassing her?

15 A. Yes, sir.

16 Q. Do you recall when that was?

17 A. No, sir. Again, I wasn't commanded to bring any
18 documents with me. So, I couldn't give you an exact date
19 and time.

20 Q. Did you investigate the claim of -- that she was being
21 harassed?

22 A. No, sir. As, as I stated, when the doctor asked the
23 question, she requested the report for documentation
24 purpose only, which means the report was administratively
25 closed and not followed up on.

1 Q. And what -- can you explain a little bit more about
2 what that actually means and why it was administratively
3 closed and not followed up on?

4 A. Because it was requested for documentation purposes
5 only.

6 Q. Would that mean that there was no harassment?

7 A. That would mean that she requested a report for
8 documentation purposes only.

9 Q. Okay.

10 A. I, I can't answer as to whether -- you know, what
11 occurred because it was requested for documentation
12 only.

13 Q. All right. Are you, are you aware of whether any
14 arrests or charges were ever filed against Larry Mason for
15 harassment against Dr. Faltas?

16 A. No, sir, I'm not aware of anything.

17 Q. How about the same question for Dinah Steele? Any
18 arrests or any charges filed against her for harassment
19 against Dr. Faltas?

20 A. Not that I'm aware of.

21 MR. DELANEY: Okay. That's all the questions I have.

22 Thank you very much.

23 WITNESS: Yes, sir.

24 THE COURT: Anything from anybody else?

25 MS. ADAMS: No, Your Honor.

1 THE COURT: Any redirect, Ms. Faltas?

2 DR. FALTAS: No, Your Honor.

3 THE COURT: You may step down. Thank you very much.

4 WITNESS: Thank you, Your Honor.

5 (THE WITNESS EXITS THE STAND.)

6 THE COURT: Any objections for the officer being
7 excused from the subpoena?

8 MR. MCKENZIE: I have none.

9 MR. DELANEY: I have none, Your Honor.

10 THE COURT: You may be excused. Thank you.

11 WITNESS: Thank you, Your Honor.

12 THE COURT: You may call your next witness.

13 DR. FALTAS: Your Honor, may I call Larry Mason,
14 please?

15 THE COURT: Step forward to be sworn.

16 LARRY MASON, BEING FIRST DULY
17 SWORN, TESTIFIED AS FOLLOWS:

18 CLERK OF COURT: Thank you. Please have a seat in the
19 witness stand and state your full name for the record.
20 State your full name, please.

21 WITNESS: Larry Wayne Mason.

22 DIRECT EXAMINATION BY DR. FALTAS:

23 Q. Could you please state your age and education and
24 current employment?

25 A. I'm sixty-four years old, and I'm presently the owner

1 of Mason A.A.A. Investigative Services, and my education, I
2 have a four-year degree.

3 Q. What?

4 A. I have a four-year college degree. Business
5 administration.

6 Q. From where?

7 A. University of Maryland.

8 Q. What is your previous employment?

9 A. I can't hear you.

10 Q. Did you ever train to be a retired police officer?

11 A. I am a retired police officer. I've been to
12 twenty-two schools across the United States, Europe,
13 including the F.B.I. Academy, including the D.E.A., and
14 including the Bureau of Narcotics and Dangerous Drugs,
15 including the State Law Enforcement Division here in South
16 Carolina and numerous other states.

17 Q. Did you flash a badge to me on 14 March, 2009 in the
18 afternoon?

19 A. I most certainly did.

20 Q. What ---

21 A. We had a conversation where you said you were going to
22 call the police and told them it was an emergency.

23 DR. FALTAS: Judge?

24 A. I told you that I had been in the police business all
25 my life, and I didn't care whether you called the police or

1 not, and I showed you a badge at that time. I said go
2 ahead and call. I'll be right here; I'm not going
3 anywhere.

4 Q. What was that badge?

5 A. That was a private detective badge or a criminal
6 investigator badge.

7 Q. Are you aware that you testified under oath ---

8 A. I can't hear you. Can't hear you.

9 Q. Are you aware that you testified -- do you recall that
10 you testified under oath that what you, in another
11 proceeding, that what you flashed is a retired police
12 officer's ---

13 A. Yes, ma'am, and I asked -- and I explained the same
14 situation at that time.

15 Q. Do you have a retired police officer's badge?

16 A. Not in my presence, but I do have one, yes.

17 Q. Who issued it to you?

18 A. The Department of Defense.

19 Q. Have you read the present motion for, for a temporary
20 restraining order and injunction?

21 A. Have I read it, a motion for your temporary
22 restraining order?

23 Q. Yes.

24 A. I haven't read that, but I do know you have one from
25 the city restraining you from harassing myself and my wife

1 and the other tenants in that apartment building.

2 DR. FALTAS: Judge, may I ask that he limit his
3 answers to the question? He's not offering -- not other
4 information which ---

5 THE COURT: He can answer, he can answer the question.

6 Please make sure that you listen to the question. If
7 you don't understand it, you can ask her to repeat it or to
8 clarify it. But make sure that you listen to the question
9 and answer the question.

10 BY DR. FALTAS:

11 Q. So, you're telling this court that what you flashed to
12 me on March 14th was the S.L.E.D. private investigator's
13 badge? Yes or no?

14 A. Say that again. I can't hear you; I can't understand
15 what you're saying over there.

16 Q. You told this court that what you flashed to me on
17 March 14th was the private investigator's badge issued by
18 S.L.E.D., yes or no?

19 A. No.

20 Q. What did you flash to me on March 14th?

21 A. I told the court what I showed you is my retired
22 criminal investigator's badge. I also told you that
23 S.L.E.D., S.L.E.D. investigated it and found no wrongdoing
24 and, therefore, it's not a matter of question.

25 Q. You didn't tell the court that earlier.

1 A. You didn't ask.

2 Q. No, I asked you what did you flash.

3 DR. FALTAS: Judge, may I ask that, that the record
4 be ---

5 THE COURT: He did testify earlier that he flashed a
6 criminal investigator badge. I wrote it down in my notes.

7 BY DR. FALTAS:

8 Q. Okay. So, the criminal investigator badge that you
9 flashed on March 14th was issued by whom?

10 A. Department of Defense.

11 Q. You have a badge issued ---

12 A. I don't have the badge with me, no.

13 Q. Are you currently in possession of a badge issued by
14 the Department of Defense?

15 A. Do I own one? Yes.

16 Q. When was it issued?

17 A. Say that again.

18 Q. When was it issued? What date was it issued?

19 A. January 1984.

20 Q. And is it valid indefinitely?

21 A. It is indefinitely. I'm retired from the United
22 States Army, Criminal Investigation Division, and I was
23 issued my badge when I retired.

24 Q. So, it's like an honorary badge?

25 A. Say that again.

1 Q. Is that like an honorary badge?

2 A. It's a retired badge.

3 Q. Does it entitle you to do anything?

4 A. Yes, ma'am. You were on my property. I could show
5 you my badge if I wanted to. You were on my property. I'm
6 in charge of security on that property and, therefore, I
7 can show it to you any time I want to on that property.

8 Q. Sir, I was asking if that badge entitled you to do
9 anything that people who do not have it cannot do.

10 A. Entitle me to do anything?

11 Q. Yes. That, that badge that you claim was issued to
12 you by the Department of Defense in January 1984, does it
13 entitle you, does it give you any powers to do anything
14 that people who do not have it do not have?

15 A. No, ma'am. It just shows that I worked for the
16 military twenty years, and I retired as a criminal
17 investigator, and they gave me a retirement badge.

18 Q. So, why did you flash that badge to me on March 14,
19 2009?

20 A. Because you were calling 9-1-1 on something that was
21 not -- a non-emergency and telling them that you were about
22 to be assaulted, that this was an emergency. And I told
23 you no, this was not an emergency. You're not about to be
24 assaulted. I've been in the police business all my life.
25 I'll be right here when they get here. This is not only

1 the first time you've done this. You've done this numerous
2 times since then.

3 Q. Have you, that day, also stretched your hand into my
4 car and asked to take my cell phone from me?

5 A. I did not. I reached my hand out to you and said give
6 me your cell phone. I need to talk to the 9-1-1 operator.
7 You declined.

8 Q. Did you ---

9 A. You started screaming, if I recall.

10 Q. Did you have a cell phone of your own? Did you have a
11 cell phone of your own?

12 A. I probably did. I don't know if I had it on me at the
13 time, but I had one, yes.

14 Q. And at that time, were you threatening to have me
15 arrested?

16 A. Absolutely. I told you if you did not return the sign
17 that you stole from my property, I would have you arrested.
18 Exactly what I told you.

19 Q. And did I tell you that I did not steal the sign?

20 A. I don't care what you told me. You took the sign.

21 Q. Did I tell you ---

22 A. You took down the sign.

23 Q. Yes or no?

24 A. Did you tell me what?

25 Q. Answer the question. Yes or no, did I tell you that I

1 did not ---

2 A. You told me you did not steal the sign. But you told
3 me you changed the letters on the sign, and you put it on
4 your property. So, you, therefore, stole it.

5 Q. And did you also testify that you insisted that you
6 would have me arrested in twenty-four hours?

7 A. I said if you did not return my sign in twenty-four
8 hours, I would have you arrested for stealing my sign.

9 Q. And did you flash that badge in connection with that
10 conversation?

11 A. Say that again.

12 Q. And did you flash that badge in connection with that
13 conversation?

14 A. Yes, ma'am, I did. I, I showed you the badge and told
15 you I'd been in the police business all my life. Go ahead
16 and call them. I been a criminal investigator for twenty
17 years. I've been a private investigator for twenty-six.

18 Q. Does that mean that you can do no wrong?

19 A. I can do whatever I want to on my property. You were
20 on my property; you were taking my sign.

21 Q. Excuse me. Where were we when you flashed that sign?

22 A. Say that again.

23 Q. Where were we physically when you flashed that sign,
24 when you flashed that sign?

25 A. You were sitting on my property when I confronted you

1 about the sign.

2 Q. Where -- what is that address?

3 A. 304 Byron Road.

4 Q. Do you have any deed of ownership for that property?

5 A. My wife and I do.

6 Q. Is your name on the deed?

7 A. My name is not on the deed. I arranged for the
8 property to be purchased. I found the property. I
9 assisted my wife in buying the property, putting her name
10 for tax purposes.

11 Q. Isn't it true that I rent an apartment at 304 Byron
12 Road, which is apartment 3?

13 A. That is correct.

14 Q. And you just told the court that you can do whatever
15 you want to me so long as I'm on that ---

16 A. I didn't say that to you.

17 MR. DELANEY: Objection, Your Honor. She's
18 misconstruing what was actually said. She said if I can do
19 anything I want to on this property, not anything to her.

20 THE COURT: The record will reflect what was said.
21 You can ask the question.

22 BY DR. FALTAS:

23 A. You want to ask the question again? I didn't
24 understand it. I didn't hear it.

25 DR. FALTAS: Judge, may I, may I be seated, please?

1 THE COURT: Yes.

2 DR. FALTAS: Thank you.

3 BY DR. FALTAS:

4 Q. Has there ever been a court determination that that
5 sign belongs to you? Just answer yes or no.

6 A. Would you repeat your question?

7 Q. Has there ever been a court determination that the
8 sign belongs to you, yes or no? As of this date, December
9 1, 2009, has any court determined that this sign belongs to
10 you?

11 A. No. That's pending a jury trial that you're
12 requesting.

13 Q. I requested a jury trial, but your wife filed a claim
14 and delivery on that sign. Is that correct?

15 A. That is correct.

16 Q. Has there ever been a criminal investigation as to
17 whether I stole that sign or did not?

18 A. No.

19 Q. Were you present in the hearing before the Waverly
20 magistrate where an officer of the City of Columbia,
21 Officer Folding, testified?

22 A. That is correct. There, there was, there was a
23 request for a restraining order by you to the Magistrate
24 Womble, which he denied, concerning that particular
25 incident.

1 Q. Did, did a City of Columbia investigator called J.M.
2 -- M.J. Folding, Officer Folding testify in that hearing?

3 A. Yes, he did.

4 Q. And did he testify that he investigated and determined
5 that I did not steal that sign?

6 A. He testified that he interviewed the person who put
7 the sign up, someone you hired, and he said they found it
8 on your property. That's what he testified to.

9 However, he did not conduct an investigation to
10 determine whether or not that sign was on your property
11 when it was bought. He didn't talk to me. He didn't talk
12 to the person that sold you the property. He didn't talk
13 to my wife. He didn't talk to anybody. He thought it was
14 a civil matter. So, we decided to pursue it as a civil
15 matter, and that's why we filed a claim and delivery.

16 Q. In fact, did he not testify that he determined there
17 was no larceny as far as the sign is concerned?

18 A. I don't think so. If that was considered his
19 investigation, I'd like to know where he got his
20 credentials at.

21 DR. FALTAS: May I, may I, may I go on and show him
22 the transcript, please?

23 THE COURT: You want to show the transcript on what
24 point? About what the officer testified to?

25 DR. FALTAS: That the investigator had determined

1 that I did not steal the sign.

2 MR. DELANEY: Your Honor, is the transcript official?
3 And I'm not sure really what the relevance is, what that
4 has to do with this ---

5 DR. FALTAS: Yes, the transcript is official. It's
6 prepared by the magistrate's court.

7 MR. DELANEY: Or whether this -- what relevance this
8 has to the temporary restraining order regarding the
9 property and/or the -- this harassment. I don't know what
10 this testimony would have to do with ---

11 DR. FALTAS: The relevance is that he's going around
12 to high heaven and saying that I stole his sign, I should
13 be deported, and my mother's citizenship should be revoked,
14 and her Social Security checks and Medicare coverage
15 discontinued, and all kinds of horrendous things that can
16 lead to irreparable injury.

17 MR. DELANEY: And, and I don't know how that, that
18 officer had anything to do with what she just said.

19 DR. FALTAS: That officer investigated and found out
20 that I did not steal the sign.

21 THE COURT: You, I think you can present whatever the
22 testimony is of the officer and, you know, whether this
23 witness recalls what the officer testified to. You can
24 show it to him and see if he recalls it.

25 DR. FALTAS: All right. May, may I approach?

1 THE COURT: Yes.

2 DR. FALTAS: Thank you.

3 (A PAUSE.)

4 MR. DELANEY: Judge, I'd ask that before she shows him
5 the copy, I, I just need a copy of it as well.

6 THE COURT: I think you probably need to show him the
7 entire transcript.

8 (A PAUSE.)

9 MR. DELANEY: Your Honor, there's no indication this
10 was actually prepared by a court reporter.

11 DR. FALTAS: It was prepared by the magistrate's
12 court, which is more, more authoritative than a court
13 reporter.

14 THE COURT: Is, is it an actual transcript, or is it
15 just a return?

16 DR. FALTAS: It's an actual transcript, Your Honor.

17 MR. DELANEY: I'll be happy to pass it up, Your Honor.
18 I've got -- it looks like, looks like a transcript. I
19 can't -- I mean, it just says certified and true by the
20 clerk of court. It doesn't indicate who prepared it in any
21 fashion.

22 DR. FALTAS: It's the clerk of the magistrate's court
23 who prepared it from the audio.

24 THE COURT: If it's certified by the, the, clerk for
25 the magistrate's court, then it would be appropriate, I

1 believe.

2 DR. FALTAS: Thank you, Your Honor.

3 THE COURT: I know that they don't have court
4 reporters per se. They, they usually have tapes that they
5 authorize court reporters to transcribe the tapes, and then
6 they certify them.

7 MR. DELANEY: Well, that, that was my question is who
8 actually prepared this. Was it prepared by someone else,
9 or was it prepared by a court reporter?

10 DR. FALTAS: By the clerk of court, some ---

11 THE COURT: It's prepared -- generally when they have
12 tapes, they will send it to a court reporter, or someone
13 will authorize a court reporter or some authorized person
14 to prepare the transcript from the tapes. So, all you're
15 getting to certify that that's what's on the tape. And
16 then the clerk's office will certify the document as being
17 an official document.

18 MR. DELANEY: Thank you, Your Honor.

19 DR. FALTAS: Of course, I'm including the City of
20 Columbia. They've hired their own employees to transcribe
21 them themselves. So, either way. Is he going to sit and
22 read all of it now or?

23 THE COURT: Well, he's entitled to review what it
24 says.

25 DR. FALTAS: Okay. All right. Fine.

1 THE COURT: Yeah.

2 DR. FALTAS: I mean...

3 MS. ADAMS: Your Honor, may, may I be excused just for
4 a moment?

5 THE COURT: Yes.

6 MS. ADAMS: I don't think this affects any of us.

7 (A PAUSE.)

8 DR. FALTAS: For the record, Your Honor, and I'm not
9 criticizing anyone. In my discovery responses to Mr.
10 Delaney, I have told him in writing that there, there is
11 this hearing and there is the transcript of it, and he may
12 obtain a copy of it directly from the magistrate's court,
13 and that was several months ago. So, this is not a
14 surprise to Mr. Delaney, either the existence of the
15 transcript or what's in it.

16 THE COURT: It may not be a surprise, but he's still
17 entitled to look at what you intend to present to the
18 witness. Yeah, that's fine.

19 DR. FALTAS: Thank you.

20 (A PAUSE.)

21 MR. DELANEY: Your Honor, I would object to this
22 coming in unless there's -- Officer Folding is here to
23 testify and give me an opportunity to examine him about
24 what was said here.

25 The initial part of this is -- if this is just offered

1 to show there'd been no larceny charge filed against her in
2 relation to the theft, we'll stipulate that there's been no
3 larceny charge filed against her related to the signpost.
4 I mean, I don't know what the relevancy would be to have
5 the actual transcript from the initial temporary
6 restraining order hearing against her brought in.

7 DR. FALTAS: Your Honor, Mr. Mason and Ms. Steele
8 were present at the hearing. They could have
9 cross-examined the officer. They had an opportunity to do
10 that. They did not.

11 In addition, Mr. Mason and his wife are going around
12 telling everybody that I stole that sign even after there
13 was a police investigation that determined that I did not
14 steal anything.

15 MR. DELANEY: Your Honor, if that's the case, then
16 that's a defamation claim that should be brought in a civil
17 complaint which is not appropriate for a T.R.O. or under
18 the injunction. It is a, a action that can be filed at
19 law.

20 THE COURT: I'd have to agree that, at least to the
21 extent that you're claiming in your lawsuit that you filed
22 against the parties that there is defamation arising out of
23 those acts, that would not be the appropriate subject of a
24 temporary restraining order. Until such time as that case
25 is -- those allegations in conjunction with that, your

1 complaint, are taken care of in court, I don't think that
2 you're entitled to have a preliminary injunction or
3 temporary injunction because you do have a remedy at law
4 relating to that.

5 DR. FALTAS: But, but, Your Honor, the issue is that
6 he's going around to congressmen, to the Department of
7 Homeland Security telling them that I have stolen things,
8 that my green card should be revoked, that I should be
9 denied citizenship. That my -- so, these are all
10 irreparable things.

11 THE COURT: But those all arise out of your, your
12 claim for defamation, and that's what you've alleged in
13 your complaint regarding the defamation. So, until that
14 particular -- there's no way to determine whether those are
15 defamatory, whether it's true or not true, except through a
16 hearing or a trial relating to your claims of defamation.
17 So, you have an adequate remedy at law. You have a remedy
18 that's separate and apart from the issuance of an
19 injunction at this particular point.

20 DR. FALTAS: Your Honor, I'm asking that the court
21 enjoin him from writing to Homeland Security that I'm a
22 thief and a terrorist.

23 THE COURT: And, again, to the extent that you are
24 claiming that that is defamation, you have an adequate
25 remedy at law.

1 DR. FALTAS: It is defamation, but not only
2 defamation. It is tortuous interference with my ability to
3 convert my green card into citizenship, and that's
4 irreparable. It, it doesn't -- it, it cannot wait. Now I
5 have matured since the time I had my green card to apply
6 for citizenship. But I cannot do it while he's going
7 around saying those things to me. So, this is some ---

8 THE COURT: And my point is simply you have, in
9 conjunction with your defamation cause of action, if you
10 are successful in that defamation claim, then at that
11 particular time it would be appropriate to have an
12 injunction issued to prevent him from that conduct.

13 But until such time as those allegations are put to
14 the test through a jury trial or otherwise, it is not
15 appropriate to have a temporary injunction on those matters
16 until such time as there has been a determination as to
17 whether or not you are successful in your defamation. And,
18 therefore, you have an adequate remedy at law to be able to
19 handle those claims.

20 DR. FALTAS: Well, but, Your Honor, I'm sure you know
21 that it's a crime to, to say something false to a federal
22 official. And I'm asking the injuc -- to enjoin criminal
23 activity, which is if he is going around telling federal
24 officials ---

25 THE COURT: If you feel that that's criminal activity,

1 then you have the opportunity to notify the federal
2 authorities that he's lying to them. And you can take
3 whatever actions you think would be appropriate with the
4 federal authorities as it relates to that. But until such
5 time as those defamation claims are, are taken care of, I
6 believe that this is premature.

7 DR. FALTAS: Well, may I make my record?

8 THE COURT: Yes, ma'am.

9 DR. FALTAS: Thank you. Since he has taken that long
10 to, to examine it, could I, could I just point and ask for
11 the record to be read?

12 MR. DELANEY: Your Honor, I don't, I don't know why
13 we're reading the record.

14 THE COURT: She's making a proffer, Mr. Delaney.

15 MR. DELANEY: Okay.

16 THE COURT: I, I -- she is entitled to make a proffer.
17 Either you can make it as an exhibit to the record, or you
18 can read it in, Ms. Faltas.

19 DR. FALTAS: Thank you.

20 THE COURT: Either way, but it may be more -- better
21 and may be more expeditious just to make it as an exhibit
22 to the, to the tran -- to the hearing.

23 DR. FALTAS: Judge, I...

24 (A PAUSE.)

25 PROFFER BY DR. FALTAS

1 DR. FALTAS: The pages are not numbered, but the
2 officer said:

3 As I said, after interviewing your lone guy,
4 he said it was on your property. There was
5 no larceny.

6 Plaintiff, which is on -- okay.

7 Officer: That is what I told him, and that
8 is as far as we can do it. We cannot handle
9 civil process ourselves.

10 So, the officer testified that there was no larceny,
11 that I did not commit larceny, and he testified in the
12 presence of Mr. Mason. And yet Mr. Mason is going around
13 telling people that I stole his sign.

14 END OF PROFFER

15 THE COURT: You can resume your questioning of the
16 witness.

17 DR. FALTAS: Thank you, and, and may I make this
18 whole transcript an exhibit?

19 THE COURT: Yes, ma'am.

20 DR. FALTAS: Thank you.

21 COURT REPORTER: Plaintiff's 1.

22 (TRANSCRIPT MARKED INTO EVIDENCE AS PLAINTIFF'S
23 EXHIBIT NUMBER 1.)

24 BY DR. FALTAS:

25 Q. Did you actually serve a lot of letters telling me

1 that you were reporting me to the Department of Homeland
2 Security?

3 A. I wrote twenty-one letters. Most of them had to do
4 harassment of other tenants, harassing myself, harassing my
5 wife, blocking in the tenants with your vehicle. I wrote
6 you twenty-one letters saying that.

7 Q. Did you say that you are copying some of those letters
8 or all of them to the Department of Homeland Security?

9 A. I most certainly did.

10 Q. Did you send those letters to the Department of
11 Homeland Security?

12 A. I most certainly did.

13 Q. Did you send them to congressmen and senators?

14 A. I did not. I wrote to congressmen and senators to
15 find out what your status was in this country. Since you
16 were ordered deported from this country on two occasions, I
17 wanted to know what you were doing here.

18 Q. Are you a lawyer?

19 A. Say that again.

20 Q. Are you a lawyer?

21 A. I don't have to be a lawyer. I'm a citizen of the
22 United States, and I can request that Congress look into a
23 matter at any time I want to.

24 Q. I asked you a yes or no question. Are you a lawyer?

25 A. I am not a lawyer.

1 Q. Did you ever receive any training in immigration law?

2 A. I would say that during my police experience, yes,
3 I've probably received, received some training in
4 immigration law.

5 Q. What is your police experience?

6 A. I've already told you. I was a criminal investigator
7 for the Department of Defense for twenty years, and a
8 private investigator for the past twenty-six years.

9 Q. When were -- when did you work for the Department of
10 Defense?

11 A. 1964 to 1984.

12 Q. Did you receive any formal training on immigration law
13 as it was at that time?

14 A. Will you say that again?

15 Q. Did you receive any formal training on immigration law
16 as it was at that time?

17 A. From time to time, we had people that were involved in
18 immigration problems, and we did receive education on
19 immigration ---

20 Q. What ---

21 A. --- during that period of time. I can't give you any
22 specific details. But, yes, it came up on occasion.

23 Q. Were you aware that immigration law has been
24 significantly amended?

25 A. I don't know anything about immigration law as it

1 stands today.

2 Q. Did you know anything about the immigration law when
3 you wrote to the senators and congressmen?

4 A. I didn't write to the senators and congressmen to ask
5 them about immigration law. I asked them about your status
6 in this country.

7 Q. Why is that your business?

8 A. It is my business since you rented from me and told me
9 you were a United States citizen, and I found out you were
10 not.

11 Q. Did you ask anyone about my mother's status?

12 A. Your what?

13 Q. The status of my mother.

14 A. I haven't asked anybody about the status of your
15 mother. However, you bring your mother up in every
16 conversation we have.

17 Q. Did you ---

18 A. I haven't asked about the status of your mother.
19 According to you, you and your mother bought the lot next
20 door, but I don't know anything about your mother.

21 Q. Did you stand under my balcony and say you will bring
22 my mother into this?

23 A. I told you that I would subpoena your mother to court,
24 yes. I mean you're, you're alleging that we're trespassing
25 on your property that you bought next door. Yes, I will

1 subpoena your mother to this court if she exists. I'm not
2 even sure if she exists. If she does, I'm going to
3 subpoena her and I will find her.

4 Q. Did you stand under my balcony and tell me that you
5 had my mother's cell phone number?

6 A. I told you I would call your mother because you were
7 standing out there harassing myself, my wife, and the
8 electrician.

9 Q. Did you ---

10 A. I'd like to point out on a incident that you called
11 the fire department on -- and had us cited for a violation
12 of a extension cord being on the outside of the building
13 for twenty years that you wanted it removed, so we hired
14 somebody to remove it. And while we were removing it, you
15 were standing out there screaming and hollering at us,
16 harassing us for two and one-half hours. And I told you to
17 go inside or I'm going to call your mother. That's exactly
18 what I told you.

19 Q. Did your wife say that she has my mother's telephone
20 number in her car?

21 A. Did I say I had your mother's phone number?

22 Q. Did your wife, in your presence, stand under my
23 balcony and say that she has her -- my mother's telephone
24 number in her car?

25 A. I don't think so.

1 Q. It's on tape, Mr. Mason.

2 A. I don't think so. I didn't hear that. I don't
3 believe that my wife has your mother's telephone number.

4 Q. Did you stand under my balcony and tell me that you
5 found where my mother is from the medical cert -- letter
6 that was sent to the magistrate's court?

7 A. No, I did not.

8 Q. It's on tape, Mr. Mason.

9 A. I don't care if it's on tape. It can be on tape. I
10 never talked to you about the magistrate's court while you
11 were standing outside screaming at us for two and a half
12 hours. I did not talk to you about magistrate's court.

13 Q. What ---

14 A. I didn't say that I had got it from the magistrate's
15 court. I think you might have asked me, but I haven't
16 received anything from the magistrate's court about your
17 mother.

18 Q. Were you aware that there was an eviction trial in
19 magistrate's court that was continued because of my
20 mother's illness?

21 A. I'm aware that you claimed your mother was ill and
22 that you got her -- got a recess or delay so that you
23 wouldn't be evicted. That's what I'm aware of that, but
24 I'm not aware of your mother, whether your mother was sick
25 or not.

1 Q. Did you, did you go, did you go to the, to the, to the
2 clerk's office and look at the medical that was sent, that
3 was faxed to the magistrate's office?

4 A. No, I did not.

5 Q. And your wife didn't either?

6 A. I don't know what my wife did.

7 Q. And did you hear your wife testify that you were also
8 questioning my mother's citizenship?

9 A. Did I hear my wife testify that she's questioning your
10 mother's citizenship?

11 Q. Yes. That you asked senators and congressmen about
12 whether my mother is a citizen or should ---

13 A. I don't recall that. I would have requested it if I
14 could.

15 Q. What?

16 A. If I knew where, I would find out whether or not she's
17 a legal citizen or not.

18 Q. Why is that your business?

19 A. Why is it my business?

20 Q. Uh-huh.

21 A. Because you're in this country. You're living in my
22 apartment, and you're harassing people in my apartment.
23 You're harassing people in the parking lot. You're
24 harassing my wife. You're taking photographs. You're
25 following her. You're doing all kinds of things.

1 Q. What did ---

2 A. That's why it's my business.

3 Q. What did my mother do?

4 A. You were the one that brought your mother into this.
5 I didn't.

6 Q. Didn't your wife testify that you were trying to
7 revoke my mother's citizenship?

8 A. No, she did not.

9 Q. It's on tape, Mr. Mason.

10 A. I don't care if it's on tape, it's not on tape. She
11 did not ever make a statement that she was trying to revoke
12 your mother's citizenship.

13 Q. Did you question my ---

14 A. I'm sure of that.

15 Q. Did you question my mother's citizenship?

16 A. Did I question your mother?

17 Q. Did you question my mother's citizenship?

18 A. Did I question your mother's citizenship? I have not.

19 Q. Did your wife question my mother's citizenship?

20 A. No, she has not.

21 Q. Did she not testify in an earlier proceeding that you
22 claimed that no one is sure if she is a citizen?

23 A. I think my wife testified to the fact that nobody has
24 seen your mother, and we don't know your mother. We don't
25 know whether your mother's a citizen or not. We don't know

1 anything about your mother. I haven't really tried real
2 hard to find out, but I can.

3 Q. Did you have anything to -- did you or your wife have
4 anything to do with a letter that was sent to the
5 Department of Motor Vehicles stating that my driver's
6 license would be canceled unless I faxed them ---

7 A. We did not.

8 Q. Did you say to a magistrate that a congressman did
9 that on your behalf?

10 A. I believe that Lindsey Graham did that. I didn't do
11 it.

12 Q. Lindsey Graham, well, at your request, wrote the
13 Department of Motor Vehicle to cancel my driver's license?

14 A. I under -- my understanding of it is that he sent a
15 letter to somebody, and somebody sent a letter to the Motor
16 Vehicle Division to ask them about your driver's license.
17 I didn't request it.

18 Q. What did you request Lindsey Graham to do?

19 A. To find out what your citizenship status was. To find
20 out why you'd sued so many people in the State of South
21 Carolina over the past few years.

22 Q. Did you get an answer from him?

23 A. I got several answers from him.

24 Q. Do you have them now?

25 A. I do not have them with me.

1 Q. Did you testify that once you called I.N.S.? Would
2 not give you a straight answer about me?

3 A. No.

4 Q. Then ---

5 A. My understanding, my understanding is that the I.N.S.
6 is presently investigating your status.

7 Q. How did you get that understanding?

8 A. I received that information from the senator's office,
9 several of them.

10 Q. Several senators told you that I.N.S. is investigating
11 my status?

12 A. Yes.

13 Q. Why would they do that?

14 MR. DELANEY: Objection, Your Honor. We're, we're
15 going down a whole line of things that aren't appropriate
16 for a T.R.O. or a preliminary injunction. We've been going
17 -- talking about defamation, harassment. All of these
18 things are not appropriate for this equitable remedy that
19 she's asking for. It's been going on for the better part
20 of an hour and ten minutes, and we've never heard anything
21 that's addressable as an equitable remedy.

22 THE COURT: Yes, ma'am?

23 DR. FALTAS: Your Honor, you have sat here and
24 listened to him assert that I stole a sign after I've
25 presented a transcript, a formal transcript of an

1 investigator saying that I did not steal that. You're
2 sitting here and listening to him brag about interfering
3 with my immigration status. And what's even most
4 hypocritical is that this man went and got a restraining
5 order against me preventing me from photographing people
6 who are standing in front of my window and doing obscene
7 acts at me, saying that this is harassment. So, I think
8 that's way more than a double standard. That's hypocrisy
9 writ large. If I cannot take pictures of people
10 threatening to sodomize me ---

11 THE COURT: But you're, you're ---

12 DR. FALTAS: And, and ---

13 THE COURT: Ms., Dr. Faltas, you, you are painting a
14 broad brush, and you start talking about one thing and then
15 you move to something else. What I need for you to
16 determine and present to me is the reasons why you believe
17 that you need a restraining order, and to elicit testimony
18 along those lines, and go from there.

19 But to go on and on about -- if you're claiming that
20 he has done something wrong by asserting that, that he's
21 inquired as to your immigration status, I think you've
22 established that point. He has testified to that, and then
23 you can go on to something else.

24 DR. FALTAS: Your Honor, there are privacy laws. If
25 someone came to ---

1 THE COURT: That's your argument that you can make to
2 me. But there's no reason in order to have the witness on
3 the stand and ask the same questions over and over and over
4 again. You've established that he's made inquiries into
5 your immigration status. Move on to the next point that
6 you want to make.

7 DR. FALTAS: Thank you.

8 BY DR. FALTAS:

9 Q. Was there any inquiry initiated by you or your wife
10 directly or indirectly about my mother's Social Security
11 retirement benefits or any benefits she may be receiving
12 from Social Security?

13 MR. DELANEY: Objection, Your Honor. If there was an
14 inquiry into her mother's Social Security status, that
15 would be a claim that her mother could come here and bring.
16 Dr. Faltas doesn't have standing to go into any of that
17 stuff.

18 DR. FALTAS: No, Your Honor, I have standing because I
19 have power of attorney for her, and I am the one who had to
20 go to the Social Security office and spend time and prove
21 to them that my mother is not dead and that I'm not
22 fraudulently taking her checks. So, that was a claim
23 directed against me.

24 THE COURT: I'll allow her to ask the question, and
25 once it's answered, then you can move on.

1 DR. FALTAS: Thank you.

2 BY DR. FALTAS:

3 A. Absolutely not.

4 Q. So, in all the writings to all the senators and
5 congress people and I.N.S. and whatever else you have done,
6 my mother never came up?

7 A. No. I'm not requesting any investigation concerning
8 your mother.

9 Q. Did you write to H.U.D. that -- or to the South
10 Carolina Human Affairs Commission that I have thefts from
11 Wal-Mart?

12 A. Say that again. I didn't hear that. Say that again.

13 Q. Did you write to the Humans Affairs Commission that I
14 have thefts from Wal-Mart?

15 A. I wrote to the Human Affairs Commission, but I don't
16 know that I wrote to them about you had a theft from
17 Wal-Mart. I am familiar with the theft from Wal-Mart, but
18 I didn't write to the Human Affairs Commission about it
19 that I know of.

20 Q. In fact, there was no theft by me from Wal-Mart.
21 Isn't that correct?

22 A. By what by you at Wal-Mart?

23 Q. In fact, there was no theft by me from Wal-Mart.
24 Isn't that correct?

25 A. I believe that there was and that you appealed it, and

1 eventually you won your appeal. I think that's the way it
2 went after about ten years.

3 Q. You claim that you assisted your wife in buying the
4 buildings at 300 and 304 Byron Road. Is that correct?

5 A. I didn't quite understand what you're saying.

6 Q. You earlier testified to this court that you assisted
7 your wife in buying the buildings 300 and 304 Byron Road.
8 Is that correct?

9 A. That's correct. My wife didn't have a retirement
10 account. So, what we did was she owned a piece of property
11 in Charleston, and I helped her sell that piece of property
12 in Charleston. And we took that money, transferred it to
13 the property at 304 Byron Road so that we could have
14 apartments for rent that she could sort of work on her
15 retirement account.

16 Q. Did you have any loan to buy those buildings? Did you
17 or she have any loan from any bank or any lender to buy
18 those buildings?

19 MR. DELANEY: Objection, Your Honor, relevance. This
20 is her veiled attempt to take his deposition. She's fully
21 able to ---

22 DR. FALTAS: No, no, no, no, no, Your Honor.

23 MR. DELANEY: --- do that in the other cases.

24 DR. FALTAS: This ---

25 MR. DELANEY: We're going ---

1 THE COURT: Just hold, just -- he has the opportunity
2 to make his objection, and you can respond.

3 And, Dr. Faltas, if you would please just not touch
4 the microphones. Just leave them alone. Either you have
5 to stand up and talk, or you have to sit down and talk.
6 But the constant fiddling with the microphones ---

7 DR. FALTAS: I so apologize, Your Honor. I so
8 apologize.

9 THE COURT: Yes, Mr. Delaney?

10 MR. DELANEY: Okay, Your Honor, this is just her
11 attempt to take his deposition in, in open court. She's
12 fully able to do that outside of court related to the civil
13 action that is currently pending. We, we are on topics
14 that have nothing to do with the restraining order and the
15 preliminary injunction that she's asked for. Whether there
16 was a loan or not on this building has no relevancy as to
17 anything outlined in her request for a motion for equitable
18 relief.

19 DR. FALTAS: Your, Your Honor?

20 THE COURT: What's the relevancy, Ms. Faltas?

21 DR. FALTAS: Your Honor, believe it or not, I was
22 moving on to the sewer issue, and that's laying a
23 foundation that there was an inspection and that they knew
24 that the sewer lines ---

25 THE COURT: I think you can ask the question. It

1 don't have to do anything with the loan.

2 DR. FALTAS: Well, because if there is the loan,
3 though ---

4 THE COURT: You can ask him whether or not he has
5 knowledge of it and, and if he denies it or whatever, then
6 you can go forward from there.

7 DR. FALTAS: Well, Your Honor, as you can see, I have
8 -- don't have much confidence in the truthfulness of this
9 witness.

10 THE COURT: Well, you have to ask the question first.

11 DR. FALTAS: Okay.

12 THE COURT: And then you -- if the answer's not
13 appropriate, then you can go around.

14 DR. FALTAS: Thank you.

15 BY DR. FALTAS:

16 Q. Was there a for, a for-sale sign on that property? By
17 that property -- why don't we call it the rental property,
18 meaning 300 and 304 Byron Road buildings.

19 A. I'm going to have to ask you to say that again because
20 I can't understand what you're saying. You're saying -- I
21 can understand part of it, but I can't understand all of
22 it.

23 DR. FALTAS: Your Honor, may I touch the microphone
24 one time, put it in the middle so that it would -- or, or
25 leave it like this because he, he seems ---

1 THE COURT: Either you need to speak up or -- either
2 you're going to stand up, or you're going to sit down, Ms.
3 Faltas, Dr. Faltas. So, whichever one you want to do,
4 position the microphone so that you can be able to ask the
5 questions.

6 BY DR. FALTAS:

7 Q. Was there a for-sale sign -- can we, for brevity,
8 speak of the rental property as buildings 300 and 304 Byron
9 Road so -- would that be okay just to refer, to refer to
10 them as the rental buildings, the two rental buildings?

11 A. I, I still didn't quite get it.

12 THE COURT: She wants to refer to buildings 300 and
13 304 as the rental property, if that's okay.

14 A. That is correct.

15 Q. All right. Was there a for-sale sign on that rental
16 property before your wife bought it? How is it ---

17 A. Was there a for-rent sign on the building before my
18 wife bought it?

19 Q. For sale, for sale. How did you know to buy it?

20 A. Oh.

21 Q. How did she know to buy it?

22 A. There was not a for-sale sign on the property. The
23 person who sold us the property was a friend of mine who I
24 played golf with on a daily basis.

25 Q. And what is his name?

1 A. James Schneider.

2 Q. And what did he tell you? Did he tell you that he was
3 wanting to sell that property, or did you say that you were
4 looking for something for your wife to buy?

5 A. Mr. Schneider is older than I am. He wanted to
6 retire, and he sold us the property.

7 Q. Who, who initiated the idea of the sale?

8 A. It just came up in a golfing conversation that he had
9 some property. He wanted to retire, and he wanted to know
10 if I would be interested in it. I told him yes, I'd come
11 by and take a look at it.

12 Q. Did you ever have it inspected?

13 A. Did I have it inspected?

14 Q. You or your wife ever or, or lender, for that matter,
15 have it ---

16 A. No, I did not.

17 Q. Did a lender have it inspected?

18 A. Not that, not to my knowledge.

19 Q. Did your wife have it inspected?

20 A. No. I trust Mr. Schneider.

21 Q. Did he give you any information on the cost value of
22 it? How much is the cost of running the property, and how
23 much the income is expected when you bought it?

24 A. He may have.

25 Q. And what was that? Like, how much profit is there?

1 A. I have no idea.

2 Q. You bought something for a retirement that you did not
3 inspect, and you did not know if it was going to cost more
4 to fix than the income from it?

5 MR. DELANEY: Your Honor, again, I object to
6 relevancy.

7 THE COURT: I'm going to sustain that objection. Ms.
8 Faltas, Dr. Faltas, I don't see the relevancy in that and
9 how that relates to the issues that you're claiming about
10 being harassed.

11 DR. FALTAS: I'll move on to the sewer issue, Your
12 Honor.

13 THE COURT: And you can ask questions about the sewer
14 information. But in terms of what the profitability is has
15 nothing to do with the sewer information. That, that does
16 appear to be an attempt to conduct a deposition relating to
17 other issues under the lawsuit.

18 DR. FALTAS: I, I apologize if I gave Your Honor that
19 impression, but I was laying the foundation for, for that.

20 BY DR. FALTAS:

21 Q. Did you do any -- did you know what the costs of
22 running that rental property would be?

23 MR. DELANEY: Again, Your Honor ---

24 THE COURT: That's the same thing.

25 MR. DELANEY: Exactly. I mean, it's almost verbatim

1 repetition of what she just asked.

2 BY DR. FALTAS:

3 Q. Did you know that you would have to be paying the
4 water bill for all the tenants?

5 A. Did we know that?

6 Q. Uh-huh.

7 A. We assumed that when we bought the property that the
8 City of Columbia was charging for the sewer and water, and
9 we continued to pay the bill.

10 Q. Did you ever look at the bill?

11 A. I don't.

12 Q. In fact, didn't you testify that you looked at the
13 bill closely?

14 A. I didn't. My wife may have, but I don't pay the bill.
15 My wife does.

16 Q. Did you not testify in the eviction trial that you
17 looked at the bill closely?

18 MR. DELANEY: Objection, Your Honor, asked and
19 answered. She's just harassing him now.

20 DR. FALTAS: Judge, I object to, to the use of the
21 harassment. This is obviously a hostile witness.

22 THE COURT: I think he's answered your question.

23 BY DR. FALTAS:

24 Q. Did there come a time in December 2008 when you wrote
25 that there has been a, an increased water consumption in

1 buildings 304?

2 A. We might have.

3 Q. And did you come and fix the, the toilet tanks?

4 A. We came to fix the toilets, yes. We do that on --
5 anytime that's a leak in a building or something like that,
6 sure, we come and fix it.

7 Q. So, you want the court to believe that you knew that
8 the water increased consumption, consumption without
9 looking at the water bill and without noticing that you
10 were not being billed for the sewer?

11 A. I don't ---

12 MR. DELANEY: Objection. I'm not even sure what she's
13 asking there, and it's argumentative.

14 THE COURT: Rephrase your question.

15 BY DR. FALTAS:

16 Q. Would you agree that some of the letters, or at least
17 the letter that your wife sent and signed on December 1,
18 2008 -- that's one year about to the day -- indicating that
19 there is an increased water consumption from that building
20 suggests that you were watching the water bill?

21 MR. DELANEY: Objection, Your Honor. She said the
22 letter came from Dinah Steele. If she wants to ask Dinah
23 about it, she should have issued a subpoena. But she's
24 asking Larry about a letter that Dinah wrote, what her
25 inferences were regarding that letter and why she wrote it.

1 That's clearly a question for Dinah Steele and not for Mr.
2 Mason.

3 BY DR. FALTAS:

4 Q. Are you claiming that 300 and 304 Byron Road is also
5 your property?

6 A. Marital property.

7 Q. So, it's part of your property? I mean, you can't
8 have it both ways. It's either ---

9 A. I think if I'm married to Dinah Steele and she owns a
10 property, and I own something, and we both own it, I think
11 we both own it. That's the law in the State of South
12 Carolina.

13 Q. Did you come with her and, and fix the toilet tank in
14 my apartment in December 2008?

15 A. I'm not sure whether I came there December or
16 September or whenever it was. I'm sure I have been to your
17 apartment and fixed toilets one time or the other, just a
18 leaking valve. It's a matter of replacing the valve. I'm
19 sure I did that.

20 Q. And do you know whether or not you looked at the water
21 bill after that and -- to decide whether the water
22 consumption is less?

23 A. I did not look at the water bill. I don't pay the
24 bills; my wife pays the bills.

25 Q. Did there come a time when I asked you whether those

1 buildings had sewer or septic tank, and you answered that
2 you had sewer, not septic tank?

3 A. I don't recall that conversation.

4 Q. Were you ever under the impression that those
5 buildings had septic tanks rather than sewer, connected to
6 the city sewer?

7 A. I was never under the impression that the building had
8 septic tanks, and I don't believe that they do.

9 Q. When was the first time you knew how the sewer service
10 on those buildings connect to the city?

11 A. The first time I was aware of how the sewer lines
12 connected to the building is when they had a sewage backup,
13 and I called the county. The county said that's not ours.
14 I called the city. They said it's not ours. And there was
15 some going back and forth for two or three days before we
16 found out that it's the responsibility of the City of
17 Columbia, not the county.

18 Q. And what date was that approximately?

19 A. I have no idea.

20 Q. Was that before April 2009?

21 A. Oh, yes, some time in 2008.

22 Q. Before or after I rented it from you?

23 A. I believe it was before.

24 Q. And do you recall when I rented I asked about the
25 water and sewer bill, and she said that it was borne by the

1 landlady?

2 A. I don't recall that you ever asked about it, but it
3 might have been mentioned.

4 Q. Okay, and when was the first time you realized that
5 your wife was not being paid for the sewer service from the
6 city?

7 A. When we got a letter from the City of Columbia at your
8 request.

9 Q. When was that?

10 A. I have no idea.

11 Q. And how much is the sewer bill each month for those
12 two buildings now?

13 A. I don't know. I don't pay bills.

14 Q. Does that factor in the cost-benefit analysis of the
15 building?

16 A. Say that again.

17 MR. DELANEY: Objection, Your Honor. It's a
18 cost-benefit analysis. We've been through this three or
19 four times now. It's not relevant to the issues of what
20 she's outlined in her motion for equitable relief.

21 BY DR. FALTAS:

22 Q. When your wife bought that property, did you have it
23 surveyed?

24 A. No.

25 Q. You did not know where the property lines were?

1 A. No, we did not.

2 Q. When you bought it, did anyone tell you that someone
3 had previously purchased an easement from someone else's
4 land?

5 A. No. We requested a title search and that was it. We
6 did not have any disputes or any questions or comments
7 about the sewer line or anything like that. The sewer line
8 has been there for thirty-one years.

9 DR. FALTAS: Objection.

10 A. We didn't need to ask about it.

11 DR. FALTAS: Objection, objection about...

12 Q. You, you did not put the sewer lines in, did you? You
13 did not put the sewer line in?

14 A. No, ma'am, but I have investigated it since you made
15 such a big mess about it with the City of Columbia. And I
16 found out it's been there for thirty-one years, long before
17 the City of Columbia ever annexed that area, which I
18 believe was back in 1984. When they annexed the area, it
19 was not in the City of Columbia at the time it was put in.
20 It was in the county.

21 Q. So, what you bought is what's on the deed, no more and
22 no less. Is that correct?

23 MR. DELANEY: Objection, Your Honor. That's a legal
24 question and not suitable. He's already said he's not a
25 lawyer.

1 THE COURT: And I'm having a hard time gathering the
2 relevance of it.

3 MR. McKENZIE: Might I be excused for ---

4 THE COURT: Yes, sir.

5 DR. FALTAS: Your Honor, the relevance is that there
6 is no way they could have believed that they owned the part
7 of my land on which the sewer lines are on.

8 THE COURT: I don't think there's been an allegation
9 that they own any parts of your property on which the sewer
10 line exists.

11 DR. FALTAS: And they could not have been under any
12 impression that there is an easement for them to keep the
13 sewer lines.

14 THE COURT: I think that's a matter of whatever the
15 public records are at the time, and that's -- and to the
16 extent that you're trying to seek an injunction about the
17 sewer lines, I think that there are adequate remedies at
18 law for you to be able to pursue those, pursue that avenue
19 through the city or the county or whoever's the appropriate
20 entity. And that this is not the appropriate forum or --
21 let me rephrase that.

22 This is not the appropriate mechanism by which to, to
23 raise a challenge relating to an easement or sewer,
24 information on the sewer lines on the property. That's
25 not, that's not the appropriate subject of a temporary

1 injunction.

2 DR. FALTAS: Your, Your Honor, what is an injunction
3 for? Why does it exist?

4 THE COURT: It exists to provide a remedy when there
5 is no remedy at law ---

6 DR. FALTAS: And ---

7 THE COURT: --- relating to the easements and whether
8 there's sewer lines, whether they are appropriately going
9 across property, whether there should be an easement
10 against a property. There are a number of different
11 manners in which those issues can be resolved. There are
12 legal and equitable remedies available under -- either
13 through a quiet title, through the city's office relating
14 to the sewer lines. There are other methods by which to be
15 able to obtain relief not through a temporary injunction.

16 I cannot make the City of Columbia issue or require
17 them to, to charge for certain sewer lines, or to
18 investigate about sewer lines. I cannot require them to
19 negotiate with you about an easement. Those are all things
20 that would have to be the subject of legal or equitable
21 action in order to resolve those issues, and that's not
22 these ---

23 DR. FALTAS: So, so, you want me to file another
24 lawsuit?

25 THE COURT: I don't believe that you've raised it in

1 conjunction with this lawsuit, which means you'd have to
2 wait until the conclusion of this particular lawsuit in
3 order to get your relief. You cannot get your relief in
4 advance of going through the appropriate trial in the case.

5 DR. FALTAS: Well, can, can -- Your Honor, may I just
6 made my record? But it seems that Your, Your Honor is not
7 keeping an open mind on the irreparability of the injury.
8 Some, some, sometimes an injunction can be had on the
9 subject matter of the lawsuit to prevent irreparable
10 injury.

11 THE COURT: At this particular point, Ms. Faltas, I
12 don't think that you can establish that there's an
13 irreparable injury to your particular property because the
14 sewer lines go across. To the extent that you can go to
15 the city and, and discuss how the sewer lines are drawn,
16 the regulations that relate to those, to the extent that
17 you can go to court and require that there be a quiet title
18 action or some other, or some other action relating to the
19 boundaries of the property, or whether or not they have a
20 right to come across your property, all of those things,
21 that can be discussed during the course of the lawsuit.
22 So, it is not the subject of a temporary injunction.

23 DR. FALTAS: But, but what -- I'm sorry. Let me, let
24 me make my record and then I, I will make the closing
25 argument, but I'm -- Your Honor usually keeps an open mind.

1 THE COURT: I have an open mind; I have not drawn any
2 conclusions. I just know that what I've heard so far has
3 not established any irreparable injury because there are
4 other remedies relating to this ---

5 DR. FALTAS: Your ---

6 THE COURT: --- particular property.

7 DR. FALTAS: Your, Your Honor knows that that is
8 unique, and I want to build a particular house on which the
9 design -- for which I'd like for a patent on this
10 particular land and the, the, the sewer lines running
11 across it are preventing me from that.

12 THE COURT: And that, and I understand that, Dr.
13 Faltas. I really, I understand that. But there, there are
14 two, there are two things that arise. Number one, those,
15 those lines were there at the time that you purchased the
16 property. So, it wasn't that, that after you purchased the
17 property they ran the lines across your property and
18 infringed upon your property. They were there at the time
19 that you purchased the property, which means that you also
20 had the opportunity to determine whether or not -- and, and
21 even if you didn't have the opportunity, now that you've
22 discovered it, you have a remedy through the City of
23 Columbia or the, or the county, whoever has the appropriate
24 authority.

25 And, and, and so that is your remedy is to go through

1 those particular agencies. Not to have an injunction to
2 require either that he remove the lines, or that the county
3 revoke any privileges that he has with respect to those
4 lines, or any of those things. That's not the purpose of
5 this particular hearing.

6 DR. FALTAS: Well, Your Honor, but that's -- the
7 county never gave him any privilege. This was a
8 clandestine sale done for nefarious purposes.

9 THE COURT: And so you have a, you have a remedy at
10 law to be able to challenge that.

11 DR. FALTAS: But that, that, that, that -- some --
12 there can be irreparable injury until the, the, the remedy
13 is -- comes to a hearing, and that's why preliminary
14 injunctions exist. That's why ---

15 THE COURT: And generally a preliminary injunction
16 will maintain the status quo. It does not change things
17 pending the result of the lawsuit.

18 DR. FALTAS: Generally. Generally.

19 THE COURT: And I, and I ---

20 DR. FALTAS: Generally. Generally, but there are
21 exceptions if the status quo is one of endangerment or, or,
22 or violation of civil rights, which the right to use one's
23 property. The whole bundle of rights that one acquires is
24 a civil right.

25 THE COURT: And you still have a remedy at law to

1 address any depravation with respect to the use of your
2 property. You have an adequate remedy at law, and it can
3 be -- while it may be difficult for you to quantify, it can
4 be quantified in terms of any remedies that would be
5 available to you.

6 DR. FALTAS: But some things such as constitutional
7 rights are irreparable injury as a matter of law, meaning
8 money doesn't buy for everything. For example, if there is
9 a threat to life or health.

10 THE COURT: And that's ---

11 DR. FALTAS: They ---

12 THE COURT: --- not the case in this particular
13 situation.

14 DR. FALTAS: Well, let me make my, let me make my
15 record.

16 THE COURT: Well, then you need to establish what it
17 is you're trying to, to accomplish ---

18 DR. FALTAS: I am.

19 THE COURT: --- and what, what it is that you think
20 that you're going to show because if you don't do that,
21 then, Ms., Dr. Faltas, I'm, I'm, I'm not going to be able
22 to follow along with you.

23 DR. FALTAS: All right.

24 THE COURT: You need to establish -- if you're
25 claiming that there's something that he's done to the

1 property that prevents you from being able to live safely
2 on your property, then I will, I'm all for hearing that.
3 But just because the sewer lines run across the property
4 and are -- and, and just because sewer lines may be subject
5 to being broken or have to be repaired does not prevent you
6 from being able to use your property.

7 DR. FALTAS: Actually, I, I haven't, I haven't, I
8 haven't taken the stand yet. I'm still at the beginning of
9 my evidence, and I'm trying to move quickly. They keep
10 interrupting me and I'm ---

11 THE COURT: Because it's -- I have some serious
12 problems about the relevancy and whether or not you're
13 entitled to a remedy. And I'll allow you to make a
14 proffer, but I can't say that at this particular point what
15 you're, what you're asking for or requesting is not the
16 subject of other adequate remedies at law.

17 DR. FALTAS: Let, let me, let me, let me then try to,
18 to establish very quickly what, my, my -- the irreparable
19 injury is going to be. May I?

20 THE COURT: Yes, ma'am.

21 DR. FALTAS: Okay. Thank you.

22 BY DR. FALTAS:

23 Q. In March 2009, after you discovered that Mother and I
24 bought that land, your wife tried to evict me. Isn't that
25 correct?

1 A. We evicted you beginning March the 1st, 2009. You
2 were issued an order at that time that you were being
3 evicted from the apartment for harassing the other tenants
4 in the apartment. Had nothing to do with the sewer line.
5 It had nothing to do with the lot. It had to do with your
6 harassment of the other tenants in that building, and the
7 harassment of myself and my wife when we were over there
8 trying to do work.

9 Q. Therefore, if that goes through, you will not give me
10 a good reference to rent somewhere else if you ---

11 A. I wouldn't give you a reference to rent anywhere. Not
12 even in this courtroom.

13 Q. All right, and then if I cannot build on the land
14 Mother and I bought, then I, then I could be homeless if
15 you are successful in evicting me. Wouldn't that be
16 correct?

17 A. You would be homeless. Wouldn't bother me a bit.

18 Q. It would have a risk to me, would it not, if I were
19 homeless?

20 A. You have been evicted from the apartment. You have
21 already run this through the court. The court has already
22 evicted you from the apartment. You're still there. You
23 complain to everybody that the apartment is a piece of
24 trash and you don't need to be living there, but yet you're
25 fighting to stay there. You've been fighting to stay there

1 for a year. You filed complaints with the fire department,
2 the human affairs department, the City of Columbia, the
3 zoning department. Even to the point that you've now had
4 our trees cut down, claiming you're the owner of the
5 apartment.

6 DR. FALTAS: Judge, I object to all he's saying, but,
7 but I'll, I'll -- I mean, a whole, a whole lot of it is
8 hearsay and false, but I've established that he won't, that
9 it won't bother him if I were to be homeless. But I am
10 sure that you would agree that would be an irreparable
11 injury to me.

12 THE COURT: I'm, I'm not making any comments at this
13 particular point.

14 DR. FALTAS: And, yeah, that's fine.

15 THE COURT: You just need to go forward and ---

16 DR. FALTAS: And it -- yes, yes.

17 THE COURT: --- present whatever evidence you have to
18 present.

19 DR. FALTAS: Yes.

20 BY DR. FALTAS:

21 Q. And, and did there come a time when the City of
22 Columbia offered to put new sewer taps on the rental
23 property, provided your wife was to pay expense of hiring a
24 plumber to connect to the new sewer caps?

25 A. The City of Columbia sent us a letter saying that they

1 would allow us to hook on to the sewer at a different point
2 away from your property if we wanted to. However, the
3 sewer line's been there for thirty-one years, and I believe
4 under a matter of law that's an easement. It's a physical
5 -- it's not a matter of you didn't see it whenever you
6 bought that property. It's sticking out of the ground.
7 Anybody can see it.

8 Q. So ---

9 A. And I don't intend to move it.

10 Q. So, your position is that you should keep the sewer
11 lines on my land forever?

12 A. I do not intend to move the sewers line. Now, if you
13 want to remedy that in a courtroom, we can do that. You
14 can file your lawsuit, and we'll go to court, and we'll see
15 if we can remedy that in court. But I think under the law,
16 I have the right to leave it right where it is because it's
17 been there for thirty-one years.

18 Q. So, it doesn't matter to you whether it's an
19 injunction or a trial? What you want to do is to keep the
20 sewer line?

21 A. I am not going to move it.

22 Q. And if a court, whether by injunction or by, by trial
23 finds that ---

24 A. I've got no such order, so I'm not moving it.

25 Q. I'm saying if, what will you do then?

1 A. If I was ordered by a judge to move it, I would move
2 it. But I'm not ordered by a judge to move it. And I want
3 to point out that the drawing that's made up by the city
4 was actually made up by you, I believe.

5 DR. FALTAS: Judge.

6 A. It's not made up by the City of Columbia. It was made
7 out by you.

8 DR. FALTAS: Judge?

9 A. I don't think you really have had any indication of
10 where the sewer lines actually run.

11 DR. FALTAS: Judge?

12 THE COURT: Mr. Mason, if you just would answer the
13 questions that are asked, please.

14 Go ahead, Ms. Faltas, Dr. Faltas.

15 BY DR. FALTAS:

16 Q. And isn't, in fact, your efforts to get me deported,
17 to get false charges against me, to get me if -- so I can
18 be jailed and cannot acquire U.S. citizenship, and all of
19 that related to the fact that you want to use my land to
20 keep the sewer lines on them instead of taking the small
21 expense of connecting to the tap that the city is offering
22 to put for you?

23 A. Absolutely not. My only effort is to get you evicted
24 from our apartment because of the harassment you have
25 wreaked on myself and my wife and my other tenants. That

1 is the only reason we're trying to get you out of our
2 apartment.

3 Q. And isn't there a mechanism through the courts to do
4 that?

5 A. The court has already ordered you evicted.

6 Q. So, why go to the senator and ask for me to be, to be
7 deported? What does this have to do ---

8 MR. DELANEY: Objection, Your Honor. This is -- we've
9 been down this road three or four times. We've already --
10 communications to the senator, and it has ---

11 DR. FALTAS: Your Honor.

12 MR. DELANEY: --- no relevancy to this particular
13 case.

14 DR. FALTAS: I, I am establishing the irreparability
15 of the injury. These are not people who are going to
16 respect the court of law. These are people who trying to
17 get my mother and me killed.

18 THE COURT: I don't ---

19 DR. FALTAS: --- because ---

20 THE COURT: I don't believe, Ms. Faltas, Dr. Faltas,
21 that you have established that he has asked that you be
22 deported. I think the testimony was is that he certainly
23 did inquire as to your status in the country, and I don't
24 ---

25 DR. FALTAS: Which, which he has no right to do, which

1 is covered by privacy ---

2 THE COURT: And you've already addressed all of that
3 issue. So, let's move on to something else.

4 DR. FALTAS: Well.

5 THE COURT: You've, you've made that point. You've
6 proffered that evidence. The evidence is there. You can
7 make whatever argument that you want to make on it at the
8 appropriate time. Let's move on to the next point.

9 I, I -- Dr. Faltas, I'm being patient. I am keeping
10 an open mind, but I'm not going to go back over the same
11 information over and over and over again. You, you are
12 trying to establish certain points. You've asked him
13 questions. Whatever you believe that he has stated so far
14 that supports your position, you can make that argument
15 when all the testimony is concluded. But I'm not going to
16 let you go back and re -- continue to ask the same
17 questions.

18 DR. FALTAS: But, but ---

19 THE COURT: What his motives are.

20 DR. FALTAS: Your Honor, you know, as physicians,
21 we're, we're trained to, to make draw connections between
22 ---

23 THE COURT: Well, you can draw your connections in
24 your arguments.

25 DR. FALTAS: Yeah, okay.

1 THE COURT: That's what lawyers do.

2 DR. FALTAS: All right. All right. All right. Thank
3 you.

4 BY DR. FALTAS:

5 Q. And you also got a restraining order against me
6 preventing me from taking photographs and from talking to
7 two of my neighbors. Isn't that correct?

8 A. Myself, my wife, and two of our other tenants applied
9 for a restraining order against you through the
10 magistrate's court legally, and we were issued that
11 restraining order. And according to the judge, the
12 overwhelming evidence that you harassed, threatened,
13 assaulted my wife for one, assaulted one of the other
14 tenants in the building, and that you used your automobile
15 to block in a tenant so that you could take photographs and
16 harass them to the point of where you could turn around and
17 tape part of their conversations. And that is why I issued
18 you an order to take your vehicles out of the parking lot
19 because you were endangering the other tenants, and you
20 don't have the right to do that.

21 Q. Did any court find me guilty of assault?

22 A. They found you guilty of harassment.

23 Q. Did any ---

24 A. And stalking.

25 Q. Did any criminal court find me guilty of assault?

1 A. Of what?

2 Q. Assault.

3 A. Assault?

4 Q. Uh-huh.

5 A. You haven't been tried for that yet, but you are going
6 to be.

7 Q. Did any court find me guilty of any criminal offense
8 to your knowledge that was -- that still stands?

9 A. I believe all those charges are still pending. You've
10 been issued a restraining order.

11 Q. Did you hear your wife testify that even though you're
12 billed for the sewer, you're contesting the rate at which
13 you are billed?

14 MR. DELANEY: Objection, Your Honor. What relevancy
15 is whether he's billed by the city for the sewer has to do
16 with the equitable relief she's asked? It's ---

17 DR. FALTAS: It has to do with that those people are
18 no different from the people who would shoot somebody for
19 \$50. They are trying to get Mother and me killed so that
20 they don't go through with the expense of relocating their
21 sewer lines. They are even contesting the rate at which
22 the city is billing them because that's the rate that
23 everybody pays. But they think they are better than the
24 rest of creation just because they are acting against me.

25 THE COURT: And I don't think that requires an answer

1 on my part, and so let's move on.

2 DR. FALTAS: Thank you.

3 BY DR. FALTAS:

4 Q. Are you contesting the rate?

5 A. No, I'm not.

6 Q. Did you -- is your wife contesting her monthly sewer
7 rate for the rental building?

8 A. I don't know. I think she might have requested an
9 explanation on the first bill that they sent. Seemed to be
10 a little high, but I don't know anything about what the
11 results of that was.

12 Q. What ---

13 A. I didn't even know that she actually did it. I just
14 know she talked about it.

15 Q. Were you present when she testified under oath that
16 she's disputing the rate at which she, she is being billed
17 for the sewer?

18 A. I don't recall that.

19 DR. FALTAS: All right. Thank you. That's all I
20 have, Judge.

21 THE COURT: Any cross?

22 MR. DELANEY: Actually no, Your Honor.

23 THE COURT: You may step down. Thank you.

24 (THE WITNESS EXITS THE STAND.)

25 THE COURT: You may call your -- let's take a brief

1 break, and then -- about five minutes, and you call your
2 next witness.

3 DR. FALTAS: Thank you.

4 (THE WITNESS EXITS THE STAND.)

5 (OFF THE RECORD.)

6 THE COURT: You may call your next witness.

7 DR. FALTAS: Thank you, Your Honor. May I call
8 Michelle Garner, please?

9 MR. JOHNSON: Your Honor, may it please the court?

10 THE COURT: Yes, sir.

11 MR. JOHNSON: My name is Gary Johnson. I'm an
12 attorney with the City of Columbia, and Ms. Garner's under
13 subpoena as an employee of the city.

14 And while the city is not a party to these proceeding,
15 under the rules I would like to inform the court that Ms.
16 Garner certainly can testify as to her own knowledge what
17 she has done as an employee of the city. But she is not a
18 person who makes a decision or is a person who can bind the
19 City of Columbia.

20 I wanted to be sure that the parties understood that
21 distinction between what she can do as an individual and
22 what she has done as an employee versus what she can do to
23 bind the city as an entity in and of itself.

24 THE COURT: Thank you.

25 MR. JOHNSON: Thank you, Your Honor.

1 MICHELLE GARNER, BEING FIRST DULY
2 SWORN, TESTIFIED AS FOLLOWS:

3 CLERK OF COURT: Thank you. Please have a seat in the
4 witness stand, and state your full name for the record, and
5 please spell your last name.

6 WITNESS: Michelle Garner. Last name G-A-R-N-E-R.

7 DIRECT EXAMINATION BY DR. FALTAS:

8 Q. Good afternoon, Ms. Garner, and thank you for coming.

9 A. Certainly.

10 Q. If you please, as I asked the previous witnesses,
11 can you give us your age, education, and occupation,
12 please?

13 A. Sure. I'm thirty-nine years old. I'm currently an
14 engineering tech 3 supervisor at the City of Columbia, and
15 I have one year of college at Midlands Tech.

16 Q. Thank you, and did you get any training on the job
17 about sewer lines and water lines?

18 THE COURT: She cannot hear you. You can pull the
19 microphone down to you, but just keeps your hands off of it
20 otherwise.

21 DR. FALTAS: Better now?

22 THE COURT: Yes.

23 DR. FALTAS: Thank you.

24 BY DR. FALTAS:

25 Q. How long have you done this work for the City of

1 Columbia?

2 A. I've held this title for two years.

3 Q. Did you receive any training about water lines and
4 sewer lines?

5 A. Yes, on-the-job training.

6 Q. Thank you. Did there come a time when you met me, or
7 when I came to your office to ask you about something?

8 A. Yes.

9 Q. And was that related to a property that
10 was being subdivided or that I wanted to subdivide?

11 A. Yes, the one that you were interested in.

12 Q. Yes, and I was interested in buying, for lack of a
13 better term, the tail end of that property for development.
14 At that time, I was interested in buying what may be
15 described as the pole part of the flagpole. Is that
16 correct?

17 A. Sure.

18 Q. And was part of the requirement for the city for the
19 subdivision that sewer be available for that lot?

20 A. Yes. Any property that's inside the city limits
21 requires that water and sewer be available to it before
22 it's subdivided.

23 Q. And did you do an investigation as to whether sewer
24 would be available to that lot?

25 A. I did.

1 Q. And did that employee -- an employee by the name of
2 Pat Christy going out and finding out that this property
3 can be ---

4 DR. FALTAS: I'm not touching anything.

5 (A PAUSE.)

6 DR. FALTAS: I'm sorry, Your Honor.

7 THE COURT: That's all right. Just go ahead and ask
8 -- if you speak up and ask the question, it should pick it
9 up.

10 DR. FALTAS: Thank you.

11 BY DR. FALTAS:

12 Q. And that was totally separate and apart from whether
13 the buildings 300 and 304 Byron have sewer service and were
14 being billed for sewer service. Is that correct?

15 A. Yes.

16 Q. Did that happen incidentally that you and I found out
17 that those buildings were connected to the city sewer lines
18 but were not being paid for them?

19 A. Yes.

20 Q. And did you send other city employees to do a camera
21 test and then later a smoke test?

22 A. Yes.

23 Q. And did they map out the lines at the connections?

24 A. They did.

25 Q. And you sat here and heard Mr. Mason accuse me of

1 making the drawings for the city?

2 MR. DELANEY: Objection, Your Honor. That's clearly
3 pitting one witness against another one.

4 THE COURT: Can't pit. You can ask her a question.
5 BY DR. FALTAS:

6 Q. Did I make any drawings for the city?

7 A. No, ma'am.

8 Q. Okay. Can you -- is it true that the sewer lines need
9 by their very nature to be way below ground?

10 A. I'm not sure I understand your question.

11 Q. Are the sewer lines usually above ground or below
12 ground?

13 A. They're typically below ground. There's a cleanout
14 that exists above ground.

15 Q. How far below ground are they typically?

16 A. Sewer is gravity fed. So, it is at different levels,
17 different portions of the ground to get to the main.

18 Q. What is cleanout?

19 A. Basically it's an area where you can go in and clean
20 it out should it get clogged.

21 Q. Does -- what does a cleanout look like?

22 A. Typically it's white, plastic, sticking up above the
23 ground. Looks like it has a screw on top.

24 Q. About 6 to, about 6 inches in diameter?

25 A. Some of them are, yes. Some of them are high.

1 Q. Did there come a time when you told me what a cleanout
2 is?

3 A. I'm sure there was.

4 Q. Is a cleanout something you see commonly which, for
5 example, personally ---

6 DR. FALTAS: What am I doing? What? I'm ---

7 THE COURT: You're too close to the microphone.

8 DR. FALTAS: Oh. Okay. I'm sorry. Okay.

9 BY DR. FALTAS:

10 Q. For example, before you did this job, did you
11 personally know what a cleanout is?

12 A. No.

13 Q. So, if you were walking before you did this job, or if
14 you bought a house yourself or something before you did
15 this job, would you have known what a cleanout is when you
16 saw it?

17 A. No.

18 Q. More significantly, is the address that the cleanout
19 is serving written on the actual cleanout typically or not
20 written?

21 A. I'm not -- say that again.

22 Q. For instance, mailboxes would have the address on the
23 mailbox, right?

24 A. Yes.

25 Q. That's not true of a cleanout, is it?

1 A. No.

2 Q. So, even if one knew what a cleanout is, just by
3 seeing a cleanout, one wouldn't know what it connects to
4 and what property it serves. Is that correct?

5 MR. DELANEY: Your Honor, I would object to this line
6 of questioning. Whether she knows what a cleanout is,
7 whether Dr. Faltas knew what a cleanout is, any of those
8 things aren't relevant to the, the motion for T.R.O.,
9 regarding the negotiation of a -- the compulsion of my
10 clients to negotiate an easement of the sewer lines. It's
11 not relevant to this particular action. It's a -- I mean,
12 if any of this -- we're going down a line of whether an
13 easement exists. That's a case for, for another day and
14 not appropriate to this venue.

15 THE COURT: I'll, I'll -- I understand that it's
16 probably background information. But to the extent that
17 the ultimate issue is, you know, whether or not I can
18 require the city or require your clients to negotiate an
19 easement or to move the sewer lines, I think I've already
20 addressed that adequately.

21 There is a remedy at law for that, and -- but I'll
22 allow you to make some background, assuming that you're
23 going to tie it together in a relevant manner.

24 DR. FALTAS: Yes, Your Honor, and I don't mind telling
25 you now that the requirements of a prescriptive easement to

1 which is the only -- at the far stretches of the
2 imagination, the only possibility that they can make which
3 is related to adverse possession in the law, and they are
4 requirements conjunctive, not disjunctive.

5 THE COURT: And that's ---

6 DR. FALTAS: And there are five elements, one of which
7 is that it be open and notorious and fenced in, and I'm
8 establishing that it was clandestine, not open, not ---

9 THE COURT: And the very fact that you are addressing
10 the five points that relate to adequate possession
11 establishes that you have an adequate remedy at law to
12 address those issues and not injunctive relief.

13 DR. FALTAS: Well, Your Honor, once again, very, very
14 respectfully, and once again I invoke your, your greatness
15 as a jurist to keep an open mind that some things are not
16 remedied by money.

17 THE COURT: It's not necessarily -- adverse possession
18 is not about money either, and it's -- the, the, the law
19 does not require that there be a remedy in the form of
20 money, or that there be a remedy in the form of a transfer,
21 or whether there be -- there just has to be an adequate
22 remedy at law. And to the extent that the issues relating
23 to the sewer lines and whether they are properly on your
24 property, whether you have the right to use your property,
25 how that affects your property, all of those are issues

1 that can be addressed through other appropriate legal
2 action. Whether it's an equitable action or whether it's
3 an action at law. But there are remedies that will address
4 those issues and not injunctive relief.

5 DR. FALTAS: Well, I -- please keep an open mind.

6 THE COURT: I, I've kept an open mind, Dr. Faltas, but
7 I, I think you, you are straining it and I think -- I'm
8 trying to allow you to establish your record so that you
9 have a record available to you. But I think it's very
10 clear that what you're seeking in this particular case, at
11 least at this particular point, is to, to have some type of
12 injunction issued that is going to require them to do
13 something or not do something. That you have other avenues
14 available to you to address this, those wrongs that you
15 believe have been committed.

16 DR. FALTAS: Well, could I, could I still make my
17 record?

18 THE COURT: Yes. Yes, ma'am, I've stated I'll, I'll
19 allow you to. I'm waiting to see how it's going to get
20 tied together.

21 DR. FALTAS: Yes.

22 THE COURT: But if it's going in the direction that I
23 believe that it's going and from what I've heard so far, I
24 think that there is going to be a problem with an
25 injunction. But I will -- I am keeping an open mind, and I

1 will not make a decision until I've heard everything.

2 DR. FALTAS: Thank you, Your Honor.

3 BY DR. FALTAS:

4 Q. I'm sorry. What was the last question I asked you?

5 THE COURT: You were talking about the cleanouts.

6 That's all I remember.

7 Q. The cleanout. Then after, it was, was established to
8 your satisfaction that buildings 300 and 304 Byron Road are
9 receiving sewer service from the City of Columbia?

10 A. You're asking if we established that they were
11 connected to our sewer main?

12 Q. Yes.

13 A. Yes.

14 Q. And typically, everyone who receives sewer service
15 from the City of Columbia should be paying a sewer bill
16 for ---

17 MR. DELANEY: Objection, Your Honor. Again, that's
18 not relevant to this particular action. Whether my clients
19 paid, didn't pay, or never paid, a, a sewer service fee to
20 the City of Columbia is not relevant to this action.

21 DR. FALTAS: Your Honor, the harassment is deadly, and
22 I am trying to establish ---

23 THE COURT: Well.

24 DR. FALTAS: --- that they have an economic motive for
25 the harassment, and unless the economic motive is removed,

1 the harassment is going to continue and get worse.

2 THE COURT: What's the harassment as it relates to the
3 sewer lines?

4 DR. FALTAS: Your Honor, the harassment is that they
5 don't want the sewer lines removed alternatively, which is
6 an easement. So, they are trying to, to deport me and kill
7 my mother. And if you were in that situation, you would
8 realize that it's much more serious. I'm not, I'm not
9 imagining it. The letter I gave you has, has the letter
10 from the Social Security administrator saying they will cut
11 off her checks that included her medical coverage in the
12 middle of life-saving treatment that she was getting.
13 These are serious matters. They are not laughing matters.

14 THE COURT: Dr. Faltas, I think that what you can ask
15 them about -- and you have asked Mr. Mason about his
16 intentions as it relates to the sewer. I think that that's
17 established that. Whether or not they have paid or they
18 can't pay or they will pay or they won't pay, that is not a
19 matter that I think is appropriate in this particular
20 proceeding.

21 DR. FALTAS: Could I, could I make my record anyway?

22 THE COURT: You can make a proffer.

23 DR. FALTAS: Thank you.

24 BY DR. FALTAS:

25 Q. To your knowledge, were the buildings 300 and 304

1 after the city began billing for the sewer billed at a
2 different rate from other buildings? In other words, is
3 the sewer -- is it true that the sewer is not metered
4 separately, but is a multiplier of the water bill?

5 A. That's true.

6 Q. And that multiplier, is it constant for all of the
7 potential buildings in the City of Columbia?

8 A. It is.

9 Q. And has it been the same multiplier for buildings 300
10 and 304 Byron Road?

11 A. As far as I know, yes.

12 Q. Did either Ms. Steele, Dinah Steele, the owner of 300
13 and 304 Byron Road, protest to you that she's -- her, her
14 sewer bill is too high or that she's not happy about it or
15 anything?

16 A. No, ma'am.

17 Q. Has she been paying that bill?

18 A. I don't work in customer service. I don't know.

19 Q. In April 2009, was that the first time those buildings
20 were ever billed for sewer by the city?

21 A. I believe so, yes.

22 Q. But they have been billed for water by the city since,
23 since they, they were built in '73. Have you established
24 that?

25 A. I believe so.

1 Q. And did you or somebody else in the city's engineering
2 department investigate whether sewer taps that would not be
3 -- what for brevity we'll call my land. It's for me, owned
4 by my mother and me. That new sewer taps can be built to
5 service buildings 300 and 304 Byron Road?

6 A. Are you asking can we make separate taps?

7 Q. Yes.

8 A. Yes.

9 Q. So, so, that's, engineering wise, that's feasible?

10 A. Yes.

11 Q. And did the city also obtain an encroachment permit
12 from the Department of Transportation to let -- you, you
13 are allowed to, to take across the road, to put those?

14 A. Yes.

15 Q. Those lines, sewer lines. So, there is nothing
16 physically preventing the city from doing that, is there?

17 A. Not that I'm aware of.

18 Q. Okay. Did you have meetings with either Dinah Steele
19 or Larry Mason separately or together?

20 A. I've met Dinah Steele once. Never seen Mr. Mason
21 ever.

22 Q. Okay. What was the meeting about?

23 A. She simply came in to discuss the letter that had been
24 sent out to her.

25 Q. Have you sent her one letter or several?

1 A. It's just one.

2 Q. And that letter was the one which said that she would
3 have to lay out her sewer lines or negotiate an easement
4 with me?

5 A. Basically, yes.

6 Q. And that letter also said that the city never gave a
7 permit for the tap and the connection to be the way they
8 are?

9 A. The permit?

10 Q. Yeah. That, that the taps were never permitted by the
11 city that way. Is that correct? Did they ---

12 A. They don't own those taps, no.

13 Q. Okay, and did you also write to me that the city is
14 still willing to put those new sewer taps for the buildings
15 owned by Ms. Steele? Did you write that to me in October?

16 A. Until a decision is made, yes. We're just waiting
17 until that decision is made. I don't know how else to
18 answer you.

19 Q. Okay. I mean, if someone said go ahead, you can do
20 it, it can be done?

21 A. Yes, it can be done.

22 Q. And, in your estimation, is it a matter of two weeks
23 when, when it can be physically done from, from the work to
24 go where it's ready to become ---

25 A. Anywhere from two to eight weeks. That's an

1 approximate time.

2 Q. Yes, and obviously the sooner it's started, the sooner
3 it's finished?

4 A. Yes.

5 Q. And did Diane Steele tell you that she does not want
6 it done?

7 A. No, she hasn't told me that. She did not tell me that
8 day that I saw her what decision she had made.

9 Q. Has anyone come back to you whether those new sewer
10 taps should or should not be put in?

11 A. No.

12 Q. Who -- like, what needs to happen for the sewer taps
13 to be put in?

14 A. As far as I know, until this court decides whether
15 you're going to go with the easements or if they're going
16 to need taps, we're still waiting on that. No date.

17 Q. Okay. Have I done everything possible that you asked
18 me to do that you think I can do for the city to do this,
19 just move taps if that's what needs to be done? Is there
20 anything I can do other than my having written to you and
21 to the City of Columbia legal office?

22 A. No.

23 Q. There is nothing else I can do other than bring this
24 court proceeding?

25 A. No.

1 Q. All right. You have also brought a file with you. Is
2 that file kept in, in the course of business?

3 A. Say that again.

4 Q. You have also brought a file with you in response ---

5 A. Yes.

6 Q. --- to my subpoena.

7 A. Uh-huh.

8 Q. And through -- Mr. Johnson was kind enough to give a
9 copy to Mr. Delaney and a copy to me and I imagine a copy
10 to the court. Is that file for matters kept in the course
11 of business?

12 A. Oh, yes.

13 Q. And is it true and correct as far, as you know, that
14 it ---

15 A. As far as I know, yes.

16 Q. And as far as you know, it is complete? And, frankly,
17 I haven't, I haven't looked at all of it, but ---

18 A. Yes, that's everything that I have.

19 Q. Did I create any of the documents?

20 A. No, ma'am.

21 Q. All right.

22 A. There's a letter from you in there, but not as to
23 drawings or permits.

24 DR. FALTAS: Thank you very much. That's all I have,
25 Your Honor.

1 THE COURT: Any cross?

2 MR. DELANEY: I, I don't have any questions, Your
3 Honor.

4 THE COURT: You may step down.

5 (THE WITNESS EXITS THE STAND.)

6 DR. FALTAS: Your Honor, may I call Mr. Gary Johnson,
7 please?

8 THE COURT: I'm sorry?

9 DR. FALTAS: May I call Mr. Gary Johnson to the ---

10 THE COURT: On what basis?

11 DR. FALTAS: On the basis that he needs to testify who
12 makes the decision as to -- he already said that.

13 THE COURT: I think you can ask him a question in the
14 course of whatever ---

15 DR. FALTAS: Yeah.

16 THE COURT: --- proceedings that exist. But I'm not
17 going to require him to testify as a witness. I think you
18 could have asked the witness who was on the witness stand
19 who makes decisions.

20 DR. FALTAS: Well, then may I recall?

21 THE COURT: Certainly.

22 MR. DELANEY: Your Honor, even with regard to
23 recalling the witness, we still haven't heard really the
24 key thing we need to hear, which is the nature of the
25 irreparable injury to Dr. Faltas.

1 DR. FALTAS: Well, that obviously would come from my
2 testimony, not anyone else's, you know.

3 THE COURT: Yes, ma'am. Go ahead and ask her the
4 question.

5 DIRECT EXAMINATION BY DR. FALTAS RESUMES:

6 Q. When something needs to be done like sewer lines
7 installed or new taps or old taps capped or anything, who
8 makes the final decision?

9 A. Ultimately council makes all decisions.

10 Q. And is council advised by the legal department?

11 A. I can't answer that question. I assume they are.

12 Q. Do you make recommendations to council?

13 A. I do not.

14 Q. Does it happen that you cap sewer lines or water lines
15 if customers do not pay?

16 A. No, ma'am.

17 Q. Do you know if customer service does that?

18 A. Not to my knowledge, no. You can cut off a water
19 meter as far as I know, but you cannot cut off the actual
20 lines.

21 Q. But -- I'm sorry, that's what I meant. Do you know
22 what is meant by capping a sewer line?

23 A. Capping?

24 Q. Uh-huh.

25 A. Yes. When there is a dead line, you typically can cap

1 it to keep it from seeping or dirt getting in that line.

2 Q. So, it's possible to put an existing sewer line out of
3 function?

4 A. Yes.

5 DR. FALTAS: All right. Thank you.

6 WITNESS: Are you done?

7 DR. FALTAS: Yes, ma'am.

8 So now may, may we ask Mr. Johnson who makes the final
9 decision?

10 THE COURT: No, ma'am. I think she told you where you
11 have to go. He's not here as a witness; he is here as
12 legal counsel on behalf of the city, and I'm not going to
13 let you question him as a, as a witness in this case.

14 DR. FALTAS: Well, I take exception, Your Honor.
15 Anyone can be a witness. A lawyer can be a witness. Even
16 a judge sometimes can be a witness.

17 THE COURT: Under certain circumstances and this is
18 not one of those.

19 DR. FALTAS: Well, okay.

20 THE COURT: He's here providing legal representation.
21 If you'd like to talk with him privately, perhaps he'll
22 give you that answer. But I'm not going to require ---

23 DR. FALTAS: Okay.

24 THE COURT: --- that he be placed under oath.

25 DR. FALTAS: May I ask that as an officer of the

1 court, he give the answer? He's saying that -- he, he
2 argued to the city that she cannot bind the -- argued to
3 the court that she cannot bind the city, which I understand
4 that, and I ask that can he inform the court who binds the
5 city?

6 THE COURT: He can talk to you if you would like to
7 know that information if he chooses to talk to you about
8 that.

9 DR. FALTAS: Well, Your Honor, I've written to him.
10 He has not responded, and he doesn't talk to me. They take
11 this haughty attitude everything has to be in writing.
12 I've written until I'm blue in the face. They don't
13 answer.

14 THE COURT: As I stated, I'm not going to require that
15 he get under oath and testify, nor am I going to require
16 that he, as an officer of the court, provide me that
17 information.

18 If it's, if it's in conjunction with the idea there's
19 going to be a lawsuit, or if it's in conjunction with the
20 particular issues in this particular case, I think that you
21 -- that because of the potential for legal action, that if
22 -- I am not going to put him in the position of telling you
23 what, what information as to who ultimately makes the
24 decisions. You have to pursue whatever avenues that you
25 have available to you in order to, to get a decision, and

1 then you can challenge that decision at some point.

2 DR. FALTAS: Thank you, judge.

3 THE COURT: You may step down.

4 DR. FALTAS: I have one more question.

5 THE COURT: Yes, ma'am.

6 DR. FALTAS: Thank you.

7 BY DR. FALTAS:

8 Q. Is it a good thing or a bad thing for the city that
9 customers who are receiving sewer service and not paying
10 for it are now paying for it?

11 A. I'm not sure I understand your question. Is it a good
12 thing or a bad thing that they pay for sewer? Is that what
13 you're asking me?

14 Q. Yeah, that -- who were not paying before are now
15 paying for it.

16 A. It's a good thing that they're paying from here on
17 out.

18 DR. FALTAS: Thank you very much.

19 THE COURT: You may step down.

20 WITNESS: Am I dismissed?

21 THE COURT: Yes, ma'am.

22 WITNESS: Thank you.

23 THE COURT: No objections I assume?

24 MR. DELANEY: No objections, Your Honor.

25 (THE WITNESS EXITS THE STAND.)

1 DR. FALTAS: Your Honor, may I ask that the record she
2 brought be -- she -- they brought, they brought a file, and
3 I may ask that the copy they gave to the court be admitted
4 as ---

5 THE COURT: I don't have a copy. They -- I have not
6 been provided with a copy.

7 MR. JOHNSON: Your Honor, I have an additional copy I
8 can provide to the court for the record. I would note that
9 there are elements that were redacted from the documents
10 that have been provided to all parties. Those elements
11 touch on information from customers not related to the
12 addresses of the properties involved in this. And when you
13 print a screen, you don't just get the one address. On
14 occasion, you do get other addresses.

15 So, for Dr. Faltas's information, the areas that are
16 blacked out do not touch on this property. They touch on
17 properties that are not 300 or 304, I think are the two
18 that were addressed in the subpoena.

19 THE COURT: Okay.

20 DR. FALTAS: And, once again, I'd like to thank the
21 witness and to thank Mr. Johnson. Is, is that file
22 admitted, if it pleases the court?

23 COURT REPORTER: I'm sorry. I can't hear her.

24 THE COURT: You need to speak up, Ms. Faltas, Dr.
25 Faltas.

1 DR. FALTAS: I, I wanted to thank the witness and
2 Mr. Johnson for having come -- coming in. But I also would
3 like to ask the court if it admitted that file as a --
4 as my Exhibit 2. I guess my transcript was Exhibit Number
5 1.

6 THE COURT: Any objection?

7 MR. DELANEY: Well, Your Honor, we're not entirely
8 sure. Were all -- I mean, I'd object to it coming in as
9 evidence. Your Honor, do we know if all these documents
10 were authenticated?

11 THE COURT: I think she asked the question whether
12 they were kept in the ordinary course of business, whether
13 it's a file, and whether everything is in the file correct.
14 She asked those questions.

15 MR. DELANEY: Okay, Your Honor.

16 THE COURT: It's Exhibit 2.

17 (FILE FROM CITY OF COLUMBIA MARKED INTO EVIDENCE AS
18 PLAINTIFF'S EXHIBIT NUMBER 2.)

19 THE COURT: You may call your next witness.

20 DR. FALTAS: Thank you, Your Honor. May I, may I
21 testify?

22 THE COURT: Yes, ma'am.

23 DR. FALTAS: Thank you, and may I...

24 THE COURT: You can affirm. You can swear or affirm.

25 DR. FALTAS: May I affirm, and I was about to ask.

1 Does Your Honor wish to take a lunch break before I
2 testify?

3 THE COURT: I'd like to be able to get through with
4 this particular portion before we take any breaks. So, I'm
5 assuming that your testimony is not going to be very
6 lengthy.

7 DR. FALTAS: I'm sorry?

8 THE COURT: I'm assuming that your testimony will not
9 be very lengthy.

10 DR. FALTAS: I don't know, Your Honor.

11 MARIE-THERESE ASSA'AD-FALTAS,
12 BEING FIRST DULY AFFIRMED, TESTIFIED AS FOLLOWS:

13 CLERK OF COURT: Thank you. Please have a seat in the
14 witness stand, and state your full name for the record, and
15 please spell your first and your last name.

16 DR. FALTAS: Thank you. My first name is Marie,
17 M-A-R-I-E hyphen T-H-E-R-E-S-E. My last name is
18 Assa'ad-Faltas, and that's A-S-S-A' A-D hyphen F-A-L-T-A-S.

19 THE COURT: And, Dr. Faltas, you're here to give
20 testimony relating to specifically and only those things
21 relating to alleged harassing, harassing, threatening, or
22 abusing plaintiff and invading her privacy by defendant
23 Steele and Mason. Is that correct?

24 DR. FALTAS: Yes, Your Honor, and the irreparable
25 injury that has transpired as far as the sewer lines.

1 THE COURT: Yes, ma'am. I'll, I'll hear from you.

2 DR. FALTAS: Thank you, Your Honor.

3 TESTIMONY BY DR. FALTAS:

4 DR. FALTAS: Your Honor, on September 28, two thousand
5 -- I'm sorry, September 2009 -- 2008, at 11:00 I was served
6 with a writ of eviction, and the deputy, Deputy Mickens,
7 assured me that I will not be set out. And I assured him
8 that I had already rented another place and was moving on
9 my own, and he assured me that, that, that I -- and I also
10 told him that my rent was paid through October 8th, and he
11 assured me that no one will ---

12 MR. McKENZIE: Your Honor, this is -- she's going into
13 the Koon matter, and I would object to it. It doesn't have
14 anything to do with the T.R.O.

15 DR. FALTAS: Could, could you please let me, let me
16 explain the connection?

17 THE COURT: All -- I'll put it this way. I'm very
18 familiar with the issues in this case, and familiar with
19 what is been presented to me in terms of the, in terms of
20 events, the course of events. I will allow you some
21 background information. But I'm, I'm interested in those
22 things that you claim specifically that Larry Mason and
23 Dinah Steele are doing that you think are harassing or
24 invading your privacy.

25 DR. FALTAS: Yes, Your Honor. I'm, I'm getting to it.

1 And I had actually rented from Dinah Steele on the 3rd of
2 September, 2008, but the apartment was not ready, and it
3 had the strong odor of paint and had bugs, and I asked them
4 to, to spray, but I could not start moving in in any event.
5 I had moved for, for the hearing of the State Supreme
6 Court's affirmance of, of the eviction, and that was still
7 within that time.

8 And, in fact, when Ms. Koon had previously started
9 trying to evict me, I had looked either at that very
10 apartment or one -- those are two buildings. They are
11 quadriplexes. Each building has four identical apartments,
12 two downstairs and two upstairs, mirror images of each
13 other. So, I may have looked in 2005 at that very
14 apartment or at least one, one exactly like it. And the
15 rent at that time was either 345 or 395, something much
16 less than the 550 they are charging me. And I remember
17 that because when Ms. Koon's husband, Buddy Koon, came and
18 harassed me, I, I told him that ---

19 MR. MCKENZIE: Objection, Your Honor.

20 DR. FALTAS: In any event, in any event, let -- so
21 when, when there was this eviction that was jumped from the
22 Court of Appeals to the State Supreme Court, I started
23 looking into buying property. And it has always been my
24 dream to build a solar house, and I actually had a piece of
25 land that I had put an offer on, and it was outside the

1 city limits in the county limits, and the offer was
2 accepted. And it was later nullified because it turned out
3 that there was an old septic tank in it, and we
4 renegotiated the offer by the expense of how much it would
5 take to remove that, the septic tank.

6 So, in the morning of September 30, 2008, there was a
7 loud knock on the door, and I wasn't even dressed. And
8 Sergeant Tessier told me to get out, and I saw that he had
9 a gun and what I ---

10 MR. McKENZIE: Your Honor, this is the Koon eviction
11 that she's talking about, the Koon eviction.

12 DR. FALTAS: That was so traumatic to me, so traumatic
13 to me.

14 THE COURT: Let me just stop you. Dr. Faltas, I
15 understand that there's a lot of history. I understand
16 that a lot of what you are discussing at this particular
17 point has been raised in your complaint. I am only
18 interested in those issues that relate specifically to the
19 conduct of Steele and Mason, and I don't need to hear about
20 what happened with the eviction. I think I heard a lot
21 about that at the time that I heard other motions. So, I'm
22 only interested in how it relates to this particular
23 request for injunctive relief.

24 DR. FALTAS: Yes, yes, Your -- yes, Your Honor.

25 THE COURT: And so I suggest that you skip over all of

1 that, and along with all the editorial comments that go
2 with that, and get to the issues as to what you're claiming
3 Dinah Steele and Larry Mason have done or continue to do to
4 you.

5 DR. FALTAS: Yes. So, it was very important for me to
6 try and get something of my own as quickly as I can so I
7 will not be at the mercy of another landlord and of
8 something like this happening again to me.

9 And the ten or fifteen days when I was able to at
10 least to retrieve my things from -- literally from the mud
11 of the front yard of the Koons' house, that coincided with
12 the time when the economy tanked and burst, the bubble
13 burst. So, the land that I had an offer, that that deal
14 fell through because it was no longer possible to pay the
15 price that was before the economic -- the -- with the
16 economic crisis happened, and the owner was unrealistic, so
17 that fell through. And so I was almost like, you know,
18 basically trying to find all my things, my daily
19 medication, my eye glasses, my clothes, the things that I
20 need for -- just to survive. And I started focusing on
21 finding land on which to build so I cannot be at the mercy
22 of something like this ever happening to me again.

23 And I had looked previously before they built those
24 condos at the land, and it was way too big for what I
25 needed. So, one thing led to another, and I found out that

1 there was this flagpole lot which was traversed by the
2 South Carolina Department of Transportation ditch, and it
3 was effectively cut into two, two pieces.

4 And so, the months of late November 2008, the whole of
5 December 2008, and the whole of January 2009, I worked very
6 diligently, number one, trying to get a special exception
7 from the city to build a residence on that land which was
8 zoned C2, which is neighborhood commercial. And for that,
9 I needed to take a lot of pictures of the neighborhood to
10 show how the building would not be discordant. And, and
11 had to, to make a very high showing, and thank God I did
12 that showing, and I appealed before the Board of Zoning and
13 Appeals on February either 9th or 10th 2009, and they
14 granted the special exception.

15 And then after that, I had to get permission for that
16 property to be subdivided. And there had to be some things
17 done as far as that. And, of course, the -- part of the
18 reason I was able to get that is that that land -- because
19 it was physically intersected by the ditch. The owner,
20 whose property address is 301 Veterans Road, could not get
21 to it. So, he wasn't maintaining it, so it was overgrown.
22 It was like a jungle in the middle of the city.

23 And, needless to say, the sewer lines were not visible
24 and still are not visible. In fact, I don't even know -- I
25 have now only in the past three weeks gotten a good guess

1 where the sewer lines from the buildings, the front
2 building came out is. So, that was not at all visible.

3 And in any event, through the end of March, February
4 2009, I did other, after getting the special exception, the
5 work that's required for the subdivision and the work for
6 getting a new address assigned. And we closed on that
7 parcel on March 3, 2009.

8 The first thing I did the next morning is, is buy an
9 insurance policy on the land and also hire Labor Ready to
10 prune the overgrown vegetation. They could not do it, and
11 they said that I needed someone with a backhoe to actually
12 clear, clear that land.

13 So, while I was trying to get an estimate of the costs
14 and find the right brick and the right material, I, I met
15 someone who is really a mason, but he said that he can do
16 the site preparation, and he has someone with a backhoe.

17 And, Your Honor, part of my specialities in medicine
18 is preventive medicine and occupational medicine, and one,
19 believe it or not, one of the most frequent industrial
20 accidents are tractors and backhoes hitting either rocks or
21 debris and flipping over. And, in fact, when I was chief
22 resident of preventive medicine at the USC-School of
23 Medicine, and actually that's happened in the parking lot
24 of the School of Medicine where an employee with a tractor
25 was doing work and flipped over. He was killed. So, I was

1 very afraid that someone with a backhoe might have an
2 accident like that.

3 So, I walked the property, which is not, not at all a
4 wide lot. It's about 33 feet wide and about 120 feet long.
5 But I wanted to meet the man who was going to bring the
6 backhoe to make sure that there is nothing that would cause
7 the tractor, the backhoe to flip over and injure somebody.
8 And there, there was a rusted something that I asked what
9 it was, and I was told it was an old thing to hold trash
10 containers. And then there was something that looked like
11 a signpost that has been dumped for many years and, and
12 rusted.

13 So, I make the deal with them that they would clean it
14 out and wanted to make sure that they knew what this was so
15 their tractor, the little tractor doesn't flip over it, and
16 that they would take it and plant it. And I bought new
17 numbers for it with, with the new address.

18 So, they -- the man had met me, I think it was on
19 March 9th, and then he came back, or maybe March 11th and
20 -- or 10th and came back on March 12th with two other men,
21 and they started doing the work into, into the evening.

22 Then Dinah Steele, the owner of the apartment where I
23 was renting, she came and saw that and asked me what's
24 going on. I said I bought that lot. She went ballistic.
25 She said I'm going to protest and started, she started to

1 use profanity against me. And then I went upstairs, and
2 the man who was working now then said he can no longer work
3 on it. He said that his tractor, he had a problem with it,
4 and I thought that maybe she had threatened him.

5 And then the telephone rang and it was Mr. Mason, and
6 I don't have an answering machine or anything, but I have
7 caller I.D., and it was horrendous. He said why don't you
8 go back where you came from, you big piece of shit. I said
9 I want to build a solar house on this land, and it's --
10 President Obama is interested in green, in green energy.
11 He said Obama is a big piece of shit like you. I know all
12 the judges' home numbers, and I know that I can call them
13 24/7, and I will get you evicted. And this time not in the
14 front yard as was done before, but your things will be
15 thrown out in the street.

16 And I said how could my building hurt you in any way?
17 What have I done to you for all of this to happen? And he
18 kept back and he said I'm going to get you evicted tonight.
19 I called the judge, and he said for me to give you an
20 eviction notice tonight.

21 And at 10:30 -- then I became very frightened and
22 called the police. And the police came, and they told Ms.
23 Steele to not interfere with the men who are working on my
24 land and to not trespass on my land. And that was
25 precisely on March 12, 2009, at 6:40 because I have the

1 police report.

2 And Mr. Mason had called me about half and hour
3 earlier because I photographed from the caller I.D. the
4 exact time he had called me.

5 And then at 10:30, I heard a very, very loud knock on
6 my door, and I was very afraid to open after the threat he
7 had made. So, I called the police, and they came back and
8 they found that he had left an envelope. And I said, you
9 know, I don't know what can be in the envelope. It could
10 be anthrax. It could be a bomb. It could be anything. Do
11 you want -- feel comfortable opening it? And the police
12 said yes and we opened it. And it was an eviction notice,
13 and that's dated March 12, 2009. And the language of it
14 says you are hereby notified that we are breaking your
15 lease, hereby notified that day, that evening, not before.
16 Not on March 1st. Not any time before then.

17 And he, he had said that lot, that land is mine and
18 you stole it from me. And so I called the seller of that
19 land, and he returned my call the next day on Friday, March
20 13th. And I told him what Mr. Mason was alleging, and why
21 would he be saying that. He, he said they had never given
22 any deposit. They had never one -- you know, there was
23 never an agreement. You didn't do anything wrong.

24 And then, Your Honor, on March 14, 2009, which was a
25 Saturday, I went to Staples, which is close by on Devine

1 Street, to recycle ink and toner, and I came back. I found
2 that Dinah Steele and Larry Mason's truck was parked at the
3 condominiums across the street. And as soon as I pulled
4 in, Larry Mason ran towards me and said hey, Marie. I'll
5 have you arrested for stealing my sign. I said what sign.
6 I didn't steal anything. And then he flashed me a badge
7 and I, I, I said -- and not only have I not stolen
8 anything. I'll call the police myself to show you that I
9 have not stolen anything. You know, I didn't do anything
10 wrong. I'm calling the police myself. If you think I
11 stole something, tell the police. I'm calling them; they
12 are coming. Then he flashed me his badge, and he said I
13 don't need the police to arrest you. I'll arrest you
14 myself, and he flashed a badge.

15 And then I was talking to 9-1-1, telling them that
16 he's trying to have me arrested. So, he stretched his hand
17 into my car trying to take my cell phone from me. And I
18 said I'm not giving you my cell phone, and I asked them to
19 hurry up and, and help me.

20 And then he -- they didn't help me much. And when I
21 went upstairs, I found out that he had called me again.
22 So, I returned his call. That's March 14th. And I said
23 why, why have you called me. He said to ask you to, to ask
24 you -- he, he was -- you know, lot of profanity and that I
25 should give him the sign back, and he'd have me arrested

1 and he had -- he was at the other neighbors collecting
2 petitions so I don't build on the land.

3 And he said that on Friday the 13th that he had gone
4 to the city and had looked at the file and my drawings for
5 the solar house. And he said it looks like a church and I
6 don't know how you can build it. It would cost a million
7 dollars. I said no. That is my invention. But in any
8 event, even if it were to cost a lot of money, why would
9 that bother you. It would only raise the value of your
10 property, and I'm building a house in which I would live.
11 I'm not building rental property. So, it would not be in
12 competition. So, he kept on giving me very strange
13 excuses, none of which was that the sewer lines were, were
14 there.

15 And it wasn't until April 2009 that the city had sent
16 somebody to double check that that was connected to the 300
17 or 304 building, and I saw them. And when I see laborers,
18 I usually go and ask them -- you know, say thank you for
19 coming, and I, I don't have refrigerator running, and I
20 don't keep food at home. But sometimes if I did or if I --
21 I would offer them something to drink. So, in any event,
22 but they said we came to map this land. It was one of the
23 city employees who said wait a minute. Those cleanouts are
24 illegal. They are on your property, and it was they who
25 discovered that this was an improper connection. And so

1 after that, I, I put two and two together and concluded
2 that all of this was because of the sewer lines, and the
3 wanting to keep them as they are.

4 So, initially I had filed the lawsuit to prevent them
5 from contesting my special exception because if they were
6 to file an appeal of it, that would have taken a life of
7 its own and would have taken a lot of time.

8 And I'm very, very uncomfortable in that apartment.
9 It's shady and dangerous and the neighbor smokes
10 figuratively like a chimney, and it's aggravating my
11 asthma. And I'm putting up with all of this, trying to
12 build as quickly as I can. And at my age, especially that
13 I had thyroid surgery thirty years and that damaged my
14 parathyroids more than everybody else, especially, if I
15 may, at my age. But more than -- I'm, I'm very much in
16 need of natural vitamin D. So, this solar house is more --
17 also not just an engineering need but a health and almost
18 life-saving need for me.

19 So, Your Honor, from, from that point on, they started
20 almost every other day. They would come and say we want to
21 spray your apartment. We will come in. You, you cannot
22 park in front of it. And then they started having the
23 neighbors, one neighbor in particular, throw rocks at me.
24 And another neighbor would intentionally sit under my
25 balcony and smoke and point his smoke up. And the, the

1 building is sagging, so the screen door to the balcony
2 keeps on sliding. It doesn't close, and they refused to
3 fix it, and the mosquitoes come in, and I have permanent
4 bite marks all over me.

5 And then when they found out that the eviction is not
6 going as fast as they think it was going to go, they
7 started the thing with the immigration. And when that
8 didn't work for them, based on -- I think Your Honor has
9 looked at the letter where I received from the Department
10 of Motor Vehicles saying that my driver's license would be
11 cancelled, and I had to run and I faxed them a copy of my
12 green card. And then they wrote me back, saying that my
13 driver's license will not be cancelled.

14 But when I was out faxing this to the Department of
15 Motor Vehicles, they came in and sprayed my apartment. I
16 think they did because I smelled something strange, and I
17 went into one of the worst asthma attacks I ever did. It
18 was almost a status asthmaticus.

19 So, either after or before that, I posted -- I think
20 it was after that, but I'm not sure. I posted on the door,
21 and it's actually in my lease that they cannot come in my
22 apartment without, without my presence and without my
23 permission unless it's a genuine emergency. But then they,
24 they started saying that they -- and sending me notices
25 saying they would come in and make photographs of my

1 apartment and spray, and I kept on telling them please
2 don't do that.

3 And then they started having one neighbor throwing
4 rocks at me when I go to get my mail from my mailbox. And
5 then they started insisting that I don't park my car in
6 front of my own apartment, and that I should park it
7 somewhere else.

8 And, well, first there was a city ordinance against
9 parking on the grass, and the city was trying to prosecute
10 me for it. And that was one of the things that Ms. Koon
11 had incited against me. Second ---

12 MR. MCKENZIE: Your Honor, I would object to that.

13 THE COURT: We're talking about Mason and Steele.

14 DR. FALTAS: Yes, Your Honor, but I have a background.
15 I know that I could not park on my land.

16 THE COURT: So you -- and you can say that you
17 couldn't, that you could not park because the city was
18 trying to enforce its rules relating to the grass.

19 DR. FALTAS: Selectively against me.

20 THE COURT: And that's your, your belief, yes.

21 DR. FALTAS: Yes, Your Honor, because in my defense,
22 in that case I had gone and photographed within a one-mile
23 radius fifty other cars that were parked on the grass. And
24 as far as I know, no one else has been prosecuted. And
25 also, it was crystal clear to me that they wanted me to

1 park somewhere, somewhere else and move to my apartment so
2 the neighbors who were throw -- throwing rocks at me would
3 have a more chance of throwing the rocks at me.

4 In addition, now I had this camera that I had used
5 previously to make photographs of the neighborhood to get
6 the special exception. And also to make photographs of the
7 parking on the grass to prove selective prosecution. I
8 started to use it because the neighbors would block me.

9 They would -- one neighbor in particular would bring
10 around men who, let's say, don't look like my father at
11 all, if you know what I mean. And they would do obscene
12 gestures at me and yell at me things that, that can be
13 reasonably understood to say that they would sodomize me or
14 rape me. And one time I succeeded in photographing this,
15 at least one of these men doing that to me.

16 And what she did, she threw more rocks at me and
17 called the police and falsely said that I threw rocks at
18 her. And then told the investigator loudly, saying they
19 are trying to get three assault charges against her to
20 stick so she can be jailed for life under the three strikes
21 you're out.

22 And she called me bitch, mother fucking bitch, stupid
23 bitch, and all I would do is cross myself and say the
24 Lord's Prayer or say a Hail Mary to myself. And then she
25 went and took a restraining order against me, claiming that

1 I am the one who does those things against her.

2 And, in fact, at one time she and that other neighbor
3 were standing under my balcony yelling that my green card
4 is going to get revoked. That I'm not a real doctor. That
5 I applied to come to this country as a nanny. That I go to
6 Wal-Mart and steal things. And she started saying go your
7 house, bitch. I am going to go to court and say that you
8 are the one calling me those things, and they will believe
9 me, not you because you're a foreigner. And she was so
10 loud at that time that I succeeded in recording her.

11 And, and, you know, Judge, she still went and perjured
12 herself. And I asked her point blank did you ever call me
13 a bitch. She said no, and I asked permission of the judge
14 and went and brought the tape.

15 MR. DELANEY: Your Honor, I would ---

16 DR. FALTAS: And played the tape.

17 MR. DELANEY: I would object. This is a tenant that
18 we're talking about, not Larry and Dinah. This is a
19 tenant.

20 DR. FALTAS: And, Your Honor, that application --
21 because I compared also the handwriting and the font and
22 the signature, grammatical errors -- was prepared by Larry
23 and Dinah, typed by Larry and Dinah, and I believe that
24 they paid this woman to do those things to me. And even
25 after she perjured herself in front of the judge, he still

1 ruled against me.

2 And I think in a way I may be stupid because I always
3 underestimate the degree of unfairness against immigrants
4 and against foreigners. It, it always -- I keep on
5 thinking no, it can never be bad, and it always -- I find
6 that it's even worse than, than what I thought it would be.

7 And then that -- and that, that eviction trial was
8 tried, was scheduled for July 2008. And towards the end of
9 June two thousand -- I'm sorry, 2009, towards the end of
10 June 2009, my mother had a life-threatening event, and she
11 had to have a ten-hour surgery, and she went in the
12 surgical I.C.U. in Cincinnati, Ohio, for two weeks. And I
13 couldn't go there because there is no place for someone to
14 stay in the I.C.U. My sister and brother-in-law and now my
15 niece are physicians in a related hospital. So, they, they
16 could come and go. But then after, thank God, it's a
17 miracle that she survived. She was brought back to the, to
18 the, to the floor. I could go and be with her. Then she
19 had another serious event, and they said she might not make
20 it.

21 So, I asked for the eviction trial to be continued,
22 and they requested that I fax them, that something be
23 faxed. And I told them we don't know what would happen.
24 This was July 7th and we didn't know. God forbid, she
25 might die and I would be there for the funeral, you know.

1 She might recover and need convalescence. I had no idea
2 how, how long I would -- but in any event, it, it did get
3 continued to September 29, 2009. And thank God Mother
4 survived, and it requires -- and I, and I went there and
5 was with her continuously the time she, she was in
6 Telemetry Unit. It was not an intensive care any longer,
7 but it was continuous monitoring, and I was constantly with
8 her. And so they faxed another letter to that effect,
9 which was on, on the initial eviction trial.

10 And I came back several days after she was able to
11 leave the hospital, and I found many, many things that I
12 had to do, including I had sent in the application for a
13 patent. And wouldn't Your Honor know of course I did it
14 *pro se*, and one of the most difficult things to do *pro se*
15 is applying for a patent *pro se*.

16 But they had written me requesting additional
17 specifications and giving me a certain time before which to
18 do that. Otherwise, it would be considered abandoned. And
19 that would have been the most dangerous thing because I had
20 already sent the drawings. So, the ideas were out there
21 and if I hadn't sent in the required additional material in
22 time, then I would have abandoned my application, but my
23 drawings would have been out there. Anyone could have pried
24 them and, and claimed the, the invention as their own. So,
25 I had to be rushing and doing those things.

1 And -- but had I found, like, Mr. Delaney had sent me
2 ridiculous and horrible requests for production while I was
3 out of town. And I could see that -- requests for
4 admission, I'm sorry -- that he was hoping that I would be
5 out of town for the thirty days and I wouldn't respond so
6 they wouldn't be considered. So, I was, like, working very
7 hard and doing all those things.

8 And so the trial, eviction trial, it started on
9 September 29, 2009, and it was a jury trial. And only the
10 plaintiff got to put evidence, and the amount of perjury is
11 shameless. There are, there are three things that it's --
12 I wouldn't ask the court to take my credibility against
13 theirs.

14 There are three things that are totally perjurous that
15 they said. For example, Larry Mason pretended that he was
16 offered a magistrate's position three times and turned it
17 down. That, of course, can be easily verified that it's
18 not correct and has nothing to do with what I say.

19 And then they brought a man whom they claim or they
20 were trying to claim that I had run off from renting a
21 neighboring apartment. I had never spoken to that man in
22 my life, but it's not the issue. He, he -- it was decided
23 that he cannot testify because he had not been identified
24 to the jury before the jury was selected.

25 Yet he was sitting and making loud noises, and at one

1 time I complained to the magistrate. And he went to the
2 bench and said no, I didn't say anything. And then the
3 jurors raised their hands and said we heard him. Three
4 jurors did. And then he was telling the magistrate I can't
5 see how they could have heard me. There is a column, and I
6 said Your Honor, he's lying to your face about what the
7 jurors just told you. They heard. It's amazing.

8 And the third thing, they claimed that the father of
9 that woman who's been throwing rocks at me was gravely ill
10 and in Richland Memorial hospital in the intensive care
11 unit. That was totally false, never happened. Not only
12 that, in another hearing, that same witness said
13 essentially that yes, she had lied about her father, but
14 that's because I had lied about my mother. So, Judge, not
15 only do they have no scruples against perjury, they think
16 that everyone else perjures themselves or makes stories or
17 tells lies.

18 So, then there was this threat to get me deported and
19 all that, which they have no knowledge and no understanding
20 of immigration law. And just in brief, Your Honor, there
21 was a class action lawsuit that lasted twenty years, and
22 finally the government settled it and admitted that it had
23 been inappropriately -- the director had been
24 inappropriately applying an immigration statute. And I was
25 a class representative. I was Jane Doe Number 2, and

1 that's in the Ninth Circuit.

2 In addition, I had also applied for immigrant status
3 under another provision of the law, and that took some
4 length, the litigation. And the government admitted its
5 error and settled with me and gave me my green card, my
6 very, very long delayed green card. But I surrendered or
7 waived my right to, to sue for, for damages from the
8 government.

9 So, now come those people and they want to revoke
10 this. And, Judge, I know because in the course of my
11 litigation against the government, there has been an I.N.S.
12 agent who was later tried charged and was convicted and
13 received a five-year sentence for receiving bribes. And
14 that very man had also interfered with my immigration
15 application upon, upon being contacted by somebody else.

16 So, I know through real experience that some things
17 take a life of their own. Someone can go to any and tell
18 them that Dr. Faltas is a terrorist and sometimes there
19 isn't a due process. I could get arrested and I could die
20 in prison just because someone went and said to an employee
21 who is either accepting bribes, or just wanting to throw
22 his weight around, or thinking that he's clever to push
23 foreigners around.

24 Those things not only can happen, but they did happen
25 to me. I was falsely arrested on a shoplifting charge, and

1 I was initially convicted with a fabricated Polaroid. And
2 it took me several years to prove that it was fabricated.

3 And that day when I was wrongly arrested, I could have
4 died, and that's not hyperbole. I had to be hospitalized,
5 and my blood pressure was measured at 230 over 110. I
6 could have had a stroke, and I had maybe five hours before
7 I, I could get medical assistance. So, so, those things,
8 Judge, aren't imaginary, aren't. They do happen, and they
9 happened to me. And thank God I didn't have a stroke but,
10 but I could have, and maybe the next time -- we hear all
11 the time about aliens being arrested and warehoused and not
12 receiving medical treatment and dying. We hear all the
13 time about that. It, it happens. It happens even to
14 criminals who don't receive medical treatment and die.

15 So, those people -- and all of it, as you have heard,
16 is that they don't want to go to the expense of moving the
17 sewer pipes from where they are on my land to where the
18 city has offered to put new connections for them. They
19 have no compunction against physically harming me and
20 harming my mother.

21 And then recently I received the letter in the mail,
22 and I think I copied to Your Honor which, which was
23 addressed to my mother saying that unless she came in
24 person with an I.D., they were going to cut off her Social
25 Security checks.

1 And I went there, and even going to the office is not
2 an easy matter. It's almost worse than going through an
3 airport. You have to take your jacket and your shoes and
4 all of that. And, and, and the woman was obviously trying
5 to get private information on my mother, and I said why do
6 you need this. She's, she's not receiving supplemental
7 security income. She's not receiving disability income.
8 She's only receiving her retirement checks which she had
9 worked for and, and paid, and paid for into the retirement
10 system. You don't know where she is living now. You do
11 not -- you don't need to know anything. Tell me what
12 provision in the law allows you suddenly to threaten to cut
13 someone, someone's retirement, Social Security retirement
14 checks. She said I, I'm not prepared to tell you that now
15 because that's not the date on the appointment.

16 But the letter said that if my mother didn't come in
17 person to that address that day, they could cut off her
18 Social Security checks. And I was really worried about
19 that because that would have meant that her medical
20 coverage would be discontinued. And most of her doctors,
21 the relationships she has with them is based on their
22 taking Medicare patients. So, that would have -- I was
23 very afraid to tell her. That would upset her. But, on
24 the other hand, I had almost a fiduciary duty to tell her.
25 So, I prayed about it. I told her, but I told her not to

1 worry.

2 I went and told them I will come and answer your
3 questions myself. I have power of attorney for her. But
4 before that, you need to tell me why you're doing this,
5 what provision in the law. Someone doesn't need to live in
6 South Carolina or be present in South Carolina, and you had
7 all the information you needed before she retired many
8 years ago. So, what additional information can you
9 possibly need. They said we need to know where she's
10 living now. I said you don't need to do that.

11 So, I convinced them to write me another letter and to
12 give me an appointment so that I could go and speak to
13 them. And that day, that same woman had with her an
14 investigator who did flash me a badge, which that was --
15 sounded authentic, and he gave me his name. And he said,
16 frankly, we had information that your mother is dead, and
17 that you are fraudulently getting her, her, her checks
18 yourself. I said, well, all you need to do is -- because
19 it's under the same number -- is see her Medicare bills.
20 You will see that she has been receiving care until even
21 today. You, you, you can, you can, and then they said,
22 well, we need something. I told them I'm not going to
23 allow you to harass her or harass her while she's
24 convalescing. And you need to give me what provision in
25 the laws allows me to do this -- allows you to do this to

1 her.

2 They said well, if you don't cooperate with us, we're
3 going to cut her Social Security check today. I said, you
4 know, if you didn't have applications on her Medicare
5 coverage, I would have let you done it, and I would have,
6 you know, taken steps to, to make sure there is an
7 investigation about this.

8 But my mother's health is more important. What -- and
9 I told them the story, and I, and I showed them the letters
10 from the city about the sewer line. And he said it seems
11 to me that the city should have been -- so, he became
12 sympathetic when he saw that all of this has no basis in
13 fact.

14 And they asked me to ask the, the magistrate's office
15 who had received that fax from the hospital in Cincinnati.
16 I asked them while I was sitting in the Social Security
17 office whether they would fax them that same fax directly
18 to the Social Security office so they know that my mother
19 hadn't been long dead but was alive and receiving
20 treatment. So, they did that. So, they said okay. We're
21 not going to cut.

22 But, but, but, you know, Judge, all of this takes time
23 and effort and anguish and anxiety on my mother who's
24 elderly and fragile.

25 And then additionally, this property, the whole thing

1 is in the floodplain and also, and part of my intention is
2 a different way to build efficiently in, in a flood, in the
3 floodplain zone. But in the process of starting what needs
4 to be done for safety, I found out that -- oh, my God, I
5 did something horrible, Judge. I need to adjust, adjust my
6 position in the seat. I'm sorry.

7 (A PAUSE.)

8 DR. FALTAS: So, I found out that there are electric
9 connections. First, there shouldn't be outdoor electric
10 connections. You see it whenever you buy any appliance,
11 there is this Underwriters Laboratory that says do not use
12 outdoors. So, they have this flimsy, not outdoor design,
13 electric connection outside for my neighbor who smokes
14 figuratively like a chimney and who has gone and he has
15 stolen the rip-rap from the Department of Transportation
16 which -- to build on it a fish pond which attracts racoons.
17 So, it's like hazard multiplied and I'm sorry, Your Honor,
18 I'm -- no, I'm not sorry. I'm proud of being prevention
19 oriented. But in any event, this extension is a fire
20 hazard.

21 And additionally, the reason that in floodplain areas
22 there should not be any electric connections except two
23 feet above floodplain is exactly what happened in New
24 Orleans after Hurricane Katrina. That when there were the
25 floods and there are, let's say, electric connections under

1 the flood, they short and people can be shocked. So,
2 that's why I told the fire department. And, in fact, in
3 one of the letters to the city, they said, well, write to
4 the fire department. So, I wrote to the fire department.

5 This is what Mason and Steele call harassment and for
6 which they are trying to get me deported, trying to have my
7 mother's citizenship revoked. And they stand under my
8 balcony and yell these things to me, and I have them on
9 tape, Your Honor. And there is no doubt in my mind that
10 they will continue to do that because, Judge, as you said,
11 there may -- if, if they can argue that there is a remedy
12 at law, and if they can physically get rid of me before I
13 get the remedy of law, they will try to do that.

14 So, you have heard him say that he wouldn't give me a
15 reference to rent anywhere else. He wants me evicted, and
16 so long as those sewer lines are on my land, I cannot build
17 on it. So, I need to build on it so I am out of this
18 court's hair. I won't have to have any lawsuit against the
19 landlady or landlady have a suit against me or anything
20 like that. Sooner or later, it should happen. So, so, why
21 for it not to happen now?

22 The inventions, that there is also the public
23 interest. As far as I know, there is no completely solar
24 house in Columbia or even in South Carolina. And the
25 climate is an important issue for the public. And I have a

1 constitutional right to exercise the bundle of rights that
2 I acquired.

3 Now the city is -- has this connection that's running
4 through my land. It is charging them a fee for the
5 service, but I am not getting anything out of it. And it
6 is such that I cannot build without getting this in -- out
7 of the way. Or if they pay me for an easement, I could buy
8 a little bit of sliver of land, not much, if I can to
9 compensate for that part on which their sewer lines run.

10 And I can -- that is just a little bit of tolerance
11 because even though this parcel is narrow and in
12 floodplain, it has three great advantages. Number one, it
13 has a totally unimpeded southern exposure, meaning it faces
14 south along its, its longest line. So, this gives a great
15 visibility of maximum solar connection.

16 And then the second advantage, it's within the city.
17 It's behind the V.A. hospital, so it can be a great
18 demonstration, God willing, once it's built that people can
19 come in and see that this solar house is feasible.

20 And number three, that it was affordable. It was
21 affordable to me, but its value now is much greater than
22 the purchase price because I did all the work in
23 subdividing it and getting it permitted and getting all
24 that.

25 So, the bottom line is if they do pay me for an

1 easement, I'll use the money to buy a contiguous piece of
2 property and reorient. There are only few degrees that I
3 can reorient it to without losing the, the, the optimal
4 southern solar exposure. So.

5 THE COURT: Are you about done, Dr. Faltas?

6 DR. FALTAS: I, I hope Your Honor gets the idea.

7 THE COURT: Yes, ma'am.

8 DR. FALTAS: Thank you.

9 THE COURT: Is there any cross?

10 MR. DELANEY: Your Honor, maybe -- I don't know how
11 long it will take. Do you want to ---

12 THE COURT: Just, I'm just asking how much cross you
13 have.

14 MR. DELANEY: Well, it's a little bit contingent on
15 how Dr. Faltas answers some of the questions. It may be
16 fifteen minutes; it may be an hour. I hope it's not that
17 long.

18 THE COURT: Then what we'll do is we'll take a lunch
19 break. We'll come back and then we'll begin with the
20 cross-examination. We'll come back at 3:00.

21 DR. FALTAS: Thank you, Your Honor.

22 MR. DELANEY: Thank you, Your Honor.

23 MR. JOHNSON: Your Honor, I don't mean to interrupt,
24 but we have one other city witness who has a subpoena that
25 was left in her mailbox. The city objects to the subpoena,

1 which was improperly served.

2 THE COURT: Well, I'm not going to take it up at this
3 particular point. She didn't, she didn't -- hasn't called
4 her as a witness.

5 MR. JOHNSON: Okay.

6 THE COURT: So, if and when she calls her as a
7 witness, that may be an issue.

8 And, Ms. Adams, I would think that it's probably safe
9 to say that we may not get to your motion today. I don't
10 know whether that means you need to come back, and that's
11 your choice whether you wish to come back.

12 And, Mr. McKenzie, I think we've heard almost all of
13 your motions.

14 MR. McKENZIE: Well.

15 THE COURT: I know that you resubmitted an order, but
16 I've already heard those motions. So, I don't intend to
17 rehear them.

18 MR. McKENZIE: The, the problem arises from the fact
19 which is I don't know the status of, of the proposed
20 amendments that she's making. I did not ---

21 THE COURT: Right.

22 MR. McKENZIE: --- have a chance to brief on that.
23 And when I got the notice from the clerk's office saying
24 that, that I was to either do a memorandum or a proposed
25 order, I did a proposed order which included the issue on

1 standing which had been brought up before that we -- it
2 came out of the blue. My position is no matter how many
3 times she amends her pleadings, she still hasn't a viable
4 claim against Mr. and Ms. Koon.

5 THE COURT: Now, and if we have time, then when we
6 finish this particular hearing, then we'll take up the
7 motion to amend is the one I intend to go to next.

8 MR. MCKENZIE: All right.

9 THE COURT: So that we can get that issue.

10 MS. ADAMS: I will be back then, Your Honor.

11 THE COURT: Okay. So, we can get that issue. I can't
12 guarantee that we'll get beyond, beyond that. But I would
13 like to take up, if we have time, to get to the motion to
14 amend and go from there.

15 DR. FALTAS: Your Honor, before that I hope ---

16 THE COURT: I'm sorry. I can't hear you.

17 DR. FALTAS: I, I did have my strong, very strong
18 objection to the proposed order.

19 THE COURT: Right, and I received that. But I, as I
20 stated, when I considered it -- I have not read what he
21 submitted. It just came to me right this morning before
22 the hearing. I didn't receive it in the mail until this
23 morning. And so to the extent that it involves the motions
24 that I've already heard, I, I didn't intend to rehash those
25 issues. So, it's just -- it might be supplemental

1 information for whatever was presented before, and I think
2 there were -- there may or may not have been other proposed
3 orders submitted before, but at least there were memoranda
4 which I assume incorporates the same information.

5 DR. FALTAS: If I'm not mistaken, Your Honor, this is
6 the only the proposed order submitted by anybody.

7 THE COURT: And that, and that very well may be. I, I
8 just -- I have memoranda that I, that I have which I just
9 view the proposed order as just simply another memoranda
10 that will be used for me in considering the issues that
11 I've got on that particular case.

12 DR. FALTAS: And, and, and if it pleases the court,
13 in this letter I gave the citations to the effect -- I have
14 argued that, but I gave more citations to the proposition
15 which, which also affects Ms. Adams's client that one may
16 have no duty to act, but if one volunteers to act, one has
17 to exercise due care, and to ---

18 THE COURT: And I, and I received your information
19 today. So, I'll consider that in conjunction with the
20 issues on those cases that I've already heard.

21 DR. FALTAS: Yes, thank you, Your Honor, and it was
22 the exercise due care or were negligent or deliberately
23 destructive are issues of fact for the jury, not things to
24 be disposed of on summary judgment or ---

25 THE COURT: Well, whenever, whenever the Evers-Koon

1 Group motions come up, then you can address those at that
2 point.

3 DR. FALTAS: Thank you.

4 THE COURT: Okay, let's take a lunch break till three.

5 DR. FALTAS: Thank you, Your Honor.

6 (OFF THE RECORD.)

7 DR. FALTAS: Your Honor, I, I told Mr. Delaney there
8 are some pictures I'd like to introduce, and he has seen
9 them all and made copies of them. Maybe not the ones
10 showing the bite marks on my arms and legs, but if I may
11 introduce them, if it pleases the court?

12 THE COURT: Yes. If you've shown them to Mr. Delaney,
13 yes.

14 DR. FALTAS: Yes.

15 MR. DELANEY: I would like to see them all again, Your
16 Honor. I don't know -- I don't remember seeing these
17 pictures with -- regarding any bite marks.

18 DR. FALTAS: Yeah, I know that you didn't see. That's
19 what I said, but the others you, you have seen and you have
20 even copied. Did, did you want to go ahead and start the
21 cross while I put them together or something?

22 MR. DELANEY: No. I'd like to have your full
23 attention.

24 DR. FALTAS: Okay. All right, sorry about that.

25 (A PAUSE.)

1 MR. DELANEY: Your Honor, Dr. Faltas indicated those
2 are the copies for me. May I approach?

3 THE COURT: Yes.

4 MR. DELANEY: With the photographs and go ahead and
5 hand them up?

6 (A PAUSE.)

7 MR. MCKENZIE: May we see those?

8 MR. DELANEY: Yeah, sure. I'm sorry.

9 (A PAUSE.)

10 MR. DELANEY: Judge, as a matter of housekeeping, do
11 you -- how will these be coming in as a package, or are
12 they individually numbered?

13 THE COURT: I don't know anything about them. So, I
14 don't know what they are.

15 DR. FALTAS: If it, if it pleases the court, may I ask
16 that they be individually numbered?

17 THE COURT: How many of them are there?

18 MR. DELANEY: Your Honor, there's -- it looks to be --
19 it's about an inch stack and some of them are three to a
20 page, three pictures on each page.

21 DR. FALTAS: Three pictures on each page but, I mean,
22 the page can be one each.

23 THE COURT: Well, what are they pictures of?

24 MR. DELANEY: Your Honor, may I pass them up?

25 THE COURT: What are they of, Dr. Faltas?

1 DR. FALTAS: Your Honor, they're harassing me and
2 threatening me and allowing people to do obscene things at
3 me. And if -- one of, of them is of the sign that they
4 claim I stole and they still insist that I stole. And some
5 -- three of them are of my caller I.D. with the pictures of
6 the exact time when Mr. Mason called me and threatened and
7 abused me, which is before I called the police, not after.
8 And of Mr. Winn having returned my call on Friday the 13th
9 of March, 2009. And then there are the color ones, are of
10 the bite marks on my arms and legs when they -- the
11 screened door, because the balcony is sagging, it doesn't
12 close and the mosquitoes get in. And that's the part of my
13 personal injury, that, and that's all. Not medical. Thank
14 you, Your Honor.

15 And the, the ones that have the Jaguar in them, that's
16 when Ms. Steele was trying to broadside me. And it shows
17 that she was closer to the other exit, but when she saw me
18 trying to take pictures, she hightailed it and backed out
19 the other exit. And some of them are of Mr. Mason coming
20 to my place and taking things from my door.

21 (A PAUSE.)

22 THE COURT: Now, why do you want them marked
23 individually?

24 DR. FALTAS: For ease of reference and because they
25 show different things in case he needs to cross-examine me

1 on them.

2 THE COURT: Well, I'll tell you what. Let's mark
3 them, let's mark them globally and any particular one that
4 needs to be discussed, we'll pull that one out and mark it
5 separately.

6 DR. FALTAS: Thank you, Your Honor.

7 THE COURT: There are approximately forty-five pages
8 of photographs, and I don't have any color ones. They're
9 all black and white. Oh, I take it back. There are two
10 color ones.

11 DR. FALTAS: Three.

12 THE COURT: Three color ones.

13 DR. FALTAS: Yes, Your Honor, but the bite mark ones
14 are -- the color photos ones are of the bite marks.

15 (COLLECTION OF PHOTOGRAPHS MARKED INTO EVIDENCE AS
16 PLAINTIFF'S EXHIBIT NUMBER 3.)

17 DR. FALTAS: If, if it pleases the court, later I
18 would also like to introduce Mr. Mason's and Ms. Steele's
19 harassing letters to me. And also, if it pleases the
20 court, I have another set of the copies of the attachments
21 to my letter that where the D.M.V. wrote to cancel my
22 driver's license, and the Social Security was wanting to
23 cut my mother's retirement check.

24 THE COURT: Well, if you're planning on introducing
25 all those as exhibits, we need to go ahead and get them in

1 now so if they, if they have any questions they need to ask
2 you about them, they can do that.

3 DR. FALTAS: Thank, thank you. They were attached to
4 the letter. I -- but I, I will, I will put in another,
5 another set.

6 (LETTER FROM SOCIAL SECURITY ADMINISTRATION MARKED AS
7 PLAINTIFF'S EXHIBIT NUMBER 4 FOR IDENTIFICATION.)

8 (LETTER FROM SOUTH CAROLINA DEPARTMENT OF MOTOR
9 VEHICLES MARKED AS PLAINTIFF'S EXHIBIT NUMBER 5 FOR
10 IDENTIFICATION.)

11 (LETTER FROM SOUTH CAROLINA DEPARTMENT OF MOTOR
12 VEHICLES MARKED AS PLAINTIFF'S EXHIBIT NUMBER 6 FOR
13 IDENTIFICATION.)

14 (SUPREME COURT ORDER MARKED AS PLAINTIFF'S EXHIBIT
15 NUMBER 7 FOR IDENTIFICATION.)

16 THE COURT: Have you seen those documents? If you'd
17 come and look at them.

18 MR. DELANEY: Thank you, Your Honor.

19 (A PAUSE.)

20 MR. McKENZIE: May it please the court?

21 THE COURT: Yes, sir.

22 MR. McKENZIE: Plaintiff's Exhibit 7 is an order of
23 the Supreme Court in the *Koon versus Stevens* case that I
24 don't know has any relevance at all to this. I don't have
25 any objection to it because it didn't say anything, but...

1 THE COURT: I don't, I don't know the significance for
2 the temporary restraining order. I don't know.

3 DR. FALTAS: But since he doesn't have an objection.

4 THE COURT: Well, it's got to be some relevance to the
5 case.

6 DR. FALTAS: Yes, Your Honor, it does, but I, I -- may
7 I make the relevance argument in my closing argument?

8 THE COURT: Well, before I admit it as an exhibit,
9 what's the relevance for why it needs to be admitted at
10 this point?

11 DR. FALTAS: That there isn't always a remedy at law.
12 For example, here in this case, when I tried to bring to
13 the State Supreme Court's attention that there was
14 material, they said they no longer have jurisdiction. So,
15 sometimes the remedy at law isn't, isn't available by the
16 nature of things.

17 THE COURT: Any position on that, counsel?

18 MR. DELANEY: Your Honor, I would just agree with what
19 Mr. McKenzie said. It's not relevant, and I would also
20 submit that Plaintiff's Exhibit Number 4, which is the
21 Social Security Administration letter to I believe Ms.
22 Fares, who is Dr. Faltas's mother, really has no relevance
23 in this case. I believe we talked about that four or five
24 times today that that's not a element of this particular
25 T.R.O. and has no relevance in this case.

1 DR. FALTAS: That's -- I'm sorry, it's in the heart of
2 the T.R.O. that they are trying to harm me by harming my
3 mother. And I also added where -- but I couldn't find the
4 extra copy -- where then I had to go instead and, and meet
5 with the Social Security. And I think I testified about it
6 earlier. So, this is the documentation of it.

7 THE COURT: I'll, I'll allow it since it's been
8 discussed, just for completeness of the record.

9 MR. DELANEY: Okay.

10 DR. FALTAS: Thank you.

11 MR. DELANEY: Thank you, Your Honor.

12 (LETTER FROM SOCIAL SECURITY ADMINISTRATION MARKED
13 INTO EVIDENCE AS PLAINTIFF'S EXHIBIT NUMBER 4.)

14 DR. FALTAS: And, and, Your Honor, I'm sorry. I do
15 not wish to antagonize the court in any way, and I
16 apologize if it took longer than the court wants.

17 THE COURT: I'm sorry?

18 DR. FALTAS: I said I apologize; I do not wish to
19 antagonize the court in any way. I'm very sorry if my
20 zealous advocacy, sometimes it gets too zealous. I want to
21 apologize for that.

22 THE COURT: I believe at this point we're ready for
23 cross, Mr. Delaney.

24 MR. DELANEY: May it please the court, Your Honor?

25 THE COURT: Yes, sir.

1 CROSS-EXAMINATION BY MR. DELANEY:

2 Q. Dr. Faltas, how old are you?

3 A. Fifty-six.

4 Q. And what's your date of birth?

5 A. April 4, 1953.

6 Q. Okay. Are you currently employed?

7 A. No.

8 Q. When's the last time ---

9 A. Not, not, not -- let, let me -- not remunerated.

10 Q. Are you, are you employed anywhere where you earn
11 income?

12 A. No.

13 Q. When's the last time that you worked?

14 A. The last time I had an employer was when I was
15 non-tenured faculty at USC-School of Medicine. But I did
16 some sporadic...

17 Q. How long ago was that?

18 A. November 1994.

19 Q. So, you haven't worked in fifteen years?

20 A. That's not true that I have not worked in fifteen
21 years.

22 Q. Have you been employed by anyone in fifteen years?

23 A. I have not had an employer in fifteen years.

24 Q. What are your sources of income?

25 A. Mainly my mother and my other family support me.

1 Q. What kind of monies do you get from your mother?

2 A. Whatever I need, but I live very, very frugally.

3 Q. How much is that that you get?

4 A. It's, it's not a set amount, but she allows me to draw
5 from her checking account.

6 Q. Is her Social Security check, is that delivered to
7 your house?

8 A. No.

9 Q. Where is it delivered?

10 A. It's delivered to her bank account.

11 Q. So, it's a direct deposit?

12 A. Yes.

13 Q. I noticed that on Exhibit Number 4.

14 MR. DELANEY: May I approach, Your Honor?

15 THE COURT: Yes.

16 BY MR. DELANEY:

17 Q. In Exhibit Number 4, which is the letter from the
18 Social Security Administration to, I believe, your mother.
19 Is that correct?

20 A. Yes.

21 Q. And what's the, what's the address that it was
22 delivered to?

23 A. It is 304 Byron Road, apartment 3, Columbia, South
24 Carolina, 29209.

25 Q. Does your, does your mother live there?

1 A. She doesn't have to live there.

2 Q. Does she live there?

3 A. She has not lived ---

4 Q. Does she live in that, at that address?

5 A. It doesn't matter. She -- it ---

6 Q. Yes or no.

7 A. She does not live there, but, but ---

8 Q. Where does she actually live?

9 A. That's totally, totally, totally irrelevant and
10 personal and designed to harass her.

11 Q. Where does she live?

12 A. I'm not going to answer that.

13 MR. DELANEY: Your Honor, I would ask that you
14 instruct the witness to answer this question. She's made
15 an issue with her mother throughout the entire litigation
16 of this particular case.

17 DR. FALTAS: Your Honor, none of it is relevant to
18 where my mother lives, and we have seen how they've tried
19 to harass her. And even Larry testified that he'd try to
20 serve her with papers if he knew where she is. She hasn't
21 done anything wrong. She's not a plaintiff. This is ---

22 THE COURT: Well, you can answer what city and state
23 she lives in.

24 BY MR. DELANEY:

25 A. Well, she lives in Ohio, but I don't know what city at

1 any particular time.

2 Q. You don't know what city your mother lives in?

3 A. At any particular time.

4 Q. How about right now today?

5 A. I do not know today.

6 Q. When's the last time that you knew what city your
7 mother lived in?

8 A. Cincinnati.

9 Q. And when was that?

10 A. Was -- okay, the, the reason I am not able to answer
11 this, you know, with accuracy is that because she had this
12 horrific health crisis while she is, she was in Cincinnati.
13 She has to go back to Cincinnati several times.

14 DR. FALTAS: Judge, I'm, I'm sorry. This has no
15 relevance to ---

16 THE COURT: Dr. Faltas, the problem is is that you've
17 drawn -- you've made it an issue. You've drawn it in.
18 You've claimed that they've done all these things to harass
19 her and all. And I think that they're entitled to know
20 that -- whether or not there is a basis for you to bring
21 that claim. If she doesn't live here in Columbia, and
22 there's been no contact with the defendants, that they've
23 had no contact with her, then your claim that they are
24 harassing her doesn't seem to ---

25 DR. FALTAS: But, Your Honor, the ---

1 THE COURT: --- have merit to it. So.

2 DR. FALTAS: Your Honor, whether she lives in Columbia
3 or doesn't, cutting her Social Security check which
4 definitely the letter says was, was a threat, is, is a harm
5 to her, whether she lives in Columbia or anywhere else,
6 and ---

7 THE COURT: Dr. Faltas, I'm going to ask that you
8 answer the questions. You're in a court of law. You've
9 raised the issues about conduct relating to how it affects
10 your mother and things relating to whether or not they,
11 they rightfully have brought some claim or not. And you
12 say that they're, they were not lawful in doing that. That
13 it was, it was done to harass her.

14 And I think they're entitled to ask some preliminary
15 questions to determine what, what she knew, just as you
16 asked Mr. Mason about what his wife knew and what she did.
17 I think they're entitled to ask you the same questions.

18 DR. FALTAS: Well, Your Honor, respectfully, his wife
19 is a defendant. My mother is not a plaintiff. In
20 addition, whether she lives in Columbia or in Cincinnati
21 has nothing to do with the false claim that she was dead
22 and I was fraudulently getting her checks.

23 THE COURT: Well, I think it goes to the claim as to
24 whether or not she is living and where she is. I think you
25 are entitled -- you are required to answer the questions,

1 and I'm going to instruct you specifically to answer the
2 question.

3 Now, I have been very tolerant. I've gone along with
4 your arguments; I've let you proffer your information. But
5 I'm not going to let you hide behind the fact that you
6 don't want to answer the questions because you think that
7 somebody's going to do some harm to you, particularly if
8 she's not here, and she's not in this particular state. If
9 she's alive, then -- and you are saying that she's alive,
10 then I think that they're entitled to ask questions about
11 where she's located.

12 DR. FALTAS: And may ---

13 THE COURT: I'm not asking, I'm not asking you to tell
14 them specifically what her address is, what her telephone
15 number is, or any other information that discloses
16 information about, about her personal information that
17 would be inappropriate, such as her Social Security number,
18 her Medicaid card number, or Medicare card number, or any
19 other personal identification, identifying information.
20 But I am specifically asking you to answer the question.

21 DR. FALTAS: And the question is what city in Ohio?

22 THE COURT: Listen to the question and answer what
23 they ask.

24 DR. FALTAS: And, and will you enjoin them from
25 contacting her, using that information to contact her?

1 THE COURT: I didn't ask for her address. I'm asking
2 for you to answer -- listen to his question and answer his
3 question.

4 BY MR. DELANEY:

5 Q. What city in Ohio does your mother live in?

6 A. She -- her -- she does not live in any particular
7 city, but she has been at different times in both
8 Cincinnati and Akron Canton.

9 Q. And when was the last time that she lived in
10 Cincinnati?

11 A. Well, I, I, I take issue with the word lived.

12 DR. FALTAS: Now, Judge, do I have to answer that?

13 THE COURT: Yes, ma'am, and I'll -- if you don't like
14 -- if you don't understand what he means, then you can ask
15 him to rephrase the question. But I think it's a clear
16 question.

17 BY MR. DELANEY:

18 A. I think she's going back to Cincinnati today.

19 Q. Today?

20 A. Yes.

21 Q. Where was she living yesterday?

22 A. She was not living. She, she was in the Akron Canton
23 area yesterday.

24 Q. So, this is your mother that you cancelled an eviction
25 hearing for, that you postponed a hearing in this matter,

1 the civil case, but you don't know what city she lives
2 in?

3 A. No, I didn't say that. I said I take issue with the
4 word live. The plan is for, for, for us to build that
5 house and for her to come back and live here. That plan
6 was scuttled by two things.

7 Q. My question is clear.

8 A. No, it's not clear. That, that -- my -- that land was
9 scuttled by two things: your, your clients' actions, and
10 the horrific health event that she experienced while in
11 Cincinnati in June.

12 Q. What hospital did she go to in Cincinnati in June?

13 A. She ---

14 Q. Just name the hospital.

15 DR. FALTAS: Judge?

16 THE COURT: Answer the question.

17 BY MR. DELANEY:

18 A. University Hospital.

19 Q. I'm sorry?

20 A. University Hospital.

21 Q. University Hospital in Cincinnati?

22 A. Yes.

23 Q. And when was the last time that she lived in
24 Cincinnati? You mentioned that she was moving there
25 tomorrow you think.

1 A. No, no.

2 Q. When was the last time she -- when was the last time
3 she lived in Cincinnati?

4 A. I want to say October or may -- maybe September.

5 Q. October of 2009?

6 A. Or September of 2009.

7 Q. October or September 2009. Did you ever send her
8 mail?

9 A. No.

10 Q. You never send her mail?

11 A. No.

12 Q. No birthday cards, no Thanksgiving cards, no Christmas
13 cards, nothing like that?

14 A. No.

15 Q. How long has she lived in Cincinnati during this last
16 stint?

17 DR. FALTAS: Judge?

18 THE COURT: What's the problem, Ms. Faltas, Dr.
19 Faltas?

20 DR. FALTAS: The problem is this hearing is not about
21 where my mother stays at any particular -- this hearing is
22 about illegal sewer lines on my land. That they are trying
23 to harm her and me in order to keep illegally.

24 MR. DELANEY: Your Honor, I just asked -- I mean, I
25 believe that her mother is a co-owner of this property that

1 she's alleging that ---

2 DR. FALTAS: But she's not the plaintiff.

3 MR. DELANEY: But ---

4 DR. FALTAS: And, Your Honor ---

5 MR. DELANEY: --- she clearly has an interest.

6 THE COURT: And I, I think they're entitled to have
7 information, and I'm going to ask that you answer the
8 question.

9 DR. FALTAS: How many more questions are going to be
10 about ---

11 THE COURT: I don't know, Ms., Dr. Faltas. I don't
12 know. So, I suggest that you listen to his questions and
13 you answer them.

14 BY MR. DELANEY:

15 A. And what was the question?

16 Q. How long during this last stint -- you mentioned that
17 ---

18 A. This last what?

19 Q. Stint she lived in ---

20 A. What does stint mean?

21 Q. This last time, period, interval, the last time that
22 she lived in ---

23 A. I, I, I don't know. She, she, she, she, she, she, she
24 traveled to Cincinnati and, and between Akron and Canton
25 maybe five times this year.

1 Q. Does she have an apartment in Cincinnati?

2 A. No.

3 Q. A home?

4 A. No.

5 Q. A stick-built home?

6 A. No.

7 Q. Where does she live? What kind of house does she live
8 in?

9 A. Ha. Here we go.

10 MR. DELANEY: Your Honor, I'm just asking her what
11 kind of house this is. It seems kind of strange that this
12 lady who's very tight with her mother, who went home and
13 cancelled two hearings to go be by her mother's side,
14 doesn't know ---

15 DR. FALTAS: I didn't say I didn't know.

16 MR. DELANEY: --- what city she lives in.

17 DR. FALTAS: I said it's irrelevant.

18 THE COURT: I think the questions that are being asked
19 are reasonable questions. And I think that they can be
20 answered without the risk or the threat of any harm, or any
21 improper use of the information, or any invasion of privacy
22 as it relates to Ms. Fares. So, I'm going to ask that you
23 answer the questions.

24 BY MR. DELANEY:

25 A. I have two sisters. Each is a physician, married to a

1 physician, and one of them has a daughter who is also now a
2 physician. And my mother stays with either of the sisters
3 sometimes. And earlier she was with me several times when
4 she and I lived in the house we rented from Koon. And
5 before that, she lived and worked in Columbia, South
6 Carolina, and retired after working in Columbia, South
7 Carolina, when she and I were at Hampton Green Apartments,
8 who happened to have been the clients of your law firm in a
9 previous case that settled with me.

10 Q. Generally, did your mother ever live on a -- on her
11 own by herself in Cincinnati or in the Akron Canton area or
12 anywhere in Ohio?

13 A. No.

14 Q. So, she's only lived with your two sisters in Ohio?

15 A. With one of my two sisters at different times.

16 Q. Okay. So, when I ---

17 A. And I take issue with the word lived. She's
18 considered visiting.

19 Q. So, she has no permanent home?

20 A. Not quite true. She has a home in Egypt.

21 Q. And when was the last time she went back to her home
22 in Egypt?

23 A. I want to say three years ago.

24 Q. So, she lives with your sisters part-time, correct,
25 back and forth?

1 A. I, I told you I take issue with the word lives.

2 Q. I understand. It's a pretty simple definition of the
3 word lived.

4 A. Oh, really? You're the one who didn't know what
5 action meant.

6 Q. She resides, visits two of your sisters, correct?

7 A. Yes.

8 Q. And one of them lives in Cincinnati, and one lives in
9 Akron?

10 A. Yes, and I don't think my sisters have any relevancy
11 here, and I will not give you their names or their
12 addresses or anything. And if you try to harass, to harass
13 them, I'm going to file a grievance.

14 Q. When was the last time that your mother was in
15 Columbia, South Carolina?

16 A. In, in 2005 when she went with me for the immigration
17 interview, I think. Oh no, no, no, no, no. No. There was
18 another time in two thousand -- she spent Christmas 2005
19 with me.

20 Q. This, this bank account where the Social Security
21 check is deposited, what's the name of the bank?

22 DR. FALTAS: Judge?

23 THE COURT: What's the relevance?

24 MR. DELANEY: Your Honor, I just would like -- she's
25 alleging she's withdrawing money from there. I'm kind of

1 trying to find the basis of where she's getting her money
2 from. I just want to know where that check is deposited.

3 DR. FALTAS: Judge, this has nothing to do with --
4 this is totally personal financial information. Has
5 nothing to do with, with the T.R.O., has nothing to do with
6 any claim.

7 THE COURT: I don't think that that particular
8 information is relevant.

9 DR. FALTAS: Thank you, Your Honor.

10 BY MR. DELANEY:

11 Q. Dr. Faltas, are you a U.S. citizen?

12 A. I should have applied for citizenship in September of
13 this year, but I didn't find a day to go and put, and put
14 in the application. Besides, I need to know what there is
15 flying about me before I can make an application and some
16 idiot denies it based on what -- Mr. Mason and Ms. Steele
17 have been telling lies about me.

18 Q. So, the answer to that question is no?

19 A. I am a lawful permanent resident, and I have been a
20 lawful permanent resident long enough for me to apply for
21 U.S. citizenship, and that's one of the damages your
22 clients have caused is delaying my application. I
23 literally cannot find a day to go to Charleston and file
24 the application. Besides, now I need to know, as I said,
25 what all those idiots are saying about me and what it's

1 going to do.

2 And in addition, the false claims. Somebody sent me a
3 letter saying that now my, my name is on the F.B.I.
4 fugitive list, and that will probably scuttle my
5 application for citizenship.

6 Q. But you've not applied and you're not a citizen?

7 A. I don't have to be a citizen to file this lawsuit, to
8 have civil rights, to have anything. Anyone within the
9 jurisdiction of the United States is -- enjoys the equal
10 protection of the law, and that's in the Fourteenth
11 Amendment to the U.S. Constitution. You might want to read
12 it sometime, Mr. Delaney.

13 Q. What is the basis of your immigration status? What is
14 your immigration status?

15 A. I am a lawful permanent resident of the United States,
16 and I've told you two times already, and this is the third
17 time. I have been a lawful permanent resident long enough
18 to be able to have applied for U.S. citizenship this past
19 September. But I have not had a chance to do that because
20 of your clients' actions.

21 Q. What have my clients -- how have they prevented you
22 from traveling to Charleston to fill out the application?

23 A. Oh, first, by threatening to come into my apartment in
24 my absence. Second, by every day doing something or almost
25 every day doing something for which I have to run -- I

1 mean, figuratively putting fires all around me where I had
2 to, to run and put the fires out.

3 Examples. Where, where they wrote to have my driver's
4 license canceled. Guess what? I would have needed a
5 driver's license to drive to Charleston. They've also said
6 that they are trying to get my medical license revoked.
7 They also have been writing to all the senators. And so I
8 was trying to find out what idiot in I.N.S. they were
9 talking to to find out whom that -- that person's
10 supervisor to get this taken care of. They have also been
11 filing false charges against me. And in the application, I
12 have to answer whether I have been arrested, whether I have
13 been convicted, whether this or that.

14 So, it is best to get all of this cleared before I
15 file an application because if it gets erroneously denied,
16 these things take a life of their own. And I know that
17 because I filed my first application, which the government
18 has later admitted should have been granted back then in
19 1985, and it was a long battle. So, it's not funny; it's
20 not a game.

21 Q. I'm not laughing.

22 A. No, you shouldn't be. If you have any conscience, you
23 should be crying about what your clients did to me and to
24 my mother.

25 Q. Did you have time to come to my office four or five

1 times in the last two months uninvited, unannounced?

2 A. That's not true. There have been times where you've
3 denied me seeing things, and so I think it is best to hand
4 deliver things to your office rather than, than send them
5 in the mail. And it is also a courtesy since usually when
6 I file something, I bring it to the court. I think in
7 fairness to you, I like for you to receive it at the same
8 time it gets with the court.

9 Q. You mentioned that you're alleging that my clients
10 have tried to revoke your medical license. Where in the
11 United States of America are you licensed to practice
12 medicine?

13 A. In Virginia.

14 Q. Is that the only state where you have an active
15 medical license?

16 A. Currently, but I had been -- I had held temporary
17 licenses in other states.

18 Q. But that is the only state you're currently licensed
19 to practice in?

20 A. Yes.

21 Q. Now, you have previously asked for restraining orders
22 against Larry Mason and Dinah Steele with the Richland
23 County magistrate's court, correct?

24 A. Okay, here is how it went.

25 Q. Have you asked for restraining orders against Larry

1 and Dinah in the magistrate office for Richland County?

2 A. Yes.

3 Q. Okay, and what was the outcome of those?

4 A. It was denied.

5 Q. Both ---

6 A. Under ---

7 Q. --- of them were denied?

8 A. What?

9 Q. Both of them were denied?

10 A. No, actually I didn't ask for, for -- okay, I asked
11 only against Larry Mason. I'm sorry. I, I want to amend
12 my answer. I asked only against Larry Mason, and here is
13 what had happened.

14 When I first filed this lawsuit, the initial version
15 has, has the request for a restraining order, and I found
16 out that it cannot be scheduled with any expediency. So, I
17 filed it with the magistrate, and the magistrate -- and
18 that's under appeal. And denial is under appeal, and the
19 magistrate something -- said something frankly very stupid.
20 He said that he held that Larry Mason has the right to file
21 false claims against me or something to that effect. But
22 that goes to show you the double standard.

23 Q. Sure. So, the long very long answer to that short
24 question is the T.R.O. request made by you against Larry
25 was denied?

1 A. Yes.

2 Q. Okay.

3 A. And then ---

4 Q. And, in fact ---

5 A. And then ---

6 Q. --- you have a restraining order against you from
7 Larry, from Dinah, and from two tenants. Is that correct?

8 A. That is correct, but that is also under appeal.

9 Q. But it's effective as of today?

10 A. I, I doubt that it's effective because it's, it's
11 under appeal, and it's probably not effective.

12 Q. But a restraining order was issued against you on
13 behalf of Dinah Steele, Larry Mason ---

14 A. Without ---

15 Q. --- and two other tenants?

16 A. I believe without jurisdiction because the appeal was
17 filed before, before it was, it was entered, and it was
18 from the denial of recusal. That magistrate had previously
19 recused himself three times. And, in fact, Mr. McKenzie's
20 clients had written a letter saying that they received
21 advice from him. So, he should have recused himself from
22 that case. So, I think it was entered without
23 jurisdiction, and that, again, shows the double standard.
24 But it's not the same magistrate. There was an application
25 that was dismissed without prejudice.

1 Q. There's assault charges from Dinah Steele against you
2 pending in magistrate's court, correct?

3 A. False and fabri -- not in magistrate office. In the
4 City of Columbia, false and fabricated.

5 Q. Just, but there are charges for assault pending
6 against you?

7 A. There is one charge, not charges in the plural, but
8 they are false and fabricated.

9 Q. And you've been ordered evicted from the apartment at
10 304 Byron Road, correct?

11 A. After the plaintiff put her in evidence for two and a
12 half days, the magistrate some -- said something very
13 stupid. That even though I am contesting that I was given
14 a notice, the fact that they filed a lawsuit constitutes a
15 notice and, therefore, I was not allowed to put a defense
16 at all, and ---

17 Q. You didn't? No defense at all?

18 A. Not at all. I was not allowed to, to make my case to
19 the jury at all. The plaintiff took two and a half days to
20 put her case. And the magistrate *sua sponte* said that,
21 that the lawsuit itself constitutes a notice and,
22 therefore, that I was not allowed to put a defense at all,
23 at all. None.

24 Q. But you ---

25 A. I didn't put a case at all, at all.

1 Q. You've been ordered to vacate, though?

2 A. It's under, under appeal and the appeal stays it. And
3 I have every confidence and hope that I will prevail on the
4 appeal.

5 Q. How many lawsuits have you filed?

6 A. I have no idea.

7 Q. More than ten?

8 A. Yes.

9 Q. More than twenty?

10 A. I think it's between ten and twenty, but I'm not sure.
11 Now, there are some things, for example, that get dismissed
12 without prejudice and refiled. In my mind, that's one
13 lawsuit. You may -- it may have different numbers. But,
14 but definitely not the two hundred and definitely not one
15 every day as your client said under oath that he wrote to
16 senators that I do.

17 Q. How many have you filed in South Carolina?

18 DR. FALTAS: Your Honor, Larry Mason is sitting
19 mouthing things at me. Could, could I ask that he be
20 instructed not to make faces and/or that he leave the
21 courtroom, please?

22 THE COURT: Well, it's a public courtroom. He is a
23 party to the lawsuit. He can remain in the lawsuit -- I
24 mean, remain in the courtroom.

25 To the extent that there's anything that you wish to

1 communicate, Mr. Mason, you do so through your attorney.

2 BY MR. DELANEY:

3 Q. Now ---

4 A. And incidentally, I think your client Larry Mason has
5 had lawsuits filed against and by him about the same
6 number. One of which is about his having embezzled \$20,000
7 from a Master Card as far as I understand.

8 Q. Do you have any proof of that?

9 A. Yes, the lawsuit itself. And, in fact, the lawsuit
10 has the uncontested transcript of the telephone
11 conversation. And I, I have also seen from the records of
12 this court alone where at one time, some people paid him
13 and his wife -- not Dinah Steele, but another wife -- money
14 to buy a house from them. They didn't sell them the house,
15 and they didn't give them back the money, and those people
16 sued him. And it -- the outcome was that Larry Mason and
17 his then wife had to pay back those people the money they
18 had given.

19 Q. So, you've gone and done a thorough search of all
20 the ---

21 A. No, I haven't done, I haven't done a thorough search.
22 I only searched in Richland, in Richland County. Your
23 client lives or lived in, in -- what's that other county?
24 Camden? Kershaw County, and then he says that he has lived
25 all over the world. So, I have no idea how many other

1 lawsuits he has all over the world additionally,
2 additionally.

3 Q. But you've done a search on the cases that are here in
4 Richland County, though, correct?

5 A. Only in the Richland County Court of Common Pleas.
6 And I also asked the magistrate whether Dinah had filed an
7 eviction and yes, she had filed an eviction which you did
8 not produce in my discovery of you about -- against other
9 tenants. And that's only in the Lykesland magistrate. I
10 know that she has trailers, or she had told me that she has
11 trailers that she rents out. So, it's very possible that
12 she has filed lawsuits in whatever, whatever county it's
13 in.

14 Q. You filed a lawsuit against them in this case,
15 correct?

16 A. Against who?

17 Q. Larry Mason, Dinah Steele, Steele Enterprises. You
18 filed a lawsuit against them, correct?

19 A. Well, I mean, yes. I mean, why ---

20 Q. Yeah.

21 A. Why are we here?

22 Q. Some of those causes of action that you asserted in
23 that lawsuit are tortuous interference with existing
24 relationships, invasion of privacy. Did you include a
25 cause of action for invasion, invasion of privacy?

1 A. Yes.

2 Q. Okay. How about abusing authority?

3 A. Oh, definitely. That is flashing his badge.

4 Q. Assault?

5 A. Yes. When he was wanting to, to take my cell phone
6 from me. And the later assault is his spraying my
7 apartment with the knowledge that I have asthma with the
8 intent to, to, to cause me breathing difficulties, if not
9 death. Then at, at one other time he blew his leaf blower
10 at me, pointed it at me and blew, and blew the air and
11 leaves out of the leaf blower at me, and it got leaves in
12 my hair and in my clothes.

13 But this was -- the initial complaint, the initial
14 complaint was drafted around the 16th of March and actually
15 filed on the 25th of March. So, the assault that had
16 happened is his reaching inside my car to take my cell
17 phone from me, which was frightening to me after or
18 contemporaneous with his flashing a badge to me, claiming
19 that he had the authority to arrest me himself.

20 Q. So, the issue with the badge, that was actually
21 included in your summons and complaint as well?

22 A. Not in the summons, but in the complaint.

23 Q. In the complaint. It was the cause of action for --
24 related to the flashing of the badge?

25 A. And he still under oath had, had given two different

1 versions about the badge. In one court, he says it's his
2 S.L.E.D. badge. In another court, he says that it's his
3 retired Department of Defense badge. Still in a third
4 court, he says it's in his -- it's his retired police
5 officer's badge. I believe he only has the S.L.E.D. badge,
6 and he had no reason to flash it to me.

7 He flashed it to me, claiming that he had authority to
8 arrest me, put handcuffs on my hands. That is frightening.
9 And also, that he was trying to snatch from me my cell
10 phone which I was using to call 9-1-1 to get protection
11 from him.

12 Q. So, you've included a lot of causes of action in the
13 complaint which you filed against Dinah Steele and Larry
14 Mason and Steele Enterprises?

15 A. Well, they kept, they kept on doing more things.

16 Q. In your request, your prayer for relief, you asked for
17 a temporary restraining order and preliminary injunction.
18 You asked for a restraining order, preliminary injunction
19 preventing defendant Steele and Mason from harassing,
20 threatening, or abusing you or your mother, and invading
21 you privacy. Is that right?

22 A. That's the most recent alteration, the fourth.

23 Q. That's the most recent one, and you included all of
24 those causes of action in your actual summons and
25 complaint. In fact, you have separate causes of action for

1 those, right?

2 A. What's the question? The complaint speaks for itself.

3 Q. Right. You have a cause of action for assault. You
4 have a cause of action for invasion of privacy. You have
5 a, have a cause of action for tortuous interference with,
6 with relationships, right? All of those are included in
7 your complaint, correct?

8 A. The complaint is in writing and speaks for itself. I
9 haven't memorized it.

10 Q. Have Dinah or Larry ever touched you?

11 A. Yes.

12 Q. When? What time?

13 A. What?

14 Q. When? When?

15 A. When, when he reached in my car to take my cell phone
16 from me.

17 Q. He touched you then?

18 A. Yes. His, his hand touched, his hand touched my
19 shoulder, yes.

20 Q. Any other time?

21 A. Yes.

22 Q. When else?

23 A. Dinah, Dinah put her hand in my hair.

24 Q. In your hair?

25 A. Yes.

1 Q. Any other time?

2 A. I can't remember.

3 Q. Did you suffer an injury to your hair?

4 A. No.

5 Q. Injury to your shoulder from when Larry touched you
6 there?

7 A. That -- assault is different from battery, and it
8 shouldn't fall to me to educate you about that. Assault is
9 what causes fear.

10 Q. I just asked you a question.

11 A. What?

12 Q. I just asked you a question. Did it cause you an
13 injury?

14 A. Did I, did I, did I file -- did I make a claim for
15 battery? I made a claim for assault.

16 Q. Did it cause you an injury? The question is very
17 simple.

18 A. Yes, it caused me an injury. I was, I was very
19 frightened. My heart was beating. I was totally
20 terrified, totally terrified, and my heart was beating
21 fast.

22 Q. Prior to your purchase of the parcel of land at 324
23 Byron Road, did you do an inspection?

24 A. An inspection of the land?

25 Q. Inspection. Did you walk the land, did you look at

1 the land, anything like that? Did you do an inspection?

2 A. The land was surveyed and ---

3 Q. Did you do an inspection?

4 A. The land was not walkable in its condition before
5 because it was overgrown, and I didn't exactly know its
6 boundaries.

7 Q. So, the answer is no?

8 A. No, the answer is not no. The answer is I walked on
9 the part of it that can be, that can be walked on because
10 parts, other parts were overgrown and not possible to walk
11 on them. And the, the -- but the survey was done prior to
12 that, and I had taken, as I told you, pictures of it. And
13 they are of public record with the city because I filed
14 those pictures for my request for a special exception.

15 I showed -- but, and then the day before, that person
16 whom I paid to clear the land, I did walk back around to,
17 you know, to show him what, what needed to be cleared. And
18 especially I was very -- tried to be very clear that I
19 wasn't wanting the land mowed. I was wanting the
20 vegetation uprooted so it can be ready for the foundation
21 to be laid and for the -- I think that's enough to answer.

22 Q. A very long answer to a very short question is you
23 didn't do an inspection prior to your purchasing it?

24 A. No. I, I, I told you it was surveyed, and I told you
25 I walked the parts that can be walked because there was

1 vegetation. And I had photographed it and submitted the
2 photographs to the City of Columbia, Board of Zoning and
3 Appeals.

4 Q. After you bought it?

5 A. Before.

6 Q. What was the purchase price of the property?

7 A. The purchase price was \$4,000 plus closing, closing
8 costs, which were about \$600. And the value of it is way
9 above that by my work in it to make it buildable, even
10 sellable, and my emotional attachment to it.

11 After they put the sign and I looked out my window,
12 and I was very happy, and I told my mother finally there is
13 a corner in the world where they cannot come and throw my
14 things out in the street again.

15 Q. You ever had the property appraised?

16 A. What?

17 Q. Have you had the property appraised?

18 A. The -- let me give you the accurate -- look. I took
19 an affirmation to tell the whole truth. Before I made an
20 offer, I had asked the man who owns or who developed the
21 condos that are further to the south, and he was the one
22 who explained to me that that land is a -- is part of Mr.
23 Winn's property. And I asked him how much would you -- did
24 you offer him for it. He said \$5,000. So, I thought
25 4,000. So, it was an indirect -- but, but he said that he

1 wasn't buying it now. So, I thought that if someone had
2 offered him \$5,000 for it, then given that the market -- a
3 reasonable price would be \$4,000. So, I did not have it
4 appraised by an appraiser, but I had some intelligent
5 guidance to what, as to what a fair offer for it would be.

6 Q. What's the tax-assessed value for that piece of
7 property?

8 A. I do not know. It has not been assessed as its --
9 for, for this year yet.

10 Q. You haven't received a tax bill on it yet?

11 A. No.

12 Q. You mentioned that you talked to a man who was going
13 to run a backhoe.

14 A. What?

15 Q. You mentioned that you discussed with a man about
16 using a backhoe to clear the land. What was that man's
17 name?

18 A. Herman Bouttee.

19 Q. Herman?

20 A. Bouttee.

21 Q. And where does he live?

22 A. I do not know.

23 Q. You ever talk to any contractors about building your
24 home?

25 A. I talked to a man about the foundation, and the

1 foundation is according to my invention, and I explained to
2 him that it needs to be exactly the way I want it, and I
3 could not give him the drawings. That I will stake it out
4 for him, and he came down and lay the foundation exactly
5 where I stake it out for him without his having the
6 drawing. And then his wife had cancer, so he didn't follow
7 up with me.

8 Q. When is the last time that you talked to any
9 contractor, engineer, subcontractor, or any type of builder
10 regarding the construction of this solar home on this
11 parcel of land?

12 A. Well, first of all, you need to understand that the
13 inventions are such that I wouldn't need a contractor to
14 build it for me. Maybe only the pouring of the concrete,
15 but it won't be -- it would have to be exactly according to
16 my drawings. So, probably the only thing, God willing, I'm
17 going to need is someone who can physically mix the
18 concrete and pour it in the precise locations I stake it.

19 Q. So, you plan on building this home yourself?

20 A. Yes, sir.

21 Q. Hammer and nail yourself?

22 A. What?

23 Q. Hammer and nail, screws ---

24 A. It won't have hammers and nails. You see, you're
25 thinking conventional. This is a solar designed from the

1 ground up, and it's all invented by me, every detail of it.
2 I mean, it's not apples and oranges. It's two different
3 planets.

4 Q. Have your plans been approved by the City of Columbia,
5 Richland County, or any other governing body?

6 A. I -- my plan for the driveway has been approved by the
7 City of Columbia, by the D.O.T. And additionally, my
8 building plans have been interfered with by your client,
9 and he testified under oath that he asked the plans
10 inspector to show him the plans, even though I had asked
11 the plans inspector and I told him that this is subject to
12 a patent pending, and I asked that it not be shown.

13 Q. Have the plans been approved by the City of Columbia?

14 A. Not, not yet. You see, since, since really June,
15 that, that was really tragic. I think on June 22nd, I, I,
16 I sent the first step in the patent, and also the day after
17 that filed the building plans. And then -- or maybe June
18 19th, and then few days after that, my mother was
19 hospitalized.

20 Q. Do the building plans have to be approved before you
21 can begin construction on this home?

22 A. Well, I think not this type of house. But if they
23 want me to do some things that they genuinely need, I will
24 do, I will do them. But part of the damage to -- your
25 clients against me is the many things they have done

1 against me were the figurative fires they have been putting
2 around me that I have to run. And it's not just trying to
3 get my driver's license cancelled. It's not just trying to
4 revoke my medical license. It's the many false accusations
5 they have filed against me.

6 And many -- your clients have already filed maybe five
7 cases against me. One claiming that I stole the sign, and
8 one a claim and delivery, one eviction, three restraining
9 orders, and God knows what else.

10 Q. And they've been successful on all of those claims?

11 A. No, not true. Not true.

12 Q. Have any of them been ruled in your favor?

13 A. First of all, the, the claim and delivery has not, has
14 not been tried. Second, the others are under appeal.

15 Q. But they were all ruled against you at the initial
16 trial phase?

17 A. The initial.

18 Q. Sure.

19 A. But not all, and not all. I told you the claim and
20 delivery has not been, and the, the two temporary
21 restraining orders were dismissed without prejudice. So,
22 no, that's not accurate to say that everything has been
23 ruled against me. And, frankly, my experience with the
24 legal system is that it's not, it's not the initial stage
25 that I prevail in. It makes it several stages.

1 Q. The last eviction hearing, you lost that one, though,
2 right?

3 A. What?

4 Q. The last eviction, you lost that one?

5 A. Didn't I just tell you what happened in it? I was not
6 allowed to present any defense after the plaintiff ---

7 Q. No, the last eviction you took all the way up to the
8 South Carolina Supreme Court, and you lost that one, right?

9 A. The reason, it was 60(b) in that very case pending
10 since the State Supreme Court said it no longer has
11 jurisdiction -- and you brought it -- since Ms. Koon had
12 concealed from the court her intent to fraudulently claim
13 the house as her primary residence so she can default on
14 the mortgage the next day, and yet prevent a foreclosure
15 sale by claiming the house as her primary residence. I
16 think there can be no conceivable explanation of what
17 happened except that. It's not as if two or three months
18 later, she experienced a financial catastrophe.

19 My rent was exactly the amount of the mortgage. I
20 could have stayed, paid the rent, and she would have paid
21 the mortgage from it. But she evicted me, even though my
22 rent was prepaid, and defaulted the next day.

23 Additionally, she had changed utilities to her name a
24 week or two before I was physically set out. Now, why
25 would she do that other than to fraudulently claim the

1 house as her primary residence?

2 MR. McKENZIE: I would move to strike that last answer

3 ---

4 DR. FALTAS: Well, he asked.

5 MR. McKENZIE: --- about the primary residence.

6 DR. FALTAS: He asked.

7 THE COURT: I'm not sure that it was responsive to the
8 question, and it calls for speculation.

9 BY MR. DELANEY:

10 Q. Do you have a, a building permit to construct a home
11 on this parcel?

12 A. I would have had one had your clients not interfered
13 with me and interfered with the actually very cordial
14 relationship I had delivered with the planning and
15 development people of the City of Columbia when I was
16 applying for, for the special exception. They were
17 wonderful. And in my appearance, which I'm sure is on
18 video before the Board of Zoning Appeals, I complimented
19 both the board and, and the staff, and -- but your clients
20 interfered with it on Friday, 13, March 2009. And I know
21 that because on Saturday, 14, March, 2009, they told me --
22 Larry told me that he had gone and looked at my drawings,
23 and they looked like a church. So ---

24 Q. You don't have the building permits. So, the very
25 simple yes or no answer is you don't have your building

1 permit for 324 Byron Road, yes or no?

2 A. I told you I have a permit for the driveway and ---

3 Q. But not for the building?

4 A. --- and I would have had the building permit by, by
5 maybe May 2009 if your clients had not done all those
6 things to me.

7 Q. You haven't had the building plans approved?

8 A. What?

9 Q. You've not had the building plans approved?

10 A. That's the same thing as getting the building permit.

11 Q. No, it's not the same thing. The plans haven't been
12 approved. You haven't been issued a building permit,
13 correct?

14 A. Well, I mean, it's, it's the same process. Actually,
15 the application is one application.

16 Q. You don't have either?

17 A. Because of your clients' action. Now, you're, you're,
18 you're just, you know, proving that your clients
19 interfered, and then you're saying that that proves that
20 your clients should prevail. I don't follow that logic if
21 the -- if it's logic.

22 Q. You haven't talked to any building professional since
23 June?

24 A. Actually, in June I met with an engineer because the
25 city wanted my plans to be approved by an engineer. I said

1 fine, provided the engineer is willing to sign a
2 confidentiality agreement. And to state that the, the,
3 drawings, if he copies my drawings in the form to be
4 presented to the city, he understands that the drawings are
5 mine, not his or -- in that case, it wasn't in there. So,
6 but if it were, I, I was very -- wanting to be very careful
7 about my intellectual property.

8 Q. Part of this preliminary injunction, you've asked for
9 the court to compel Larry and Dinah to negotiate an
10 easement with you, or to remove the sewer lines, correct?

11 A. Not order. Reroute the sewer lines or negotiate.

12 Q. Sure. Say -- you've asked me, in fact, sent me a
13 request putting a value, a monetary value on that
14 particular easement, correct?

15 A. Yes.

16 Q. So, it has a monetary value?

17 A. What doesn't have a monetary value is my life and my
18 mother's life and the health consequences that are
19 happening to both of us from your clients' actions.

20 Q. What would you call ---

21 A. It's not, it's not as if it's okay if the easement
22 were negotiated today or a year from now. That's not the
23 issue. The issue is my not being able to build between now
24 and the time this is resolved.

25 Q. Sure. I understand that's your position. What's the

1 price of an easement you would take today? What would it
2 cost?

3 A. Unless the, the owner of the vacant lands next, which
4 is south of Mother and my land, is willing to sell me
5 enough land for me to orient, reorient the house a little
6 bit to avoid the -- there, there is no -- I don't think a
7 price for the easement is, is possible. He was not even
8 willing to take \$18,000 for that. So, unless he is willing
9 to take \$18,000 and to, to, to, to sell me that land so I
10 can reorient the plans with still a southern exposure and,
11 and avoid the sewer line, then, then I -- there is no money
12 that, that would work. But if he is willing to do that,
13 then the price that he would set plus, plus, and let me
14 tell you plus what else.

15 If they were to reroute the caps, then I don't have to
16 pay for a tap for my house because the cap is there. And
17 the price for the tap is about \$4,000 for a new tap. So,
18 it would be whatever that man south of my land would take
19 for his, or for enough on it, plus the \$4,000 I would have
20 to pay for a new sewer tap instead of using the one that's
21 already on my land. Plus the additional cost of putting,
22 orienting the sewer pipe, which would be longer.

23 Q. Have you ever demanded a monetary figure?

24 A. Yes, but that was before your clients did all of this
25 to me.

1 Q. So, there has been a monetary demand set by you ---

2 A. If ---

3 Q. --- for compensation ---

4 A. If ---

5 Q. --- for the placement of the sewer lines?

6 A. If we had resolved it early enough. But now, after
7 they have done this, especially to my mother, there is --
8 I, I want justice, especially that they -- I, I'm very
9 convinced that they have not only committed crimes, but
10 suborned others to commit crimes.

11 Q. Well, that leads me right to my question. You called
12 the police to the apartment numerous times, correct?

13 A. Actually, when I think of it, less times than they
14 have, and it's all because of their actions.

15 Q. You called the police to the apartment on more than
16 one occasion?

17 A. Never before March 12, 2009, which is the day they
18 discovered that I bought, that I bought the land.

19 Q. Sure. Have any charges, to your knowledge, ever been
20 filed against Dinah or Larry as a result of these phone
21 calls that you made to the police?

22 A. There is an assault charge filed against the neighbor
23 who ---

24 Q. Against Larry or Dinah?

25 A. I do not want to jeopardize other ongoing

1 investigations. There may be federal charges filed against
2 them. I do not know.

3 Q. Today?

4 A. I do not know. I do not want to jeopardize other
5 ongoing investigations.

6 Q. Today, in all the times that you've called the police,
7 have any charges, to your knowledge, ever been filed
8 against Dinah or Larry?

9 A. No, and that goes to the corruption ---

10 Q. Thank you.

11 A. --- of that police really.

12 Q. So, the magistrates are corrupt, the police are
13 corrupt?

14 A. Yes.

15 Q. Everyone's out to get you?

16 A. Yes, yes, and I tell you examples of the magistrates'
17 corruption and of the police corruption, too.

18 Q. Now, you mentioned earlier on your direct exam there
19 was a neighbor that you said smoked like a chimney?

20 A. I said figuratively because it ---

21 Q. Sure, that he smoked.

22 A. If ---

23 Q. You've thrown water on that neighbor, haven't you?

24 A. No, never.

25 Q. Never thrown water on him?

1 A. No, sir, and I was never charged with throwing water
2 on him. What I did was at one time, he not only was
3 smoking with his directions at me, he was lighting
4 cigarettes and putting them lit one next to the other under
5 my balcony to increase the amount of smoke rising to my
6 balcony.

7 So, I poured water on those cigarettes to put them, to
8 put them out. And he retaliated by bringing the garden
9 hose -- and he admitted that under oath -- and unleashing
10 it at me the same way the civil rights marchers on the
11 Alabama bridge had water hoses unleashed at them.

12 And that's not funny. That's not funny. I should be
13 no more required to move from this house where I'm being
14 charged more rent because of my national origin than Rosa
15 Parks should have gotten off that bus.

16 Q. Well, that brings me to another question. You've
17 mentioned on direct examination that the apartment was
18 shabby, dirty, the screen was not on the building, that
19 the balcony was saggy, that you had problems with
20 neighbors ---

21 A. No.

22 Q. --- smoking. That ---

23 A. No, no.

24 Q. --- you had problems with neighbors making obscene
25 gestures towards you.

1 A. No. No.

2 Q. That you had problems ---

3 A. No. Wait, wait, wait.

4 Q. --- with neighbors ---

5 A. Wait, wait, wait.

6 Q. --- throwing stones at you.

7 A. Wait a minute.

8 Q. I'm still asking the question.

9 A. The ones making obscene gestures are not the neighbors
10 but the neighbors' clients, or so-called guests.

11 Q. So, you have all those issues, and you still want to
12 remain in this home?

13 A. I do not want to remain one minute longer than I can
14 build my house and move to it and never have anything to do
15 with your clients. But if your clients were genuinely
16 wanting to, to put me out of there, they would have not
17 interfered with my building so I can build my house, never
18 have anything to do with them. It's all about the sewer
19 lines; it's all about the sewer lines. There is no doubt
20 in my mind about it.

21 Q. I know, I know there's no doubt in your mind.

22 A. There, there, there was never a complaint. Even when
23 I asked you to produce the complaints about me, you
24 produced only two, and one of them is dated March 25, 2009.
25 The other one is dated April something 2009 written in

1 miserable English. And so all of this is after March 12th.
2 There isn't a single complaint, a single anything before
3 the evening of March 12, 2009, when Dinah discovered that
4 Mother and I bought that lot, and she went ballistic.

5 Q. You mentioned about throwing rocks. Have Dinah or
6 Larry ever thrown any rocks at you?

7 A. There is no doubt in my mind that they have engaged
8 that woman Teresa Ingram to do that. In addition, that
9 very day, the second time she threw rocks at me and called
10 the police -- and actually, that's in the pictures where
11 her so-called guest is making obscene gestures at me. And
12 actually he stood, grabbed his crouch, and yelled at me: I
13 will make you suck this and take a picture of you sucking
14 this.

15 Q. Was that person in the picture either Dinah or Larry?

16 A. What?

17 Q. Was the picture of the man you're just talking about,
18 was that picture -- was that man either Dinah or Larry?

19 A. You know what? When he continued to come and, and ---

20 Q. It's simple. Was it Dinah or Larry?

21 A. Let me explain my answer.

22 MR. DELANEY: Your Honor, that's a simple question.

23 A. He was, he was their hireling, and let me explain my
24 answer. When I later called the police to find out his
25 identity, and incidentally there is a disorderly conduct

1 charge against him. They wrote me the next day a letter
2 saying that I should not call the police to find the
3 identity of the neighbor's guest, and I'm harassing you as
4 citizens, and they are complaining to Homeland Security.
5 And that's in one of the letters your clients wrote to me,
6 and I'm sure you know about it, and I'm sure you're
7 instigating it.

8 Q. I think the question that I asked you, though, was the
9 picture that you talked about, the person who made these
10 obscene gestures, was that person Dinah or Larry, yes or
11 no? It's simple.

12 A. The woman called Dinah and Larry right there and then.

13 Q. I'm sorry?

14 A. The woman Teresa Ingram, who was the hostess of that
15 man, called Lyle, Dinah and Larry right there and then.

16 And then that very day they wrote me pretending that I
17 threw rocks at her. So, don't tell me they don't know
18 this. Don't tell me they aren't orchestrating this. Don't
19 tell me they, they -- that you are not orchestrating this.

20 MR. DELANEY: Your Honor, may I approach with those
21 pictures right quick?

22 THE COURT: Yes.

23 MR. DELANEY: I'm just about finished.

24 BY MR. DELANEY:

25 A. Since you're looking at the pictures, there is no

1 question that Ly -- that Dinah was the one driving the
2 Jaguar that tried to broadside me. And when she saw me
3 taking pictures, she hightailed it to the other exit.
4 There is no question that is Dinah. And there is no
5 question that Larry came to my door six times and took
6 notices that belonged to me. There is no question about
7 that.

8 (A PAUSE.)

9 A. And, in fact, I know about that he also took away the
10 eviction notice that Sergeant Tessier posted, and his
11 intent was to prevent me from appealing in time.

12 (A PAUSE.)

13 A. Just incidentally, Mr. Delaney, there are no nails or
14 hammers in the pyramids.

15 Q. I'm sorry. Did you say something?

16 A. Yes. I said I'm very offended that you would think
17 that a solar house would be built with nails and hammers,
18 and I'm telling you that there are no nails or hammers in
19 the pyramids.

20 Q. How many other pictures have you taken of the tenants
21 of this building?

22 A. I have taken pictures of only one tenant in the
23 building that I live in. So, to date ---

24 Q. Those are all the pictures that you've ever taken of
25 the tenants?

1 A. No, no. You asked me this building in the singular,
2 and then you said tenants in the plural. I have taken
3 pictures of only one tenant in -- other than myself -- in
4 the building in which I live.

5 Q. Well, the tenants of 300 Byron Road, 304 Byron Road
6 ---

7 A. I have ---

8 Q. --- how many pictures have you taken?

9 A. I have only taken pictures of Teresa Ingram and Mitch
10 Jones. I have not taken pictures of the other tenants
11 except maybe incidentally if I have -- they happened to be
12 driving and I a taking the picture. But only two persons
13 who are tenants whose pictures I took are, are Teresa
14 Ingram and Mitch Jones and the guests.

15 Q. How many different times have you done that?

16 A. Maybe ten or fifteen times.

17 Q. Ten or fifteen different times you've sat down and
18 taken pictures of ---

19 A. No, I didn't sit down.

20 Q. --- the tenants? Stood up ten or fifteen times that
21 you took an opportunity to take pictures of the tenants of
22 300 Byron Road or 304 Byron Road?

23 A. It was always something wrong being done to me, or
24 something wrong being done to someone else, and I needed to
25 document it. And that happened only after the client, your

1 clients started falsely accused me of stealing the sign and
2 all of them.

3 In fact, at one time I was nice enough to let the post
4 lady in so she can leave a package for Mitch Jones in front
5 of his apartment. And then I said gee whiz. Now they are
6 going to falsely accuse me of stealing it. So, I took a
7 picture of him coming in and picking up the package so they
8 will not falsely accuse me. And, in fact, they had
9 previously falsely accused me of opening other peoples'
10 mailboxes.

11 There is no limit to the false accusations they would
12 -- they accused me of, of -- that my mother is dead and now
13 taking her checks. There is no limit of the false
14 accusations, and I only document, take pictures to
15 document.

16 And, in fact, for heaven sake, the day she tried to
17 broadside me, they wrote the next day that I was blocking
18 her. She was closer to the other exit. She was supposed
19 to go through the other exit. She tried to broadside me
20 and when she saw me take the pictures, she, she went
21 another way.

22 Q. Isn't it true you sit in the parking lot in your car
23 waiting on tenants to take their pictures?

24 A. Absolutely not.

25 Q. You've never done that?

1 A. Never done that. Absolutely not, and you should
2 exercise some independent judgment other than parrot what
3 your clients tell you. That's in the ethics. You should
4 exercise some independent judgment.

5 MR. DELANEY: That's all the questions I have. Excuse
6 me. I'm sorry.

7 (DEFENSE COUNSELORS CONFER.)

8 BY MR. DELANEY:

9 Q. Dr. Faltas, how did you know to call the sheriff that
10 an eviction notice had been taken out from your door? How
11 did you know it was missing?

12 A. Very easy. Very easy. Because of what had happened
13 in the Koon case where one deputy had come on September --
14 first of all, I was served a notice of a writ on September
15 8, 2008, before this ---

16 Q. Just this case.

17 A. Could you let me finish? Before the State Supreme
18 Court had ruled on my petition for reconsideration and I
19 had gone to the State Supreme Court, and they said to call
20 Mr. Bob McCurdy in Court Administration, and I did and they
21 recalled that writ of, of September 8, 2008.

22 Then I was served again on September 29 -- can you let
23 me finish -- 2008 at 11:00, and that was Deputy Mickens.
24 And I told him I'm moving on my own, but I need more than
25 twenty-four hours, and my rent is paid through October 8,

1 2008. He said I give you my word of honor that no one will
2 come and set you out tomorrow. And low and behold, less
3 than twenty-four hours at precisely 9:00, I heard this very
4 loud knock on the door, and I wasn't even dressed. And I
5 was afraid that if I hadn't opened and I haven't even gone
6 out, I would have been shot, shot.

7 Now, I, I tell you. After that, I, I tried to speak
8 to Sheriff Lott about that, and he referred it back to
9 Lieutenant Baxter because I still want to know why I was
10 put ahead of everyone else in the set out.

11 That day, that day, on the last day of the trial when
12 the plaintiff rested, finished her case and the judge
13 didn't even give me a chance to make a motion or to put a
14 defense or anything, she said so long as there has been a
15 lawsuit, it functions as a notice. She said I will have
16 the writ issued.

17 In the, in the course of the eviction trial, your
18 clients presented evidence of the claim and delivery they
19 had filed against me, and I did not know what court it was
20 in. So, I -- because I am always afraid and, in fact, they
21 had said that they will have a private process server serve
22 it. And I know that part of their strategy is to have a
23 private server falsely claim that I was served. And then
24 after the time to respond elapses, which I couldn't have
25 been served, they would go and say she's in default. She

1 didn't answer.

2 So, I went to Lieutenant Baxter, who I think is a
3 saint. You know, in, in, in the ordeals, God always
4 provides for me a guardian angel. And I told him please
5 don't let what happened last time happen this time. If
6 someone is going to set me out, you shouldn't put me out
7 ahead of anyone else. I should have an -- a time to
8 appear. And I also asked him can you find out where this
9 claim and delivery, which of the magistrates courts and why
10 I have not been served on it, and he said okay.

11 And later that day, that day, the, the magistrate said
12 this orally from the bench around 1:40 or something.
13 Around 3:00, Lieutenant Baxter told me the writ has come
14 and has already been served. I was that, that moment, I
15 was in a lawyer's office. I was trying to get somebody to
16 represent me about this easement or rerouting. So, I took
17 leave from that lawyer and ran home to receive the writ and
18 to type up the notice of appeal so it can stay the
19 execution.

20 I did not find it. I called Lieutenant Baxter back,
21 and I had typed up the appeal anyway and was running back,
22 and he said I'll wait for you to come back and I'll give,
23 I'll give you another copy of it. So, Lieutenant Baxter,
24 and he called Sergeant Tessier on, on the phone. I had no
25 reason to say that the writ wasn't there if it was there.

1 And, in fact, I doubted whether Sergeant Tessier had
2 actually posted it. I'm sorry. You know Sergeant Tessier
3 is not my favorite or was not -- until he became
4 sympathetic to me -- was not my favorite person in the
5 world because I still don't know why he came to set out
6 that, that day even though there were many others ahead of
7 me, and even though I was trying to move on my own.

8 But now I believe him. I believe he posted it, and I
9 have no doubt that Larry Mason went and took that sign from
10 me because guess what? He has in front of me taken six
11 signs from my door that said do not come in in my absence.
12 So, I do not at all have any doubt that he did that. So,
13 the, the -- how I knew was, was from Lieutenant Baxter.

14 Q. So, you called the sheriff's deputy with the sheriff's
15 office on the thought that there may have been a writ of
16 ejectment attached to your door?

17 A. No. I came to Lieutenant Baxter to ask where this
18 claim and delivery is filed, and it had been filed on 14
19 September, 2009. And it was produced in the eviction trial
20 on 28 September or 30 September 2009, and I had not yet
21 been served with it. So, I went to, to ask him has this
22 been served, or is it a private process server. And are
23 they, are they going to say that I had been served. And
24 while we are at it, the judge also ruled against me. So,
25 this time please make sure that I am not put ahead of

1 everyone else.

2 And I was -- I don't think Lieutenant Baxter quite
3 understood that, that the writ was posted within two hours
4 from, from the, the magistrate's order or ruling. This is
5 highly unusual. It would take maybe three or four days at
6 the best for -- and it unusually is not someone as high as
7 Sergeant Tessier. It's usually a line deputy.

8 Q. So, you found out there was going to be writ of
9 ejection posted some time later on from Lieutenant Baxter.
10 Is that correct?

11 A. I found out that there is going to be a writ from the
12 ma -- what the magistrate said from the bench, and she
13 literally ran out of the courtroom. So, I told Lieutenant
14 Baxter whenever that writ is posted, please make sure that
15 I don't get put ahead of everyone else as happened in the
16 Koons' case, especially that now I knew that this whole
17 court thing was for occupancy fraud so she can default on
18 her mortgage and pretend that the house is her primary
19 residence.

20 MR. MCKENZIE: Move to strike, Your Honor.

21 BY MR. DELANEY:

22 A. So, Lieutenant Baxter said it hasn't, the writ hasn't
23 come in, but I will tell you when it comes in. And then
24 when he called me on my cell phone, he said it has already
25 been posted. And I said gee whiz, this is lightning speed.

1 But in any event, I do not find it when I went home to type
2 up the appeal. And I, I mean, I had no reason to say it
3 wasn't there if it was because I went back and got another
4 copy from, from Lieutenant Baxter.

5 But you see, we, we, we don't, we don't need to, to,
6 to, to say that this is wild speculation. I have seen and
7 photographed Larry Mason taking signs from my own door.
8 So, it's not at all behind -- beyond him to have taken.

9 MR. DELANEY: That's all the questions I have.

10 THE COURT: Is there anything further from anyone
11 else?

12 MS. ADAMS: No, Your Honor.

13 MR. McKENZIE: I don't have anything.

14 THE COURT: Is there anything further, Ms. Faltas, Dr.
15 Faltas?

16 DR. FALTAS: Yes, Your Honor. I'd like to call
17 Officer Blanton as well. Well, maybe I should -- and I
18 also would like to make copies of the letters from Dinah
19 Mason and Larry Steele. I haven't had a chance to make a
20 copy, copies of them. And may I just say that they are
21 coming fast and furious. So, I never knew what the
22 complete set is until I -- I don't think I received a
23 letter from them in the past four days. But, so I'd like
24 that, and I'd like to call my next witness, if it pleases
25 the court. So, may I?

1 THE COURT: You may step down.

2 DR. FALTAS: Thank you.

3 THE COURT: Let's take a brief break, and then we'll
4 come back.

5 (THE WITNESS EXITS THAT STAND.)

6 (OFF THE RECORD.)

7 THE COURT: Yes, ma'am.

8 DR. FALTAS: Your Honor, there are twenty-four letters
9 that Mr. Delaney is looking at, but they are all originals,
10 and I don't know where I can get them copied. I was
11 wondering if the court would allow me to put in the copies
12 first thing tomorrow morning?

13 THE COURT: I'll take the originals, and I'll make a
14 copy and return them to you.

15 DR. FALTAS: Thank you, Your Honor. Thank you very
16 much. So, I don't know what to -- Mr. ---

17 THE COURT: He's reviewing them.

18 DR. FALTAS: Thank you.

19 (A PAUSE.)

20 DR. FALTAS: What -- I guess...

21 THE COURT: Yes, ma'am?

22 DR. FALTAS: I was about to make an interim legal
23 argument, but then I saw that Mr. Delaney is distracted,
24 but ---

25 THE COURT: Well, you said you had another witness

1 that you wanted to call.

2 DR. FALTAS: Yes. Yes, Your Honor, but I, I, I wanted
3 to ask. Suppose this were an action at law, and suppose
4 there were a jury sitting there. Wouldn't Your Honor or
5 some other judge still be making the findings of law
6 whether a prescriptive easement exists or not exist? And,
7 therefore, whether they have no legal right to be on my
8 land? So, I guess, very respectfully, I'm having
9 difficulty understanding what aspect Your Honor thinks you
10 cannot rule on, given the legal nature, the -- legal, not
11 as an action in law for damages, but the question being a
12 legal one.

13 Okay? Okay?

14 MR. DELANEY: Yes.

15 DR. FALTAS: Okay. So, he has no objection to those
16 twenty-four.

17 MR. DELANEY: There's actually multiple copies them,
18 some of them in there.

19 DR. FALTAS: Okay, because -- really, but, but they
20 have different signatures. They aren't copies. They are
21 all originals, and some of them were -- like, they would
22 come and give them to me and by certified mail, and come
23 again and knock on my door. So, so, the sheer, the sheer
24 number of them is part of the harassment.

25 But I'm, I'm sorry, Your Honor. And I, I was saying

1 wouldn't either Your Honor or another judge of this court
2 make the ultimate ruling that the evidence of an easement
3 by adverse possession existed or do not exist? So, why,
4 after Your Honor has been so kind as to listen to this, why
5 wouldn't -- first, I don't think, respectfully ---

6 MR. MCKENZIE: Can I request that she step up to the
7 mic, Your Honor? I can barely hear her.

8 THE COURT: You either turned that one off or --
9 that's fine. I think the court reporter would appreciate
10 it. Use, just ---

11 DR. FALTAS: First, I ---

12 THE COURT: Push it up so that when you stand up, it
13 -- there you go.

14 DR. FALTAS: First, I don't think an action in quiet
15 title is the appropriate remedy because there is no issue
16 that I own the title. It's -- or Mother and I own the
17 title. There is no -- the title itself has not been
18 contested.

19 The, the question is whether they -- and I would
20 suggest that even though this arrangement has been for
21 whatever years, that did not prevent the city from starting
22 to bill. The city didn't say, okay, you've been for
23 thirty-one years not being billed for the sewer, so we're
24 going to bill you. Once the situation was discovered, and
25 once it was discovered that they had no right to get sewer

1 service without paying for it, the city exercised its right
2 and started billing and started collecting.

3 So, why is it different for me that once I discovered
4 they're improperly on my land, why is it that I cannot
5 change that, especially that the evidence of notoriety,
6 openness, which are *sine qua non*, and, and conjunctive, not
7 disjunctive do not obtain here? So, what I'm asking Your
8 Honor is even if we delayed this to my damage, wouldn't it
9 still be the same determination not by a jury but by the
10 judge?

11 THE COURT: I don't think I'm understanding your
12 question. If your question is -- I don't know whether
13 you're asking me why can't I issue an injunction even
14 though you have a legal argument. I'm not sure; I'm not
15 sure what the question is.

16 DR. FALTAS: I'm saying if we deferred it to a trial
17 by a jury, wouldn't that part of it, that part of the
18 ruling be made by a judge anyway?

19 THE COURT: Not necessarily.

20 DR. FALTAS: So, a jury gets to decide the evidence
21 of, of adverse possession? I mean, I mean, the factual
22 elements are not contested. We, we, we've had a witness
23 that said that the sewer lines are under the ground. She
24 was not cross-examined. It was not ---

25 THE COURT: The difference is, Dr. Faltas, is that

1 you're trying to obtain relief through an injunction that
2 -- in which -- for, for an action that you have to go
3 through a trial. And you have to have discovery, and you
4 have to give them the opportunity to be able to respond to
5 the claims, and to be able to put up a defense.

6 Now, to the extent that there's an issue about whether
7 the, the taps or whether the sewer lines are appropriate,
8 then there's also, there's the opportunity for the city to
9 be able to look at its regulations and its requirements and
10 determine whether or not it was, it's appropriately there,
11 or whether they should take any action. And that ought to
12 be done before it comes into court.

13 DR. FALTAS: But I have presented evidence, Your
14 Honor, that I have talked to the city. And she testified
15 that there's nothing more I can do. I've asked the city
16 to, to remove the taps. And they said we are willing to
17 put new taps for them, but we will not do it unless they
18 consent to it. So, that's really putting the fox in charge
19 of the hen house, and that's why I am -- and the city has
20 been telling me go to court. Well, I am in court.

21 THE COURT: But not on injunctive relief. If you want
22 to have that addressed, you have to have that addressed
23 through your lawsuit in, in trial in, in chief.

24 DR. FALTAS: Okay.

25 THE COURT: And not through injunctive relief. And

1 the purpose for this hearing was only to address the issues
2 relating to the, to an injunction. What you're asking is
3 for the information that you presented here today to act as
4 a trial, and for me to make a decision without going
5 through the proper and appropriate method in order to be
6 able to do that.

7 DR. FALTAS: Well, Your Honor, an injunction hearing,
8 this was an evidentiary hearing. The defendants are
9 represented. They could have cross-examined the witnesses,
10 and one of the witnesses was not even -- you know, doesn't
11 work for me. She was a city witness. They could have
12 presented their own witnesses. They could have presented
13 documents if any exist that they ---

14 THE COURT: In response to injunctive relief.

15 DR. FALTAS: Yes. So, so, I mean, they had the
16 opportunity. If they have documents, if they have a deed
17 to an easement, they ---

18 THE COURT: Well, we haven't finished at this
19 particular point, Ms., Dr. Faltas, because you said you
20 have additional witnesses. I don't know whether there's
21 anything else the defendants wish to put up after you have
22 concluded. And the issues in injunctive relief are going
23 to be very narrow, much narrower than they would be -- I'm
24 not trying a case on adverse possession. I'm not trying a
25 case as to whether or not they're improperly infringing

1 upon your property.

2 DR. FALTAS: But I, I, I understand that they have a
3 chance to put evidence after I finish my, my evidence. But
4 my question to Your Honor is if they have no evidence to
5 counter mine, if they have not cross-examined my witnesses
6 other than my, than myself, what is the factual dispute?
7 If, if there is no factual issue that they don't have an
8 easement and that the sewer lines were not open or
9 notorious, and that once ---

10 THE COURT: But that's not the issue. You're, you're
11 still on -- that's not the issue that I'm here to decide,
12 Dr. Faltas. I'm not here to decide whether or not it's
13 open or notorious, or whether it meets the requirements of
14 adverse, adverse possession. That's not what I'm here to
15 do.

16 If you wanted to bring an action to challenge whether
17 adverse possession or whether, or quiet enjoyment of your
18 property, or what -- any other cause of action that may
19 exist, whether it's in equity or at law, then you can bring
20 that action and we can have a hearing as to that. But
21 that's not what this case -- that's not what this hearing
22 is about.

23 DR. FALTAS: It is already in the -- I'm, I'm trying
24 to say it's already in the lawsuit, and ---

25 THE COURT: And that -- and we will have a trial on

1 those issues if it gets to that particular point.

2 DR. FALTAS: But -- and what I'm saying, Your Honor,
3 is that the injunction serves a function also, also of
4 preventing irreparable injury until a trial, until a trial.
5 You know, you -- if, if it's only a question of money.

6 THE COURT: Let's put it this way, Dr. Faltas. If I
7 were to make them give you an easement, and a trial comes
8 forth and they determine that it was improper for an
9 easement to be issued, then what's the remedy?

10 DR. FALTAS: I refund them the money.

11 THE COURT: But ---

12 DR. FALTAS: Conversely, conversely ---

13 THE COURT: But you said that there was no, there was
14 no amount of money that would be able to compensate you for
15 any injury to your property. So, if I, if I, if I made
16 them, if I've made them ---

17 DR. FALTAS: I'm, I'm ---

18 THE COURT: --- give up the lines ---

19 DR. FALTAS: I, I ---

20 THE COURT: --- and require them to direct it
21 otherwise, and that was improper ---

22 DR. FALTAS: I'll pay them. I'll pay them. The
23 remedy, if I, if I -- it's only money for them. The city
24 is willing to put, to put it, the tap, up to their property
25 line at no expense to them. And all they need to do is to

1 hire a plumber to connect the lines to -- oops, sorry.
2 That's, that's part of, of the, of the probability of
3 prevailing on the merits.

4 If it turns out, if it turns out that they should not
5 have rerouted their lines, then it's only money and they
6 would have the, the right to take that money from me or
7 from my mother or from -- or even, they even, you know, put
8 a lien on the land if, if they want it. But the, the
9 reverse is not true. If ---

10 THE COURT: Well ---

11 DR. FALTAS: If the jury decides that I've been
12 damaged by a million dollars, ten million dollars,
13 whatever, which I'm, I'm -- it's not about the money.
14 There is no guarantee that I'll be recover -- that I
15 recover from them. And if in the process they kill me or,
16 or, or cause me total disability, then I will not be in ---

17 THE COURT: Those, those are two different things.
18 That easement on the property and killing you are two
19 different things, and that's, and that's the difference
20 between what we're talking about.

21 Now, if you're talking about being harassed and all
22 those issues, I will consider those issues in -- to
23 determine whether or not there's any irreparable injury.
24 By as far as the, the, the sewer lines are concerned, you
25 have a remedy. There is the opportunity.

1 In addition, I'm sure that the defendants will argue
2 that you have not established that you would be harmed by
3 having those sewer lines remain in place because you
4 haven't established that you have a right to build on a
5 property at this particular point because you don't have a
6 permit that's been approved. You do not have the
7 appropriate documentation. And, and you are not -- and you
8 haven't shown that those sewer lines interfere with your
9 ability to be able to build on that property.

10 DR. FALTAS: Actually, may, may, may I say something,
11 Your Honor, please? I think maybe if I failed, it's to
12 make clear to Your Honor that the harassment is to avoid
13 the remedy for the sewer line. That there is no doubt in
14 my mind, and I hope I have presented enough evidence. But
15 if I don't, I can present some more that the harassment is
16 because of the sewer line. If there is a ruling on the
17 sewer line, then the harassment will stop.

18 If -- and then the other thing is that how can it be
19 if the pair, the two of them, if it turns out that even if
20 it were improper for it to be rerouted, they are going to
21 have shorter and newer sewer connections that are
22 presumably going to be less amenable to getting clogged
23 because this is round about. And they were done -- in my,
24 in reasonable inference -- to hide that, that those serve
25 this, this particular building. They would have had new,

1 more functional lines. And if I ultimately lose, I will
2 pay for them, which is only the cost of the plumbing.

3 Conversely, so that there is no probability of
4 irreparable harm, conversely, if I win after all this
5 delay, they may not have enough money for me to recover a
6 judgment. I would have been delayed.

7 And more important, Your Honor, the public would have
8 been deprived of what is basically the issue of the day,
9 which is, you know, more and better energy and more
10 climate-conscious buildings. So, the public interest needs
11 to be put in this.

12 Additionally, the public interest is in preventing
13 fraud, which is what they have been doing. And preventing
14 the, the encroachment of the civil rights of immigrants,
15 which, which is what they have been doing to me.

16 THE COURT: Do you have any additional testimony, Dr.
17 Faltas?

18 DR. FALTAS: Yes. Yes, Your Honor. I ---

19 THE COURT: Then you need to call your next witness.

20 DR. FALTAS: Yes, Your Honor. The next witness is
21 Officer Blanton. She has been subpoenaed. She is not
22 here, so I don't know what to do.

23 MR. JOHNSON: Your Honor, Gary Johnson here on behalf
24 of the City of Columbia. Investigator Blanton is a City of
25 Columbia police officer. The city objects to the subpoena.

1 It's an appearance subpoena for Investigator Blanton to
2 appear today. It was not properly served.

3 Investigator Blanton had been in touch with me,
4 indicating that it was left in her office mailbox, which is
5 a little cubby mailbox, and she found it this morning. She
6 was not personally served. She was not served in her place
7 of abode or her residence. She was, in fact, served by
8 substitution service at her place of employment, and that
9 does not comply with Rule 45, nor does it comply with the
10 provisions of service for a summons and complaint.

11 DR. FALTAS: Well, it was in the summons and
12 complaint, but she is aware of it. She, she knew about it,
13 and this is been just difficult, especially that Your Honor
14 is telling me that my remedy is to go to the city, and the
15 city ---

16 MR. JOHNSON: Your Honor, she's an employee of the
17 City of Columbia Police Department. She's not an employee
18 in connection with the sewer line.

19 DR. FALTAS: Who is involved in a conspiracy to force
20 me, to force me, charge me with three assaults so I can go
21 to prison for life under the three strikes you're out.

22 MR. JOHNSON: And if it been in connection with a
23 criminal investigation, that would be confidential and not
24 subject to ---

25 DR. FALTAS: It would be, it would be ---

1 MR. JOHNSON: --- any questioning by ---

2 DR. FALTAS: It would not be confidential because I
3 would be entitled to, to the investigative reports,
4 especially if it's exculpatory.

5 MR. JOHNSON: Not during the pendency of a criminal
6 investigation, though.

7 DR. FALTAS: Under *Brady* I would, I would be.

8 MR. JOHNSON: That would be ---

9 THE COURT: Once you're charged. *Brady* doesn't take
10 effect until you're actually charged with an offense. When
11 you are charged, then all of your rights as a defendant
12 come into play, which include your criminal rules, the
13 Rules of Criminal Procedure, Rule 5, and *Brady versus*
14 *Maryland*.

15 DR. FALTAS: I have been charged with assault and
16 Blanton is the investigator, officer, and she took a
17 statement from a supposed witness.

18 THE COURT: So, you're talking about one that's
19 already opened and pending and not one that -- I mean, a
20 case that's already open in which you are a defendant?

21 DR. FALTAS: Yes, Your Honor. In addition, they are
22 conspiring to drum up two more so I can be out for life.
23 And I heard that with my own ear, with my own ear.

24 THE COURT: If it's a city offense -- it's a city
25 offense?

1 MR. JOHNSON: Your Honor, I'm not aware of the assault
2 mentioned that ---

3 THE COURT: Simple assault?

4 DR. FALTAS: I, I have ---

5 MR. JOHNSON: --- Dr. Faltas has made. I would assume
6 that's city level municipal charge.

7 DR. FALTAS: Yes, sir.

8 MR. JOHNSON: And do not know if Investigator Blanton
9 would be connected with that or not.

10 DR. FALTAS: It, it is ---

11 MR. JOHNSON: Typically, an assault is not assigned to
12 a city investigator. That would be -- a report would be
13 made certainly. But if it's a simple assault, that would
14 be a courtesy summons type issue.

15 DR. FALTAS: Well ---

16 MR. JOHNSON: Typically. I do not know the details of
17 this particular assault.

18 DR. FALTAS: This ---

19 MR. JOHNSON: Regardless, the city objects to the
20 appearance of Investigator Blanton based upon ineffective
21 service of the subpoena.

22 In addition, we believe any testimony that she will
23 provide in relation to pending criminal matters would be
24 subject to the confidentiality requirement of Rule 45. It
25 would not be an appropriate area of inquiry.

1 DR. FALTAS: Your Honor, for crying, crying out loud,
2 we're talking about a conspiracy to charge someone who's
3 innocent with a three strikes you're out offense. And you
4 don't think this is irreparable, and you don't think I
5 should be allowed to put evidence? I mean, and I have the
6 right that -- enter evidence that this is related to the
7 sewer line and ---

8 THE COURT: Dr. Faltas, when you, when you talk about
9 three strikes you're out, what are you talking about?

10 DR. FALTAS: I'm talking about the law that says that
11 three violent offenses constitute a felony, even if they
12 are misdemeanors. This is how mean and how at risk I am,
13 Your Honor.

14 And I didn't get that name Blanton out of thin air. I
15 saw it on an investigative report on the actual city charge
16 that is pending. And I heard with my own ear that woman
17 talk to her and tell her that the, the charge of throwing
18 rocks is part of the two more they are trying to put
19 together so it will be three.

20 THE COURT: Let's talk about the service. How did you
21 serve her?

22 DR. FALTAS: I sent Mr. Griggs with the subpoena to
23 the main serve, main, main, main -- that office on Justice
24 Square. And I told him that I wasn't coming in with him so
25 there will never be an appearance of I having served it.

1 And he came out and said that her supervisor took it, and
2 said we'll give it to her in her hand. She was out to
3 lunch and when she comes back, her supervisor put it in her
4 hands and will give it to her in her hands.

5 (A PAUSE.)

6 DR. FALTAS: The other option, which may be an
7 imposition on the court, and I'm -- I -- Your Honor, please
8 empathize with my desperation here. The other option would
9 be to resume the hearing in the morning and re-attempt
10 service in the way that pleases Mr. Johnson if we're going
11 to put form over substance.

12 MR. JOHNSON: Your Honor, it's not a matter of form
13 over substance. The rules require that a
14 personal-appearance subpoena be served according to law.
15 Ms. Faltas should be well aware of the provision in Rule 4
16 regarding service. It doesn't allow for dropping it off
17 with somebody's supervisor in hopes that it will get to
18 that person.

19 DR. FALTAS: Well, actually ---

20 MR. JOHNSON: It requires, it requires that the person
21 who accepts service be authorized by law or be appointed by
22 that individual with authority to accept service.

23 DR. FALTAS: Actually, if it's in her official
24 capacity, I think the service on -- in the hand of the
25 supervisor is, is appropriate.

1 MR. JOHNSON: And I'll be glad to look at the rule
2 that Dr. Faltas is talking about if you'll point me to that
3 provision.

4 DR. FALTAS: Well ---

5 MR. JOHNSON: The way I read the rule, she, she can
6 serve her at her place of residence or usual abode. She
7 didn't. Her other option is to serve her personally or, as
8 the rule provides, service on someone authorized by law.

9 DR. FALTAS: Do we even know who that is for the city?

10 MR. JOHNSON: Copy to an agent authorized by
11 appointment or by law to receive service of process.

12 DR. FALTAS: Do we even -- can you tell us who that
13 person is for the city? If that's you, I'll serve you with
14 a subpoena now.

15 MR. JOHNSON: No, ma'am.

16 DR. FALTAS: Because ---

17 MR. JOHNSON: It is, it not my decision to make. It's
18 Investigator Blanton's decision to make to appoint someone
19 authorized to accept service on her behalf.

20 DR. FALTAS: Actually, the city has procedures where
21 someone ---

22 MR. JOHNSON: You have not served the city. You have
23 served Investigator Blanton.

24 DR. FALTAS: In her official capacity.

25 MR. JOHNSON: No, ma'am.

1 DR. FALTAS: Not in her, in her individual capacity.

2 Or, Your Honor, because of the importance of the
3 witness and the lateness of the hour, may I move -- and I
4 know that this is longer than -- but please, Your Honor.

5 THE COURT: I have hearings scheduled all day
6 tomorrow, all day Thursday, all day Friday. Judge Barber
7 set, set aside today for the purposes of taking up the
8 issues in this case. So, if it can't be finished today, I
9 most likely will not get to do it until next year because
10 next week I will be in criminal trial all week, and the
11 week after that I will not be here. And then after that,
12 there's no more court for the rest of the year.

13 DR. FALTAS: I apologize, Your Honor. Mr. Johnson
14 can, if he wants to, he could call her and ask her to come.
15 He can, he can cooperate with the court, I believe. After
16 all. The functions of the courts is to determine the
17 truth, and he's an officer of the courts.

18 THE COURT: I think under the rules, that it's
19 required to be served upon her personally.

20 (A PAUSE.)

21 THE COURT: Rule 45 on subpoenas requires that it be
22 served as pursuant to Rule 4(d) or through an
23 acknowledgment of acceptance of service under 4(j). Under
24 4(d) relates to personal service of individuals. 4(d)(1)
25 requires:

1 that it be served by delivering a copy or
2 leaving it at a dwelling, dwelling house or
3 usual place of abode with a person of
4 suitable age and discretion, or delivering
5 to an agent authorized by appointment or by
6 law to receive or accept service.

7 And by appointment means that if the person -- the
8 person appoints someone to receive service on, on their
9 behalf.

10 DR. FALTAS: Well, do we know that she hasn't
11 appointed her supervisor who received service for her?

12 THE COURT: If she's objecting to it, as Mr. Johnson
13 has indicated, then that means she hasn't appointed
14 anybody. Otherwise, she would have come in here.

15 DR. FALTAS: Well, it's Mr. Johnson who's objecting.
16 She hasn't. We don't know if -- she's not here, so we
17 don't know unless we can put Mr. Johnson on the stand and
18 ask him if she ---

19 MR. JOHNSON: Your Honor, I will be happy to inform
20 the court. I've been in touch with Investigator Blanton.
21 She's called our office because city policy is that city
22 employees put under subpoena, that legal has a chance to
23 review the subpoena to determine what capacity the city has
24 to respond to a subpoena.

25 Here the subpoena was not properly served.

1 Investigator Blanton had not appointed anyone to accept a
2 civil process on her behalf, which is what a Rule 45
3 subpoena is. She has not waived the requirement of
4 personal service. So, absent an order from the court, she
5 shall not be here.

6 DR. FALTAS: Well, may I ask that the court issue its,
7 its bench subpoena for her so we can get this over with, if
8 it pleases the court? And I'm sorry. I know it's a
9 sacrifice and Your, Your Honor's just sacrificed all along.
10 But, Your Honor, I, I ---

11 THE COURT: What's the purpose for her testimony, Dr.
12 Faltas?

13 DR. FALTAS: The, the conspiracy to charge me with,
14 with three assaults. Your Honor, this is serious. Believe
15 me, these things take a life of their own, especially,
16 especially for non-citizens. I can this evening be taken
17 to Never-Never Land. I, I, I wouldn't be taking Your
18 Honor's time and spending my own time and effort if I
19 didn't realize the seriousness of what's going on here.

20 MR. JOHNSON: And, Your Honor, I will inform the court
21 that I informed Ms. Faltas this morning of our objection to
22 her service on this witness. She has had a break and five
23 plus hours since I did that on ---

24 DR. FALTAS: Oh, no, that was ---

25 MR. JOHNSON: And whether she has made any attempt to

1 secure Investigator Blanton's presence, despite the
2 objection, is an issue for the court to address. She has
3 had time to do it.

4 DR. FALTAS: Well, Your Honor, as the court knows, I
5 was here all the time. I didn't eat lunch during the
6 break. I went and got the pictures to, to, to introduce
7 them. I, I didn't have a minute really. And the name of
8 Investigator Blanton was revealed very recently in the
9 hearing in the matter that they brought against me, and in
10 the one assault charge that is pending that they gave me
11 some of my *Brady* requirements that included ---

12 MR. JOHNSTON: And in that respect, Your Honor, those
13 documents would be available for her to introduce to the
14 court.

15 THE COURT: I'm sorry?

16 MR. JOHNSON: Whatever documentation that she's
17 talking about that she has that has been made available to
18 her in response to her *Brady* motion on the assault, she can
19 introduce to the court.

20 DR. FALTAS: It has been ---

21 MR. JOHNSON: Investigator Blanton's testimony isn't
22 relevant.

23 DR. FALTAS: It is ---

24 MR. JOHNSON: Or isn't needed.

25 DR. FALTAS: It is relevant to the two charges that

1 they are trying to bring.

2 THE COURT: She's not going to be able to talk about
3 anything that's currently under investigation.

4 DR. FALTAS: Your Honor, if someone asked her to trump
5 charges against me, she should be required to do that. In
6 fact, U.S. Supreme Court just recently -- and, of course,
7 we don't know how they will come down. But at least
8 Justice Sotomayor was sympathetic to the idea that even
9 prosecutorial immunity may be lifted against suit for
10 damages if someone trumps charges -- frames a defendant for
11 a charge. So, this, these are serious matters. These are
12 not things that, you know, people can say, oh, we have
13 immunity. Oh, we have confidentiality. When someone is
14 trying to harass somebody, it, it -- the courts need to be
15 proactive about it.

16 MR. JOHNSON: And if it was that serious, she should
17 have complied with the rules to make sure her subpoena was
18 served.

19 THE COURT: I'm not going to require at this
20 particular time that she appear. I think if you're going
21 to serve her and require that she be present and subpoena
22 her to testify, then the rules needed to be followed on
23 that. The subpoena needs to be done, particularly she's
24 testifying relating to any investigation or proposed
25 investigation that's going on. And so I will require that

1 those rules be complied with.

2 To the extent that you feel that you need to have her
3 testimony for purposes of determining whether or not you
4 are entitled to injunctive relief arising out of harassment
5 by Larry Mason and Dinah Steele, then, you know, your
6 hearing can be continued till another point in time to
7 allow that testimony if it's absolutely necessary for that
8 point. Or you can certainly depose her testimony and
9 provide, provide it in, in form of a deposition.

10 DR. FALTAS: Would Your Honor be willing to continue
11 the hearing? You said until next year, but so be it.

12 MR. DELANEY: Your Honor, I would request that this
13 matter not be continued. We're here. The people that were
14 properly served are all here. The, the notice of the
15 hearing went out on November the 4th of 2009 approximately
16 twenty-eight, twenty-nine days ago. We've all had notice
17 to be here, to get our witnesses lined up. And I would
18 object to this matter being continued because she failed to
19 properly serve this witness.

20 Moreover, Your Honor, we're not entirely sure as to
21 what this Officer Blanton with -- or Investigator Blanton
22 would testify to. If it's regarding some ongoing physical
23 -- criminal investigation, I think it's already been
24 established that she couldn't testify to those matters. If
25 there's some conspiracy that's alleged between Larry Mason,

1 Dinah Steele, and Investigator Blanton, there's an adequate
2 remedy at law for her to bring, file suit against them.

3 It's not proper to this T.R.O. It's not mentioned
4 that there is any alleged conspiracy. It's to stop
5 harassment, to stop abuse, it's to stop -- it's to deal
6 with the issue of the sewer lines. It has nothing to do
7 with any conspiracy. We're reaching out. The tentacles of
8 this thing are spreading like a gigantic octopus. We're
9 everywhere.

10 DR. FALTAS: Well, precisely because his clients never
11 stop. When the eviction didn't work, including their
12 stealing the writ from my door so I don't appear, that day
13 they went, trying to cut my mother's Social Security
14 checks. Precisely. It's tied together because his clients
15 are an octopus.

16 THE COURT: Dr. Faltas, I'll allow you to proffer the
17 testimony. I tend to agree that I don't know think that
18 this is a matter that needs to continue to hang on and hang
19 on and hang on and stay open. And there are other issues
20 that I, that I also have that I have to be able to make
21 decisions on. And since we've started this today, was set
22 aside for today, you know, there's been the opportunity to
23 serve her. And I understand by -- and I understand that
24 you have been here all day, as we all have. And so, you're
25 claiming that you haven't had the opportunity to go out and

1 properly serve her.

2 But I'll allow you to proffer the testimony that she
3 would have presented, or that you think that she would have
4 presented relating to any conspiracy or to arrest you on
5 other charges.

6 DR. FALTAS: Thank you, Your Honor. So, may I go back
7 to the witness stand and proffer that testimony?

8 THE COURT: Yes, ma'am.

9 DR. FALTAS: Thank you, Your Honor. Your Honor, in
10 addition -- I guess I'll testify to that. I learned of her
11 name and existence only on, on the 17th and the, the -- the
12 10th and the 10th.

13 MR. JOHNSON: Your Honor, thank you for hearing from
14 the city.

15 THE COURT: Thank you.

16 And I'll remind you that you're still under oath to
17 tell the truth in this matter. Yes, ma'am.

18 DR. FALTAS: Absolutely, Your Honor. Under
19 affirmation.

20 THE COURT: And this is for the proffer on what the
21 officer, what the officer would testify about.

22 DR. FALTAS: Yes. Yes, Your Honor.

23 PROFFER BY DR. FALTAS

24 DR. FALTAS: The date marked on the pictures where
25 the man is flipping me the finger and, and grabbing his

1 crotch, and the way I set up the camera is that it's the
2 year, then the month, then the date.

3 So, that day when that man was doing that and yelling
4 things that I understood that he was going to rape me or
5 force me to do sexual acts on him, then she took the rocks
6 and threw them at me.

7 THE COURT: Who is she?

8 DR. FALTAS: Teresa Ingram, who is this man's quote
9 unquote hostess. And she then called Larry or -- and/or
10 Dinah and then called someone, and I heard her say they're
11 all trying to get three assault charges lined up against
12 her so she's got -- so she can get a life sentence.

13 And then on November 10, 2009, during the hearing on
14 the T.R.O. against me, which Larry Mason and Dinah Steele
15 and Teresa Ingram and Mitch Jones brought against me,
16 Teresa Ingram testified that in that picture, she was
17 probably calling her investigator. And that I once wrote
18 her a letter, and she said she immediately took it to her
19 investigator. And I said who is that investigator, and she
20 said Officer Blanton.

21 And I think I, when I asked her so what -- in one of
22 the pictures, she's standing while the man is flipping me
23 the finger, and I'm asking her is that you. She says yes.
24 I said what you are doing. She says since I have my cell
25 phone, I am calling the police on you. And I think she

1 testified Officer Blanton again.

2 But that very sentence, after she called Larry and
3 Dinah, then she called another number, and I heard her
4 because they were close to my car. She said they are
5 trying to line up three assault charges against her so she
6 can go to prison for life.

7 And then on November 17, 2009, which was the date for
8 my June trial on the assault charge which Dinah Steele
9 brought falsely against me because I was trying to hand her
10 a letter. And I had previously written to Mr. Fernadez,
11 David Fernandez, who is an assistant city attorney for the
12 City of Columbia, that I needed the exculpatory evidence.
13 And I had filed a Rule 5 *Brady* motion, and he brought that
14 information that day.

15 One of it is a fax to him of an interview Officer
16 Blanton with one Charlene Crouch. And in it, all Charlene
17 Crouch says, that she saw me put a paper in Dinah Steele's
18 chest. She did not say that she saw me beat her up or do
19 anything to her. And then Blanton was coaching her,
20 telling her do you fear for your life or safety from Marie
21 Faltas's presence. And then Charlene Crouch answered yes,
22 because she is so mentally unstable. We don't know what to
23 expect next from her.

24 So, when I allege, Your Honor, that they are going all
25 over the place pretending that I'm mentally ill, insane and

1 all of that, I'm, I'm not making this up. And this puts me
2 in danger because if someone thinks I am insane, they are
3 likely to shoot me in supposed self-defense because they
4 trick them that they have fear for their own safety from
5 me.

6 So, the, the, the -- what I in good faith think
7 Officer Blanton would have said if she were to tell the
8 truth is that she is, she was then contacted about trying
9 to line up three assault charges against me so I can get a
10 life sentence. And that she is either coaching or has been
11 given the idea that I'm insane or mentally ill or mentally
12 unstable and prone to violence.

13 END OF PROFFER

14 THE COURT: Anything?

15 MR. DELANEY: Well, Your Honor, I think what, what she
16 said was that Officer Blanton would -- was talked to about
17 these, the beginning of criminal charges against Dr.
18 Faltas. That's what she would testify to, which is clearly
19 not relevant to this particular action that she's not able
20 to testify to, which has already been discussed. So,
21 there's really nothing that she would add or could add in
22 this particular case.

23 DR. FALTAS: Call me Marie.

24 THE COURT: No, no, ma'am. Were there any -- was
25 there anything further, Dr. Faltas, before I ask you to

1 step down?

2 DR. FALTAS: About this proffer, I just wanted to say
3 that those twenty-four letters which are in the original --
4 and Your Honor was kind enough to say you'll copy them.
5 They were, they were all received by me from Dinah Steele
6 or, or Larry Mason either by their throwing them at me, or
7 sending them to me by certified mail, although sometimes
8 they would even send -- and especially the intensity in the
9 last month when they had -- show, shows that when they
10 found out that they could not evict me or deport me, they
11 intensified the harassment and the false charges. And
12 especially, that didn't work.

13 But what were most offensive is they're trying to
14 prevent me from parking in front of the apartment I rented
15 for which I pay higher rent than the others. And kept me
16 in fear that they would come in the night and tow my car if
17 it's parked in front because many of the letters said that
18 they will tow that. And that put me in, in great fear.

19 And especially that, that sometimes I know that I need
20 the car to be immediately available if I need to go to an
21 emergency room or something because of my medical
22 condition. And -- but thank God the magistrate refused
23 to ---

24 MR. DELANEY: Your Honor, she's -- are we back on the
25 stand and she's testifying again? Are we talking about ---

1 THE COURT: She's talking about ---

2 MR. DELANEY: --- proffered testimony?

3 THE COURT: She's talking about the letters that she
4 wants to introduce into evidence.

5 DR. FALTAS: And some of those letters do include --
6 repeatedly they're telling me not to park in the parking
7 lot.

8 THE COURT: And if you'll hand them to the court
9 reporter, she'll mark them.

10 DR. FALTAS: Thank you.

11 COURT REPORTER: Are these for I.D.?

12 THE COURT: No. I'll let them in.

13 DR. FALTAS: Your Honor, may I, may suggest that the
14 copies be marked? Or, I'm sorry. It's up to the court.
15 I, I just...

16 THE COURT: Is there anything further you wish to
17 testify, Dr. Faltas?

18 COURT REPORTER: I'm sorry. I didn't hear. They're
19 in?

20 THE COURT: Yes.

21 (COLLECTION OF LETTERS MARKED INTO EVIDENCE AS
22 PLAINTIFF'S EXHIBIT NUMBER 8.)

23 THE COURT: You may step down.

24 DR. FALTAS: Yes, Your Honor. Thank you.

25 (THE WITNESS EXITS THE STAND.)

1 THE COURT: Anything further from you, Dr. Faltas, in
2 reference to the temporary injunction?

3 DR. FALTAS: Not, not by way of evidence, Your Honor.

4 THE COURT: Mr. Delaney, anything from you?

5 MR. DELANEY: Is the plaintiff -- does Dr. Faltas rest
6 at this time?

7 THE COURT: I would assume that she is. That's what I
8 just asked her, if she had any additional evidence that she
9 wished to present. She said no.

10 MR. DELANEY: Well, Your Honor, we would move for a
11 directed verdict on the charges of -- or the request of the
12 relief sought in the T.R.O. and preliminary injunction.
13 She's failed to show that there's not -- clearly we've
14 shown there is other adequate, adequate, adequate remedies
15 at law available to her, and she's failed to demonstrate
16 any irreparable injury to herself.

17 And some of the things that she specifically asked for
18 in her T.R.O. are directly repeated in the actual summons
19 and complaint. And the issue with the easement is
20 something that she said that she would take money for. In
21 fact, has demanded money from us prior to this. And,
22 actually, there's a remedy available to her in another
23 case.

24 THE COURT: Is there any evidence that you wish to
25 present?

1 MR. DELANEY: No. No. No, Your Honor.

2 THE COURT: Thank you.

3 Any argument, Dr. Faltas, relating to the temporary
4 injunction?

5 DR. FALTAS: Yes, Your Honor, and, of course, I defer
6 to Your Honor. Your Honor sees that it's two separate
7 issues: the harassment and the, the sewer lines. Of
8 course, in honesty, I see them as one issue because all of
9 this harassment is to prevent me from exercising my right
10 to have them remove the sewer lines.

11 So, it's almost as if you were talking about an
12 abscess in a patient that's caused by a foreign body being
13 launched into that patient's skin. Yes, you may give
14 antibiotics for the abscess. But the best view is to
15 remove the foreign body and exercise the abscess.

16 And the City of Columbia did not wait once they found
17 out that those people are connected to their sewer lines.
18 They didn't wait. They didn't put on themselves the burden
19 of coming to the court and suing them to require them to
20 pay for the sewer service when they hadn't been paying
21 before. They just started billing them for it, for it.
22 And if Dinah Steele were to not pay the water and sewer
23 bill that the city is billing her for, the city would turn
24 off the water, and that would include the sewer. So, the
25 city has availed itself of immediate action to its rights.

1 And, in fact, the city is enjoining those rights by way of
2 the lines that are partly on my land. So, the city is
3 profiting from my damage.

4 In addition, the city has withheld approval of my
5 building permit to put me in a catch twenty-two. That
6 happened -- the -- we need to look at what was going on
7 before Larry Mason and Dinah Steele discovered that I,
8 Mother and I bought that land and what happened after that.

9 Before that, when I applied for the special exception,
10 everyone was cooperative and cordial, and I did get the
11 special exception. When I applied for the property to be
12 subdivided so I can buy a tiny piece of it that's on Byron
13 Road, that was granted. When I asked for an address
14 assignment, that was granted.

15 But after Larry and Dinah got into the picture, I was
16 asked -- the regulations are such that residential
17 structures in Columbia -- actually, in South Carolina -- it
18 doesn't have to be designed by a professional engineer. It
19 doesn't have to be prepared by a professional engineer,
20 only commercial structures. And residential, residential
21 structures, a person can build him or herself, provided
22 that he or she does not rent it out or sell it within three
23 years after building it. So, had the city been treating me
24 the same way it had been treating me before Larry and Dinah
25 got into the picture, I would have had my building permit.

1 So, now this argument that they are making, and I
2 think the court is maybe -- I hope it doesn't ultimately
3 accept. It allows the defendants to profit from their own
4 wrongdoing. They went and harassed me with the city. They
5 claim that the city had not posted the sign correctly, the
6 notice of the hearing. The city had posted it correctly.
7 They claim that they were going to appeal my special
8 exception, and they didn't do this. They, they also told
9 the city to show them my plans, which are my intellectual
10 property.

11 So, the city, maybe this is human reaction. They're
12 just scared and said we'll not issue her a building permit.
13 Or we'll require, we'll make a higher requirement of her
14 residential because residential do not require engineer,
15 professional engineer to, to sign for it.

16 Then we go back to several of the issues. Number one,
17 that land is unique. Whatever I paid for it, whatever its
18 value is, they cannot say that they can force me to
19 surrender it for a certain dollar amount.

20 The second thing is that the right to use one lands
21 and one wishes is a constitutional right. And that was
22 discussed by the U.S. Supreme Court in a case out of South
23 Carolina where the U.S. Supreme Court reversed the State
24 Supreme Court, and that was the case of *Lucas versus South*
25 *Carolina Coastal Council*. And I think that was a 1992 case

1 that said certain regulations are taking, and that the
2 coastal regulations in question in South Carolina is
3 taking.

4 So, I think the city has taken my land by continuing
5 to use it to, to charge for sewer service, but not, and
6 not, not putting the new sewers on Larry and Dinah's
7 property. And we have testimony that this is technically
8 and physically feasible, and they can do it.

9 I have in the last item of the motion to amend
10 included the city for injunctive relief. So, I don't know
11 what else to do. The witness testified that there is
12 nothing else I can do. I have written to the city, and
13 they said they wait for the court, and the court is
14 apparently -- wait for the city. So, this is a round about
15 -- the deprivation of constitutional rights, and
16 constitutional rights include the rights to liberty, as
17 well as to the right to property.

18 And what's at issue here is not only the land but my
19 intellectual property, the future of that not only, by but
20 their delaying my work. But the fact is I stand a better
21 chance of getting final patent if in the interim of the
22 time it takes for the patent to issue I have actually built
23 the house and can show with walls and therms and kilowatt
24 hours that it works.

25 As I said, the only harm, possible harm to the

1 defendants is if it turns out that those may not have been
2 rerouted. Well, what happens if they can't be -- I mean,
3 if they would get rerouted? First, they would have a more
4 direct access to the city's sewer main. And we have
5 testimony from defendant Mason himself that, number one, he
6 never thought that there was a septic tank. So, he always
7 knew that it was city sewer and he wasn't paying for it
8 before. Be that as it may, we had his testimony that it
9 was clogged before, and they had to flush it.

10 But if there's a new sewer tap and it's not direct,
11 it's going to be less likely to be clogged. And if they
12 ultimately prevail, all they would -- they will be
13 completely made whole by my pay -- by my paying the costs
14 with interest if, if, if that turns out to be the final
15 word.

16 Conversely, if it turns out in the final adjudication,
17 and let me say this was found in March. We're in December.
18 You know, it should be tried in March. But in the interim,
19 there are so many things that are bad happening to me.

20 I am staying in an apartment where the neighbors throw
21 rocks at, at me, smoke at me. The window is loose and bugs
22 come in and bite me, and they, they are trying to evict me,
23 and at least there is an eviction on my record. They will
24 not give me references. I cannot go anywhere else. I need
25 to start building as soon as possible.

1 There is nothing physically impossible about my
2 getting a building permit if they were to stop harassing me
3 and stop interfering with me, and they will stop doing it
4 once their incentive is taken away. Their incentive is to
5 get me, to get my mother and me totally out of the picture.
6 And you heard the testimony, Mr. Larry Mason's testimony
7 that he does not want to move his sewer lines. He wants,
8 of course -- he doesn't want to, to make any expense that
9 he thinks he may not have to. But this expense is
10 something that can be refunded to him and no other injury
11 will occur to him if, as I said -- I guess I don't want to
12 be repeating myself. He will have a brand new sewer line
13 which functions better.

14 But the other, the other element is the probability of
15 harm to me. You have seen how I'm being harmed in many
16 ways. And you've seen, and I hope when you look at their
17 letters, you'll said how furious they are. You have seen
18 pictures, and they have not controverted that, of people
19 essentially threatening to rape me. I have proffered
20 testimony of their trying to put me away for life, for
21 life. These are very serious matters and a very high
22 probability of harm to me.

23 Now, the probability of my prevailing on the merits,
24 the facts are, first of all, they have no easement by
25 necessity because this is a round about way to connect and

1 it have -- the city has a more direct way. So, there is no
2 easement by necessity.

3 There is no easement by common use because from the
4 public records, there was never common owners, and there is
5 no actual easement ever recorded.

6 So, then the only thing, thing, and this is only by
7 way of exhausting all the possibility of legal theory, and
8 this is by way of discussing their probability of
9 prevailing on the merits, which is one of the four elements
10 of an injunction: harm to the movant, harm to the
11 non-movant, probability of prevailing on the merits, and
12 the public interest. So, I hope even in spite, in the
13 lateness of the hour, I'm not totally incoherent, Your
14 Honor. So, the -- their probability of prevailing on the
15 merits is nil because all the possible theories do not
16 obtain.

17 The only, the only last theory is prescriptive
18 easement, which means by, by the time, by the passage of
19 time. But that is akin to adverse possession, and it has
20 five *sine qua non* elements in the conjunctive, not in the
21 injunctive. And three elements are that missing from, from
22 those five are it being open and notorious.

23 It was not open, and it was not notorious. We've had
24 uncontroverted testimony that, number one, the actual lines
25 are under the ground by their very nature. Number two,

1 even the city didn't know about them. Number three, the
2 cleanouts were in the middle of vegetation and even if they
3 were visible, there is no way for anyone to have known
4 that, number one, they were cleanouts. Number two, that
5 those cleanouts connect to the [INAUDIBLE]. So, it was
6 neither open nor notorious.

7 And third element that it's totally lacking -- it has
8 to be fenced. And that was discussed -- I had it -- in, in
9 a case by either the Supreme Court or the Court of Appeals
10 that if it was not fenced, if the property that's claimed
11 by adverse possession was not fenced, that that could be no
12 adverse possession.

13 So, since three of the five elements for adverse
14 possession -- which are the same as prescriptive easement
15 -- are missing and they are conjunctive, not disjunctive,
16 there is no probability of them prevailing on the merits.

17 Then we go to the public interest. As I said, the
18 public interest has two elements. Number one, not to
19 reward -- well, at least three elements here. Number one,
20 not to reward the wrongdoer and they were wrong. Even if
21 they didn't built it, they knew it. He testified that he
22 bought it from the friend, from the friend of his who built
23 it. They would not have known -- that this round about way
24 was done to conceal. And in any event, they had not
25 volunteered to pay for the sewer service when they knew

1 that they were getting sewer and not septic tank and were
2 being billed for it. So, to allow them to continue is to
3 reward them for their wrongdoing.

4 And the wrongdoing isn't just civil. It's, it's going
5 to perjury. It's going to influencing public officials.
6 He said that he asked Senator Graham to try to get my
7 driver's license cancelled, to try to get me deported or
8 something to that effect. This is corruption of public
9 officials and, frankly, feeding xenophobia.

10 This is a nation of immigrants, and I am proud to say
11 that my family and I are very talented people, and in
12 different ways we contributed to this country. I may not
13 have been cut out for clinical medicine, meaning treating,
14 treating patients, but I certainly am a medical doctor. I
15 graduated with honors the youngest in my medical school
16 class even though I am a Coptic Christian, and that's a
17 religious minority in an Islamic country. When I came to
18 this country, I took and passed the equivalency
19 examinations.

20 What's important, I'm making unique knowledge of my
21 medical training, which is applying it to engineering. Not
22 many people do that, and this is important talent.

23 Talent like mine -- I say this humbly but in a sense
24 of responsibility -- should not be sacrificed at the alter
25 of some people who just want to use someone else's land

1 without paying for it. In fact, this, it wreaks of
2 thuggery. These are Mafia techniques. And then the other
3 element of the public interest and is green energy and the
4 climate. And I thank Your Honor for listening. I think I
5 have shown all of the elements which the balancing test
6 requires.

7 Now, if we don't talk about the sewer, we talk about
8 this harassment, it is clear that at least, at least I have
9 proven that the judgement of the magistrate was xenophobic,
10 totally should have recused himself. And even by the
11 judgement of the sheriff that what they were asking me to
12 do was totally unfair, not to be able to park where I rent.
13 They, they just leave no doubt. The woman was closer to
14 the other exit. She drove towards me trying to broadside
15 me. And then when I tried to take pictures, she high
16 tailed it and run away.

17 These are serious things of harassment, of harassment.
18 And the fact that the magistrate, the first magistrate was
19 unreasonable -- you heard the transcript. She said yeah,
20 he has the right to file false charges against you for
21 stealing the sign. And even though a police office
22 investigated and found that I did not steal the sign, they
23 are saying they had to -- they have the right to file false
24 charges against me.

25 Well, Your Honor, I think that was an error, and at

1 some point -- because life is made of time. My life is
2 being taken away from me. Even if they don't shoot me,
3 they hit me. My life is no longer mine; my time is no
4 longer mine. I have to move around putting all the fires
5 that they light around me, and I have no idea what else
6 they would imagine and accuse me of. We know of what
7 they've done so far, but we know that the -- they've tried
8 one thing after another. We don't know what they will try
9 next. But what we do know is so long as they have a
10 realistic hope of getting rid of me before my action at law
11 is tried so they would have to pay the money to, to remove
12 the sewer lines and pay me the damages for the delay, they
13 will try everything to get rid of me.

14 For that, I implore the court to not abandon me. I
15 have the bitter experience of being falsely accused before,
16 and that's -- I have absolutely no confidence in the system
17 that it can reliably acquit the innocent. We know that
18 people have been even executed who are innocent. I think
19 I, I pray the court to issue an injunction. I thank you,
20 Your Honor.

21 THE COURT: Mr. Delaney.

22 MR. DELANEY: May it please the court, Your Honor?
23 I'm a little bit baffled as to how to address all that's
24 gone on today. My understanding of why we're here today is
25 for a -- per the paragraph 110 that's outlined in the

1 fourth amended supplemental complaint that delineates what
2 she wants as far as a restraining order, preliminary
3 injunction, and it says:

4 Preventing defendants Steele and Mason from
5 harassing, threatening, or abusing Dr.
6 Faltas or her mother, or invading their
7 privacy, ordering Mason to surrender to the
8 court the badge he flashed to her on the
9 14th of March, 2009, and the court to
10 examine it, and/or refer it to the issuing
11 authority to determine its authenticity and
12 the purpose and having him flash it for
13 private gain ---

14 COURT REPORTER: Excuse me. You need to slow down,
15 please.

16 MR. DELANEY: Sorry.

17 COURT REPORTER: Thank you.

18 MR. DELANEY: I'll, I'll be glad to give you a copy of
19 that, and:

20 Ordering that Steele should either negotiate
21 an easement to reroute the sewer, the sewer
22 service lines away from the parcel, or
23 ordering the city to put a cap on the
24 parcel.

25 Clearly, Your Honor -- I guess I'll address these in

1 the reverse order. We've talked a lot about the, the sewer
2 lines and their presence on this parcel of land. Clearly,
3 that is something that is addressable by law, which is --
4 flies in the face of what a equitable remedy such as
5 preliminary injunctions and restraining orders are set up
6 for. They are in place when there is no adequate remedy at
7 law. Here there are some.

8 There's a negotiation of an easement, which Dr. Faltas
9 has put, put a dollar figure on of what she wanted. Now,
10 today she said that there was no money that she would take,
11 but in previous attempts, she's admitted that she's made
12 that monetary demand for that. So, there is an adequate
13 remedy at law to address that.

14 However, Your Honor, whether an easement even exists
15 is an issue to be determined at a later date after
16 discovery has been completed, after the entire gamut of
17 things has been run. Not today in a motion for equitable
18 relief such as a preliminary injunction or a restraining
19 order. It's just not proper in this setting.

20 With addressing the harassment, threatening and
21 abusing, and invasion of her privacy, there is a specific
22 cause of action in her complaint titled Invasion of
23 Privacy. I mean, it's clear that there she is seeking
24 another remedy at law. That one is available to her. I
25 don't know how we get around that, that there is need for a

1 preliminary injunction or a restraining order.

2 I think some other things that came out on the three
3 and a half hours plus that Dr. Faltas was on the stand, if
4 my time is correct, is that she has requested a restraining
5 order against Larry and Dinah before to a magistrate.
6 Those are both -- and that was denied. But Larry and Dinah
7 and two other tenants requested restraining orders against
8 her, and those were issued. She says -- she showed us a, I
9 think it's Exhibit Number 3 or so that's about forty-five
10 pictures long, and she says she's taken pictures of the
11 tenants ten or fifteen different times. Not only the
12 tenants, but of Larry and, Larry and, and Dinah. Clearly
13 this was showing a pattern that she's the one doing the
14 harassing, not necessarily Larry and Dinah.

15 Now, there have been letters written. I, I --
16 certainly we've heard that from Mr. Mason. He's written
17 letters to some congressmen and some -- has investigator
18 background and clearly, Your Honor, those are things that
19 she could address in a civil complaint. If they are making
20 complaints that she is not a legal citizen or that she is
21 -- any other defamatory comments, she can bring a claim for
22 defamation. There is an adequate remedy at law available
23 to her. Same thing with the abuse, the threats, any of
24 that stuff. There are other remedies at law available to
25 her.

1 And this, this is not a proper cause of action to be
2 brought in a temporary restraining order or a preliminary
3 injunction. It's just not set up for that type of
4 behavior. And, therefore, Your Honor, we would ask that
5 the preliminary injunction and the request for the
6 restraining order be denied. They're all addressed
7 elsewhere in the complaint, or there's other remedies
8 available at law to Dr. Faltas, which is a key component of
9 whether equitable remedy should be given. Thank you.

10 DR. FALTAS: May I -- just five minutes in very brief
11 reply, Your Honor? As far as discovery is concerned as to
12 the existence, existence of an easement, what is it that he
13 does not know? Certainly if there is a recorded easement,
14 this is not something to be discovered from me. This is
15 something that's available to him from the public records.

16 If the other elements of a prescriptive easement
17 exist, they could have -- this is not something they need
18 to discover. If the sewer lines are above ground and have
19 a, a banner on them saying on them saying these are the
20 sewer lines. They could have brought a picture or even
21 have his client testify. About the existence of an
22 easement , or in this case the nonexistence of an easement,
23 there is no issue. There is nothing to be discovered.

24 The other thing is one of the very reasons to grant an
25 injunction is to prevent a multiplicity of lawsuits. What

1 they are saying is, well, let us keep damaging her and let
2 her -- and ask her to, to keep on filing lawsuits. Well,
3 I'm not putting my sword and my body and my family's peace
4 of mind out for sale so that people can damage us as they
5 please, and then we can sue for money. Some things cannot
6 be remedied by money, and one of the offices of an
7 injunction is to prevent multiplicity of lawsuits.

8 The, the other thing is that he said that those, those
9 -- that I was not granted the temporary restraining order
10 and they got one against me. Well, Your Honor, the entire
11 transcript is before Your Honor, and it was admitted.

12 First, that was in April. It was asked for in March,
13 and it was heard in April before I even knew about the
14 sewer. At that point, I didn't know what their deal is,
15 why they were trying to stop me buying it. So, they have
16 been a lot -- there has been a lot that happened to me
17 since then.

18 The second is that both those issues, the denial of
19 the restraining order at the beginning, at the beginning,
20 and the grant of the restraining order are appealed. Both,
21 I think, have, have valid appeals. I find it not
22 frivolous, and I have hope of prevailing on them.

23 Additionally, they, they have a record. There is
24 testimony where inside -- and you've seen some of it, where
25 he admitted. He even bragged. When I told him, well, you

1 want me to be evicted. You don't -- you won't give me a
2 reference, and you don't want me to build. Then I'll be
3 homeless. He says it won't be bother me in the least.

4 And so, at some point the, the function of the law is
5 to make society civil, not keep the law of the jungle where
6 the, the more mighty or the one with least conscience can
7 devour the one who has scruples.

8 And what has been done is totally -- in fact, all Mr.
9 Delaney's questions to me, and one of them, Your Honor,
10 thank, and I thank you. He was wanting to know what bank
11 my mother banks with. What relevance does this have to
12 anything? They are trying to further invade our privacy,
13 and then bank on the chance that a jury would be as biased
14 against us as the magistrate's court because of our foreign
15 national origin.

16 So, I hope Your Honor and I know Your Honor will be a
17 fair judge and a great judge, and I hope Your Honor will
18 not disappoint me and will not abandon me, and I want to
19 thank you.

20 And I want to ask as a housekeeping matter. When may
21 I come to get originals back tomorrow, please?

22 THE COURT: We'll make copies and leave them behind
23 the glass at the desk in the clerk's office.

24 DR. FALTAS: Post office? Did you say ---

25 THE COURT: No.

1 DR. FALTAS: --- clerk's office?

2 THE COURT: In the clerk's office, one of the ladies
3 behind the -- at the desk behind the glass, we'll leave
4 them with them so that you can pick them up. They will be
5 in an envelope, in a manila envelope for you to pick up.

6 DR. FALTAS: And I'm not imposing on the court. I'll
7 just say that I go to a medical conference on Wednesdays
8 from, God willing, from seven to eight. I know that ---

9 THE COURT: They'll be down there tomorrow. I don't
10 know exactly what time, but they'll be down there probably
11 some time tomorrow morning. But I can't tell you exactly
12 what time.

13 DR. FALTAS: Thank, thank you.

14 THE COURT: But they'll be there. You can pick them
15 up from there.

16 DR. FALTAS: Thank you very much, Your Honor, and once
17 again I apologize if my zealous advocacy got too zealous.
18 I certainly have great appreciation and respect for you.

19 THE COURT: Mr. Delaney, would you provide me a copy
20 of the restraining order that was issued in favor of your
21 clients?

22 MR. DELANEY: Yes, Your Honor. Do you want me just
23 fax it to your office tomorrow, or scan and email? What's
24 the preferred format that you'd like?

25 THE COURT: I don't want it in an email. If you will

1 just either fax it or have someone ---

2 MR. DELANEY: Hand deliver.

3 THE COURT: Deliver it.

4 MR. DELANEY: Hand deliver it, will that be better?

5 THE COURT: Either way.

6 MR. DELANEY: Okay.

7 DR. FALTAS: Would Your Honor like the dates of that
8 hearing?

9 THE COURT: No, ma'am.

10 DR. FALTAS: Okay.

11 THE COURT: I will take the documents. I'll review
12 them, and I'll make a decision.

13 DR. FALTAS: Thank you, Your Honor.

14 THE COURT: And the remaining issues which, for the
15 record, frankly, for the record, I think the motion for
16 summary judgment filed by Dr. Faltas is premature to be
17 heard at this particular point. I think that throughout
18 the course of both today's hearing and other times that
19 there, there's been statements that there are factual
20 issues. And I believe that there are factual issues so
21 that at this -- I believe that summary judgment would not
22 be appropriate as to liability. I don't think it's
23 appropriate for that one to be heard at this particular
24 point. But I'm not making a ruling on that. I'm not, I'm
25 not ruling on that particular issue. And that will be

1 decided at some later point.

2 The other motion, the two motions that will have
3 priority at the next time the case is heard by whomever
4 will be the motion to amend the complaint, and Evers-Koon
5 motion for summary judgment.

6 MS. ADAMS: Your Honor, can I address that one thing?
7 There was a motion to dismiss that was filed in April based
8 on the first amended complaint, and then a subsequent
9 motion for summary judgment, and I wanted to make sure that
10 that was reflected in the clerk's file. I don't have a
11 filed copy of that, but it was originally filed as a motion
12 to dismiss on the pleadings.

13 THE COURT: When was it filed?

14 MS. ADAMS: It was filed April 30, 2009.

15 THE COURT: As to?

16 MS. ADAMS: As to Evers-Koon Group.

17 THE COURT: Yes, there was a motion to dismiss filed
18 by Evers-Koon Group, Limited, on April 30th. And then
19 there was a motion for summary judgment that was filed on
20 October the 8th.

21 MS. ADAMS: That's correct, Your Honor.

22 THE COURT: And there is a memorandum in support of
23 the motion to dismiss and/or motion for summary judgment on
24 behalf of Evers-Koon Group, Limited. That was filed on
25 October the 15th.

1 MS. ADAMS: That's correct, Your Honor. Thank you.

2 THE COURT: And there was also an affidavit of Eugene
3 Koon, Jr., as president of Evers-Koon Group. That was
4 filed on October the 8th.

5 There is also, there is a response I believe. There's
6 a memorandum filed by Dr. Faltas in strong opposition to
7 defendant Trip Koon and Evers-Koon Group's purported motion
8 to dismiss and/or summary judgment, and in opposition to
9 Steele Investments, similar motions. And also -- and that
10 was filed on October the 15th. And, and those were all the
11 documents that I had together to consider with that
12 particular issue.

13 DR. FALTAS: Actually, Your Honor, I filed three
14 separate affidavits at least. One is that memorandum, one
15 on October 19th, and one previously. There, there is a
16 document that is ---

17 THE COURT: Whatever's filed on October -- it looks
18 like it was stamped twice. There is one that's stamped
19 October 19th, but in my review of it, it's exactly the
20 same.

21 DR. FALTAS: There, there was one in June and one
22 earlier, and I could, I could give you all of the dates of
23 them.

24 THE COURT: There, there was a memo filed in October,
25 it looks like the 15th. Then there's one that appears to

1 be identical that was filed on October the 19th, and ---

2 DR. FALTAS: It, it -- okay. It may not be identical.
3 The title may look alike, but if I may tell Your Honor
4 there was one in opposition to Tripp Koon's motion to
5 dismiss. That was separate and that was the earliest one.
6 And then there was one which was a memoranda and affidavit.
7 The one, the earliest one was the one that talks about his
8 having brought me a cake, telling me that that -- because
9 Jesus loves me, and then I was a little wondering what
10 happened to Jesus's love for me when he was there, breaking
11 my ---

12 THE COURT: I'm sorry. The court reporter is not
13 picking you up. It sounds like you're talking to yourself.

14 DR. FALTAS: I'm sorry. There is, there is -- in
15 addition to the one Your Honor identified, there is
16 plaintiff's memorandum and affidavit in strong opposition
17 defendants Sharon and Buddy Koon's purported motion to
18 dismiss and summary judgment, combined with plaintiff's
19 suggestion for sanctions on Tripp Koon and ---

20 THE COURT: And that doesn't relate to Evers-Koon.
21 That relates to -- that was stamped on July, it looks like
22 July the 1st.

23 DR. FALTAS: Yes, Your Honor.

24 THE COURT: And that relates to different motions and
25 not to Evers-Koon motions, which is why I was talking about

1 the October 19th relates specifically to the Evers-Koon
2 motion, motions.

3 DR. FALTAS: All right, and then the ---

4 THE COURT: And I, and I understand that there may be
5 other points in the October 19th one that may relate to
6 other motions, and it will be considered. But to the
7 extent that it specifically addressed Evers-Koon, I tried
8 to keep all those documents.

9 DR. FALTAS: Thank you, Your Honor, and then there's
10 one other affidavit related to Tripp Koon, and if I may
11 locate it and give Your Honor the dates?

12 THE COURT: I have, I have all those. I'm not
13 addressing those.

14 DR. FALTAS: Okay.

15 THE COURT: I'm only addressing Evers-Koon because
16 that's the one that remains to be heard. That has not been
17 specifically argued.

18 DR. FALTAS: Oh. I see.

19 THE COURT: Is the Evers-Koon motions.

20 DR. FALTAS: I see. I see.

21 THE COURT: So, those, as I read it, those are the --
22 well, since I specifically did not take up the motion to
23 amend the complaint, that would be the third motion. So,
24 there are three motions that are, that are pending. The
25 two motions that have immediate priority would be the

1 motion to amend, and the motion for -- to dismiss, and/or
2 summary judgment by Evers-Koon Group.

3 Now, I understand, Dr. Faltas, the reasons why you
4 keep filing the documents. But let me tell you in very
5 clear and in very strong terms in the most polite way that
6 I know how to say it, and that is not to file any
7 additional supplemental complaints.

8 The problem that, that exists is that in complaint
9 number one, there's certain parties and certain
10 allegations. In the substitute first amended, there are
11 additional claims. Then there's a third one. Then there's
12 a fourth one. The last two add additional, purport to
13 discuss and add additional parties and additional causes of
14 action that were not part of the original lawsuit that was
15 filed. And I understand that you say that it is a
16 continuing course of events that require -- that you feel
17 compels you to be able to amend so that all of your issues
18 are addressed.

19 But at some particular point, there has to be a cut
20 off. It cannot continue up until the time of trial. There
21 has to be an end point for purposes of discovery, for
22 purposes of knowing what the claims are, and being able to
23 go forward with a trial on the issues. And this case will
24 come up for trial probably as soon as it hits the one-year
25 mark, which will be in March of next year.

1 The problem with adding additional claims and adding
2 additional parties without the court's permission is that
3 there are allegations that are out there, floating out
4 there that no one knows how to defend against. And in
5 addition, it addresses individuals and parties and may talk
6 about claims against those particular parties that are not
7 present in this lawsuit at the current way it stands.

8 DR. FALTAS: That's, that's why, Your Honor, I am
9 seeking an injunction so no new cases arise. That's one
10 thing. The other thing, in this very hearing Your Honor
11 said that my recourse is against the city, or part of my --
12 that's why I want the city to be a defendant so it can be
13 subject to an order because -- but I, but I do appreciate
14 that. And I will not do that any longer, and, and I ---

15 THE COURT: The city, the city is not a party to this
16 lawsuit.

17 DR. FALTAS: Yet, unless Your Honor grants my motion.

18 THE COURT: At this particular point, the city is not
19 a party to this lawsuit. Whatever allegations and claims
20 you have against the city or against the chief of police or
21 against the city manager or against the bank or against
22 other individuals who you've know added in through your
23 allegations but are not parties in this case, they have no
24 bearing here at this particular point. And to allow you to
25 continue to file these documents and expect there to be a

1 response or expect the court or the parties to be able to
2 pick up these documents and think oh, these are the new
3 allegations, I need to be prepared to defend these, is not
4 fair. That's, that's the whole reason why you are required
5 to have an order of court that allows you to amend your
6 complaint before you file your documents.

7 Now, if you wish to file a motion to amend, you
8 certainly can. And I do believe that the rules require
9 that, in addition to your motion, you attach a copy of the
10 pleading that you propose to have amended. But that's not
11 what's been done here.

12 This is not a motion to amend. This is a first
13 amended and supplemental complaint, and motion for
14 temporary restraining order, and preliminary injunction
15 fourth substitution. It adds a couple of causes of action.
16 It adds at least five new parties, and it adds additional
17 paragraphs that have -- that I'm not going to address. And
18 I'm not going to go back or any other judge is going to go
19 back and try to compare to find out the changes of each and
20 every claim.

21 DR. FALTAS: And what I'm saying, Your Honor, is that
22 my initial motion, as you said, attached the complaint I
23 wanted to amend it as. But then when it had not been
24 heard, I substituted the complaint that is attached to the
25 motion. I understand as things stand now, the complaint is

1 not amended unless Your Honor says it is amend -- the
2 motion to amend is granted or partially granted or
3 something. I do understand that. But all I was saying is
4 this motion that I timely filed back in June, and it did
5 have an attached complaint.

6 THE COURT: And that was the first amended complaint.

7 DR. FALTAS: That's, that's, that's correct.

8 THE COURT: And there's been three others since then.

9 DR. FALTAS: Absolutely, and all I'm saying is don't
10 consider the other three when you, when you come to
11 consider the motion. Please consider this last substituted
12 one. That's, that's all I'm saying, and I'm grateful.

13 Now that -- the big question which I had asked before,
14 and I don't know if the facts on the ground, the procedural
15 facts have changed. Will Your Honor retain jurisdiction?

16 THE COURT: No, ma'am. I don't ever retain
17 jurisdiction over a case unless it's assigned to me as a
18 complex case. I, basically I have this, this entire case
19 under advisement. I've heard every single motion in this
20 case except for the discovery motions. And so, I, I am not
21 going to continue to retain it because that is, that is not
22 fair to me. It is not fair to the other judges. It's not
23 fair to the parties. At some particular point, the case
24 has to go forward, and I am not the only judge that can
25 hear this case. And I've made that my -- I've made that

1 point clear to Judge Barber and to the clerk's office. I
2 am not the only judge here who can hear cases involving Dr.
3 Faltas.

4 Now, I will, I will certainly give, give my full
5 attention to all the motions that I have heard. That is my
6 job; that's my requirement. And that's -- and I take my
7 job very seriously. But it is a disservice to me for --
8 and, and to the parties to, to have me mired down in all of
9 the paperwork and all the issues that have to be addressed
10 and to repeatedly be put in the position of having to make
11 the decisions about this case when there are other judges
12 available who can do that.

13 And I, and I, as I stated, I have no problem doing my
14 job. I will do my job, and I will give it the full
15 attention, but I will not retrain jurisdiction over it.

16 DR. FALTAS: It certainly is Your Honor's prerogative,
17 and I apologize. It's only out of confidence in Your Honor
18 that, that I ask that.

19 THE COURT: Well, and I appreciate that, but as I
20 stated, I'm not the only judge who can make an intelligent
21 decision here.

22 DR. FALTAS: And so the other thing I keep repeating
23 is that I didn't do any of this to myself, Your Honor.

24 THE COURT: I, I am not saying -- I'm not passing on
25 whether anybody has done anything or not. I'm just making

1 it clear to the parties that you should not expect that
2 only one judge will hear the case, and that, and that
3 applies to everyone involved in this particular situation.

4 But I will, I will -- there are a number of documents
5 that I need to read. I will do my best and try to work as
6 quickly as I can. But -- and I apologize if I'm not being
7 sensitive generally. But, frankly, I have enough in my
8 office in nonjury to last me a lifetime, and I have to
9 devote time and attention to each and every matter that's
10 heard before me. And I -- it is very difficult to be able
11 to do that when I'm repeatedly put in a position for
12 nonjury and I'm not given adequate time to do that. And so
13 to the extent that I'm venting generally, I apologize for
14 that. But I assure you that I take this case seriously,
15 and I will look at it and try to make a decision as soon as
16 I'm able to do that.

17 DR. FALTAS: We all love you, Your Honor. I'm sure
18 I'm, I'm speaking for them. We all love Your Honor very
19 much, and we're really very grateful. I just wanted to
20 tell you that all other cases I have brought here I either
21 prevail or settle. So, I try to be very ---

22 THE COURT: And I understand that you've very
23 thorough, Dr. Faltas. I've seen you many times. I'm
24 familiar, you know, with, with how you treat your cases.
25 I'm familiar with that process, and I try to devote just as

1 much time as you do to those matters and to be able to come
2 up with a correct decision and the right decision. But you
3 make my job a little bit more difficult when you continue
4 to file amended -- amendments to the complaint because that
5 way, when I think I have the issues set, then there's
6 additional stuff that comes up and there's not been a court
7 ruling to -- whether or not to allow those. The parties
8 start arguing those points or they're, they don't know
9 whether to argue them or not. And so it just makes the
10 entire case a lot more difficult to get through.

11 DR. FALTAS: I apologize for that, Your Honor. I
12 would also like to suggest that maybe the court can give
13 the parties and me a nudge to try to settle this.

14 THE COURT: You know, you -- that's always, you always
15 have the freedom to do that. You never need court
16 intervention to try to resolve it. I always encourage the
17 parties, and if there's an opportunity and a door that's
18 open, that you all sit down and discuss it, but a lot of
19 that depends on the relationships that the parties and the
20 attorneys and the parties have with each other. So, I, I
21 cannot twist anyone's arm to come to a resolution. But I,
22 I -- it's always been my position that to the extent that
23 you can resolve it among yourselves, that's what's
24 preferred because then everybody's relatively happy.

25 DR. FALTAS: Then may we, may we ---

1 THE COURT: So, with having said that, it's almost
2 7:00.

3 DR. FALTAS: Yes. Yes, Your Honor.

4 THE COURT: I will take the documents, and I will
5 review them, and I will try to get information to you as
6 quickly as I can. But I honestly, I will do what I can.

7 DR. FALTAS: Thank you.

8 THE COURT: And that's all I can do.

9 DR. FALTAS: Thank you, Your Honor.

10 MR. McKENZIE: Thank you, Your Honor.

11 MR. DELANEY: Thank you, Your Honor.

12 --- END OF TRANSCRIPT OF RECORD ---

CERTIFICATE

I, THE UNDERSIGNED ELIZABETH B. HARRIS, CERTIFIED
VERBATIM 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 HEARING
OF THE CAPTIONED CAUSE, RELATIVE TO APPEAL, IN THE
CIRCUIT COURT FOR RICHLAND COUNTY, SOUTH CAROLINA, ON
THE 1ST DAY OF DECEMBER, 2009.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN,
COUNSEL, NOR INTEREST IN ANY PARTY HERETO.

ELIZABETH B. HARRIS, CVR

COLUMBIA, SOUTH CAROLINA

MAY 30TH, 2010

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Marie Assa'ad Faltas, MD, MPH,

Plaintiff,

vs.

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

Defendants,

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Docket No.: 2009-CP-40-2219

**ORDER FOR
PRELIMINARY INJUNCTION**

RICHLAND COUNTY
FILED
2009 DEC 22 PM 4:48
JEANETTE W. McBRIDE
C.C.P. & G.S.

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

DISCUSSION

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

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

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

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

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

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

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

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

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

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

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

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SOUTH CAROLINA

17 SEP 2010

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

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

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

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

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

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

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

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

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

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

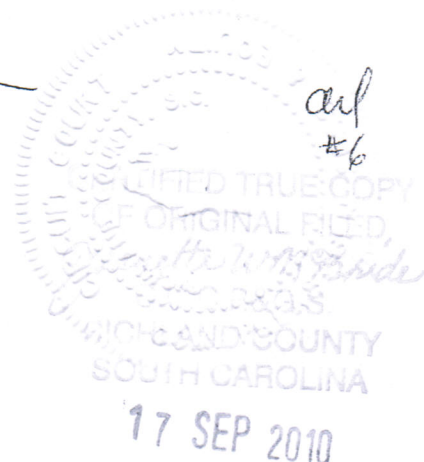
ORDER

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

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

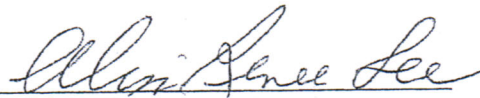
IT IS FURTHER ORDERED that Larry Mason and Dinah Steele shall not enter the premises at 304 Byron Road, Apt. 3 in Columbia, except for emergencies such as fire or flood.

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

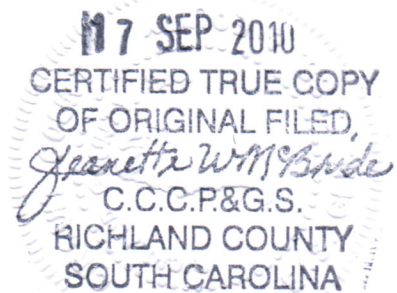


IT IS FURTHER ORDERED that Plaintiff provide proof of payment of the security to counsel of the Defendants and counsel of Defendants shall immediately inform the Defendants without further proof by the Plaintiff.

AND IT IS SO ORDERED.


ALISON RENEE LEE
Presiding Judge

December 22, 2009
Columbia, South Carolina



ad
#7

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Marie Assa'ad Faltas, MD, MPH,

Plaintiff,
vs.

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

Defendants,

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Docket No.: 2009-CP-40-2219

ORDER

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

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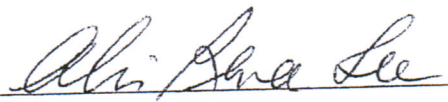
This matter comes before the Court by way of a motion filed by Plaintiff for partial reconsideration and/or clarification of this Court's Order entered on December 22, 2009. Plaintiff asks that this Court reconsider its denial of the injunction concerning the sewer lines. However, after careful consideration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

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

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

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

AND IT IS SO ORDERED.


ALISON RENEE LEE
Presiding Judge

December 31, 2009
Columbia, South Carolina

State of South Carolina

Court of General Sessions

County of Richland

2010-GS-40-11987

The State of South Carolina

:

:

PARTIAL

-VS-

:

TRANSCRIPT OF RECORD

:

Dr. Marie Assa'ad-Faltas

:

February 22 - 26, 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

I N D E X

Witness

Teresa Ingram

Direct Examination by Ms. Weiss.....15

Amanda Blanton (in camera)

Direct Examination by Ms. Weiss.....58

Cross-Examination by Dr. Faltas.....96

Redirect Examination by Ms. Weiss.....151

Recross Examination by Dr. Faltas.....152

Angela Ladson (In camera)

Direct Examination by Dr. Faltas.....157

Cross-Examination by Ms. Weiss.....172

Redirect Examination by Dr. Faltas.....174

Recross Examination by Ms. Weiss.....176

Tandy Carter (in camera)

Direct Examination by Dr. Faltas.....181

Dana Turner (in camera)

Direct Examination by Dr. Faltas.....195

Dr. Marie Assa'ad-Faltas (in camera)

Examination.....198

I N D E XWitness

Teresa Ingram (testimony resumed before the jury)

Direct Examination by Ms. Weiss.....205

Cross-Examination by Dr. Faltas.....232

Rodney Ingram

Direct Examination by Ms. Weiss.....379

Cross-Examination by Dr. Faltas.....386

Curtis Ingram

Direct Examination by Ms. Weiss.....408

Cross-Examination by Dr. Faltas.....413

Amanda Blanton

Direct Examination by Ms. Weiss.....430

Cross-Examination by Dr. Faltas.....450

Tiffany Lurke

Direct Examination by Ms. Weiss.....490

Cross-Examination by Dr. Faltas.....497

Derek El Dada

Direct Examination by Mr. Campbell.....512

Cross-Examination by Dr. Faltas.....518

I N D E X

Witness

Taurus D. Sanders

Direct Examination by Ms. Weiss.....534

Cross-Examination by Dr. Faltas.....540

Dinah Steele-Mason

Direct Examination by Dr. Faltas.....556

Cross-Examination by Ms. Weiss.....581

Redirect Examination by Dr. Faltas.....584

Larry W. Mason

Direct Examination by Dr. Faltas.....592

John M. Jones

Direct Examination by Dr. Faltas.....619

Dr. Marie Assa'ad-Faltas

Testimony presented.....636

Corey Curry

Direct Examination by Dr. Faltas.....732

J. Andrew Delaney

Direct Examination by Dr. Faltas.....737

I N D E XWitnessOrin G. Briggs

Direct Examination by Dr. Faltas.....753

Frances Reynolds

Direct Examination by Dr. Faltas.....758

Tandy Carter

Direct Examination by Dr. Faltas.....764

E X H I B I T S

<u>No.</u>	<u>Description</u>	<u>Id.</u>	<u>Evd.</u>
S-1	Photograph	204	207
S-2	Photograph	204	207
S-3	Photograph	204	207
S-4	Photograph	204	207
S-5	Photograph	204	207
S-6	Photograph	204	209
S-7	Photograph	209	211
S-8	Photograph	209	211
S-9	Photograph	209	211
S-10	Photograph	209	211
S-11	Photograph	209	211
S-12	Photograph	209	211
S-13	Photograph	209	211
S-14	Photograph	209	211
S-15	Photograph	209	211
S-16	Photograph	209	211
S-17	Photograph	209	211
S-18	Photograph	209	211
S-19	Photograph	209	211
S-20	Photograph	209	211

E X H I B I T S

<u>No.</u>	<u>Description</u>	<u>Id.</u>	<u>Evd.</u>
S-21	Photograph	209	211
S-22	Photograph	209	211
S-23	Photograph	209	211
S-24	Photograph	209	211
S-25	Photograph	209	211
S-26	Photograph	209	211
S-27	Photograph	209	211
S-28	Photograph	209	211
S-29	Photograph	209	211
S-30	Photograph	209	211
S-31	Photograph	209	211
S-32	Photograph	209	211
S-33	Photograph	209	211
S-34	Photograph	209	211
S-35	Photograph	209	211
S-36	Photograph	209	211
S-37	Photograph	209	211
S-38	Photograph	209	211
S-39	Photograph	209	211
S-40	Photograph	209	211

E X H I B I T S

<u>No.</u>	<u>Description</u>	<u>Id.</u>	<u>Evd.</u>
S-41	Photograph	209	211
S-42	Photograph	209	211
S-43	Photograph	209	211
S-44	Photograph	209	211
S-45	Photograph	209	211
S-46	Photograph	209	211
S-47	Photograph	209	211
S-48	Photograph	209	211
S-49	Photograph	209	211
S-50	Photograph	209	211
S-51	Photograph	209	211
S-52	Photograph	209	211
S-53	Photograph	209	211
S-54	Photograph	209	211
S-55	Photograph	209	211
S-56	Photograph	209	211
S-57	Photograph	209	211
S-58	Photograph	209	211
S-59	Photograph	209	211
S-60	Photograph	209	211

E X H I B I T S

<u>No.</u>	<u>Description</u>	<u>Id.</u>	<u>Evd.</u>
S-61	Photograph	209	211
S-62	Photograph	209	211
S-63	Photograph	209	211
S-64	Photograph	209	211
S-65	Photograph	209	211
S-66	Photograph	209	211
S-67	Photograph	209	211
S-68	Photograph	209	211
S-69	Photograph	209	211
S-70	Photograph	209	211
S-71	Photograph	209	211
S-72	Photograph	209	211
S-73	Photograph	209	211
S-74	Photograph	209	211
S-75	Photograph	209	211
S-76	Photograph	209	211
S-77	Photograph	209	211
S-78	Photograph	209	211
S-78	Photograph	209	211
S-79	Photograph	209	211

E X H I B I T S

<u>No.</u>	<u>Description</u>	<u>Id.</u>	<u>Evd.</u>
S-80	Photograph	209	211
S-81	Photograph	209	211
S-82	Photograph	209	211
S-83	Photograph	209	211
S-84	Photograph	209	211
S-85	Photograph	209	211
S-86	Photograph	209	211
S-87	Photograph	209	211
S-88	Photograph	209	211
S-89	Photograph	209	211
S-90	Photograph	209	211
S-91	Photograph	209	211
S-92	Photograph	209	211
S-93	Photograph	209	211
S-94	Photograph	209	211
S-95	Photograph	209	211
S-96	Photograph	209	211
S-97	Photograph	209	211
S-98	Photograph	209	211
S-99	Photograph	209	211

E X H I B I T S

<u>No.</u>	<u>Description</u>	<u>Id.</u>	<u>Evd.</u>
S-100	Photograph		444
S-101	Photograph		444
S-102	Photograph		444
S-103	Photograph		444
S-104	Photograph		444
S-105	Photograph		444
S-106	Photograph		444
S-107	Photograph		444
S-108	Photograph		444
S-109	Photograph		444
S-110	Photograph		444
S-111	Photograph		444
S-112	Photograph		444
S-113	C.D. - 9-1-1 recording	228	230
S-114	Photograph	443	444
S-115	Photograph	443	444
S-116	Photograph	443	444
S-117	Photograph	443	444
S-118	Audio cassettes	446	
S-119	Bag of photographs	446	

E X H I B I T S

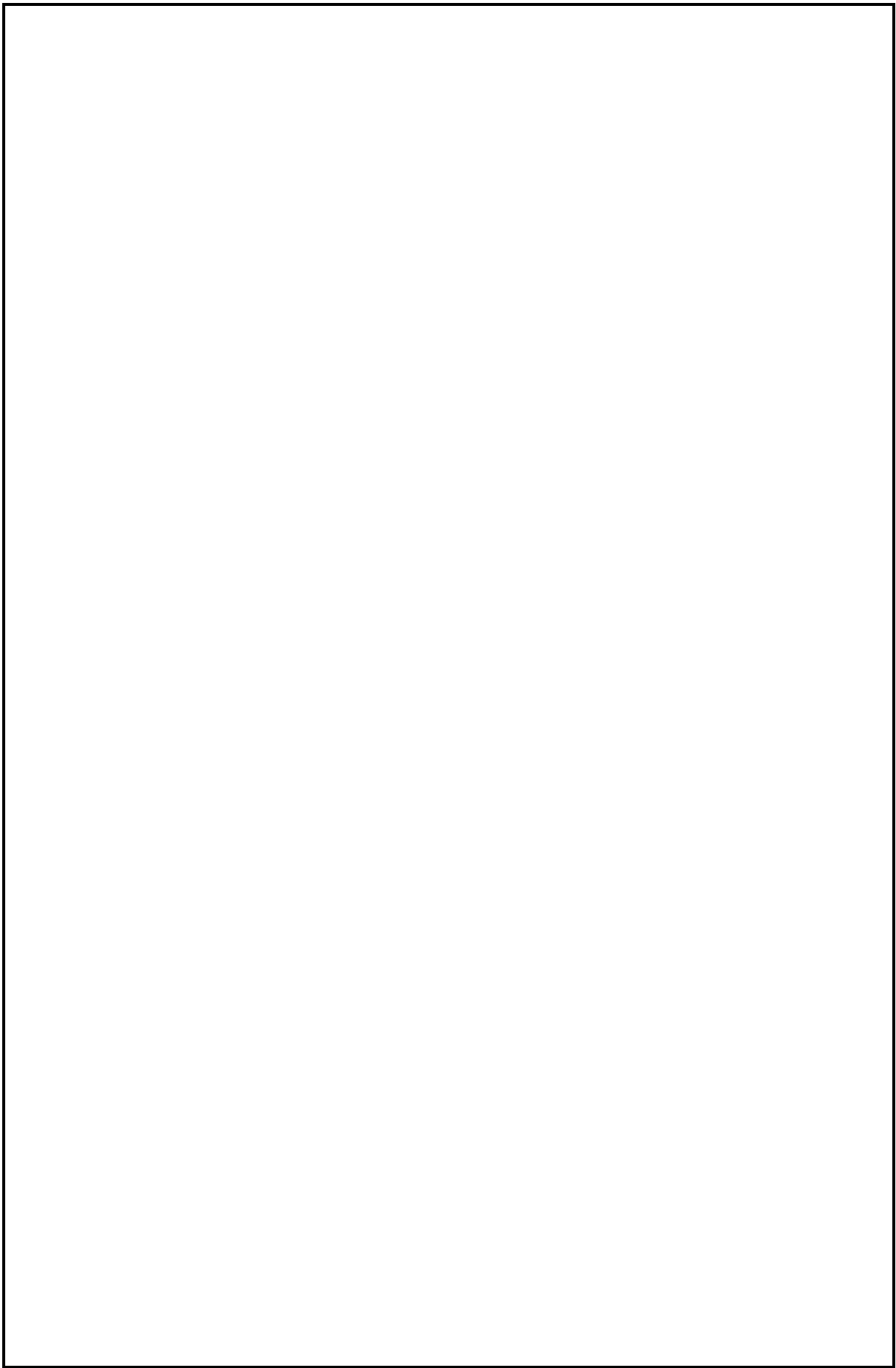
<u>No.</u>	<u>Description</u>	<u>Id.</u>	<u>Evd.</u>
S-120	Bag of photographs	446	
S-121	Bag of photographs	446	
S-122	Crate of photographs	446	
S-123	Letters to Dr. Faltas from Mason and Steele	580	583
D-1	Letter to Teresa Ingram from Dr. Faltas		294
D-2	Statement of Teresa Ingram, 10/6/09	308	
D-3	Statement of Teresa Ingram, 11/3/09	308	
D-4	Letter of Rodney Ingram, 4/24/09	407	
D-5	Preliminary hearing transcript	473	
D-6	Statement of Alden Wheeler	475	
D-7	Case summary	484	
D-8	Search warrant photographs	484	485
D-9	Photograph	520	
D-10	Photograph	533	
D-11	Photograph	533	
D-12	Photograph		567

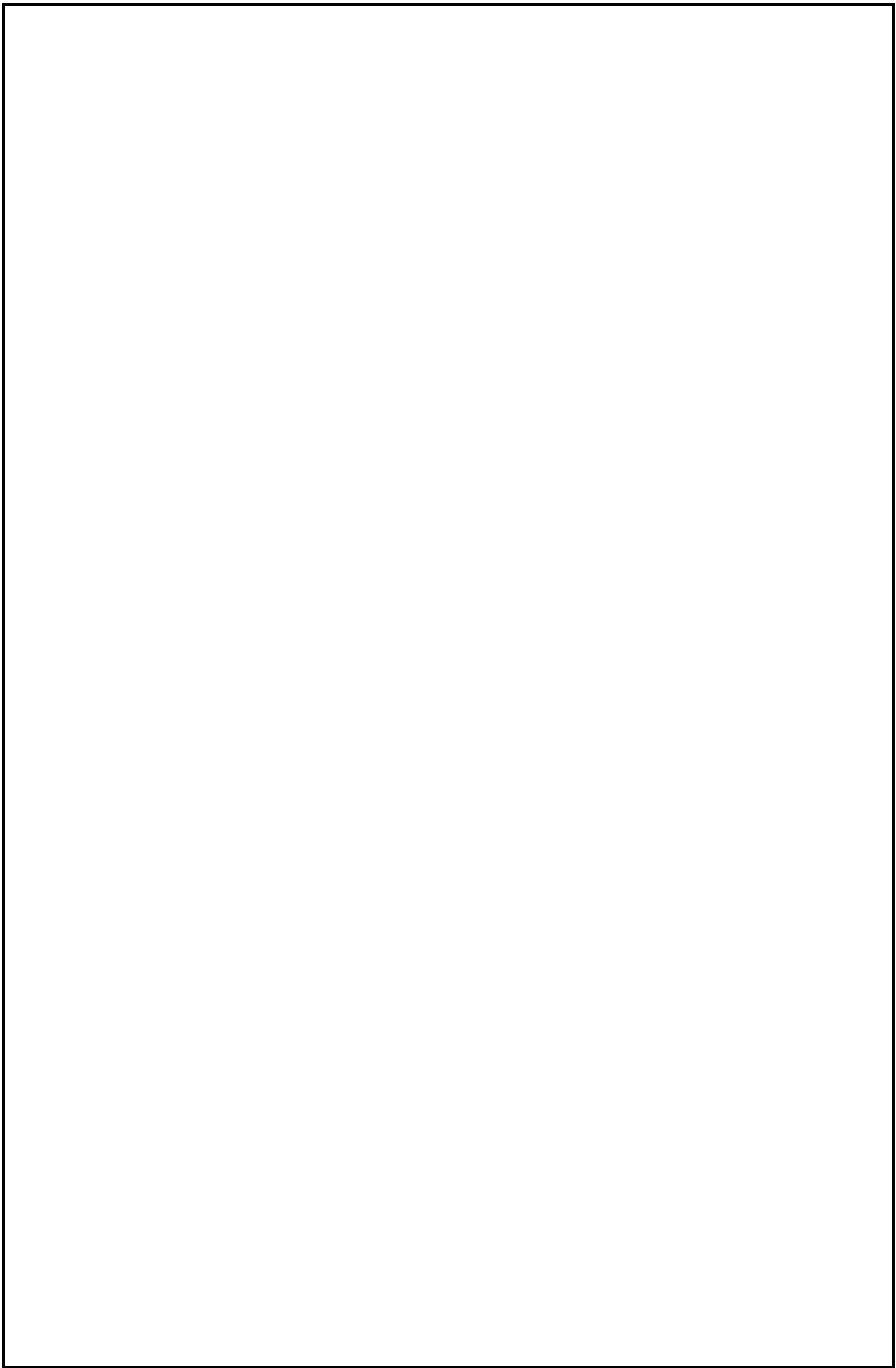
E X H I B I T S

<u>No.</u>	<u>Description</u>	<u>Id.</u>	<u>Evd.</u>
D-13	Letter to Senator Joe Wilson	576	
D-14	Security guard internet print-out	596	
D-15	Photograph	631	
D-16	Photograph	631	
D-17	Photograph	631	
D-18	Letter to Michelle Garner from Dinah Steele	664	
D-19	Copy of certified mail document	664	
D-20	Letter to Dinah Steele from Michelle Garner	664	
D-21	Letter to Michelle Garner from Dinah Steele	664	
D-22	Letter to Dr. Faltas from Gary Johnson	664	
D-23	Letter to Dr. Faltas from Michelle Garner	664	
D-24	Photograph	705	779
D-25	Photographs		710
D-26	Photographs		710
D-27	Photographs		710
D-28	Photograph		779
D-29	Photograph		779

E X H I B I T S

<u>No.</u>	<u>Description</u>	<u>Id.</u>	<u>Evd.</u>
D-30	Photograph		779
D-31	Photograph		779
D-32	Photograph		779
D-33	Order for preliminary injunction	779	
C-1	Arrest warrant	66	
C-2	Arrest warrant	66	
C-3	Search warrant	66	
C-4	Search warrant	66	
C-5	Letter to Teresa Ingram from Dr. Faltas	147	
C-6	Jury note	779	
C-7	Jury note	779	





(Court reporter's note: This is a partial transcript of record, per the request of Ms. Weiss who requested only the testimony from the trial proceedings be transcribed. Prior to the beginning of testimony, there was over a day's worth of colloquy that took place, as well as the impaneling of the jury, and opening statements. The testimony began in the presence of the jury as follows:)

Ms. Weiss: The State calls Teresa Ingram.

The Court: Ms. Ingram?

Teresa Ingram, after being duly sworn, testified as follows:

The Clerk: Have a seat in the witness stand and give the court reporter your name, please.

The Witness: My name is Teresa Ingram.

Direct Examination

By Ms. Weiss:

Q. Good afternoon, Ms. Ingram.

A. Good afternoon.

Q. Your name is Teresa Ingram?

A. Yes.

Q. Do you mind if I call you Teresa?

A. That's fine.

Q. Teresa, where are you from?

A. I'm from Sumter, South Carolina.

Q. Were you born and raised there?

1 A. Yes.

2 Q. Did you go to high school there?

3 A. Yes, high school in Sumter, South Carolina, as well.

4 Q. Where did you graduate from?

5 A. Mayewood High School in 1994.

6 **Dr. Faltas:** I'm sorry. I didn't hear. Did she say
7 Mayewood?

8 **The Court:** Yes, Mayewood High School. Can you scoot up
9 a little and close to the mic?

10 By Ms. Weiss:

11 Q. If you want to move the mic over towards you... There
12 you go. After you left Mayewood in 1994, where did you go?

13 A. Initially after high school I sat out a year. Then I
14 went in the Navy.

15 **Dr. Faltas:** I'm sorry. I still can't hear.

16 **Ms. Weiss:** May I continue, Your Honor?

17 **The Court:** Yes.

18 By Ms. Weiss:

19 Q. And what did you do in the Navy?

20 A. I was aviation.

21 Q. How long did you remain with the Navy?

22 A. I only stayed in the Navy a year and a half. I got out
23 on a medical discharge.

24 Q. An honorable discharge?

25 A. Yes, honorable medical discharge. Yes.

1 Q. Honorable medical. When you left the Navy, where did
2 you go?

3 A. I attended South Carolina State, and after South
4 Carolina State work was in between a few years, and my last
5 schooling was at Benedict College, a junior at Benedict
6 College in 2003, Spring of 2003.

7 Q. Spring of 2003.

8 A. Uh-huh.

9 Q. And when you left there, did you go to work?

10 A. Yes.

11 Q. Where did you go to work?

12 A. At that time it was APEC, and from APEC I worked at the
13 Department of Juvenile Justice for a few years and then the
14 Mentor Network.

15 Q. The Mentor Network?

16 A. Yes.

17 Q. Please tell the jury -- is that where you currently work
18 today?

19 A. Yes.

20 Q. Please tell the jury a little bit about the Mentor
21 Network and what it is.

22 A. The Mentor Network -- if some of you are from Columbia,
23 it's very similar to the Babcock Center. We help individuals
24 that have brain injuries, and I work at a house that's in the
25 northeast and there's four young adult males and they have

1 all had brain injuries. And that's just basically assisting
2 them with their daily living duties. It could be doctors'
3 appointments, transportation, activities, meals, medications
4 just that type of stuff.

5 Q. Did you receive training to work with the Mentor
6 Network?

7 A. Yes, I received training through the Mentor Network
8 itself, but I also received training for the same background
9 with the Disability and Special Needs Board in Sumter.

10 Q. How long have you been with the Mentor Network?

11 A. I've been with the Mentor Network about two and a half
12 years now.

13 Q. So you went straight from D.J.J. to the Mentor Network.

14 A. Yes.

15 Q. And during that time, the last three, three and a half
16 years, during that time where have you been living?

17 A. I've been living here in Columbia I would say for the
18 past six years, but it was at a different address, not at
19 Byron road.

20 Q. At what point did you move to the Byron Road address?

21 A. I moved to the Byron Road address in 2007? Yeah, 2007.

22 Q. And who do you live at Byron Road?

23 A. I live alone.

24 Q. And are you married?

25 A. I am divorced.

1 Q. How long have you been divorced?

2 A. About a year and a half.

3 Q. Did your husband ever live with you at Byron Road?

4 A. Never.

5 Q. How long have you been separated from your husband?

6 A. Years. Just years. I can't be exact but years.

7 Q. You've been actually divorced for at least the last year
8 and a half?

9 A. Exactly.

10 Q. Did you know Dinah Steele-Mason or Larry Mason prior to
11 moving to Byron Road?

12 A. I've never known either of them until at that time I
13 went to rent from them, and it was only on a tenant/landlord
14 basis at that time, still is today.

15 **Dr. Faltas:** I'm sorry. At what? I'm sorry. I'm
16 sorry. I can't hear.

17 By Ms. Weiss:

18 Q. It was a tenant/landlord basis?

19 A. Yes.

20 Q. So you began renting from them in 2007. What is the
21 actual address on Byron Road?

22 A. My physical address is 300 Byron road, apartment 4.

23 Q. And is that in the city of Columbia?

24 A. I -- Richland County, if that's the city of Columbia.

25 Q. In Richland County.

1 A. I'm not sure.

2 Q. That's fine. That's fine. Is it in Richland County?

3 A. Yes, it is in Richland County.

4 Q. Okay. All right. And that's -- you're at 300 Byron
5 Road?

6 A. I'm at 300. Uh-huh.

7 Q. Are you familiar with 304 Byron Road?

8 A. That's the building directly next door.

9 Q. And are you aware of who owns that building?

10 A. Yes, Mr. And Mrs. Steele.

11 Q. Or Mason?

12 A. Mason.

13 **Dr. Faltas:** Objection.

14 **The Witness:** They own the building.

15 **Ms. Weiss:** Okay.

16 **Dr. Faltas:** Objection, Your Honor.

17 **The Court:** What's the objection?

18 **Dr. Faltas:** She has no personal knowledge. This is a
19 matter of public record.

20 **The Court:** All right.

21 **Dr. Faltas:** And she has no personal knowledge that they
22 are Mr. And Mrs. Steele or Mr. And Mrs. Mason.

23 **The Court:** All right. The witness can testify based on
24 their own -- on her belief or her impression or her opinion.

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

1 **The Court:** The objection is overruled.

2 By Ms. Weiss:

3 Q. Are you employed in any way by Dinah Steele-Mason or
4 Larry Mason?

5 A. No, neither of the two.

6 Q. Do you have any relationship with them other than a
7 tenant/landlord relationship?

8 A. No other relationship.

9 Q. Okay. Back in the Fall of 2008 or early Winter 2009,
10 did you have the opportunity to become aware of Marie Faltas?

11 **Dr. Faltas:** Objection. Leading, Your Honor.

12 **The Witness:** Yes, I knew that she was moving in. I
13 knew that there was a new tenant coming.

14 By Ms. Weiss:

15 Q. Okay. And do you know who Dr. Marie Faltas is now?

16 A. Yes.

17 Q. Okay. Can you -- is she in the courtroom now?

18 A. Yes, she is.

19 Q. Can you point her out for the jury?

20 A. She's right there.

21 **Ms. Weiss:** Your Honor, let the record reflect she's
22 indicated the defendant.

23 **The Court:** Okay.

24 By Ms. Weiss:

25 Q. Thank you. And as a way of background, were you dating

1 someone in the early winter, January/February of 2009?

2 A. Yes, I was.

3 Q. And at some point did that relationship end?

4 A. Yes.

5 Q. And around Valentine's Day of last year, was it a good
6 ending?

7 A. It was kind of bad. It was bad.

8 Q. Okay. And did anything happen that began to worry you?

9 A. Well, he came over---

10 **Dr. Faltas:** Objection. Leading.

11 **The Witness:** ---and I didn't want him to come over. So
12 it was unwanted at that time.

13 **Ms. Weiss:** Hold on just a second. There's an
14 objection.

15 **The Court:** The objection is overruled.

16 **Ms. Weiss:** Thank you.

17 By Ms. Weiss:

18 Q. Go ahead.

19 A. At that time it was a visit that I did not want because
20 it was the end of the relationship.

21 Q. Okay. And did he leave?

22 A. He left and came back a few times.

23 Q. Okay.

24 A. But he did -- he did ultimately leave.

25 Q. And at any time did he leave anything at your residence?

1 A. No.

2 Q. Did you ever have the opportunity to call law
3 enforcement about that person?

4 A. Yes.

5 Q. And why did you call law enforcement?

6 A. I called the law enforcement because, as I stated just
7 now, it was an unwanted visit, and he made a threatening
8 comment. And it's 2010 and a lot of times when somebody is
9 saying that they're going to do something, they're going to
10 do it. And I don't want my mom reading about something that
11 has happened to me and nobody knows what happened or what's
12 been going on. So I called the police to have on record that
13 I have been threatened by this man. So, yes, there was an
14 incident and the police was called.

15 Q. That was around Valentine's Day 2009.

16 A. Yes, Valentine's. Yes.

17 Q. And did your report to law enforcement or his visiting
18 have anything to do with Dr. Faltas?

19 A. No, never.

20 Q. Did you even -- did you talk to her about that?

21 A. Never.

22 Q. Did you -- did he have a conversation with her as far as
23 you know? Did you ever see that?

24 A. Never.

25 Q. Okay. And after Valentine's Day did that stop?

1 A. Yes, it did stop, and I just want to make one comment on
2 -- when the officer did come---

3 **Dr. Faltas:** Objection, Your Honor.

4 **The Witness:** ---the officer had to---

5 **Dr. Faltas:** Objection. Objection. Objection.

6 Objection.

7 **Ms. Weiss:** Hold on one second. There is an objection.

8 **Dr. Faltas:** Objection. Objection.

9 **The Court:** Yes, ma'am?

10 **Dr. Faltas:** There is no question before the witness,
11 and the witness is about to go on hearsay.

12 **The Court:** All right. The objection is sustained in
13 that the witness is not -- the answer is not responsive to a
14 question.

15 **Ms. Weiss:** Your Honor, may I object to speaking
16 objections?

17 **The Court:** All right. Yes. Dr. Faltas, you only make
18 an argument on an objection when requested by the Court.

19 **Dr. Faltas:** I'm sorry.

20 **The Court:** You only state the legal basis for the
21 objection, not the factual basis.

22 **Dr. Faltas:** I'm sorry, Your Honor. I didn't know that,
23 but thank you for telling me.

24 **The Court:** You're welcome. You may proceed. Next
25 question.

1 **Ms. Weiss:** Your Honor, may I move this microphone over
2 to defense table?

3 **The Court:** Yes.

4 **Ms. Weiss:** Do you mind? Thank you.

5 **Dr. Faltas:** While she accommodated me with that, can it
6 be lowered to where I don't have to stand up?

7 **Ms. Weiss:** Sure. I'll do that.

8 **Dr. Faltas:** Thank you. Thank you.

9 By Ms. Weiss:

10 Q. And around Valentine's Day was there anything else
11 having to do with the termination of that relationship?

12 A. No. That was the end of it completely. He never came
13 back.

14 Q. And when the police came out, did Dr. Faltas have
15 anything to do with the police in that situation?

16 A. Yes, she tried. The officers parked directly in --
17 directly in front of my building. She had her window pulled
18 up and her blinds all the way pulled up yelling and screaming
19 that the police demand to tell her what happened. At that
20 time the police told her that it was none of her business and
21 everything is being taken care of and to go back inside
22 pretty much. At that time she tried to put up an argument
23 with the police---

24 **Dr. Faltas:** Objection. Objection.

25 **The Witness:** ---saying that he went inside---

1 **Dr. Faltas:** Objection.

2 **The Witness:** ---my apartment.

3 **Court Reporter:** I can't take you both at the same time.

4 **The Court:** Yes, ma'am?

5 **Dr. Faltas:** May I state the basis of my objection?

6 **The Court:** Yes.

7 **Dr. Faltas:** Hearsay about what the police said unless a
8 specific officer is coming to testify.

9 **The Court:** The objection is overruled in that you were
10 present when it was stated.

11 **The Witness:** Correct.

12 **Dr. Faltas:** She says so, Your Honor.

13 By Ms. Weiss:

14 Q. Okay. But after that, after that report was made, that
15 was the end of that situation?

16 A. Yes.

17 Q. Okay. And sometime later -- that was Valentine's Day.
18 So now we're moving into March of 2009. Prior to that, did
19 you know Dr. Faltas on a personal basis?

20 A. I never knew her on a personal basis, but I would speak
21 just to be cordial and polite as a neighbor or if you would
22 just see anybody, the natural response, if you were raised
23 correct, is to speak, just naturally wave or say hello.

24 Q. And so other than saying hello to her or with your other
25 neighbors, did you know anything about her personally or did

1 you ever have any conversations, have her over to your
2 apartment or anything like that?

3 A. Never. Never.

4 Q. Okay. And did she live in your building?

5 A. No, she didn't live in my building.

6 Q. What building did she live in?

7 A. She lived in the one next door, and that's 304 Byron
8 Road.

9 Q. Okay. And -- but after that, after she was yelling out
10 of the window and you observed all of that, you still were
11 cordial to her?

12 A. Yes. Uh-huh.

13 Q. Did you ever talk to her after that date about what had
14 happened and why the police were there?

15 A. No. Surprisingly she never asked me that.

16 Q. Okay. But now in March of 2009 did you have an
17 opportunity to speak with Dr. Faltas for any reason?

18 A. March -- yeah. I want to say that's when she -- she
19 wanted me to testify against my landlord over property issues
20 or rent issues, and at that time I had already been living
21 there for maybe two years or a little over two years. I've
22 never had a problem with anyone since I've been out there, so
23 my natural response was to -- I don't want to get involved in
24 that.

25 Q. Okay. And were you over at her apartment or over on her

1 side of the property over where her building is when she
2 approached you about this?

3 A. No. To this day I've never -- still have not been over
4 there.

5 Q. Okay. So where did she -- where did she find you?
6 Where did she talk to you about this?

7 A. At my car downstairs in front of the 300 building.

8 Q. Okay. You were at your car. Were you going somewhere
9 or coming? Do you remember?

10 A. I'm not sure if I was going or coming. I'm going to say
11 I was coming home from work at that time when she stopped and
12 asked me that.

13 Q. And she approached you.

14 A. Yes.

15 Q. And what specifically did she ask you?

16 A. She came and I want to say she introduced herself
17 because she already knew who I was, and she said that the
18 landlord---

19 **Dr. Faltas:** Objection. Objection.

20 **Ms. Weiss:** Hold on.

21 **Dr. Faltas:** Objection. Objection.

22 **The Court:** Basis for the objection?

23 **Dr. Faltas:** She cannot testify as to my state of mind.

24 **The Court:** The objection is overruled.

25 By Ms. Weiss:

1 Q. Please proceed.

2 A. I forgot where I was.

3 Q. You said she came over to the car. She already knew who
4 you were, but she introduced herself?

5 A. Yes, and then she went on to make statements as to
6 regards to everyone's rent and to how much rent I was paying.

7 Q. And what was your response to her question about how
8 much you were paying?

9 A. My response was, "That's none of your business," and if
10 anything is going on with the rent, I would love to pay less
11 rent. But if I was paying less or more, I don't want to get
12 myself involved in anybody else's issues or affairs with
13 their rent. So at that time I told her I didn't want to have
14 any part in that. I never discussed the actual price that I
15 was paying. She did go into depth enough to say that how
16 much she paid and two other tenants in her building was
17 paying much, much less than what she's paying.

18 Q. And did you make a comment about whether you wanted to
19 continue conversations like that with her?

20 A. Yeah, I -- no, I told her I didn't want -- I wished not
21 to talk to her and I wished no parts of it.

22 Q. Okay. And did she continue on about any other issues?
23 You had mentioned possibly something about property.

24 A. Yeah, just a little piece of slab property that she's
25 going on about, and I really have no knowledge about this. I

1 own acres of land in Sumter. It's this little piece of land
2 that's beside the buildings that she was saying something
3 about the sewer. And I don't own the property; I'm just
4 renting from there. I have no knowledge of the sewer lines.
5 I have no knowledge as to who owned the buildings before I
6 moved there. I have no knowledge of Mr. And Mrs. Steele's
7 dealings with the property either.

8 Q. Okay. And so did you discuss that with her or did
9 you -- did she ask you to do anything for her as far as
10 that's concerned?

11 A. Yeah, she wanted -- well, she wanted me to come to
12 court.

13 Q. Okay.

14 A. To testify.

15 Q. And did you know what court she was referring to?

16 A. Just court in general.

17 Q. Okay.

18 A. I'm not sure.

19 Q. And did you answer her as far as that?

20 A. Yes.

21 Q. What did you say?

22 A. "No."

23 Q. And why?

24 A. Because it wasn't my business. I didn't -- at that time
25 I didn't see and this time still today I just don't see -- I

1 don't get it. I told her I didn't want any part of it. I
2 mind my business; you mind your business. I've never had any
3 problems. This has been nine months of---

4 Q. Okay.

5 **Dr. Faltas:** Your Honor, objection.

6 **The Court:** Basis for the objection?

7 **Dr. Faltas:** When she said this was nonstop, there was
8 no question before.

9 **The Court:** All right. Next question.

10 **Ms. Weiss:** Thank you, Your Honor. Court's indulgence
11 one moment.

12 By Ms. Weiss:

13 Q. Okay. So did the conversation end there?

14 A. The conversation ended.

15 Q. Okay.

16 A. Yeah.

17 Q. So the conversation ended; you told her, "No." Now,
18 going back just for a moment for the jury, as far as the
19 Mentor Network, how many days a week do you work?

20 A. Five.

21 Q. Five days week? And what are your hours?

22 A. Seven to three.

23 Q. Okay.

24 **Dr. Faltas:** I'm sorry. I didn't hear.

25 **Ms. Weiss:** Seven to three.

1 By Ms. Weiss:

2 Q. And you go to work every day. Do you work for The State
3 or is it a private company?

4 A. I want to say it's private because it's not state. I
5 don't have state benefits so...

6 Q. Okay. So going to court -- if you had gone to court,
7 would you be missing work to do that?

8 A. Yes. I would have to use like a sick day or -- if I
9 have time built up to use a sick day or I'll just use a day.

10 Q. So after you told her, no, you didn't want to testify
11 and it was none of your business, did things change between
12 you and Dr. Faltas?

13 A. Yes.

14 Q. And at first what was the first thing you started to
15 notice?

16 A. Like the constant sitting in her car and like stalking,
17 just---

18 **Dr. Faltas:** Objection.

19 **The Witness:** ---there.

20 **Dr. Faltas:** Objection.

21 **The Witness:** That's the very first time that I know---

22 **Dr. Faltas:** Objection.

23 **Ms. Weiss:** No, ma'am.

24 **The Court:** Basis for the objection?

25 **Dr. Faltas:** She cannot state legal conclusions.

1 Stalking is a legal conclusion.

2 **The Court:** All right. Response?

3 **Ms. Weiss:** Your Honor, she was using it in laymen's
4 terms. She was not making a statement about the law.
5 Clearly that's not what we're here for. That's in a stalking
6 claim.

7 **Dr. Faltas:** In addition, Your Honor, she cannot testify
8 as to what my intent was.

9 **The Court:** The objection is overruled. You may
10 proceed.

11 **Ms. Weiss:** Thank you, Your Honor.

12 By Ms. Weiss:

13 Q. So you started noticing her in her car. Now, before
14 when you used to just wave and say hi as you saw her in
15 passing, would she reciprocate that?

16 A. Yes.

17 Q. And what types of things would she do? Prior to this
18 encounter, what types of things would she do? Would she
19 smile or wave?

20 A. Yeah, she would just smile and wave because it was just
21 in passing.

22 Q. Okay.

23 A. It was like I'm either coming -- like coming or going or
24 she's coming and going or I'm coming out of my building and
25 she's either at the mailbox, which she's always at the

1 mailbox so... It's just natural for me to speak.

2 Q. Okay. And after this encounter did you still see her at
3 the mailbox and seeing her coming and going?

4 A. Yes.

5 Q. And what did she do then?

6 A. I want to say one day she probably spoke and I just
7 didn't speak back anymore just because by that time it was --
8 and in my own mind I just summed her as being as little
9 eclectic or weird or -- I don't want any dealings with her---

10 **Dr. Faltas:** Objection.

11 **The Witness:** ---period.

12 **The Court:** The objection is overruled.

13 By Ms. Weiss:

14 Q. Keep going, please.

15 A. So at that time I noticed enough to know that I didn't
16 want to have any conversations with her, speak to her, or
17 anything because by now this -- I'm meeting people that live
18 out there that I've never seen other than just in passing
19 that I've never had a conversation with until March. March,
20 April.

21 Q. And so in March and April did Dr. Faltas continue to
22 wave and smile at you?

23 A. No, not after the one time when she tried and I didn't
24 give her the same like wave or smile.

25 Q. Okay. What did she do when you saw her at the mailbox

1 or coming and going or in her car?

2 A. After I stopped speaking to her?

3 Q. Yes.

4 A. Taking pictures, name-calling, flipping the finger.

5 Q. Okay. And this started would you say around what month?

6 A. Maybe the end of March, beginning of April. Almost
7 immediately. I'm trying to think back to the ex-boyfriend
8 thing. So it was shortly after that. Maybe a month after
9 that.

10 Q. Okay. Are you dating anyone now?

11 A. Yes, I am.

12 Q. And what's his name?

13 A. His name is Richard Cooper.

14 Q. And what kind of car does he drive?

15 A. He drives a G.M.C. Denali.

16 Q. What color is it?

17 A. White.

18 Q. All right. How long have you been dating him?

19 A. About eight months. Since last May or June.

20 Q. And has Dr. Faltas ever spoken to him in your presence?

21 A. Yes, in my presence, without me being present, both.

22 Q. All right. But in your presence, still talking about
23 the summer when you first started dating Mr. Cooper, did
24 you -- did she approach him while the two of you were
25 together?

1 A. Yes.

2 Q. Okay. Prior to March -- you're a single female. You
3 have friends; you have family.

4 A. Uh-huh.

5 **Dr. Faltas:** Objection.

6 **The Court:** Basis for the objection?

7 **Dr. Faltas:** Counsel is testifying, and that's leading.

8 **The Court:** All right. Ask her does she have friends,
9 does she have family. Then proceed.

10 **Ms. Weiss:** Yes, Your Honor.

11 By Ms. Weiss:

12 Q. Do you have friends that come and visit you?

13 A. Yes, I have very few friends visit me.

14 Q. Okay. Do you have family---

15 **Dr. Faltas:** I'm sorry. I didn't hear.

16 **The Witness:** Yes, I do have family.

17 **Dr. Faltas:** Your Honor, I just didn't hear. What did
18 she say?

19 **The Court:** Yes.

20 **Dr. Faltas:** Did she say she has very few friends or
21 very---

22 **The Court:** Yes.

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

24 By Ms. Weiss:

25 Q. Do you have family that comes to visit you?

1 A. Yes, I do.

2 Q. And prior to March, did your friends and family come on
3 a regular basis?

4 A. My family came often, not every day. If I needed
5 something or I missed them or request that they come see me,
6 they would come. My brother works here, so I see him almost
7 every day. My friends come maybe every other day. I only
8 have maybe two or three friends. I just don't have people
9 come to my house. So the two or three friends that I have,
10 one or two might come every other day or if there's seven
11 days in a week, I might see them four days in a week.

12 Q. Okay. And one of them, do you help take care of her
13 child?

14 A. Yes.

15 Q. And who is that?

16 A. That's Ms. Tiffany Lurke.

17 **Court Reporter:** I'm sorry. What was the last name?

18 **The Witness:** Tiffany Lurke.

19 **Court Reporter:** Thank you.

20 **The Witness:** You're welcome.

21 By Ms. Weiss:

22 Q. How long have you known Tiffany?

23 A. I've known Tiffany now for over ten years. We're
24 basically like family but not real family, so B.F.F.

25 Q. And what do you call her daughter in relationship to

1 you?

2 A. Her daughter is my niece. I call her my niece, and she
3 calls me Auntie.

4 Q. And how old is her daughter?

5 A. Her daughter just turned two January 4th.

6 Q. And so last year did you help take care of her daughter?

7 A. Yes, I watched her for her whenever she had to work long
8 hours at the hospital or if she had to do a different shift
9 versus her first-shift job. So by her fiance working in
10 Sumter, that's a five-to-six-hour window gap that she asked
11 can I watch the baby, and I said, "Yeah."

12 Q. And you enjoy doing that?

13 A. Yeah.

14 Q. All right. Now, I'm going to go back to the end of the
15 summer. You had indicated to Dr. Faltas -- you testified
16 that you did not want to testify for her or you did not want
17 to testify at all---

18 A. Correct.

19 Q. Actually, it's not for or against her. It's just not at
20 all. Did you receive a notice for you to come and testify?

21 A. I want to say I did, but everything started happening so
22 fast and so many court appearances came. It went from her
23 subpoenaing me to come to court with her to me being sued by
24 her, and I really don't know...

25 Q. Okay. So you said you got a subpoena to come testify

1 for her.

2 A. Yeah.

3 Q. And you got that in the mail.

4 A. Yes.

5 Q. It was after you had told her you did not want to
6 testify.

7 A. Exactly.

8 Q. Okay. And do you remember approximately what month that
9 would have been?

10 A. I don't remember.

11 Q. And do you even know what that hearing was for?

12 A. For eviction.

13 Q. Okay.

14 A. Yeah, I'm sure of that. Eviction.

15 Q. And were you a party to that?

16 A. I was not a party to the---

17 Q. So you did not have -- you were not on either side of
18 that?

19 A. No, I didn't have either side of it, but I knew about
20 it. I was brought into it.

21 Q. Did you ever ask to be brought into it?

22 A. No.

23 Q. And did you notice Dr. Faltas's behavior change about
24 the time you started to receive these notices?

25 A. Yes.

1 Q. How did it change from the Spring, early Summer, to end
2 of the Summer, early Fall? Please describe that for the
3 jury.

4 A. Okay. It changed from her speaking, for one, to not
5 speaking, then sitting at the mailbox for hours on end. It
6 was almost as if she was waiting for me to come home or leave
7 or come out of the apartment or do anything, and it escalated
8 from that to constant pictures, pictures, the name-calling,
9 the flipping fingers. It went from the -- well, the pictures
10 never stopped until the restraining order was issued.

11 Q. Okay. And what was that date? Do you remember?

12 A. When the restraining order was issued? Sometime in
13 November, I think. I'm not even aware of that.

14 Q. Okay. And at any time did you have to call -- did you
15 call law enforcement in regards to her behavior?

16 A. Yes, many times.

17 Q. When did you start calling law enforcement?

18 A. I started calling the law officers when she started
19 blocking me in from leaving the property. That would be the
20 first time from her blocking me in.

21 Q. Okay. Prior to that -- well, okay. From her blocking
22 you. Do you know -- are you aware of when that date may have
23 been or about what time that was?

24 A. No.

25 Q. Okay.

1 A. There's so many. I'm sorry, but there's so many. Like
2 every day -- it's impossible for me to keep up with dates
3 and -- and all I know is every single time I call it's the
4 same complaint, but there's so many every day.

5 Q. Okay. When she first started this behavior, did you
6 immediately start calling law enforcement?

7 A. No, I didn't because she being my elder and I have
8 respect for my elders, I just ignored it. I just tried to
9 ignore it. You know, I talked to my mom about it. "Well,
10 just ignore her. She's an older lady. Don't say nothing."
11 I don't have to speak to her and I tried that. Impossible.

12 Q. And did you ever report it to the landlord?

13 A. Yes. Yes. It became so regularly and frequently that
14 every time that anything happened I was informed to call
15 9-1-1 to get an incident report. So our address was a
16 spectacle of Garners Ferry for a few months. Every officer
17 in Columbia knows about the address and knows what to expect
18 when they come over there.

19 **Dr. Faltas:** Objection.

20 **The Court:** Basis for the objection?

21 **Dr. Faltas:** Every officer in Columbia? How could she
22 possibly know what every officer in Columbia knows?

23 **The Court:** All right. I sustain that portion of her
24 statement.

25 **Dr. Faltas:** May I ask for the jury to disregard, Your

1 Honor?

2 **The Court:** I sustained the objection. That's
3 sufficient.

4 **Dr. Faltas:** Okay.

5 By Ms. Weiss:

6 Q. Teresa, I forgot -- I got sidetracked and forgot to
7 mention one thing. I'm just going to jump back a little bit
8 again. Back in 1998 -- which it would have been a couple of
9 years after you had gotten out of high school?

10 A. Yes.

11 Q. Were you arrested at any time?

12 A. Yes, I was arrested.

13 Q. What were you arrested for?

14 A. It was for F.T.C. and that's financial transaction card
15 or vice versa, but it was with a credit card. Can I go into
16 details as to the---

17 Q. If you would like to, yes.

18 A. Okay. It happened in 1998. I was a freshman at
19 Benedict College. Me and two of my friend girls went to the
20 fashion mall to actually go shopping which we did. When I
21 got to the register, the person in front of me left their
22 credit card. The cashier automatically thought it was my
23 card. I could have told her it wasn't my card; I chose not
24 to at that time. She swiped the card and I looked at the
25 card, and I wrote the name on it. I never left the store

1 with the card. Yes, I did swipe the card to get the
2 clothing. I never even left the store so -- but I was
3 charged with that. So, yes, I do have a record from 1998.

4 Q. And did you plead guilty to those charges?

5 A. Yes.

6 Q. And did you do your probation for that?

7 A. Yes, I did.

8 Q. And is that over?

9 A. Yeah, that's been over. That happened over ten years
10 ago, yeah.

11 Q. Okay. And that was before you lived at Byron Road?

12 A. Yes.

13 Q. And before you ever met Dr. Faltas?

14 A. Yes.

15 Q. Before you worked at Mentor Network?

16 A. Yes.

17 Q. Sorry. I just needed to cover that event. Back on
18 September 24th, 2009, approximately 9:00 in the morning, do
19 you recall -- I guess it was about -- about 10:30 in the
20 morning. Do you recall calling law enforcement that morning
21 to Garners Ferry Road, to an address on Garners Ferry?

22 A. Yeah, I remember but...

23 Q. Can you please tell the jury what happened involving you
24 and Mr. Cooper on that morning?

25 A. On that morning we attempted---

1 **Dr. Faltas:** Objection.

2 **The Court:** Basis for the objection?

3 **Dr. Faltas:** Coaching, Your Honor. She said she didn't
4 remember, and the solicitor asked her, "What happened with
5 you and Mr. Cooper?" That's coaching, I think.

6 **The Court:** Response by the state?

7 **Ms. Weiss:** Your Honor, it's not coaching. She -- I was
8 just telling her -- which it's an incident on September 24th.
9 There are a couple of different incidents. I did not tell
10 her anything about the incident. She is about to tell the
11 jury about the incident but no coaching.

12 **The Court:** The objection is overruled.

13 **Ms. Weiss:** Thank you.

14 **The Witness:** Yes. On that morning me and Richard made
15 an attempt to leave my apartment to go to his house which is
16 on another side of town, and I immediately noticed that she
17 came out -- the defendant came out immediately behind us. So
18 right off I can't say, well, she's following us because she
19 can go wherever she wants to go. So after -- well, when we
20 left the apartment and where we lived at, when you come to
21 the light by the Hardee's, she came on the passenger side and
22 she started screaming and yelling and cursing, asking Richard
23 why has he spent the night at my apartment and he does not
24 pay rent there and why does he beat me. She made an
25 accusation on that day of him having assaulted me.

1 By Ms. Weiss:

2 Q. Okay. And did she leave at that point?

3 A. No, she still didn't leave. She followed me and she
4 knew that I was calling 9-1-1. 9-1-1 instructed that I pull
5 over at the Wachovia Bank after we had -- first we drove on
6 down Garners Ferry through the Woodhill area and made a
7 circle back around to come back the back way back to Byron
8 Road again. So we did the whole circle and came back up on
9 Garners Ferry Road and went back to the Wachovia where she
10 told me to park.

11 At that time the defendant was still like where -- we
12 parked at the Wachovia. She came in her car and was still
13 yelling and screaming, and I'm letting her know that I'm on
14 the phone with 9-1-1 and they'll be here momentarily. That's
15 when she pulled off. As far as what happened on that day,
16 probably nothing.

17 Q. I'm sorry?

18 A. I said probably nothing happened that day. You know,
19 I've never heard anything else about it, you know.

20 Q. Okay. So she -- did she get out of her car when you
21 stopped?

22 A. No, she never got out of her car.

23 Q. She was yelling from her vehicle.

24 A. Uh-huh.

25 Q. And you---

1 **Dr. Faltas:** Objection.

2 **The Court:** Overruled.

3 By Ms. Weiss:

4 Q. And you were able to hear what she was saying?

5 A. Yes, clearly. We had the windows rolled down. She had
6 her window rolled down, and my window was rolled down.

7 Richard was driving.

8 Q. Did you, in fact, talk to an officer that day?

9 A. Yes.

10 Q. And did you file a police report that day?

11 A. Yes, I did.

12 Q. Later that afternoon did you find yourself calling 9-1-1
13 again?

14 A. Yes.

15 **Dr. Faltas:** Objection.

16 **The Court:** Overruled.

17 By Ms. Weiss:

18 Q. And what was the purpose of that call?

19 A. Blocking me. She was blocking me.

20 Q. And when you say blocking you in, if you can describe
21 for the jury what you mean by that.

22 A. Okay. Our parking lots are like this. You could say
23 there's two -- there's one entrance on each side. There's an
24 entrance that's on the side of where I live, and there's an
25 entrance or exit on the side where she lives, whichever you

1 choose to use. I parked my car in front of my building on my
2 side. She would physically take her car, park in front of my
3 car, and take her camera, lean out, lean through her
4 passenger side and snap pictures, like continuously snap
5 away. You can ask her to stop, and it's no crime for her
6 taking a picture. So when I call 9-1-1, the most they can do
7 is give me a report.

8 Q. And did you ask her to stop?

9 A. Many times. I've asked her to stop. The officers that
10 came out there asked her to stop. My friends asked her to
11 stop. My family has asked her to stop.

12 Q. Have you ever asked her to come over to your building or
13 to your car to talk to you?

14 A. Never.

15 Q. Does she make comments when she's in her car blocking
16 you and taking photos?

17 A. Yeah. She likes to call me a bitch and that she's going
18 to bury me in the ground.

19 Q. Does she call you any other names?

20 **Dr. Faltas:** I'm sorry? I didn't hear the question.

21 **The Witness:** Yes, she calls me a prostitute.

22 By Ms. Weiss:

23 Q. And does she call you that to your face?

24 A. Yes.

25 Q. Have you heard -- has she told other people that?

1 A. Yes.

2 Q. To your knowledge, have you ever heard her say that in
3 front of other people?

4 A. Yes, she has.

5 Q. And who has she said that in front of in front of you?

6 A. Every judge that we've been in front of, everybody that
7 has been in the courtroom during that time.

8 Q. What about at the apartment?

9 A. Yeah, any officer that comes there, the Commissioner of
10 HUD, fire department. Everybody comes looking for the
11 prostitute of 300 Byron Road.

12 Q. Okay. When law enforcement came out on September 24th,
13 2009, was she still blocking you in? Do you remember?

14 A. No, she wasn't blocking me in still when they came. Of
15 course, when they come she's going to either stop or run in
16 her apartment and close the door and refuse to come out.

17 Q. Do you recall -- does her apartment have a window that
18 overlooks the parking lot?

19 A. She can stand to her window and see -- if she goes
20 partially to the left side of her window, she can see clearly
21 all the right side which is vice versa.

22 Q. And do you recall if she was commenting when law
23 enforcement came out to the parking lot?

24 A. I'm not sure, but she was in the window taking pictures.

25 Q. Okay. On October 21st of 2009 did you have another

1 opportunity to call law enforcement?

2 A. Yes.

3 Q. Okay. And did you make another report on that day?

4 A. Yes.

5 Q. Please tell the jury why you called -- why you called
6 9-1-1 and called law enforcement that day.

7 A. On that day myself, my brother, two of my friends, a
8 mechanic was there -- well, a shade-tree mechanic because one
9 of my vehicles was down. A guy was working on my car. We
10 were all downstairs, and the defendant wants to post at the
11 mailbox to block anybody that's parked in front of my
12 apartment to keep them from leaving. So I can't control
13 everybody's actions and to how they respond to her. I have
14 to live there, so I have to keep a certain decorum about
15 myself.

16 One of my friends was basically losing it with her like
17 -- you know, like, "I don't have to put up with this or
18 anything." So she gets -- well, she was in her car the whole
19 time. She opens her car door, picks up rocks that's beside
20 the mailboxes, gravel rocks, and throws the rocks at me. She
21 picks up the rocks and flings them at me. I called 9-1-1 to
22 let them know she just threw rocks at me and I had the rocks
23 in my hand.

24 Q. Prior to her throwing rocks, had she been doing anything
25 else?

1 A. Besides the constant taking pictures and the harassment?

2 Q. Involving the pictures, you said that you had some of
3 your friends there. Was Tiffany one of the friends that was
4 there that day?

5 A. Yes, she was.

6 Q. And why was she there that day?

7 A. Tiffany came on that day because I kept her little girl
8 and she came to pick her up, and the defendant was taking
9 pictures so bad the little girl started screaming and crying.
10 And it shows in the pictures where -- well, it shows in the
11 pictures just that -- it shows that she takes the pictures
12 almost in movement.

13 **Dr. Faltas:** Objection, Your Honor.

14 **The Court:** Basis for the objection?

15 **Dr. Faltas:** She cannot possibly know why the baby, a
16 two-year-old, is upset and definitely a two-year-old doesn't
17 know what a camera is or what taking pictures is, and if they
18 do, they usually like to ham it up. So I don't know if she's
19 testifying as an expert in child behavior. She has obviously
20 not been qualified as an expert and didn't give in her
21 educational background as far as expertise---

22 (Someone coughed in the courtroom.)

23 **Court Reporter:** I'm sorry. Can you repeat that? I
24 didn't hear that.

25 **Dr. Faltas:** When she gave her education, she didn't

1 give anything as far as expertise in child behavior, but
2 definitely an 18-month doesn't know what a camera is and what
3 taking pictures is.

4 **The Court:** Ms. Weiss?

5 **Ms. Weiss:** Your Honor, she has given testimony as the
6 caregiver of this child, and this is what was going on and
7 what she observed when---

8 **The Court:** Restate the question, please, or ask another
9 one.

10 **Ms. Weiss:** Okay. Thank you, Your Honor.

11 By Ms. Weiss:

12 Q. How often do you take care of your niece? At that time
13 how often were you taking care of your niece?

14 A. It may be twice a month or as needed if -- like I said,
15 if she has to work a different shift than her normal hours
16 and her fiance doesn't come to Columbia until six or seven --
17 so I'm available. So it could range from twice in a month to
18 four times a month.

19 Q. Did you spend a lot of time around your niece in
20 general?

21 A. Yes.

22 **Dr. Faltas:** I'm sorry. I didn't hear the question.

23 **Ms. Weiss:** Did you spend a lot of time around your
24 niece in general? And she said, "Yes."

25 By Ms. Weiss:

1 Q. And on October 21st, 2009, in the afternoon when you
2 were taking care of the child, what did you observe going on
3 as far as the relationship between the defendant and the
4 child, your niece?

5 A. She was leaned out her window---

6 **Dr. Faltas:** Your Honor, objection.

7 **The Witness:** She was leaning out her---

8 **The Court:** The objection is overruled.

9 **The Witness:** She was leaning out her window. I had the
10 baby in the stroller near where my car was being fixed. Like
11 I said, there was a mechanic there who was at the front end
12 of my car which made it kind of close to her car, and the
13 pictures will clearly show that she took it's close enough to
14 the child to have upset the child, and if a child does not
15 know you and you're constantly flashing, whose child will not
16 cry? A stranger that's constantly (motioning) -- so, yes, it
17 did upset the child. As to my personal knowledge, it did
18 upset the child.

19 By Ms. Weiss:

20 Q. And did you ask Dr. Faltas to stop?

21 A. Yes, I asked her. Even her mom asked her. Her mom
22 asked her---

23 Q. Her mom being?

24 A. Her mom being Tiffany Lurke said to the defendant, "I do
25 not live here. This is my daughter's auntie. She just keeps

1 her. Could you just leave us alone? Why are you doing this?
2 This is a child. Why are you taking pictures of a child?"
3 And she just laughed. By the time the police came, she had
4 done backed up her car and parked it and ran upstairs and
5 refused to come out.

6 Q. And how did you feel on this day when all this was going
7 on?

8 A. I felt as if I was not an adequate provider for my niece
9 because I don't want Tiffany to feel like if she's leaving
10 her child at my house she's going to be harassed by my
11 neighbor. So that made me feel like I wasn't properly taking
12 care of her child, and I would have felt the same way.

13 Q. And did that upset you?

14 A. Yes, it did.

15 Q. Now, these are specific instances where you've called
16 9-1-1 or ones that are specifically dated. Have there been
17 other times where these types of events have happened?

18 A. Yes, almost every single day. I can't have nobody come
19 and visit me without her calling the police demanding the
20 police that they tell her who is at my house, and we're at
21 two different buildings. Not only with my company which is
22 I'd say two or three people, my family. She accuses my
23 father and my uncles of being clients when she clearly knows
24 who my father is as far as seeing him there---

25 **Dr. Faltas:** Objection. Objection.

1 **The Court:** The objection is overruled.

2 **The Witness:** She refers to my father and my two uncles
3 that came to pick up my dad's truck, when he came to visit
4 one time and stopped -- she came outside and I -- and I
5 warned everybody that comes to my house: You come at your
6 own discretion because your picture will be taken. Your tags
7 will be ran, everything. So I don't want anybody to come to
8 my house knowing that they're going to have to deal with the
9 defendant.

10 So when my dad and my uncles were all outside, she comes
11 in her car like no further than from here to right there with
12 her camera taking pictures, taking pictures snapping of my
13 quote/unquote clients. She harasses my brother almost on a
14 daily basis when he comes over. She blocks him---

15 **Dr. Faltas:** Objection.

16 **The Witness:** ---where he can't go to work.

17 **Dr. Faltas:** Objection.

18 **The Court:** Objection is overruled.

19 **The Witness:** She blocks him where he can't go to work.
20 We have to call the police, and that's the only time that
21 she's going to move her car so that he can leave.

22 By Ms. Weiss:

23 Q. Now, back on November 6th, 2009, did she call the police
24 regarding you and one of your friends that was outside in the
25 parking lot? Mr. Curry?

1 A. From my understanding of that night -- she does it so
2 often. Me and my company are inside upstairs, not knowing
3 that she's done called the police. Something said, "Just go
4 look out the window." There's police downstairs. I don't
5 have to go out because I don't know what's going on, but I
6 notice maybe after 15 or 20 minutes that they're still
7 lingering in front of the building because the apartment
8 buildings are -- they have a security code. If you don't
9 have a security code to the bottom door, you can't come knock
10 on anybody else's door.

11 So I went outside, and the officer told me that the
12 defendant called and stated that my company had had words
13 with her. Well, that was untrue because anybody that comes
14 to my house, I meet them to make sure that nothing is being
15 said because we've been told that she can take pictures. So
16 I meet them outside, come upstairs, maybe about 30 minutes or
17 so. The officers are there demanding that he give up his
18 name just for her. She demands to know everybody that comes
19 to my house, and right now she has a list of everybody that
20 comes to my house to harass them next.

21 Q. Okay.

22 **Dr. Faltas:** Your Honor, objection.

23 **The Court:** The objection is sustained.

24 **Dr. Faltas:** May I ask the jury to disregard, please?

25 May I ask the Court---

1 **The Court:** The jury is to disregard the last portion,
2 the last three words that she said.

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

5 **Dr. Faltas:** Objection, Your Honor. At this point I'd
6 like the suppression hearing.

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

12 (Whereupon, the jury was excused from open court for the
13 day at 5:26 p.m.)

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

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

23 I know we had talked about Dr. Faltas going back to her
24 apartment this evening. I don't know how long it will take.
25 If we want to just put everything off 'til the morning, I

1 could be prepared to do a full presentation at 9:30 or 10,
2 whenever Your Honor wishes.

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

4 **Ms. Weiss:** I do, Your Honor.

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

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

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

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

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

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

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

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

25 **Dr. Faltas:** Yes. Thank you.

1 **The Court:** We'll proceed with swearing the witness.

2 Amanda Blanton, after being duly sworn, testified
3 as follows in camera:

4 **The Clerk:** Have a seat in the witness stand, please,
5 and give the court reporter your name.

6 **Dr. Faltas:** May I approach?

7 **The Court:** Hand it up.

8 (Dr. Faltas hands the sealed transcript to the Court.)

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

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

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

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

17 **Ms. Weiss:** Thank you, Your Honor.

18 **The Court:** Proceed, Ms. Weiss.

19 Direct Examination

20 By Ms. Weiss:

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

24 A. Yes.

25 Q. How many search warrants did you obtain for that search?

1 A. For that day we obtained two search warrants.

2 Q. And what were they for?

3 A. One was for Dr. Faltas's vehicle as well as another for
4 her residence.

5 **Ms. Weiss:** Your Honor, at this time may I ask if Your
6 Honor will ask the defendant if there is a specific issue in
7 the search warrant that she is objecting to or if it is the
8 search warrant as a whole?

9 **The Court:** She's filed a motion to suppress claiming
10 that the search was illegal and based on a general warrant.

11 **Dr. Faltas:** Yes, Your Honor. In addition, I have filed
12 a long supplement that says the specific direct
13 misrepresentations and omissions for the issuing ministerial
14 recorder which, if it had been truthfully told, there would
15 have never been a warrant, either arrest or search.

16 **The Court:** All right.

17 **Ms. Weiss:** Your Honor, it is my understanding that she
18 is objecting to the affidavit as well as the description of
19 property to be searched for? Is that the Court's
20 understanding, Your Honor? Your Honor, just as a matter of
21 procedure, may the victim be excused at this time for the
22 evening?

23 **The Court:** Yes.

24 **Ms. Weiss:** Thank you.

25 **The Court:** The -- on page 4 and 5 of a document filed

1 -- captioned "Defendant's Summary Of Facts And Offers Of
2 Proof In Further Support" of her motions, one, to quash the
3 indictment and, two, for an immediate Franks hearing on the
4 last paragraph of that page, the last one or two sentences
5 contends that the search warrants also violated
6 constitutional prohibitions against general warrants as
7 unanimously explained by the U.S. Supreme Court in Sanford
8 versus Texas. There the warrant authorized the seizure of
9 all books in Sanford's home under the pretext of looking for
10 Communist writings -- what was seized including books of John
11 Paul the -- is that the 23rd? And Justice Black. Here under
12 false pretenses of seeking evidence of harassment of any
13 person by Marie Assa'ad-Faltas from her apartment and her car
14 were taking all tapes including Chopin music, devotions, and
15 recordings of her baby sister's first words and her late
16 father's last recorded words. Nothing seized were illegal or
17 irrelevant or relevant.

18 That's my understanding as to what is being contested as
19 the basis for the search warrant and in addition to any
20 supplement that Dr. Faltas says that she's made to that.

21 **Ms. Weiss:** Okay. Still, my understanding I guess would
22 be the description of property to be seized in the affidavit.

23 **The Court:** Yes, and the Court construes the motion for
24 an examination of whether the warrant was based on probable
25 cause and an adequate description of the property to be

1 seized whether a proper return was made to the search warrant
2 and all other constitutional issues regarding the search
3 warrant.

4 **Ms. Weiss:** Thank you, Your Honor.

5 **Dr. Faltas:** May it please the court, Your Honor?

6 **The Court:** Yes.

7 **Dr. Faltas:** First, I would like to to reiterate that I
8 was not given Ms. Blanton's disciplinary record. Second,
9 it's -- and, of course, it's totally in Your Honor's
10 discretion how you manage the court, but it's after 5:30 and
11 if I am to go and do more work as far as taking things out, I
12 hope Your Honor has compassion on my physical condition.

13 **Court Reporter:** I'm sorry. You need to speak up. I
14 apologize.

15 **Dr. Faltas:** The two issues are that I wasn't given Ms.
16 Blanton's disciplinary record which Your Honor instructed the
17 prosecution to provide to me before a witness takes the
18 stand, and the second thing is that it being 5:30 and my need
19 to go and essentially work for two more hours, given my
20 physical condition, and I am just praying the Court to---

21 **The Court:** All right. You may proceed.

22 **Ms. Weiss:** Okay. Your Honor, I will proceed, but I
23 would ask Your Honor if we could reconvene in the morning.
24 If we could go through all the supplements, I think it may
25 make for more continuity of testimony because we have a lot

1 to cover.

2 **The Court:** We'll be in recess 'til 9:30.

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

4 **Dr. Faltas:** The issue of the -- of the disciplinary
5 record? I still don't -- I'm sorry. Am I not allowed to ask
6 about it again?

7 **The Court:** Will you have those disciplinary records by
8 9:30 tomorrow morning, Ms. Weiss?

9 **Ms. Weiss:** Yes, sir, Your Honor.

10 **The Court:** All right.

11 **Dr. Faltas:** Your Honor, may I leave the transcript
12 either with Your Honor? I hope I can leave it with Your
13 Honor.

14 **The Court:** All right.

15 **Dr. Faltas:** I'll give it to Your Honor, if Your Honor
16 would like to review it.

17 **The Court:** All right.

18 **Dr. Faltas:** Thank you, Your Honor.

19 **The Court:** I'm not going to review it, but I'll keep
20 it.

21 **Dr. Faltas:** Thank you.

22 **The Court:** Or it can be kept by the court reporter.
23 All right. And, Ms. Weiss, you have to call the police about
24 these two hours?

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

1 **The Court:** All right. All right. 9:30 it is.

2 **Ms. Weiss:** Thank you, Your Honor.

3 **Dr. Faltas:** Once again, I thank Your Honor for
4 everything, and I hope I haven't offended Your Honor---

5 **The Court:** Not at all.

6 **Dr. Faltas:** If I did, it's not intentional.

7 **The Court:** Not a problem.

8 (Whereupon, the trial concluded for the day at 5:40 p.m.
9 and resumed the following day, February 24, 2010 as follows.)

10 **The Court:** I understand a motion to quash the search
11 warrant has been filed by J. Andrew Delaney, Esquire.

12 **Mr. Delaney:** Yes, sir, Your Honor. That should be a
13 motion to quash the subpoena.

14 **The Court:** Quash the subpoena, correct. All right.
15 I'm not able to address that issue at this time. We're in
16 the midst of other things, but I'll be happy to give you a
17 call and set up a time we can talk about it.

18 **Mr. Delaney:** Your Honor, do I need to stay around the
19 courthouse then?

20 **The Court:** You can leave and we'll give you a call and
21 set a time when we can -- the issue can be addressed.

22 **Mr. Delaney:** Thank you, Your Honor.

23 **The Court:** Okay. Thanks. Ready to proceed?

24 **Ms. Weiss:** The State's ready, Your Honor.

25 **Dr. Faltas:** Your Honor, I'm not ready because she did

1 not give me, as Your Honor ordered yesterday, Amanda
2 Blanton's disciplinary record. She did not give it to me
3 and, Your Honor, I am -- it may see childish, but it is --
4 and I need to put this on the record, if it pleases the
5 court.

6 **The Court:** Everything that you state is on the record.

7 **Dr. Faltas:** Yeah, I'm saying I'm not trying to argue
8 with the Court, but everything the Court tells Ms. Weiss to
9 do she doesn't do, and I have to complain twice or thrice
10 before she...

11 **The Court:** Proceed, ma'am.

12 **Dr. Faltas:** Thank you, Your Honor. So---

13 **The Court:** All this movement and chatter and --
14 proceed.

15 **Dr. Faltas:** I apologize. I have no control over any of
16 this. I have gotten all of this done to me, and so, for
17 example, she didn't give me the record -- the disciplinary
18 record of Amanda Blanton or of any people who are going to
19 testify, even though Your Honor has specifically ordered her
20 to do so by 9:30.

21 Yesterday she made arrangements for me to go to my
22 apartment. They were not honored in the way that she had in
23 writing instructed they would be. This is sandbagging me all
24 the time, all the time, and that's in addition to many other
25 things.

1 I also wanted to say something to also put it on the
2 record. Your Honor, the U.S. Supreme Court said that a
3 statute may be given a limiting construction by the Court by
4 way of jury instructions. So I wanted to add to my
5 objection, even though made in the presence of the jury
6 yesterday, that it was -- it may be grounds for a mistrial
7 that the prosecutor gave her version of the law without
8 opportunity for the Court to put at least a limiting or a
9 narrowing construction on the statute, especially that Your
10 Honor had taken under advisement my argument that it is
11 unconstitutional. So there was no opportunity for a limiting
12 construction. So I'm just making at the earliest possible
13 opportunity a motion for a mistrial.

14 **The Court:** All right. The motion is noted. The motion
15 is denied.

16 **Dr. Faltas:** Thank you.

17 **The Court:** Anything further, Ms. Weiss?

18 **Ms. Weiss:** No, Your Honor. The disciplinary records
19 were brought to me at 9:30. I just got the copies and handed
20 them over. I'm sorry I was handing over things this morning.
21 I just forgot to hand that over, but I just got it as well
22 and it's been handed over at this point.

23 **The Court:** All right. Are you ready to proceed with
24 your witness's search warrant?

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

1 **The Court:** All right. We'll proceed.

2 **Ms. Weiss:** The State calls Investigator Amanda Blanton.

3 **The Clerk:** Do you want her re-sworn?

4 **The Court:** No. She is still under oath. You're still
5 under oath.

6 Amanda Blanton, having been previously sworn and
7 remaining under oath, testified as follows in camera:

8 **Ms. Weiss:** Investigator Blanton, do you have the
9 original - thank you - original search warrants? If I may
10 mark each of these documents as Court's exhibits for
11 identification.

12 (Court's exhibits 1 through 4 were marked for
13 identification only.)

14 **Ms. Weiss:** Investigator Blanton, will you please
15 identify Court's exhibits 3 and 4 and identify them each
16 individually by number?

17 **Dr. Faltas:** Your Honor, I'm just asking the question:
18 At what point do I get to see them?

19 **The Court:** If you'll show them to Ms. -- Dr. Faltas.

20 **Dr. Faltas:** Thank you, Your Honor.

21 (Dr. Faltas looks at the exhibits.)

22 Direct Examination

23 By Ms. Weiss:

24 Q. Investigator Blanton, will you please identify Court's
25 exhibits 3 and 4 each by their number?

1 A. Number 3 is the original search warrant, search warrant
2 S-09-311. It's a search warrant for 304 Byron Road,
3 apartment 3, Columbia, South Carolina, 29209.

4 Q. Okay. And is this the original search warrant in the
5 same form that you signed it?

6 A. Yes.

7 **Ms. Weiss:** Your Honor, at this time I would move to
8 admit Court's exhibit 3 for Court's -- as a Court's exhibit
9 only.

10 **The Court:** They're admitted as Court's exhibits.

11 **The Witness:** Number 4 is another original search
12 warrant, search warrant S-09-312. It's a search warrant for
13 a 1994 Toyota Camry, gray in color, South Carolina tag A-Z-E
14 5-9-2 which the V.I.N. is also listed. Do you want me to
15 read that out?

16 By Ms. Weiss:

17 Q. That's not necessary. That vehicle is -- can you
18 identify what that vehicle is?

19 A. Correct. It's a registered to Dr. Marie Assa'ad-Faltas.

20 Q. Okay. Now, is that also in the form in which you
21 originally signed it?

22 A. Yes.

23 Q. Included with both of those -- Your Honor, at this time
24 I move Court's exhibit 4 in as well.

25 **The Court:** All the exhibits are in as Court's exhibits.

1 **Ms. Weiss:** Thank you, Your Honor.

2 By Ms. Weiss:

3 Q. Investigator Blanton, do those search warrants also
4 include the returns?

5 A. Yes.

6 Q. And are they in the same form in which they were
7 returned to the ministerial recorder?

8 A. Yes.

9 Q. Thank you. Investigator Blanton, how long have you been
10 with the City of Columbia Police Department?

11 A. Seven years.

12 Q. And during that time have you been trained to write your
13 own search warrants?

14 A. Yes.

15 Q. And did you write these search warrants?

16 A. I did.

17 Q. Were you the lead investigator on the case involving
18 Marie Faltas?

19 A. Yes.

20 Q. During that investigation, did you have the opportunity
21 to talk to witnesses and victims and -- later to be
22 determined victims in this case?

23 A. Yes.

24 Q. And approximately how many different witnesses did you
25 talk to prior to seeking---

1 **Dr. Faltas:** Objection.

2 **The Court:** I haven't heard a question.

3 **Dr. Faltas:** Sorry. I was---

4 **The Court:** I have to hear a question before I can
5 entertain an objection to a question. I cannot entertain an
6 objection in the midst of a question being asked.

7 **Dr. Faltas:** I apologize.

8 **Ms. Weiss:** Approximately how many witnesses did you
9 speak to prior to seeking the search warrants and arrest
10 warrants in this case?

11 **Dr. Faltas:** Objection.

12 **The Court:** The objection is overruled.

13 **Dr. Faltas:** May I state the basis, Your Honor?

14 **The Court:** No, it's not necessary.

15 By Ms. Weiss:

16 Q. Please answer that.

17 A. Five.

18 Q. Five. And who were those witnesses?

19 A. Teresa Ingram, Larry and Dinah Mason, Charlene Crouch,
20 Mitch Jones. That's five.

21 Q. Okay. And did you also receive written statements from
22 other witnesses that were given to you?

23 A. I did.

24 Q. Okay. In an accumulation of those statements from each
25 of those witnesses, what did you determine to be the issues

1 you were investigating in this case?

2 A. That there was a harassment issue, that it was in
3 violation of that statute.

4 Q. And what were the specific allegations you were
5 investigating concerning the harassment?

6 A. The constant photo-taking of the victims as well as the
7 witnesses---

8 **Dr. Faltas:** Constant what? I can't hear.

9 **The Witness:** Constant photo-taking of the victim as
10 well as the witnesses---

11 **Dr. Faltas:** Your Honor, may I sit there so I---

12 **The Court:** Yeah, you can sit there---

13 **Dr. Faltas:** Thank you.

14 **The Court:** ---if you would like to.

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

16 **The Witness:** And the victims.

17 **Dr. Faltas:** Here?

18 **The Court:** Yes.

19 **Dr. Faltas:** Thank you, Your Honor.

20 By Ms. Weiss:

21 Q. Please continue.

22 A. The photo-taking, the blocking of the vehicles in by way
23 of Dr. Faltas's -- the green Camry that was mentioned, listed
24 in the search warrant, profanity that was used as well as
25 other little small things like that.

1 Q. Okay. Did you become aware -- did you have the
2 opportunity to investigate where Marie Assa'ad-Faltas was
3 residing at the time?

4 A. Yes.

5 Q. And what was that?

6 A. At 304 Byron Road, apartment 3.

7 Q. And were you aware if any of this activity originated in
8 that apartment?

9 A. Yes.

10 Q. Did you also become aware of whether or not after the
11 activity took place the defendant then returned to that
12 apartment?

13 A. Correct.

14 Q. Did any of this activity occur in the vehicle that
15 you've described?

16 A. Right. The blocking in and the -- some of the photos
17 were alleged to be taken from the vehicle while her car was
18 blocking in the victim as well as other family members and
19 friends and other witnesses.

20 Q. Okay. And each of these five witnesses that you talked
21 to, did some of them reside at 304 or close to 304 Byron
22 Road?

23 A. 300 and 304.

24 Q. Okay. And what are those two addresses?

25 A. It's 300 Byron Road and 304 Byron Road. It's a

1 multiplex right beside each other.

2 Q. And is that in the City of Columbia?

3 A. Yes.

4 Q. Is that in Richland County?

5 A. Yes.

6 Q. And do you know who owns those two quadruplexes?

7 A. From my understanding, Ms. Dinah Steele-Mason.

8 Q. Okay. And was she later developed to be a victim---

9 A. Yes.

10 Q. ---on your cases?

11 A. Yes.

12 Q. And does she reside at those addresses?

13 A. No.

14 Q. Okay. Does she reside in the City of Columbia?

15 A. No.

16 Q. Did any of the allegations involve the following of
17 Dinah Steele-Mason?

18 A. Yes.

19 Q. And in what vehicle was Dinah Steele-Mason followed?

20 A. Which vehicle was Ms. Mason---

21 Q. Was she followed by.

22 A. It was identified as Dr. Faltas's green Toyota Camry.

23 Q. Did you receive any information about items that may be
24 found in the green Camry?

25 A. Yes.

1 Q. And what information would that be?

2 A. That there may be documents as well as some photos due
3 to the fact that some of the photos were taken from inside of
4 the vehicle.

5 Q. Okay. And did you have -- can you please tell the Court
6 any reason you had to believe that there may be photos in
7 apartment 3 at 304 Byron Road?

8 A. Seeing that that was where Dr. Faltas resided, the
9 cameras that were used to take the photos, obviously herself,
10 she was in that apartment since that's where she lived.
11 Everything we thought would be there as far as photos, all
12 documents, everything, videotapes, audiotapes, what we
13 thought of should be either in her vehicle or in the
14 apartment which she resided.

15 Q. Did you have any information that she had a place of
16 work that she went to on a regular basis?

17 A. No, not that I was aware of.

18 Q. So did you have any information that Dr. Faltas had any
19 place that was her own other than apartment 3 at 304 Byron
20 Road or her vehicle?

21 A. Other than a vacant piece of land, no.

22 Q. Okay. And was there another vehicle also that was
23 somehow tied to Dr. Faltas?

24 A. Yes, but it's not registered to her.

25 Q. Okay. And was there any indication that she drove it on

1 a regular basis?

2 A. Not that I was ever told.

3 Q. Okay. What information, if any, did you have about
4 audio recordings?

5 A. Ms. Ingram, as well as Mr. And Mrs. Mason, stated that
6 at numerous court appearances as well as other times that
7 they had been recorded or Dr. Faltas had stated that she had
8 recorded them. One tape was used in a separate court
9 appearance.

10 Q. Okay. And did any of the witnesses indicate their
11 knowledge as to whether there may possibly be video
12 recordings?

13 A. They did.

14 Q. And what was that?

15 A. Just that they thought that there might be due to the
16 fact that they weren't sure if the camera was a digital
17 camera, if it would allow some sort of video on it. They
18 knew there was a camera. They just weren't exactly sure what
19 kind.

20 Q. And, Investigator Blanton, do you have any sort of post
21 high school degree?

22 A. Yes.

23 Q. And what is that?

24 A. And I have an Associates Degree in Criminal Justice.

25 Q. Okay. And do you have any training -- direct law

1 enforcement training?

2 A. Yes.

3 Q. And what is that?

4 A. I graduated from the Criminal Justice Academy. Then I
5 went through numerous classes as far as how to write search
6 warrants, how to execute search warrants, how to do
7 undercover operations.

8 Q. And you stated you've been in law enforcement for how
9 many years now?

10 A. Since 2003 I've worked with the City.

11 Q. Okay.

12 A. So seven years.

13 Q. And since 2003 what different positions have you held?

14 A. I was a street officer for two years. Then I was
15 elected to go to the C.R.T. which is Community Response Team.
16 We deal directly with community concerns, complaints. If
17 they complain about a possible drug house down the street, we
18 do surveillance. We do what we call tear-offs for vehicles
19 and people walking or leaving that residence. Community
20 concerns such as speeding on a specific area...

21 Q. And after C.R.T., were you promoted?

22 A. Yes.

23 Q. And promoted to what?

24 A. Special Victims Unit investigator.

25 Q. And when was that?

1 A. I was promoted a few weeks before the promotional
2 ceremony which happened in June.

3 Q. Okay.

4 **Dr. Faltas:** June which year?

5 **The Witness:** Last year. I'm sorry.

6 By Ms. Weiss:

7 Q. June 2009.

8 A. Yes.

9 Q. Okay. And prior to being promoted to investigator, have
10 you received any special recognitions or awards?

11 A. Yes, I received Police Officer Of The Year.

12 Q. And what year was that?

13 A. The plaque says 2008, but I got it in January of 2009.

14 Q. Okay. And in your training and experience, in what
15 forms can photos be found on?

16 A. Oh, wow. You have a 35 millimeter camera or just a
17 standard camera that would require film to be developed. You
18 have the digital camera with a memory card or without, and
19 they can be put on disks. They can be put on little -- I
20 call them thumb drives. I think they're actually called zip
21 drives. They can be downloaded to computers, iPods,
22 notebooks, all sorts of electronic media like that.

23 Q. Other than cameras, are there any other things that can
24 be used or are there any other devices that have cameras in
25 them that could be used for taking photos?

1 A. Cell phones, iPods, obviously video cameras.

2 Q. And as far as audio recordings, are you aware of what
3 forms those can be found in?

4 A. Again, cell phones, any sort of audio recording devices
5 that you could put a cassette in. Some now you can put
6 C.D.'s in and they record. Obviously a video camera has a
7 microphone in it.

8 Q. And the recordings themselves, what forms can those be
9 found in?

10 A. The audio or video?

11 Q. Audio.

12 A. Disks, cassettes, V.H.S., again those little zip drives.
13 Cellular phones have microphones in them. Audio recorders.

14 Q. And in your training and experience, what forms have you
15 found to be able to show that a pattern of events...

16 A. I'm sorry? I don't understand.

17 Q. Other than multiple pictures or multiple audios, are
18 there any other forms that perhaps defendants may provide a
19 pattern of events, a pattern or diary of their events?

20 A. That's just what it would be would be a diary, whether
21 it's a handwritten journal or a log or a daily dissertation
22 of what was going on, what was happening.

23 Q. And in your training and experience, could each of the
24 things you have just mentioned be used to prove harassment?

25 A. Yes.

1 Q. Could it be evidence of the crime of harassment?

2 A. Yes.

3 Q. And/or stalking?

4 A. Yes.

5 Q. And did you have reason to believe, prior to seeking the

6 search warrants, that this information may be found in Dr.

7 Faltas's apartment?

8 A. Yes.

9 Q. Okay. And based on your investigation, did you

10 specifically have reason to believe that these items may be

11 found in the apartment?

12 A. Yes.

13 Q. Or the car?

14 A. Yes.

15 Q. Okay. Now, moving to December 1st of 2009, is that the

16 date that is on these search warrants?

17 A. Yes.

18 Q. You said you typed the search warrants.

19 A. Correct.

20 Q. Is that correct?

21 A. Uh-huh.

22 Q. Okay. What is your procedure? Once you type the search

23 warrant, what do you do with it?

24 A. It's either taken over to our warrant division or faxed

25 over or printed out because our printers are connected,

1 seeing that we're in the building adjacent to them, and then
2 from there we go in, speak with a warrant clerk...

3 Q. When you say a warrant clerk, is that also known as a
4 ministerial recorder?

5 A. Yes. Sorry.

6 Q. Okay. And you speak with the ministerial recorder.
7 Now, the ministerial recorder in this case is Angela Ladson?

8 A. Yes, ma'am.

9 Q. And do you have any relationship with her other than law
10 enforcement officer and ministerial recorder?

11 A. No.

12 Q. Do you have any social relationship with her?

13 A. No.

14 Q. Any personal relationship with her?

15 A. No.

16 Q. Have you ever shared a business?

17 A. No.

18 Q. Ever shared a residence?

19 A. No.

20 Q. Nothing. Have you ever had any conversation with her
21 outside of a professional conversation?

22 A. Not that I can recall, no.

23 Q. Have you seen her on any regular basis outside of work?

24 A. No.

25 Q. So -- but you have met her before as far as being a

1 ministerial recorder.

2 A. Right.

3 Q. And over the years that you've been seeking warrants and
4 search warrants, she is someone you know just on that
5 professional basis.

6 A. Correct.

7 Q. So once you send this over there and print it out --
8 this warrant in particular, do you know if you printed this
9 out or if you sent this over to their office to be printed
10 out?

11 A. More than likely I---

12 Q. No, just do you remember one way or the other---

13 A. No.

14 Q. ---for sure? Okay. So on December 1st, do you recall
15 going over to the ministerial recorder's office with -- to
16 deal with these search warrants?

17 A. Yes.

18 Q. Okay. And when you went over there, did Angela Ladson
19 physically take these search warrants and read them?

20 A. Yes.

21 Q. All right. In addition to the search warrants, the
22 arrest warrants that are marked as Court's exhibits 1 and 2,
23 those are the arrest warrants...

24 A. I don't have arrest warrants. I have two search
25 warrants.

1 Q. Okay. Court's exhibits already been admitted as 1 and
2 2, are these your arrest warrants?

3 A. Yes.

4 Q. What is the date that the arrest warrants were signed?

5 A. 12/1/2009.

6 Q. Okay. Is that the same day that the search warrant was
7 signed?

8 A. Yes.

9 Q. Was it at the same time that the search warrant was
10 signed?

11 A. Yes.

12 Q. And who was ministerial recorder that signed the search
13 warrants?

14 A. Ms. Angie or Ms. Angela Ladson.

15 Q. Okay. And are you the affiant on both of these search
16 warrants -- I mean arrest warrants?

17 A. Yes.

18 Q. So when you went to talk to Angela Ladson about the
19 search warrants, did you also at the same time talk to her
20 about the arrest warrants?

21 A. Yes.

22 Q. And when you went down there, do you remember in what
23 order you discussed each of these warrants?

24 A. No.

25 Q. But did Angela Ladson have the opportunity and hold in

1 her hands and have the opportunity to read both of the arrest
2 warrants?

3 A. Yes.

4 Q. And for the record, as it applies to this case, if I may
5 read the arrest warrant into the record? It says, "Between
6 February 2009 and November 2009 in the City of Columbia,
7 County of Richland, victim, Teresa Ingram, has been harassed
8 by defendant. Defendant has shown a pattern of intentional
9 and unreasonable intrusion into the life of Teresa Ingram by
10 way of, but not limited to, the following acts: Following
11 victim from her residence, assaulting victim, and blocking
12 victim in the parking lot by use of defendant's vehicle.
13 Defendant's continued behavior of this type is causing undue
14 mental stress to victim, Teresa Ingram, and intruding on her
15 day-to-day routine as well as the emotional discomfort of
16 family and friends not wanting to visit Ms. Ingram. The
17 defendant in this case is Marie Assa'ad-Faltas." Is that the
18 arrest warrant -- one of the two arrest warrants that was
19 signed by Angela Ladson?

20 A. Yes.

21 Q. So, in addition to the search warrant, Ms. Ladson also
22 had this arrest warrant.

23 A. Right.

24 Q. Prior to Angela Ladson signing the arrest warrants, were
25 you placed under oath?

1 A. Yes.

2 Q. And were you asked to swear to the veracity of these
3 arrest warrants?

4 A. Yes.

5 Q. And did you swear to the best of your knowledge under
6 oath that the information on these arrest warrants were true?

7 A. Yes.

8 Q. Was true. As far as the search warrants -- and I'm
9 taking them both together, Your Honor, because they basically
10 describe the same material and we've covered why each of the
11 two places was mentioned. So because they're the same
12 verbiage, I'm just taking them both together.

13 The affidavit as far as why -- the reason for belief
14 that the property sought was on the subject's premises states
15 that, "Between February 2009 to November 2009, Columbia
16 Police Department has received numerous reports and
17 complaints from the residents---

18 **Court Reporter:** I'm sorry. Can you slow down?

19 **Ms. Weiss:** I'm sorry.

20 By Ms. Weiss:

21 Q. "Has received numerous reports and complaints from the
22 residents and landlords of 300 to 304 Byron Road in reference
23 to Marie Assa'ad-Faltas's harassing behavior, disrupting the
24 day-to-day lives of other people. It is this writer's belief
25 that a search of the apartment may reveal evidence that may

1 further the investigation."

2 The second search warrant states basically the same, but
3 the last sentence states that a search of the vehicle may
4 reveal evidence that may further the investigation. Are
5 those your affidavits?

6 A. Yes.

7 Q. And when you stated harassing behavior, was that use of
8 the legal term of harassing behavior for the arrest warrants:
9 Harassment?

10 A. Correct.

11 Q. So did you mean by that to encompass the elements of the
12 harassment statute?

13 A. Right.

14 Q. In addition to that, did Angela Ladson ask you to
15 provide further information---

16 A. Yes.

17 Q. ---about this case?

18 A. Yes.

19 Q. And what information, in addition to this, did you
20 provide to Angela Ladson?

21 A. Things that are listed in the arrest warrants as far as
22 -- I elaborated on the following of the victim as well as the
23 simple assault as well as the numerous photos, the blocking
24 in of the vehicles, the unwanted contact.

25 Q. And at some point during your conversation with Angela

1 Ladson, were you put under oath as it pertained to the search
2 warrants?

3 A. Yes.

4 Q. And were you asked to swear that the information both in
5 the search warrants and the information that you have stated
6 you added was true?

7 A. Yes.

8 Q. And did you so swear?

9 A. Yes.

10 Q. And, in fact, was all that information true?

11 A. To my knowledge, yes.

12 Q. In addition to this information and the information
13 you've stated you received during the investigation, did you
14 have an opportunity to actually view some pictures
15 purportedly taken by the defendant?

16 A. Yes.

17 Q. And where did those photos come from?

18 A. Andrew Delaney's office.

19 Q. And in what way were they sent to you?

20 A. I don't remember.

21 Q. Okay.

22 A. I know they're black-and-white copies.

23 Q. Okay. And did any of those -- excuse me, Your Honor.

24 If I could ask the defendant to stop making noises. It's
25 very disruptive?

1 **Dr. Faltas:** Did I make noise, Your Honor?

2 **The Court:** I heard someone saying, "Ah," or something
3 similar. That might have been you. I don't know who it
4 might have been.

5 **Dr. Faltas:** Yes, Your Honor. My -- my breath was taken
6 away because I have been trying to say all along---

7 **The Court:** Okay. Just hold your point.

8 **Dr. Faltas:** I'm not---

9 **The Court:** Hold your point just a moment, Dr. Faltas.
10 Investigator Blanton, would you step down for a moment and
11 would you take a seat over here? Dr. Faltas -- would you
12 bring the jury in, please? And I'll hear from you in a
13 moment, Dr. Faltas.

14 (Whereupon, the jury was brought into open court at
15 10:24 a.m.)

16 **The Court:** Welcome back. Good morning, ladies and
17 gentlemen. Thank you for coming at the time I requested that
18 you come. You'll discover during the process of a trial
19 there are instances when matters must be taken up outside of
20 the presence of the jury, so we'll have situations where
21 you'll be waiting in the jury room for us to discuss matters
22 outside of your presence. That's what we are now doing. I
23 do not know how long this will take, but rather than have you
24 wait in the jury room, I'm going to excuse you to leave and
25 to come back at noon, at 12 noon, and we'll see you then.

1 Some of you -- one of you sent a note requesting or
2 asking whether jurors can take notes while court is in
3 session. You can take notes if you like. The notes will
4 have to -- or your notebooks will be given by the -- given to
5 you by the bailiffs when you come in. They will be collected
6 from you when you leave the courtroom. They'll be given to
7 you at the time of jury deliberations.

8 There are two schools of thoughts on - perhaps more than
9 two - but the main two schools of thoughts are that when
10 jurors focus on taking notes they're often misfocusing on the
11 witnesses and using what people typically use in assessing
12 and evaluating the credibility of witnesses, that is,
13 observations and all, as opposed to focusing on what you
14 might have written, the written word.

15 Other -- but, on the other hand, many people are able to
16 focus better when they are able to make notes while they are
17 observing. So whatever your preference, it's certainly fine
18 with me. If you would like to take notes, you can. The one
19 thing -- and a word of caution regarding note-taking is that
20 it is not to be a substitute the -- fact that you might make
21 a note on something is not to be a substitute for your
22 obligation to deliberate with other jurors on any and all
23 matters relating to this case.

24 So with that, we're going to let you go. And I hesitate
25 when I say -- did I say 12:00? Yeah. I'm hesitating on that

1 time because I really don't know what time we'll need you
2 back. I think I'm going to change that time, however. Let's
3 say... All right. 1:45. 1:45. I hope you all have
4 something -- I usually -- I have court in Kingstree quite
5 often. We have a lot to do in Kingstree when court breaks
6 down, so hopefully you can find something to do in Columbia.
7 We'll see you at 1:45.

8 (Whereupon, the jury was excused from open court at
9 10:29 a.m.)

10 **The Court:** Yes. Yes, Dr. Faltas, you were saying
11 something?

12 **Dr. Faltas:** Your Honor, I have been trying to say for
13 quite awhile that this whole thing was driven by an attempt
14 for Larry Mason and Dinah Steele to gain unfair advantage in
15 the civil litigation, and everyone was telling me that either
16 I'm crazy, paranoid, or casting unfounded aspersions on the
17 lawyer. In fact -- in fact, Your Honor, one document had the
18 stamp of McAngus, Goudelock, and Courie, the law firm of J.
19 Andrew Delaney who was here, who was subpoenaed and filed a
20 motion to quash the subpoena, and he pretended that it
21 wasn't---

22 **The Court:** Now, Dr. Faltas, is all this in response to
23 the -- Ms. Weiss's request that you not make noises?

24 **Dr. Faltas:** Your Honor, I respectfully say that I did
25 not make noise. That revelation caused me physical heart

1 palpitation, and I had to be taking my breaths so that I
2 don't go into physical damage from the palpitations.

3 **The Court:** All right. Well, I'll accept that as being
4 the reason for the noises, and we will proceed with this
5 witness. If you'll come back on the stand, Investigator
6 Blanton.

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

8 **Ms. Weiss:** Your Honor, if I may, the jury is not coming
9 back 'til 1:45. May the victim be excused until that 1:45?

10 **The Court:** Yes.

11 **Ms. Weiss:** Okay. Thank you, Your Honor.

12 **The Court:** Any and everyone who wants to be excused can
13 be excused -- who can be excused can be excused 'til 1:45.

14 **Ms. Weiss:** Thank you, Your Honor.

15 By Ms. Weiss:

16 Q. So, Investigator Blanton, you received photos that
17 purportedly came from Dr. Faltas?

18 A. Correct.

19 Q. And did those photos corroborate information you had
20 received from the witnesses?

21 A. Yes.

22 Q. And were they photos that described circumstances that
23 had been described by the witnesses?

24 A. Yes.

25 Q. And was there anything else that you received that

1 corroborated or was there anything else that helped
2 corroborate the information that you had gotten from the
3 witnesses?

4 A. Just those photos.

5 Q. The photos. And did the statements of the witnesses
6 each corroborate each other?

7 A. Yes.

8 Q. Did you have any information that led you to believe
9 that any of these witnesses was lying to you?

10 A. No.

11 Q. Did you have any personal knowledge or have you come
12 upon any personal knowledge that any of the information
13 involving the harassment of Teresa Ingram or Dinah Steele,
14 any of the allegations provided to you were lies?

15 A. No, not that I am aware of.

16 **Dr. Faltas:** I'm sorry. I couldn't hear. Even sitting
17 this close I couldn't hear. Can you lean towards the
18 microphone.

19 **The Court:** If you'll move forward. Dr. Faltas, you
20 should address your comments to the court, not to the
21 witnesses.

22 **Dr. Faltas:** I apologize, Your Honor, and I'm sorry. I
23 do confess of -- not anger, not anything, but I am very
24 dissatisfied with this person based on what she just
25 revealed and I hope the honor will keep -- Your Honor will

1 keep an open mind when I cross-examine her what else will be
2 revealed, but I confess I am not -- I am indignant at her and
3 it was so wrong of me to address her as opposed to Your
4 Honor. I apologize for that.

5 **The Court:** All right. Proceed.

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

7 **The Court:** If you'll come forward to the mic or pull
8 the mic towards you. I'm having difficulty hearing as well.

9 **The Witness:** Is that better?

10 **Ms. Weiss:** Pull it towards you.

11 **The Witness:** If I'm any closer, it's going to be in my
12 mouth.

13 **Ms. Weiss:** Okay.

14 **Dr. Faltas:** Okay. Your Honor, may I ask that she
15 repeat her last answer or that it be read back? Because I
16 didn't hear it.

17 **The Court:** Restate last question, please.

18 **Dr. Faltas:** Thank you.

19 By Ms. Weiss:

20 Q. Did you receive any information that the allegations
21 made against Dr. Faltas involving Dinah Steele or Teresa
22 Ingram and the harassment of each of those victims was false?

23 A. No, not that I'm aware of.

24 Q. In fact, in your investigation were you able to get
25 incident reports relating to these incidents?

1 A. Yes, some of them.

2 Q. Some of them. And the incident reports you were able to
3 gather, did those corroborate as well the information that
4 was given to you in the statement?

5 A. Yes.

6 Q. Were you also able to get 9-1-1 recordings?

7 A. Yes.

8 Q. Were you able to get those incidents reports from 9-1-1
9 for tapes that had been erased?

10 A. Yes, I got the paper documents, the transcripts.

11 **Dr. Faltas:** Objection.

12 **The Court:** Overruled.

13 **Ms. Weiss:** Thank you.

14 By Ms. Weiss:

15 Q. And were those -- were those reports and those tapes --
16 were they able to corroborate the information that you had --
17 for your investigation?

18 A. Yes.

19 Q. So, in addition to your affidavit, the search -- the
20 arrest warrants and the oral testimony, was there anything in
21 that that you swore to that you now know to be untrue or
22 false?

23 A. Not that I'm aware of.

24 Q. Did you actually execute the search warrants personally?

25 A. I was on the scene when they were being done.

1 Q. Okay. Who executed the search warrants -- the search
2 warrants physically?

3 A. My other team members, other investigators.

4 Q. Okay. And did you supervise that search?

5 A. Yes.

6 Q. And did you actually see the returns that were made as a
7 response to the search -- to each of the searches of the car
8 and the apartment?

9 A. Yes.

10 Q. And did you file those returns with the ministerial
11 recorder?

12 A. Right.

13 Q. Okay. And did you check each of the returns and the
14 items that were gathered to see that those items matched what
15 was sought in the search warrant?

16 A. Yes.

17 Q. Were you able to on December 2nd, 2009, when the search
18 warrants were actually executed, able to listen to each of
19 the tapes, view each of the disks, look at the computers, or
20 go through all of the pictures?

21 A. Oh, Lord, not that day, no.

22 Q. Okay. Approximately how long did the search take?

23 A. I can't even round it off. We were there all day
24 though.

25 Q. Okay. And after being there all day, you left with

1 approximately 26 items from the home or 26 items to list from
2 the home that had several items within them?

3 A. Yes.

4 Q. Okay. And approximately -- I guess approximately one
5 large item from the vehicle.

6 A. Correct.

7 Q. And what was the reason that it took the majority of the
8 day for you to find these items?

9 A. Because there was a lot of stuff in her apartment and we
10 wanted to go through what we could to make sure that we
11 weren't taking things that were not included in the warrant.

12 Q. Okay. And did you personally supervise that fact?

13 A. Yes.

14 Q. Okay. And just in addition to that, did you -- how soon
15 after the search did you begin going through each of these
16 items to try to determine whether or not it was relevant to
17 the case that you were investigating?

18 A. The next couple of days.

19 Q. And within the next week, couple of weeks and months,
20 did you attempt to return items as you discovered they were
21 not relevant?

22 A. Yes.

23 Q. Beg the Court's indulgence. Finally, Investigator
24 Blanton, did Angela Ladson swear you in?

25 A. Yes.

1 Q. And did she ask you if everything that you had said,
2 including the additional information, was true?

3 A. Yes.

4 Q. And did she acknowledge to you that she believed there
5 was probable cause?

6 A. Yes.

7 Q. And how did she acknowledge that?

8 A. Because she signed the warrants.

9 Q. And did she sign each of the search warrants?

10 A. Yes.

11 Q. And did she sign each of the arrest warrants?

12 A. Yes.

13 Q. And were those search warrants executed the next day?

14 A. Yes.

15 Q. And was the return made promptly?

16 A. Yes.

17 Q. When was the return made?

18 A. That day, December 2nd, 2009. Yes on both of them.

19 **Ms. Weiss:** Thank you, Your Honor. No further questions
20 at this time.

21 **The Court:** Cross-examination.

22 **Dr. Faltas:** Thank you, Your Honor. What's best for the
23 -- with the Court's permission, what's best for the court
24 reporter? Is from here okay?

25 **Court Reporter:** (Nodded head up and down.)

1 **Dr. Faltas:** Thank you.

2 Cross-Examination

3 By Dr. Faltas:

4 Q. Did you write a case summary about this on November --
5 on or about November 17th?

6 A. I did write a case summary. I can't tell you exactly
7 what date it is without looking at it.

8 **Dr. Faltas:** All right. Your Honor, may I beg the
9 Court's indulgence -- indulgence for a second? I could pick
10 it up, please?

11 **The Court:** Yes.

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

13 **The Court:** We'll be at ease for a few minutes.

14 **Dr. Faltas:** Thank you, Your Honor.

15 (Whereupon, a short break was taken.)

16 **Ms. Weiss:** Your Honor, I'm not sure if the break was
17 for Dr. Faltas to find the case summary. The investigator
18 has got a copy of her case summary in the case jacket.

19 **The Court:** All right.

20 **Dr. Faltas:** Thank you, Your Honor very much, and I do
21 appreciate Ms. Weiss helping us this way.

22 **The Court:** Proceed, Dr. Faltas.

23 **Dr. Faltas:** Pardon?

24 **The Court:** Proceed.

25 **Dr. Faltas:** Yes. Yes. I'm sorry.

1 By Dr. Faltas:

2 Q. On the last page of the case summary -- first of all,
3 what is the date of that case summary?

4 A. November 17th, 2009.

5 Q. Why did you write it?

6 A. To prepare myself as well as to let my supervisor know.
7 He asked me to prepare a case summary.

8 Q. Who is your supervisor?

9 A. Sergeant G. Drafts.

10 Q. Did he read it?

11 A. He said he did.

12 Q. Pardon?

13 A. He said he did.

14 Q. Okay. And did you show it to somebody else or did you
15 or he show it to somebody else?

16 A. I e-mailed a copy to Assistant Solicitor Heather Weiss.
17 I also had it in hand for a briefing with the Chief.

18 Q. Chief Carter?

19 A. Yes, ma'am.

20 Q. Chief Carter saw it.

21 A. He did not see it. I had it in my hand when we went
22 into a briefing. He did not see it.

23 Q. You went into a general briefing or a briefing about
24 this case?

25 A. It was a briefing about this case.

1 Q. I'm sorry, Your Honor. And when did it take place?

2 A. I couldn't tell you what day it was; I'm sorry. I don't
3 know what day it was. It was before the search warrants and
4 the arrest warrants were even signed.

5 Q. Who was present in that briefing?

6 A. Myself, my sergeant, Sergeant Drafts, and the Chief. I
7 don't recall -- Captain Dodson was also in there.

8 Q. Was Heather Weiss in the meeting by phone or by e-mail
9 or by video conference or anything?

10 A. No, ma'am, she was not there. She was not present.

11 Q. When was the first time you had any contact with Heather
12 Weiss about this case?

13 A. As we have to do with---

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

15 **The Witness:** I'm sorry.

16 **Ms. Weiss:** Relevance to the search warrant.

17 **The Court:** The objection is sustained.

18 **Dr. Faltas:** I'm only asking the question, Your Honor.

19 May I offer the answer for the record for appellate purposes?

20 **The Court:** No.

21 **Dr. Faltas:** No? I cannot offer that?

22 **The Court:** No.

23 **Dr. Faltas:** Okay. Was there any attorney from the City
24 of Columbia advised of this case before the search warrant or
25 the arrest warrants were issued?

1 **Ms. Weiss:** Objection.

2 **The Court:** Overruled. Yes or no.

3 **The Witness:** Yes.

4 By Dr. Faltas:

5 Q. Who and when?

6 A. I can't tell you the exact date. I don't know. I know
7 it was done before I signed the search warrant as well as the
8 arrest warrant, but Bob Cooper was aware that we were going
9 after seeking warrants. He does not -- did not know anything
10 about the case nor does he now. I have not discussed any
11 details whatsoever with Mr. Cooper. He was just advised that
12 we were seeking warrants.

13 Q. Okay. Was Gary Johnson also advised that you were
14 seeking warrants?

15 A. Yes, because he was dealing with another matter and I
16 had to contact him about the other matter.

17 Q. To your knowledge as we sit here today, is Gary Johnson
18 still with the City of Columbia attorney's office?

19 A. I don't believe so.

20 Q. Is it usual for a misdemeanor case to be briefed to the
21 Chief of Police or was this handled differently?

22 A. It was handled a bit differently.

23 Q. How so?

24 A. Just due to me doing up the case summary for it.

25 Typically our unit, our entire team, as well as my sergeant

1 brief before we seek warrants for just about every charge
2 because the subject matter in the cases that our team deals
3 with -- because we are Special Victims investigators,
4 typically we all discuss it before any warrants are sought --
5 are sought after. This happened to be one. Because of the
6 pending lawsuits and previous lawsuits, it was handled a bit
7 differently.

8 Q. Did you show that case summary to Angela Ladson---

9 A. No.

10 Q. ---at any point?

11 A. No, ma'am.

12 Q. Did you speak from that case summary when you were
13 talking to Angela Ladson at any point?

14 A. I don't recall giving Ms. Ladson any dates specifically,
15 and that's what's written in the case summary.

16 Q. So you gave her no dates whatsoever.

17 A. I don't recall giving her specific dates other than what
18 was listed in my affidavit in order to obtain a warrant.

19 Q. Okay. You claim that you gave her further oral
20 supplement?

21 A. Correct.

22 Q. There were no dates in the oral supplement.

23 A. I said I don't recall.

24 Q. Okay. This summary would indicate the knowledge that
25 you had at least up to that date; correct?

1 A. Yes.

2 Q. Okay. And do you have a record of when you received the
3 pictures from Andrew Delaney?

4 A. No, I don't think so.

5 Q. Is anything in the summary -- does anything in the
6 summary reference your having received pictures from Andrew
7 Delaney?

8 A. I can read the entire seven-page case summary, if you'll
9 give me a few minutes.

10 Q. Sure.

11 A. Because I'm not a hundred percent sure.

12 **Dr. Faltas:** Thank you. Your Honor, while she does
13 that, may I ask if the solicitor as a matter of courtesy can
14 have an extra copy -- it's actually attached to several -- to
15 at least one submission to the Court, so it's of record in
16 the case, but I just physically maybe didn't -- wasn't able
17 to carry everything upstairs.

18 **Ms. Weiss:** I'll go make a copy, Your Honor, if you
19 would like.

20 **The Court:** All right.

21 **Dr. Faltas:** Thank you, Your Honor.

22 **The Court:** In the interim, you can proceed with your
23 questions.

24 **Dr. Faltas:** Yes. Thank you, Your Honor. She said that
25 she's going to read this, and I'll be asking her from memory

1 as to---

2 **The Court:** Just proceed.

3 **Dr. Faltas:** Yes. Yes, Your Honor.

4 **The Court:** We're not taking a break to get a copy.

5 **Dr. Faltas:** No, no. I understand.

6 **The Court:** Next question.

7 **Dr. Faltas:** She asked to look at her summary first.

8 (Pause in proceedings while the witness reads the
9 summary.)

10 By Dr. Faltas:

11 Q. So there is nothing in there about your having received
12 documents from J. Andrew Delaney?

13 A. Not at the time the summary was written.

14 Q. And you had received other documents from J. Andrew
15 Delaney before the summary was written. Isn't that correct?

16 A. No.

17 Q. Didn't you testify that you received pictures from him?

18 A. I did.

19 Q. And when did you receive those?

20 A. I've already told you I don't know.

21 Q. So your answer just now that the pictures were not
22 received before the summary is not correct. The correct
23 answer should have been that you don't know. Right?

24 A. If I had received the photos before the case summary was
25 done, then I would have put it in the case summary.

1 Q. That's not entirely true, is it, because you are trying
2 to, number one, conceal that your---

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

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

5 **The Court:** The objection is sustained. The question is
6 argumentative.

7 **Dr. Faltas:** Your Honor is absolutely correct.

8 **The Court:** I know that I'm correct and I don't need any
9 acknowledgement of my ruling, just the next question, please.

10 **Dr. Faltas:** Thank you. I meant to say I apologize.

11 **The Court:** I don't need any apologies either. Just
12 proceed.

13 **Dr. Faltas:** Thank you.

14 By Dr. Faltas:

15 Q. Looking back at the last page...

16 A. Okay.

17 Q. Does it not reference my going to the Social Security
18 office?

19 A. It does.

20 Q. How did you even know about it?

21 A. Because I'm the one who called the Social Security
22 office.

23 **Ms. Weiss:** Your Honor, may we continue?

24 **The Court:** Is there a response to the last question?

25 **Ms. Weiss:** Yes, there was, Your Honor.

1 **The Court:** Next question.

2 By Dr. Faltas:

3 Q. Why?

4 A. Because the question of whether or not the person
5 receiving Social Security benefits at your address actually
6 resided at your address.

7 Q. Who was -- who raised that question?

8 A. One or two of my witnesses.

9 Q. How does this have anything to do with harassment?

10 A. It was part of my investigation.

11 Q. And how did you get my mother's Social Security number?

12 A. I'm privileged to several websites that allow me
13 peoples' personal information as an investigator.

14 Q. So you invaded my mother's---

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

16 **The Court:** I haven't heard a question. What's your
17 question before I can entertain an objection?

18 **Dr. Faltas:** Thank you, Your Honor. So you invaded my
19 mother's Social Security records.

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

21 **The Witness:** No, ma'am.

22 **Dr. Faltas:** Pardon?

23 **The Court:** The objection is overruled.

24 **Dr. Faltas:** You invaded my mother's Social Security
25 informa---

1 **The Court:** Just a moment. The objection is overruled.

2 What is the response to the question?

3 **The Witness:** No, not her Social Security records.

4 By Dr. Faltas:

5 Q. What did you invade about?

6 A. I'm sorry? What?

7 Q. How did you go about finding her Social Security number?

8 A. There is a website called Accurint, A-C-C-U-R-I-N-T.

9 It's a law-enforcement-related website that allows a secured
10 access, allows secured access to law enforcement officers to
11 allow us to find addresses, current addresses where mail
12 would be received from. It also gives Social Security
13 numbers.

14 Q. Did you find that my mother has any criminal record?

15 A. No.

16 Q. Were you looking for any criminal record for my mother?

17 A. No.

18 Q. Using the Social Security number, you could have found
19 that my mother was, in fact---

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

21 **The Court:** The basis for the objection?

22 **Ms. Weiss:** Relevance to the search warrant, Your Honor.

23 **The Court:** The objection is sustained.

24 **Ms. Weiss:** Thank you.

25 By Dr. Faltas:

1 Q. Did you have information that my mother at that time
2 was, thank God, still alive?

3 A. Before I contacted the Social Security office?

4 Q. Yes, ma'am.

5 A. No.

6 Q. Using her Social Security number, could you have not
7 called the Social Security Administration and found out that
8 she was still alive?

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

10 **The Court:** Objection is sustained.

11 **Ms. Weiss:** Thank you.

12 **Dr. Faltas:** Do you have access to something that would
13 show the address under the Social Security number?

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

15 **The Court:** The objection is sustained as to this entire
16 line of questions.

17 **Ms. Weiss:** Thank you.

18 **The Court:** That is not relevant to the search warrant
19 issue.

20 **Dr. Faltas:** Your Honor, I am trying to -- may I state
21 on the record for appellate purposes, if need be, that I am
22 trying to prove that this was a general search warrant way
23 beyond the scope of anything and totally related to a request
24 to interfere with my civil lawsuit as evidenced by someone
25 contacting the Social Security office about my mother and

1 causing a rumor that my mother is dead and I'm taking --
2 fraudulently taking her Social Security checks which is
3 exactly what I told the jury yesterday? And here it is:
4 Admission under oath.

5 **The Court:** The objection is sustained. You've stated
6 your basis on the record. Your next question for the
7 witness, please.

8 **Dr. Faltas:** Whom did you contact in the Social Security
9 office?

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

11 **The Court:** Sustained. Objection sustained as to any
12 further questions concerning the Social Security matter.

13 **Dr. Faltas:** Thank you. I'm going to ask one question
14 for the record, if I may. May I? Did you have any knowledge
15 by law that someone has to reside at a certain place to get
16 Social Security retirement checks?

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

18 **The Court:** Overruled.

19 **Dr. Faltas:** Thank you, Your Honor.

20 **The Court:** Yes or no.

21 **The Witness:** No.

22 By Dr. Faltas:

23 Q. By the time you executed the search warrant, you knew
24 that my mother was alive.

25 A. I knew that she had been in a medical facility in

1 another state back during the Summer of 2009. That's what I
2 knew.

3 Q. And, in fact, in answer to Ms. Weiss's questions, you
4 said that you supervised to make sure that you didn't take
5 things that weren't in the scope of the search warrant.
6 Isn't that correct? That was your answer?

7 A. To the best of my ability, yes.

8 Q. But, in fact, you took many things that were outside the
9 scope of the search warrant.

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

11 By Dr. Faltas:

12 Q. Did you take things that were definitely not in the
13 scope of the search warrant?

14 A. Not that I'm aware of.

15 Q. Did you not take my mother's bank card from my shirt
16 pocket?

17 A. We did because it did not have your name on it.

18 Q. Hadn't you received follow-up that I had shown the
19 Social Security office power of attorney for my mother?

20 A. That would be hearsay.

21 **Dr. Faltas:** Your Honor, may I ask that she answer?

22 **The Court:** What's the answer to the question?

23 **The Witness:** Can you ask it again?

24 By Dr. Faltas:

25 Q. Did you receive information before you executed the

1 search warrant from the Social Security office that I had
2 shown them my power of attorney for my mother?

3 A. Via telephone, the investigator from the Social Security
4 office advised me that you showed him a document that
5 appeared to be a power of attorney.

6 Q. Did you have any reason to believe that -- did you --
7 did he in any way share the document with you? Did he fax it
8 to you or e-mail it to you or anything?

9 A. No, ma'am.

10 Q. Did he give you any reason to believe that the document
11 was false in any way?

12 A. I don't think he and I discussed that.

13 Q. And, again, that was before the date of the search
14 warrant and before the time you took my mother's credit
15 cards.

16 A. That was before the search warrant, correct.

17 Q. So you knew at that time that my mother was alive and
18 that I had power of attorney for her, and yet you took her
19 bank cards from my shirt pocket which was hanging in the
20 closet. Right?

21 A. Again, I had not seen---

22 Q. Yes or no. Yes or no.

23 A. Ask the question again.

24 **Dr. Faltas:** May I ask that the question be read to her
25 again, please?

1 **The Court:** Restate the question, please.

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

3 By Dr. Faltas:

4 Q. All right. On the date of the search warrant you knew
5 that my mother was alive and that I had shown a federal
6 official a power of attorney that I have for her. You knew
7 those two facts, and yet you took her bank card from my shirt
8 pocket, and that was not covered in the search warrant. Yes
9 or no? And that is a compound question.

10 A. No, I did not know if your mother was alive or not
11 because I had not physically seen her.

12 Q. Okay. Did you know that I had shown power of attorney
13 for her to a federal official?

14 A. I was advised by the official that you had a document
15 that looked like a power of attorney.

16 Q. Were you advised by that same federal official that her
17 Social Security retirement benefits will not be discontinued?

18 A. Yes.

19 Q. And had you, when you had called, asked them to threaten
20 to discontinue her Social Security retirement benefits?

21 A. No.

22 Q. Did you get a copy of the letter they wrote to her?

23 A. No.

24 Q. Did you get a copy of the letter they wrote to me?

25 A. No.

1 Q. You just called and left it at that?

2 A. I called and made an inquiry.

3 Q. And then what happened?

4 A. They did their inquiry. I don't know what their
5 procedure is.

6 Q. And then they called you back or you called them?

7 A. The investigator at the Social Security Administration
8 office and I went back and forth via telephone numerous
9 times.

10 Q. Numerous times.

11 A. That means more than two, so, yes.

12 Q. Did you take notes of any of those?

13 A. If they're not listed in the summary, then no.

14 Q. Why would you not take notes of your calls?

15 A. If it wasn't pertinent information, then I didn't feel
16 like I needed to write it down. I remember speaking with the
17 man.

18 Q. So you did take this summary to Chief Carter.

19 A. I had it in hand.

20 Q. Okay. And yet by that time you did not see fit to add.
21 You only put in there information calculated to make me look
22 bad.

23 A. I wrote a summary of my findings, if that's what you
24 were asking.

25 Q. All right. On December 17th, 2009, on page 7, the last

1 sentence of the first paragraph, could you please read it?

2 A. It doesn't say December 17th. I'm not sure where that
3 date came from.

4 Q. From page 1.

5 A. That says November 17th.

6 Q. I'm sorry. I apologize.

7 A. The very last line of the...

8 **The Court:** Just a moment. Do you want her to read
9 something just to -- for what purpose? Do you have a
10 question?

11 **Dr. Faltas:** Yes, Your Honor.

12 **The Court:** Is the document in evidence?

13 **Dr. Faltas:** Yes, Your Honor.

14 **The Court:** You may ask questions based on the document.
15 By Dr. Faltas:

16 Q. The Social Security office in Columbia, South Carolina,
17 is currently investigating this matter. Isn't that a lie on
18 November 17th, 2009, because by that time they had finished
19 their investigation and found that I had done nothing
20 improper? Isn't that -- wasn't that a lie?

21 A. No. I don't remember what date it was, but at the time
22 the summary was written apparently I didn't know the complete
23 findings of their inquiry and investigation.

24 Q. Even though you had numerous calls back and forth.

25 A. Which could not be a complete investigation until the

1 very end of the investigation.

2 Q. Okay. Do you have anything to dispute that the
3 investigation ended on November 14th?

4 A. I'm not sure.

5 Q. All right.

6 A. I'm not sure what date it would have ended.

7 Q. All right. On the first page of that summary, the
8 paragraph before September 2008---

9 A. Okay.

10 Q. ---you claim Ms. Crouch was hesitant about giving any
11 further information in regard to Faltas victimizing her by
12 way of following her by vehicle and declined to file report
13 for such. You pretended that Charlene Crouch was afraid of
14 me; right?

15 A. That was what I was told.

16 Q. In fact, you knew that the reason Charlene Crouch would
17 not testify is that she has a very bad criminal record.

18 A. I was not aware because I did not pull her rap sheet
19 before this was written.

20 Q. You had pulled her driving record though.

21 A. Okay.

22 Q. Did you pull her driving record on November 14th?

23 A. I pulled it, but I can't tell you what---

24 Q. On November 4th, 2009. I'm sorry. November 4th, 2009.
25 Charlene Crouch's driving record, did you pull it on

1 November 4th, 2009?

2 A. I don't know what date I pulled it.

3 Q. Well, all right. Let me show you. And I apologize. I
4 said November 4th, but it's November 11th. May I approach
5 the witness, Your Honor?

6 **The Court:** Yes.

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

8 By Dr. Faltas:

9 Q. (Dr. Faltas hands a document to the witness.)

10 A. Correct. D.M.V. says 11/11/2009.

11 Q. Was that the record that you pulled?

12 A. Right.

13 Q. And even though it's obvious but for the record that you
14 would have pulled it before having written this case summary
15 and at least three weeks before having written -- having
16 obtained the arrest warrant and the search warrants; right?

17 A. I don't understand the question.

18 Q. I'm stating the obvious and hoping that you would agree
19 with me. November 11th, 2009, is three weeks before you got
20 the arrest warrant and the search warrant. Yes?

21 A. Is that a question?

22 Q. Yes.

23 A. I'm not looking at a calendar, so I can't tell you
24 exactly if that was three weeks or not.

25 Q. I'm sure the court can take judicial notice that

1 November 11th is three weeks before December 2nd. But in any
2 event, so does this woman, Charlene Crouch, whom you portray
3 as a victim of me, have a very bad driving record including
4 convictions for driving under the influence and suspension of
5 license and speeding and negligent driving but specifically
6 at least two convictions of driving under the influence?

7 A. I'm sorry? If I can look at it again, I can say yes or
8 no.

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

10 **The Court:** Basis for the objection?

11 **Ms. Weiss:** Relevance to the search warrant.

12 **The Court:** Objection sustained.

13 **Ms. Weiss:** Thank you.

14 **Dr. Faltas:** May I for the record, Your Honor, state the
15 basis of the -- of the question? Generally, Your Honor, the
16 affiant is required to give the issuing magistrate basis for
17 doubting the informant's veracity, and I am trying to
18 establish that Blanton, Amanda Blanton, had a whole lot of
19 basis to doubt what she calls her witness. In fact, Ms.
20 Weiss went into asking her, "Did you have any reason to doubt
21 the veracity?" And she said, "No." And I'm trying to show
22 that she had plenty of reason, compelling reason, to doubt
23 the veracity, and she still not only suppressed that but lied
24 about it, gave different reasons for them not testifying.

25 **The Court:** Okay. Next question.

1 **Dr. Faltas:** Thank you. Did you see in this record that
2 Charlene Crouch has two -- at least two---

3 **Ms. Weiss:** Objection.

4 **The Court:** I'm overruling the objection and reversing
5 my previous ruling.

6 **Dr. Faltas:** Thank you, Your Honor. Thank you very
7 much.

8 **The Court:** And for all parties concerned, when I rule I
9 don't need a "Thank you" or "Appreciate it, Your Honor" or "I
10 apologize, Your Honor." Those extraneous comments are
11 unwarranted and inappropriate. Let's just proceed to the
12 next question.

13 By Dr. Faltas:

14 Q. So a careful investigator would have pulled the criminal
15 record of someone who has two driving-under-the-influence
16 convictions; right?

17 A. If she was my suspect.

18 Q. But if she is a witness whose reliability -- on whose
19 reliability you're supposed to depend, you don't do that, do
20 you? Just because you were -- okay. I'm going to ask the
21 question pointblank. You were trying to frame me, were you
22 not?

23 A. No.

24 Q. After seeing that record, did the thought cross your
25 mind that Charlene Crouch may not be a truthful person?

1 A. No.

2 Q. Did you even try to pull her other criminal record?

3 A. I had no reason to.

4 Q. Okay. Because of what? Anyone who says something bad
5 about Marie Assa'ad-Faltas must be truthful?

6 A. No.

7 Q. Then what?

8 A. Because I have a signed sworn statement from Ms. Crouch.

9 Q. And people do not tell lies under oath?

10 A. I didn't say that.

11 Q. So just because she signed and swore a statement doesn't
12 mean -- means you don't investigate it.

13 A. She corroborated stories that I had heard from other
14 victims.

15 Q. Did the thought cross your mind that she was paid or
16 somehow influenced to tell the same story?

17 A. I had no knowledge that that was taking place, if that
18 took place.

19 Q. Even though you had been prompted to start this whole
20 thing by the lawyer for the defendants in a civil case.

21 A. I had no knowledge of a civil case when I received the
22 original report stating Teresa Ingram being a victim.

23 Q. So when did you -- you just received things from J.
24 Andrew Delaney and didn't -- didn't know who he was?

25 A. After I received a phone call that there were photos

1 that were taken to Mr. Delaney by you, I called Mr. Delaney
2 and asked if I could get copies of those photos.

3 Q. And who told you that I had taken photos to Mr. Delaney?

4 A. Mr. Mason.

5 Q. Did he tell you who Mr. Delaney is?

6 A. He said that was his attorney.

7 Q. His attorney for what?

8 A. I did not know and I didn't ask.

9 Q. At any point did you know that J. Andrew Delaney was
10 Mason's attorney in the civil lawsuit where Mason is a
11 defendant?

12 A. I didn't know the specifics of that, no.

13 Q. All right. On page 7 of that 17 November, 2009,
14 summary, the middle paragraph, does it acknowledge that I
15 have had a green card since September 2005?

16 A. Correct. That was the information I received.

17 Q. Received from where?

18 A. The D.R.O. which the Deportation and Removal Office down
19 in Charleston.

20 Q. And you had contacted them about me as well?

21 A. I did.

22 Q. Okay. And did you have, before you signed the arrest
23 and search warrants, documents later written by your
24 informant, Larry Mason, to the effect that I'm an illegal
25 alien?

1 A. That question was brought up early in the investigation
2 before the warrants were signed.

3 Q. You had letters from him to many people asserting that I
4 am an illegal alien, even though you obtained information
5 directly from the federal offices concerned that I have had a
6 green card in good standing since 2005. Yes or no.

7 A. That information was received way before I found out
8 from the D.R.O. that you had a green card.

9 Q. That did not make you question the veracity of Mason
10 that he was writing to all kinds of people that I have been
11 an illegal alien and that I had lied to them before renting
12 the apartment by pretending that I'm a well-documented alien,
13 whereas I was an illegal alien? That didn't tell you that he
14 was telling lies about me?

15 A. No. That was under his portion of what investigation he
16 did. Previously, before I ever contacted the Masons, that
17 was the information given to me, and I investigated it
18 through the D.R.O.

19 Q. But you did not investigate whether he was telling lies
20 to people to decide whether that was a truthful person.

21 A. Okay. I contacted the D.R.O. to prove whether or not
22 that was true.

23 Q. And then you didn't go back and say, "Well, this Larry
24 Mason has been writing about Dr. Assa'ad-Faltas to other
25 people things that aren't true. Maybe he's telling me things

1 that aren't true."

2 A. The information that Mr. Mason had was the original
3 deportation order which, if you Google your name, it pops up.

4 Q. In fact, there was no actual deportation order.

5 A. I was told by D.R.O. that there was a deportation order
6 issued on January 7th, 2002. During the appeals process, you
7 received a green card on September 13th, 2005.

8 Q. So---

9 A. That was told to me by the D.R.O. people.

10 Q. So -- so that order was reversed.

11 A. During an appeal you received a green card.

12 Q. Which means what?

13 A. I don't know. I don't work for their agency.

14 Q. And then in -- do you recall testifying under oath in
15 the preliminary hearing?

16 A. I did.

17 Q. Okay. And do you recall saying that a person by the
18 name of Alden Wheeler signed the statement, a sworn statement
19 that you received, claiming that he was trying to rent an
20 apartment from Dinah Steele and that I pretended to be the
21 owner and stopped him from renting it?

22 A. I'm not looking at the document from it, but I did
23 receive a document that was done by Mr. Wheeler.

24 Q. Did you notice that it was notarized by Larry Mason
25 himself?

1 A. I did see that.

2 Q. Did you also know that Alden Wheeler was an employee of
3 Larry Mason's detective agency?

4 A. No, I wasn't even aware that Mr. Mason had a detective
5 agency.

6 Q. Does it make sense to you that someone would know to go
7 back and give somebody a sworn statement that I pretended to
8 be the owner and not tell them, "Well, since you're the
9 owner, go ahead and rent apartment to me"?

10 A. I'm sorry. I don't understand that question.

11 Q. Okay.

12 **Dr. Faltas:** Your Honor, may I approach the witness with
13 the---

14 **The Court:** Yes.

15 **Dr. Faltas:** ---transcript?

16 By Dr. Faltas:

17 Q. On page 40, lines 18 to 23, please.

18 A. Which line? I'm sorry.

19 Q. 18 to 23. Do you recall -- first of all, do you recall
20 you being the witness?

21 A. If it was a preliminary hearing, then, yes, I was the
22 witness.

23 Q. Yes. And could you please read lines 18 to 23?

24 A. The witness: "Telling the potential tenant that there
25 were no vacant apartments and that they had to leave the

1 premises. Alden Wheeler was one of these individuals who
2 potentially was going to rent the vacant apartment. I have a
3 signed sworn statement from Mr. Wheeler."

4 Q. Thank you. Did you -- I'm sorry. I think I asked this
5 question, and if I did ask, then please forgive me for asking
6 it again. You did notice that it was notarized by Larry
7 Mason himself?

8 A. I did see that.

9 Q. Yes. And so didn't it seem strange to you that if he
10 knew to go back to Larry Mason and complain that someone told
11 him that -- that there were no vacant apartments and that I,
12 Marie Faltas, am the owner, not Larry Mason, then he would
13 know to tell to Larry Mason, "I know you're the owner. Rent
14 the apartment to me"?

15 A. I don't know what their conversation was about. I
16 wasn't there for their conversation.

17 Q. Okay. Did Larry Mason and Dinah Steele tell you that
18 they are married?

19 A. Yes.

20 Q. Did you check any marriage license for them?

21 A. No. Ms. Mason does have an issued card, an
22 identification card, that has her married name.

23 Q. What card is that?

24 A. It's a military I.D.

25 Q. Did you pull her driver's license?

1 A. I did.

2 Q. Did she ever change her name on the driver's license?

3 A. On the D.M.V. records, no.

4 Q. Did she ever -- did she ever show you any change of name
5 on anything?

6 A. I didn't ask for it.

7 Q. Okay.

8 A. Other than the military I.D. but that's all.

9 Q. She just showed you a military I.D.

10 A. I asked specifically if she had one with her husband's
11 last name. She said, "Yes." She produced the military I.D.

12 Q. Which she could have gotten by fraud.

13 A. That's your opinion.

14 Q. Hasn't, in fact, Larry Mason been tried for 145 counts
15 of embezzlement from the military?

16 A. I have no earthly idea.

17 Q. You have no earthly idea.

18 A. No.

19 Q. Okay. You said you were trained to be an investigator.
20 Can you give us a brief description of your training, please?

21 A. Do you want to start from college or just the trainings
22 I've received since being on at the police department?

23 Q. Whichever way you want.

24 A. Okay. In college I studied criminal justice. I have a
25 Criminal Justice degree.

1 Q. Did you graduate with any distinction, with honors or
2 anything, or just average?

3 A. As you would say it, I guess just average.

4 Q. Okay. And then?

5 A. Through the Columbia Police Department, through the
6 Criminal Justice Academy as well as numerous other trainings
7 that I've been to, I've gone to a narcotics undercover
8 techniques class which I have also helped teach after I was
9 trained in the class. I've been through the basic detective
10 classes at the South Carolina Criminal Justice Academy. I've
11 had several years' experience doing undercover -- I guess
12 undercover surveillance of possible narcotics, possible
13 prostitution. I've been in charge of numerous operations
14 undercover. That would be signed documented numerous search
15 warrants to those things.

16 Q. So there is prostitution in Columbia, South Carolina?

17 A. Yes.

18 Q. A lot?

19 A. I wouldn't say a lot.

20 Q. Does it take several forms?

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

22 **The Court:** Sustained.

23 **Ms. Weiss:** Thank you.

24 By Dr. Faltas:

25 Q. You said you were the lead investigator. Who else was

1 the investigator on this?

2 A. No. With our agency, if you're the lead investigator,
3 you are the investigator in charge, and then as I stated
4 before, before we attempt to get search warrants, arrest
5 warrants, whatnot, we have a round-table meeting is what our
6 team calls it, and they were all involved.

7 Q. Who were in the round team?

8 A. Everybody on my team which would include Sergeant
9 Drafts, Investigators Charlie, Merrill, Montgomery, Brown,
10 Coleman, Sloan, Narewski, and Bailey. That would be everyone
11 in my team as well as me.

12 Q. Okay. When was the first time you contacted Ms. Weiss
13 about this case?

14 A. It's our procedure any time we are going to seek
15 warrants for general sessions charges, which is what
16 harassment and stalking are are general sessions -- it's our
17 protocol to call -- to contact the assistant solicitor's
18 office to run our probable cause by then to make sure that
19 it's enough for the warrants. So I couldn't specify a date.
20 I'm sorry.

21 Q. You had previous contacts with Ms. Weiss about other
22 cases?

23 A. Yeah. In the past about other cases, yes, ma'am.

24 Q. Uh-huh. Have you ever prosecuted harassment cases?

25 A. I have never been the investigator in charge of those

1 cases.

2 Q. So you have never investigated harassment cases before.

3 A. I've investigated some similar things but not
4 specifically harassment.

5 Q. And in answer to Ms. Weiss's question, you said you
6 spoke to approximately five witnesses, but it was only five
7 people to whom you spoke face to face. Right?

8 A. Face to face would be Mr. And Mrs. Mason, Ms. Crouch,
9 Mr. Jones, and Ms. Ingram. Face to face those five.

10 **Dr. Faltas:** Would the court, if it pleases, instruct
11 her to refer to Dinah Steele as Dinah Steele as opposed to
12 Ms. Mason? Because I am challenging that.

13 **The Court:** Request denied.

14 **Dr. Faltas:** Thank you. I'm sorry.

15 By Dr. Faltas:

16 Q. Did you pull the driving record of Ms. Jones?

17 A. I'm sure I did because before I see someone face to face
18 I like to know what they look like to make sure that they're
19 not attempting to defraud.

20 Q. Why was that not produced to me?

21 A. Then I must not have it for some reason.

22 Q. Did you also have a claimed written statement from one
23 Rodney Ingram?

24 A. I do have a written statement or a typed statement from
25 Mr. Ingram.

1 Q. Did you ever see Ingram -- a Rodney Ingram face to face?

2 A. No, ma'am.

3 Q. Did you ever pull his driving record?

4 A. I don't believe I did, but I'm not sure.

5 Q. Did that statement make sense?

6 A. I understood what it was trying to say.

7 Q. But wasn't it self-contradictory?

8 A. I don't know. If you have a copy, I could read it.

9 Q. Constant photo-taking. You claim that that -- that that
10 was an element of harassment. Right?

11 A. I'm sorry? What?

12 Q. In answer to Ms. Weiss's questions, you claimed that
13 constant photo-taking was an element of harassment.

14 A. Constant photo-taking?

15 Q. Uh-huh.

16 A. Is that right?

17 Q. Yes.

18 A. The victims thought that that would be something that
19 was violating them, so we took that into consideration.

20 Q. Did you sit here and hear Ingram testify that the police
21 told her that I have---

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

23 **Dr. Faltas:** You were here yesterday---

24 **The Court:** The objection is sustained.

25 By Dr. Faltas:

1 Q. Did you have any allegation that any picture was taken
2 other than in a public place?

3 A. Not that I recall. I'm sorry. I was trying to think.
4 Not that I recall. The photos were mainly taken in the
5 parking lot at the apartments.

6 Q. Did you see me block someone in?

7 A. I did not physically witness that, no.

8 Q. Did you -- you said that you are experienced in covert
9 surveilling.

10 A. Yes, ma'am.

11 Q. Did you all surveil me covertly?

12 A. No.

13 Q. And you also said that the third element was the
14 profanity.

15 A. That was an allegation; yes, ma'am.

16 Q. Okay. What -- were you told any profane words that I
17 used -- I am supposed to have used?

18 A. The B. Word.

19 Q. Okay. How often is the B. Word spoken to your
20 experience as someone living in society?

21 A. That all depends on how you were brought up, how you
22 were raised.

23 Q. Uh-huh. So would you say that maybe at least 80 percent
24 of people in society have used the B. Word?

25 A. I don't want to speculate.

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

2 **The Court:** The objection is overruled.

3 **The Witness:** I don't want to speculate and say that the
4 number would be 80 percent.

5 By Dr. Faltas:

6 Q. Pardon?

7 A. I don't want to speculate and say that that would be an
8 accurate number.

9 Q. Have you heard the B. Word spoken by someone other than
10 myself?

11 A. Yes.

12 Q. Often?

13 A. Not on a daily basis.

14 Q. By how many people in your lifetime have you heard it
15 spoken?

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

17 **The Court:** Objection is sustained.

18 **Dr. Faltas:** Have you ever arrested somebody or gotten a
19 warrant on somebody or known somebody to get a warrant for
20 somebody for having used the B. Word at anyone?

21 **Ms. Weiss:** Objection.

22 **The Court:** The objection sustained.

23 By Dr. Faltas:

24 Q. You claim that my crime originated in the apartment and
25 that I returned in the apartment after blocking people in.

1 Is that correct?

2 A. Right.

3 Q. But you haven't seen any of it.

4 A. I have not physically seen it.

5 Q. You had gone to the location and found that there are
6 two wide exits. Yes or no?

7 A. There are two exits.

8 Q. Is each exit enough to let two cars out side by side?

9 A. Again, I wouldn't want to speculate without knowing the
10 exact measurements.

11 Q. And you have never seen fit to take measurements.

12 A. No.

13 Q. And you claim that Steele developed to be a victim?

14 A. I'm sorry. What?

15 Q. In answer to Ms. Weiss's questions, you claim that
16 Steele developed to be a victim.

17 A. Who is Steele?

18 Q. Dinah Steele.

19 A. Oh, okay. Yes, she has claimed a victim.

20 Q. And did she say that I followed her how many times?

21 A. A few.

22 Q. She said that.

23 A. I believe it's in my case summary.

24 Q. Where in the case summary is it?

25 A. (The witness looks at a document.)

1 Q. Page 3.

2 A. Okay. The first woman that we have a date for would be
3 March 26, 2009.

4 Q. Okay. Do you know that that was the date Dinah Steele
5 was served with the summons and complaint in the civil case?

6 A. No.

7 Q. You did not know that. Did you even ask? Did you even
8 ask whether someone either served her with a complaint or did
9 anything that would show that there is a legitimate purpose
10 for someone to be there?

11 A. No, I would have no reason to ask her a question like
12 that.

13 Q. Okay. The next -- on that same page, the third
14 sentence, it says, "The next day on the 27th of March, Mr.
15 Mason reports that he observed Ms. Faltas in her vehicle at
16 the Shell gas station across from his home address in Elgin,
17 South Carolina."

18 A. That's what it says.

19 Q. Did you even check if there is a Shell station across
20 from his home in Elgin, South Carolina?

21 A. There is a gas station there.

22 Q. How did you know that?

23 A. Because I know other people that live on his street.

24 Q. Did you swear those people?

25 A. They have nothing to do with this case. I just happen

1 to know people that live there.

2 Q. Who are they?

3 A. None of your business.

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

5 **Dr. Faltas:** No, ma'am. No, ma'am.

6 **The Court:** The objection is sustained.

7 **Dr. Faltas:** Your Honor, may I -- may I for the
8 record---

9 **The Court:** No.

10 **Dr. Faltas:** ---say -- okay. Sorry.

11 **The Court:** The objection is sustained. Next question.

12 By Dr. Faltas:

13 Q. Do you have friends in common with Larry Mason?

14 A. No, not that I'm aware of anyway.

15 Q. Do those people who live on the same street as he know
16 him?

17 A. I have never asked them. They're not in law
18 enforcement. The relevance of this case is obviously not
19 discussed with them.

20 Q. Is there in your whole summary any other incident of
21 alleged following of Steele? Following. I'm talking about
22 following.

23 A. Okay. And I'm -- give me a second and let me read
24 through it. Okay?

25 Q. Sure.

1 A. (The witness reads a document.) Page 4, April 20th,
2 2009. It's the third paragraph down. April 20th, 2009.

3 Q. Okay.

4 A. This would be where Ms. Mason stated that Dr. Faltas was
5 sitting in front of her place of employment, the parking lot
6 specifically, just sitting in the vehicle. It doesn't state
7 that it was -- that she was followed.

8 Q. So there was only one allegation of following, only one
9 date, one alleged incident of following.

10 A. There are actually more in Ms. Mason's statement, but I
11 don't think we could pinpoint a date. That's why they were
12 not documented in my summary.

13 Q. And there is only one allegation of following by Ingram.
14 Right?

15 A. That I'm aware of, yes.

16 Q. And yet you said repeatedly both in your search warrant,
17 your arrest warrant, and to the grand jury -- you said
18 repeatedly -- you swore that I did it repeatedly.

19 A. No, ma'am. That's not correct.

20 Q. In the indictment you said repeatedly following the
21 victim. Yes or no?

22 A. I have not seen the indictment.

23 Q. What did you go and tell the grand jury?

24 A. Facts of the case.

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

1 **The Court:** The objection is sustained.

2 By Dr. Faltas:

3 Q. And you said that you received information that during
4 numerous court appearances I stated that I have photographs
5 and have tapes.

6 A. During court appearances, correct.

7 Q. Yes. So wouldn't that tell you that the tapes and the
8 photographs were not illegal?

9 A. No, that doesn't tell me that.

10 Q. What kind of photograph is illegal, according to your
11 training?

12 A. I'm not sure that photographs are illegal.

13 Q. Okay. So photographs are not illegal, but you went --
14 you wanted to get a search to take from my apartment and my
15 car all photographs.

16 A. Because they were evidence that corroborated the stories
17 of the victims and other witnesses.

18 Q. Did I ever deny that I took pictures of people doing
19 things wrong to me?

20 A. I don't think you've ever denied taking photos.

21 Q. Did some of the pictures that you received from J.
22 Andrew Delaney's office show people flipping the finger at
23 me?

24 A. I'm not sure if that picture was included in the few
25 that Mr. Delaney gave me. I'm not sure. Obviously I would

1 have to look through them.

2 Q. Well, since I don't know what Delaney gave you, where
3 did you keep them?

4 A. In my case jacket, in my file folder.

5 Q. Did you bring it with you?

6 A. Yes.

7 Q. Could you look, please?

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

9 **The Court:** What's the basis for the objection?

10 **Ms. Weiss:** Relevance to the search warrant. The
11 investigator has already testified the relevance that the
12 pictures have to her probable cause for the search warrant.
13 At this point any testimony is cumulative and is not relevant
14 to the actual probable cause for the search warrant.

15 **The Court:** The objection is sustained.

16 **Dr. Faltas:** May I respond?

17 **The Court:** No. I've ruled already.

18 **Dr. Faltas:** May I ask for reconsideration to please
19 preserve the issue?

20 **The Court:** That's not necessary. It's preserved
21 already.

22 By Dr. Faltas:

23 Q. Did any of the pictures Andrew Delaney sent you show
24 somebody drinking beer with a little child close by?

25 A. There's one photo that has a child, but I'm not sure if

1 there is alcohol being drank. Like I said, they're
2 black-and-white printed cop -- they're copies and they're in
3 black and white, so I'm not sure if there was a beer or not.

4 Q. When -- was there a letter accompanying those pictures
5 that was given to Chief Carter?

6 A. Not that I'm aware of.

7 Q. Okay. So Chief Carter never knew that I met with
8 Lieutenant Burke and showed him some of the---

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

10 **Dr. Faltas:** In the meeting -- I'll rephrase.

11 **The Court:** Just a moment.

12 **Dr. Faltas:** I'll rephrase.

13 **The Court:** Just a moment. Yes?

14 **Ms. Weiss:** Your Honor, Dr. Faltas has gone into
15 meetings she had with the command staff of the City of
16 Columbia, and I am objecting to the relevance as it pertains
17 to the search warrant, probable cause, affidavit, and the
18 items sought.

19 **The Court:** All right. This officer did not issue a
20 search warrant. The question of validity of the search
21 warrant is not based on what's in this officer's head. It's
22 based on the information provided to the issuing officer. I
23 sustain the objection, and I'm not going to allow this to
24 turn into a full trial on the case. This is solely whether
25 or not probable cause existed for the issuance of the arrest

1 warrant, not everything in this officer's file or everything
2 in this officer's head or everything in this officer's
3 investigation. The question is what was given to -- what was
4 placed in the search warrant and whether looking at the four
5 corners of the search warrant the issuing officer had
6 probable cause to issue it. I sustain the objection.

7 By Dr. Faltas:

8 Q. Would a reasonable officer think that pictures that were
9 submitted to a court would not be illegal pictures, that
10 someone in her right mind would not go to a court of law and
11 say, "Here, these pictures---

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

13 **The Court:** The objection is sustained.

14 By Dr. Faltas:

15 Q. You were told that I gave the magistrate one tape,
16 right, of people insulting me? Right?

17 A. I don't know if you gave it to the judge or not. I was
18 just told that there was a cassette -- an audiotape that was
19 produced.

20 Q. Did you ask?

21 A. I don't believe so, but I'm not sure.

22 Q. Did you even know which magistrate?

23 A. No.

24 Q. You didn't ask. You said you kept handwritten journal
25 or you thought I might keep a handwritten journal?

1 A. In my experience, that has been a possibility of a
2 journal or log.

3 Q. By me? You have experience with me keeping journals?

4 A. No, ma'am, not with you. With people in general.

5 Q. And what would that journal say?

6 A. Different things for different defendants.

7 Q. Okay. And you've never told that people should not be
8 compelled to be witnesses against themselves?

9 A. I'm sorry. I don't understand.

10 Q. So even if I had written in a journal I'm going to
11 harass somebody someday, wouldn't that be compelling for your
12 taking the journal? Wouldn't it have been compelling me to
13 testify against myself?

14 A. Again, I don't understand what you're asking.

15 Q. Let's say people write journals, and you said you have
16 no experience with harassment. You said this was your first
17 harassment case.

18 A. This is my first investigation into a harassment case.

19 Q. So you had no experience before that somebody who
20 harasses somebody keeps a journal and saying, "I am going to
21 go out today and harass somebody," or comes back and writes
22 in a journal how I harassed somebody today.

23 A. When I was in college I took a class or actually a
24 couple of classes that pertained to criminal minds,
25 criminology, and discovering specific acts that would happen,

1 and that would be -- it would go along with that.

2 Q. But you had no probable cause to believe, number one, I
3 am a criminal. Number two, I actually kept a diary that
4 said, "I am going to harass somebody today."

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

6 **Dr. Faltas:** And came back -- Your Honor, it has to be
7 articulable probable cause that a particularized item exists.
8 Did you have any---

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

10 **The Court:** Let me hear the question.

11 **Ms. Weiss:** Your Honor, may I state my objection?

12 **The Court:** I haven't heard the question.

13 **Dr. Faltas:** Oh, my question was---

14 **The Court:** I heard a part of a question, then a part of
15 an argument, then another objection, and I haven't heard a
16 question.

17 **Dr. Faltas:** Okay. May I give the question?

18 **The Court:** And don't answer the question once it's
19 asked until I rule. Go ahead.

20 **The Witness:** Yes, sir.

21 **Dr. Faltas:** Did you have probable cause to believe that
22 I, Marie Assa'ad-Faltas, kept a journal somewhere in my
23 apartment or my car that said on a certain date I plan to
24 harass somebody or that on a certain date I harassed
25 somebody?

1 **The Court:** Basis for the objection?

2 **Ms. Weiss:** Thank you, Your Honor. That is actually a
3 different question. My objection---

4 **The Court:** Well, there was no question. You objected
5 as the question was being asked, but go ahead.

6 **Ms. Weiss:** Your Honor, there was a compound question
7 that was asked before that was continuing; that was my
8 objection. I think at this point it would just be to do one
9 question at a time, but I think when she rephrased it. It
10 was just one question. Withdrawn.

11 **The Court:** Response?

12 **The Witness:** It's my experience and basic knowledge
13 that a journal does not necessarily have to be your day-to-
14 day writings of what you do but could possibly be a photo
15 journal.

16 By Dr. Faltas:

17 Q. Is possibly being different from probable in your mind
18 and in your training -- because possible may mean anything,
19 but was there a reasonable probability that I kept a journal?
20 Did you have -- sorry. Did you have a particularized
21 reasonable probability that I kept a journal?

22 A. I was under the impression there could possibly be a
23 photo journal. So, yes.

24 Q. How did you get that impression? And you said possibly.
25 What about probably?

1 A. Okay. Probably there would be a photo journal because
2 of the numerous photos that were alleged to be taken of the
3 victims and witnesses. That was my probable cause or part of
4 it.

5 Q. Okay. But you requested search for all diaries.

6 A. Correct.

7 Q. All diaries without any basis for thinking that I kept a
8 diary. I. Not everyone in the world. I, particularized to
9 me. I.

10 A. Is that a question?

11 Q. Yes. What is your probable cause, if any, for thinking
12 that I kept a diary---

13 A. Because---

14 Q. ---of harassment? I, not---

15 **Ms. Weiss:** Objection.

16 **Dr. Faltas:** ---anybody else. I. Did anyone tell you
17 that they saw me keep a diary of harassment?

18 **The Court:** And the basis for the objection?

19 **Ms. Weiss:** Objection. That the question has been asked
20 and answered. The investigator has answered her probable
21 cause for believing that someone accused of harassment may
22 keep diaries, journals, et cetera. That is the basis
23 required in the search warrant, and that question has been
24 asked and answered numerous times.

25 **The Court:** The objection is sustained.

1 **Ms. Weiss:** Thank you, Your Honor.

2 By Dr. Faltas:

3 Q. Going to the computer, did any of the witnesses allege
4 that they have a computer?

5 A. I didn't ask any witness if they had a computer.

6 Q. Did any of them allege that they were receiving
7 harassing e-mails from me?

8 A. No.

9 Q. Did any of them allege that they were receiving
10 harassing letters from me that were written on the computers?

11 A. I recall something about a letter, but I can't remember
12 if that was specifically -- if that would be specific. So,
13 no.

14 Q. In fact, didn't Teresa Ingram show you a letter I had
15 written to her after she blocked me and I asked her to please
16 not do that again?

17 A. No.

18 Q. No?

19 A. No.

20 Q. That's in the discovery file, too, but I'll -- I'll move
21 very quickly. Did any of the alleged victims claim to you
22 that I was taking pictures with cell phone?

23 A. I'm not sure that I asked specifically if it was a cell
24 phone, but because cell phones can take photos, that's why it
25 was included in the warrant.

1 Q. Did any -- when were you first aware that Teresa Ingram
2 had a boyfriend who had threatened to kill her?

3 **The Court:** All right. That's not relevant to this
4 issue.

5 By Dr. Faltas:

6 Q. At the time you had the search warrants and arrest
7 warrants against me, were you aware that Teresa Ingram had
8 had issues with other people totally unrelated to me?

9 A. Issues meaning?

10 Q. Meaning reporting harassment by other people.

11 **Ms. Weiss:** Objection.

12 **The Court:** Objection is sustained.

13 **Dr. Faltas:** Is harassment---

14 **The Court:** We'll be at ease for about two or three
15 minutes.

16 **Dr. Faltas:** Thank you, Your Honor.

17 (Whereupon, a short break was taken.)

18 **The Court:** How many more questions do you have of this
19 witness?

20 **Dr. Faltas:** I pray the court's indulgence just for 10
21 minutes.

22 **The Court:** Okay.

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

24 By Dr. Faltas:

25 Q. Very quickly. And I showed this to Ms. Weiss. You

1 wrote those, and these are -- these have your signature;
2 right?

3 A. Yes, they have my signature.

4 Q. Okay. And one of them says when she came to see you she
5 told you that the alleged rock had struck her in the left
6 leg, but the police report you noted said that -- had struck
7 her feet.

8 A. Correct. The officer did not correctly write the
9 report.

10 Q. The officer did not correctly write the report. Well,
11 you were not there; right?

12 A. I spoke with the officer.

13 Q. Uh-huh. And the officer told you that she told him that
14 it struck her left leg, but he told you---

15 A. What he said was that the lower extremities between the
16 legs and -- between the bottom of the knee and the feet. He
17 said but he just put in there that.

18 Q. And when you spoke to him, did he say that he saw any
19 bruises?

20 A. No, he didn't say he saw anything.

21 Q. Okay. Then on the other one---

22 A. Uh-huh.

23 Q. ---you claim that part of the harassment is that I
24 allegedly told Ingram that she looks like Marilyn Monroe or
25 Janis Joplin?

1 A. That was according to her statement. Correct.

2 Q. And you stated that I said that to insult Ingram?

3 A. Again, that was her statement, yes.

4 Q. Okay. Is that reasonable to you?

5 A. I wouldn't be insulted if you called me either one of
6 them, but that's me. Everybody has their own opinion.

7 Q. Okay. But you were claiming -- you got me arrested for
8 thinking or for allegedly saying that someone looks like one
9 of the most beautiful women in the world.

10 A. That's not even an issue as to that---

11 Q. It's not---

12 A. She took it as an insult though.

13 Q. She took it as an insult; right? And that's enough for
14 me to be arrested.

15 **Ms. Weiss:** Objection.

16 **The Court:** The basis for the objection?

17 **Ms. Weiss:** Relevance to the search warrant.

18 **The Court:** All right. The objection is sustained.

19 By Dr. Faltas:

20 Q. In -- do you recall seeing that letter? And may I
21 approach you and take back the other two?

22 A. I'm sorry. What letter?

23 Q. (Dr. Faltas hands documents to the witness, and the
24 witness reads the documents.)

25 A. I have read this before.

1 Q. When?

2 A. I can't tell you what date.

3 Q. Okay.

4 A. But I did your case for thoroughly three months, so I'm
5 not sure.

6 Q. Would that letter not indicate to you that she came to
7 my car and I am writing to her to please not do it again?

8 A. I'm looking for something that says anything about going
9 to the car.

10 Q. The last sentence before the signature, does it not say,
11 "But please do not come uninvited near my car again, as when
12 you did it yesterday it made me very uncomfortable and
13 blocked access to my home"? And then, "Thank you for your
14 attention and God bless," signed Marie Assa'ad-Faltas, M.D.,
15 M.P.H.?

16 A. It does say that.

17 Q. Okay. And you didn't ask her if she had come to my car.

18 A. I don't think so.

19 Q. And you claim to have investigated this thoroughly.

20 A. I feel like I did. My boss feels like I did.

21 Q. So she's the one coming to my car blocking me and I am
22 writing to her politely to not do it again, and you claim to
23 have investigated it thoroughly and you don't contact me.

24 Are these two sets in Ingram's handwriting and sworn before
25 you?

1 A. (No response.)

2 **Dr. Faltas:** Your Honor, may I enter this letter as a
3 Court's exhibit?

4 **The Court:** Yes.

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

6 (Court's exhibit 5 was marked for identification only.)

7 **The Witness:** Dr. Faltas, I think your question was:
8 Are these two statements in Teresa Ingram's handwriting?

9 By Dr. Faltas:

10 Q. Yes, ma'am.

11 A. Okay. On this set of statements -- there are two
12 separate ones. Page 1 through 4 is in Teresa's handwriting.
13 Page 5 and 6 are in mine and Teresa's where I questioned and
14 she answered in her own handwriting. The second statement,
15 yes, page 1 through 5 is in her handwriting.

16 Q. And in one of them she records an incident where she
17 was -- she, not I, was having a loud verbal argument with
18 another neighbor which I overheard through my window. Isn't
19 that correct?

20 A. It is.

21 Q. And does it not say that I later told her that if she
22 loved God she should go apologize to that neighbor?

23 A. You're saying that should be in this statement that it
24 says that?

25 Q. I'm saying it is, but if you don't recall, even though

1 you investigated me thoroughly for three months, then I'm
2 wondering about thoroughly.

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

4 **The Court:** Sustained. Question?

5 By Dr. Faltas:

6 Q. Is there a statement to that effect in Ingram's sworn
7 handwriting?

8 A. Give me just a second to read over it. Do you recall
9 exactly which statement it's in of the two that were six
10 pages long apiece?

11 Q. There is...

12 A. So it must be in this one. Okay. Okay. Page 3 and 4
13 starts where Ms. Ingram is -- in her statement is talking
14 about the verbal altercation between her and someone across
15 the street.

16 Q. Could you read it, please? Could you read it for the
17 court, please?

18 A. From the beginning?

19 **Ms. Weiss:** Objection.

20 **Dr. Faltas:** That part. Just that part.

21 **The Court:** Objection sustained.

22 By Dr. Faltas:

23 Q. I was charged with misdemeanors; right?

24 A. I don't know if they're misdemeanors or not. Actually I
25 think they carry more than one year, so technically they're

1 seen a little differently.

2 Q. What was I indicted for?

3 A. Harassment first, two counts.

4 Q. What was it classed at?

5 A. Again, I haven't seen the indictments.

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

7 **Dr. Faltas:** Did you know that officers cannot arrest
8 for misdemeanors except if committed in their presence?

9 **The Court:** The objection is sustained as to both
10 questions. Next question?

11 **Dr. Faltas:** That's---

12 **The Court:** As to the first one and to the second
13 question, the objections are sustained. Not relevant to the
14 issue of the search warrant.

15 **Dr. Faltas:** I'm sorry. Did you sustain the objection
16 as to whether she knows that officers are not to---

17 **The Court:** Yes.

18 **Dr. Faltas:** Okay.

19 By Dr. Faltas:

20 Q. Did you ever attempt to speak to me and find out what my
21 purpose for doing any -- if I did any of the alleged things
22 or if -- if I had a legitimate purpose for them, if I did
23 them?

24 A. No.

25 Q. Why didn't you?

1 **Ms. Weiss:** Objection.

2 **The Court:** Repeat the question, please.

3 **Dr. Faltas:** I asked why didn't she---

4 **The Court:** Why didn't she what?

5 **Dr. Faltas:** She admitted that she neither spoke to me
6 to find out if I did the alleged things or even if I did them
7 whether I had a legitimate purpose for doing them because
8 that is the definition - is without legitimate purpose - and
9 I mean, I didn't say that in the question, but I'm explaining
10 why I asked this question, that she should have asked me if I
11 had a legitimate purpose without pretending -- before
12 pretending that she had probable cause because the definition
13 is without legitimate purpose.

14 **The Court:** Ms. Weiss?

15 **Ms. Weiss:** Your Honor, this does not go to the
16 relevance of the search warrant whether or not the defendant
17 feels that she has probable cause certainly or has a
18 legitimate purpose. It's certainly an issue for the jury,
19 but the investigator's probable cause for the search warrant
20 is separate and distinct and has been answered.

21 **The Court:** The objection is sustained.

22 By Dr. Faltas:

23 Q. And you said you do not recall what you told Angela
24 Ladson before she signed the search warrants and the arrest
25 warrants; right?

1 A. I told her basic facts that I had -- that I had an
2 understanding of.

3 Q. You never told her that you had any doubt about the
4 veracity of any of your alleged informants.

5 A. No.

6 Q. Despite the driving record, despite the criminal
7 records, despite everything, you never told her that you had
8 any doubt about the veracity.

9 A. I didn't pull Ms. Charlene Crouch's rap sheet, her --
10 the rap sheet, so I can't say anything about that.

11 Q. Had you pulled Ingram's rap sheet?

12 A. No.

13 Q. Okay. Do you think it would have made a difference that
14 she had two felony convictions?

15 A. Not really.

16 **Dr. Faltas:** I hope I haven't exceeded the 10 minutes
17 the court gave me.

18 **The Court:** All right. Any redirect by the State?

19 **Ms. Weiss:** Just briefly, Your Honor.

20 Redirect Examination

21 By Ms. Weiss:

22 Q. Investigator Blanton, when you were on the street did
23 you have the opportunity to do initial investigations into
24 any harassment cases or stalking cases?

25 A. Yes.

1 Q. And your training and experience did involve harassment
2 and stalking cases?

3 A. Yes.

4 Q. And was there anything in your investigation that led
5 you to challenge -- to be concerned about the credibility or
6 veracity of the witnesses that you interviewed prior to
7 seeking the search warrant?

8 A. No.

9 **Ms. Weiss:** Thank you, Your Honor. No further
10 questions.

11 **The Court:** Any further questions by the defense as it
12 relates to the three questions asked by the State?

13 **Dr. Faltas:** One question.

14 Recross Examination

15 By Dr. Faltas:

16 Q. I'm totally confused. You said my case was your first
17 harassment investigation, but then when Ms. Weiss asked you,
18 you said, no, you've had others. So which is it?

19 A. You asked what was I the lead investigator on? This was
20 my first harassment case that I was the lead investigator on.
21 As a police officer, when we respond to a 9-1-1 call or any
22 complaint by citizens, we take an initial investigation, i.e.
23 a police report, and document what's being stated. That
24 would be an initial investigation.

25 Q. So what you have had experience with is just writing

1 down what somebody told you and give it to someone else, if
2 it goes that far.

3 A. As -- that, as well as the training and discussions that
4 we had in the -- in my undercover class and the basic
5 detective school, all of those trainings.

6 Q. But -- so to be clear, that's -- but this is the first
7 investigation that you did as a harassment.

8 A. This is the first harassment case that I have been the
9 lead investigator on.

10 Q. And you had a lot of incentives to make it stick; right?

11 A. No, not that I know of other than the duties to do my
12 job.

13 Q. Uh-huh. And you viewed your job as never asking me
14 whether I---

15 **Ms. Weiss:** Objection.

16 **Dr. Faltas:** All right. Yes.

17 **The Court:** Step down, ma'am. Any other witness --
18 witnesses on this issue by the State?

19 **Ms. Weiss:** No, Your Honor. I do have one issue about a
20 witness though, if this would be the appropriate time.

21 **The Court:** One witness about what?

22 **Ms. Weiss:** I have a question about a witness.

23 Municipal recorder Angela Ladson was subpoenaed by the
24 defense, and she is present and outside. I do not intend to
25 call her as a witness, and I do have a case. I think it

1 would be improper for her to be called as a witness because
2 she was a judge in her official duties, and I would ask that
3 she be allowed to leave based on that. But the State does
4 not intend to call any other witnesses, Your Honor.

5 **The Court:** All right. Any witnesses by the defense?

6 **Dr. Faltas:** Yes, Your Honor, Angela Ladson and, in
7 fact, it is classic, classic inference hearings and
8 suppression hearings to call the issuing magistrate and ask
9 him or her if minus the false -- minus the false information
10 plus the exculpatory information if it had been given if that
11 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 **Ms. Weiss:** Your Honor, I have State ex parte of
16 Whetstone and Ivy versus Catoe to hand up. Your Honor, I
17 believe a ministerial recorder is the equivalent of a
18 magistrate in that Ms. Whetstone was acting in her official
19 duties and she -- when she's to weigh evidence. What Dr.
20 Faltas was just referring to to be if there had been any
21 information -- perhaps if there had been any information of
22 exculpatory evidence or of false evidence that was presented
23 to the judge, there may even be a basis, but at this point
24 there has not been anything and the reason for calling her
25 would merely be to question her decision as a ministerial

1 recorder in her official duties of probable cause which she
2 has already indicated she found probable cause by signing the
3 search warrants and arrest warrants.

4 And page 2 of this case, it states under the first line
5 of the discussion, "It's not disputed a judge may testify on
6 matters not touching upon his official duties." However,
7 this is clearly within the official duties similarly as in
8 Talbert. In the third paragraph the defense sought a judge's
9 testimony concerning an arrest warrant issued on---

10 **Court Reporter:** I'm sorry. Can you slow down?

11 **Ms. Weiss:** The defense sought a judge's testimony
12 concerning an arrest warrant issued against the defendant,
13 and the State's objection was sustained at trial. The
14 warrant itself -- the search warrant itself is the best
15 evidence. The testimony that we have heard is the evidence,
16 and any questions would be merely to bolster what the judge
17 has already found by signing both the search warrants and the
18 arrest warrant.

19 **Dr. Faltas:** May I reply briefly, Your Honor?

20 **The Court:** Yes.

21 **Dr. Faltas:** Your Honor, this case pertains to a trial
22 judge, but the cases I cited - State v. Austin, State v.
23 Hill, State v. Zacks (phonetic), State v. Jones, State v.
24 Johnson, State v. Missouri, and State v. York - I think that
25 in at least three of them the magistrate testified, and

1 what's most important in Owens versus Lott which is a Fourth
2 Circuit U.S. Court of Appeals case from Judge Joe Anderson of
3 the District of South Carolina, the magistrate -- the
4 magistrate testified.

5 So it is classical inference hearing in a suppression
6 hearing to call the issuing magistrate as a witness as to
7 whether the warrants would have been issued if the -- if the
8 false facts were omitted and the exculpatory facts were
9 included. That is classical, and I think that this case is
10 totally in opposite because this is a case for calling a
11 trial judge, not a ministerial recorder issuing a
12 magistrate -- issuing the order.

13 **The Court:** I find that the magistrate can be called
14 concerning the issuance of a search warrant, and I deny the
15 motion to quash the subpoena. And you may call that witness.

16 **Dr. Faltas:** I call Angela Ladson, please.

17 Angela Ladson, after being duly sworn, testified as
18 follows in camera:

19 **The Clerk:** Have a seat in the witness stand, please,
20 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.
24
25

Direct Examination

By Dr. Faltas:

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?

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.

Q. How long have you been in that position?

A. As ministerial recorder?

Q. Yes, ma'am.

A. Since 2007.

Q. What is your salary?

A. Excuse me?

Q. What is your salary?

A. What is my salary?

Q. Yes, ma'am.

Ms. Weiss: Objection.

The Court: Sustained.

By Dr. Faltas:

Q. Do you get evaluated by somebody else?

A. Yes, I have a chief administrative judge.

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 **Dr. Faltas:** Your Honor, may I -- may I ask to offer her
9 answer for the record?

10 **The Court:** No.

11 By Dr. Faltas:

12 Q. Do you serve at the pleasure of either Dana Turner or
13 the city council of Columbia?

14 A. I serve on -- I am appointed by the city council of
15 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 **The Court:** The court takes judicial notice of the fact
25 that this city judge is employed by the city and can be

1 terminated by the city or city council.

2 **Dr. Faltas:** Thank you, Your Honor. And my argument is
3 going to be---

4 **The Court:** Well, that's your argument, but I sustain
5 the objection as to your questions.

6 **Dr. Faltas:** All right. Thank you. I was about to
7 apologize for having said thank you, and that would have
8 broken another admonition. So...

9 **The Court:** All right.

10 By Dr. Faltas:

11 Q. So, ma'am -- so since you were appointed ministerial
12 recorder, how many -- roughly how many warrants had you
13 issued?

14 A. I don't count them, and I cannot tell you how many I
15 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.

1 Q. Did you cheat on the test?

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

3 **The Court:** Basis for the objection?

4 **Ms. Weiss:** Your Honor, the defendant is badgering the
5 witness.

6 **Dr. Faltas:** Your Honor, there have been at least three
7 magistrates in South Carolina who have been suspended for
8 having cheated on their qualifying exam, so this is not
9 something that I invented.

10 **The Court:** What's your question of this witness? What
11 was the question?

12 **Dr. Faltas:** Whether she had cheated on the qualifying
13 exam for judge -- ministerial recorder.

14 **The Court:** All right. You can answer that question.

15 **The Witness:** No, I did not cheat.

16 **Dr. Faltas:** Thank you.

17 By Dr. Faltas:

18 Q. And in that course were you taught that in South
19 Carolina police officers should not arrest for misdemeanors
20 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 **Dr. Faltas:** Thank you. Were you -- in the process of
25 preparing for that test, were you taught that in South

1 Carolina police officers have no right to arrest for
2 misdemeanors not committed in the presence or freshly in
3 their presence?

4 **Ms. Weiss:** Objection.

5 **The Witness:** I did not understand your question.

6 **The Court:** All right. All right. The objection is
7 overruled.

8 By Dr. Faltas:

9 Q. But you did not understand the question?

10 A. No, ma'am.

11 Q. Okay. In the judge's bench book does it not say that in
12 South Carolina police officers cannot arrest for misdemeanors
13 unless the misdemeanor is committed in their presence?

14 A. That's correct.

15 Q. Okay. So you're not supposed to issue a warrant upon
16 the application of a police officer unless the police officer
17 tells you that the warrant was committed -- that the
18 misdemeanor, if it is a misdemeanor, that the misdemeanor was
19 committed in his or her presence?

20 A. If I issue a warrant, I read the incident report for
21 probable cause, and if I do not find probable cause, I will
22 not issue the warrant.

23 Q. You do not ask whether the allegations of the acts were
24 committed in the officer's presence or not.

25 A. Yes, we do. We swear the officer in before the warrant

1 is signed, and if they swear that information is correct,
2 then they're swearing to the information that it's correct on
3 the incident report. So, therefore, the warrant can be
4 signed at that time.

5 Q. Please listen to me carefully. I asked whether you know
6 that if it is a misdemeanor you need to know that it was
7 committed in the officer's presence.

8 A. That information will be in that incident report, and if
9 it's not in the incident report, I will ask the officer.

10 Q. Did you ask -- do you recall having signed an arrest
11 warrant against me?

12 A. Yes, I do.

13 Q. I haven't even finished the question.

14 A. Okay.

15 Q. On December 12th, 12th -- listen carefully, please.
16 December 12th, 2009, for alleged unlawful use of a
17 telephone...

18 A. That would not be a warrant unless an officer brought
19 that in. Are you asking me about a courtesy summons or are
20 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.

1 **Dr. Faltas:** May I approach?

2 **Ms. Weiss:** Your Honor, may I see what she is
3 approaching the witness with?

4 (Dr. Faltas shows a document to Ms. Weiss.)

5 **Ms. Weiss:** Your Honor, I object to the line of
6 questioning.

7 **The Court:** Which warrant is that? Is that this one or
8 one of the others? I don't need to see it. Tell me what --
9 which one is that? The unlawful use of telephone---

10 **Dr. Faltas:** Yes.

11 **The Court:** ---or harassment?

12 **Dr. Faltas:** Yes, the unlawful use of telephone and my
13 challenging her pattern. That goes to prove her non-
14 neutrality that she would sign an inappropriate warrant
15 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 By Dr. Faltas:

24 Q. Did you sign this?

25 A. Yes, I did.

1 Q. There is nowhere there that says that that was committed
2 in the officer's presence, is there?

3 A. No.

4 Q. Did you take oral testimony from that officer to ask if
5 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 **The Witness:** I did not have to take any information
14 from the officer.

15 By Dr. Faltas:

16 Q. The judge overruled the objection, so please answer yes
17 or no. Did you take oral testimony from that officer? Yes
18 or no?

19 A. No.

20 Q. All right. Thank you. Oh, Ms. Weiss... (Dr. Faltas
21 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?

1 A. Did I type them?

2 Q. Uh-huh.

3 A. No, I did not.

4 Q. Okay. Did you take oral testimony from Amanda Blanton
5 before signing them?

6 A. Did I do what?

7 Q. Take oral testimony from Amanda Blanton before signing.

8 A. Are you asking me did I question her before I signed the
9 warrant?

10 Q. Did you take oral testimony, meaning was it sworn oral
11 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 A. I asked her did she swear the information that she was
17 giving me was true to the best of her knowledge.

18 Q. And that was all.

19 A. Yes.

20 Q. She did not give you any additional oral narrative under
21 oath.

22 A. No.

23 Q. She did not -- did you ask her whether she saw any of
24 this herself?

25 A. I read the incident report. I took the information from

1 the incident report. I looked at it. I did ask her -- I
2 think the only thing I did ask her in reference to -- let me
3 see which one this is. No, I only swear her -- I swore her
4 in on this.

5 Q. So you didn't take any additional oral information from
6 her.

7 A. No, I did not.

8 Q. Okay. You did not ask her whether she personally
9 observed -- did you ask her whether she personally observed
10 any of this?

11 A. No, I did not.

12 Q. Okay. Were you aware that she personally observed none
13 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 Q. You didn't know. You thought she observed all of it;
18 right?

19 A. Excuse me? Repeat that question to me.

20 Q. You just said that you were not aware that she observed
21 none of it.

22 A. Whether she was on the scene -- she was not the officer
23 that went out and took the incident report.

24 Q. What incident report are you talking about?

25 A. She had to have an incident report before she can issue

1 a warrant.

2 Q. No. She had to have one thing. Did she have---

3 **Ms. Weiss:** Objection.

4 **The Court:** The objection is sustained. Question,
5 please.

6 By Dr. Faltas:

7 Q. Did she present you an incident report?

8 A. She presented the incident report when she sent the --
9 when she brought the incident -- the incident report was
10 brought over when the warrant was typed.

11 Q. Did you keep that incident report?

12 A. Yes, we do keep them.

13 Q. Okay. Were you aware that she did not observe anything
14 in that incident report?

15 A. She was not the officer on the scene when the incident
16 report was taken.

17 Q. Who was the officer on the scene?

18 A. I don't recall. I don't have the incident report in
19 front of me, and it's not on the warrant.

20 Q. Is it -- is it usual to have the incident report number
21 on the warrant?

22 A. Yes.

23 Q. Why isn't there one on this warrant?

24 A. There is an incident report at the top of the warrant.
25 The incident report number is 0932758.

1 Q. For both of them?

2 A. Yes. The other one is 0932847.

3 Q. When a police officer comes and asks you for a search
4 warrant that's based on something someone else told them, do
5 you ask them if their informant is reliable?

6 A. The police does not come and ask me for a search warrant
7 based on information they get for another person. They come
8 for themselves.

9 Q. So you never issued a search warrant based on
10 information from an informant?

11 A. I get the search warrant. Information is typed -- the
12 information based on it -- the information needed is typed in
13 the search warrant when they present it to us. When they
14 present it to us, if we find probable cause in it, we swear
15 them in and give them the information they need.

16 Q. Let me make the question clear. If a police officer
17 comes and says, "Angela Ladson, I want a search warrant to
18 search a certain house based on something an informant told
19 me," do you ask them whether that informant is reliable?

20 A. That information is in the report.

21 Q. Okay. And if the report has nothing about the
22 reliability of the informant, do you still sign the search
23 warrant?

24 A. It does not really have to say anything about that
25 person's reliability. I mean, we're looking for probable

1 cause as to what they need that search warrant for. I'm
2 not -- if an informant gives them information, they're
3 searching for particular items. So if they're searching for
4 particular items, I need to know from them basically why
5 they're searching for those particular items and it's listed
6 in that report, and if it's not, then I don't issue the
7 warrant.

8 Q. Yes, ma'am. The items are listed, but when it's based
9 on an informant, do you ask them whether the informant is
10 reliable?

11 A. I haven't had one that's based on an informant, but if I
12 did, I would.

13 Q. Okay. In this case, did you ask Amanda Blanton whether
14 her informants were reliable?

15 A. I asked her whether the information she presented to me
16 was the truth.

17 Q. Even though she did not observe it herself, you did not
18 ask her whether the people who told her that were reliable.
19 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 Q. Okay. If you knew that all five or at least three of
24 the five witnesses that she claims to have interviewed have
25 felony convictions?

1 A. They were not included in that search warrant.

2 Q. I don't think you're understanding me.

3 A. I understood what you said, and it was not listed in the
4 search warrant. The search warrant was looking for cameras,
5 if I'm not mistaken, and other -- and other items from your
6 home. It had nothing to do with an informant.

7 Q. How would she have known to want to take cameras and
8 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 Q. So an officer comes and says, "I want to go to a certain
11 house and get a list from A. To Z.," and you say, "Okay"?

12 A. No, ma'am. There is other information in that incident
13 report that will give me enough probable cause. In each
14 incident it's different.

15 Q. And in that case she was telling you what?

16 A. She needed to search your home to get the cameras, other
17 information that you had in your home, that were pertaining
18 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. Weiss:** Objection.

22 By Dr. Faltas:

23 Q. You don't know her basis for the search warrant. That
24 is all I was going---

25 A. I do know her basis for the search warrant---

1 Q. You just---

2 A. ---but I don't know---

3 Q. ---told me -- let me---

4 A. ---how she got that---

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

6 **The Witness:** ---information.

7 **Dr. Faltas:** Okay.

8 **The Court:** Just a moment.

9 **Dr. Faltas:** You don't know what she---

10 **The Court:** Just a moment. Just a moment. Just a
11 moment. There is an objection. One, two, three people are
12 talking at the same time. Do you have more questions of this
13 witness?

14 **Dr. Faltas:** One.

15 **The Court:** One more question.

16 By Dr. Faltas:

17 Q. You were aware that I have a lawsuit or a potential
18 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 Q. Did you ever discuss anything concerning me with anyone
23 from the City of Columbia?

24 A. No, ma'am.

25 Q. Ever?

1 A. No, ma'am.

2 **The Court:** We're still working on the same one question
3 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 By Dr. Faltas:

7 Q. Do you ever have occasion to ask Dana Turner whether you
8 should or should not issue a search warrant or an arrest
9 warrant?

10 A. Do I ask her ever?

11 Q. Uh-huh.

12 A. Yes, I do.

13 Q. Okay. And do you know whether she asks the city
14 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 Cross-Examination

21 By Ms. Weiss:

22 Q. Ms. Ladson, I'm going to show you what's been marked as
23 Court's exhibits 3 and 4. Do you recognize these two search
24 warrants?

25 A. Yes.

1 Q. And did you sign these two search warrants?

2 A. I know I signed the one for... Yes, I did.

3 Q. Okay. And both of those search warrants were for the
4 home and car of Dr. Marie Assa'ad-Faltas?

5 A. Yes.

6 Q. And I show you Court's exhibits 2 -- 1 and 2. Do you
7 recognize these two arrest warrants?

8 A. Yes.

9 Q. Did you sign those two arrest warrants?

10 A. Yes.

11 Q. Does your signature on those two search warrants and
12 those two arrest warrants indicate that you found probable
13 cause for the search and the arrest of Dr. Marie Assa'ad-
14 Faltas, for her home and her car?

15 A. Yes.

16 Q. And was that information based on the sworn testimony of
17 Investigator Amanda Blanton?

18 A. Yes.

19 Q. And was it -- was it cumulative information from both
20 the arrest warrants, the search warrants, and information you
21 got from Investigator Blanton?

22 A. Yes.

23 Q. And did you talk to Judge Dana Turner about those
24 specific search warrants or arrest warrants?

25 A. No, I didn't.

1 **Ms. Weiss:** Thank you. No further questions, Your
2 Honor.

3 **Dr. Faltas:** Redirect?

4 **The Court:** Yes.

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

6 Redirect Examination

7 By Dr. Faltas:

8 Q. Were you also taught before becoming a ministerial
9 recorder that you should exercise independent judgment and
10 not be a mere rubber stamp---

11 A. Yes.

12 Q. ---for the police? Okay. Have you ever refused to sign
13 a search warrant or an arrest warrant for a police officer?
14 Listen to me carefully.

15 A. Are you finished with your question?

16 Q. Yes. I'm not saying for a private person, but I'm
17 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.

1 **The Witness:** You want me to give you an example of one
2 I turned down?

3 By Dr. Faltas:

4 Q. Yes, please, from a police officer.

5 A. I had an officer come in, wanted to do a search warrant.
6 I think this one was a violation of a restraining order or a
7 violation of -- I think it was a violation of a restraining
8 order. The person wanted me to sign a search warrant because
9 she was -- the gentleman who was in the store -- the victim
10 walked in the store, saw the gentleman in the store. She
11 wanted -- said that he was harassing her. He was in the
12 store first, and I questioned whether, you know, he had the
13 right to be in the store.

14 There's thousands of Food Lions in Columbia. He had the
15 right to be in that store. He didn't know she was coming to
16 the store. So, therefore, I did not have probable cause to
17 issue a search warrant against him for violating that
18 protection order because he didn't violate it. He was in the
19 store. She just happened to walk in the store, and they did
20 not have enough probable cause for me to issue that warrant.
21 So I denied it.

22 Q. So she was the private person who was seeking the
23 warrant.

24 A. No, the officer came. She called an officer.

25 Q. And that wasn't -- that was an arrest warrant, not a

1 search warrant.

2 A. It was an arrest warrant.

3 Q. Did you ever deny a search warrant?

4 A. No, I didn't have the opportunity to deny a search
5 warrant yet.

6 Q. Okay. And you've been since 2007?

7 A. That's correct.

8 Q. Okay. And have you ever had opportunity to question the
9 reliability of informants when police officers come and ask
10 you for a search warrant?

11 A. Are you asking me do we question the officer as to how
12 he got his information?

13 Q. No, the reliability of the informant.

14 A. No, I did not question the reliability of the informant.

15 **Dr. Faltas:** All right. Thank you very much.

16 **The Court:** All right. You may -- anything further from
17 the State?

18 **Ms. Weiss:** Just a question for clarification, if I may,
19 Your Honor.

20 Recross Examination

21 By Ms. Weiss:

22 Q. Did you say you have never questioned an investigator
23 about their -- where they got their information?

24 A. No, that's not what I'm saying. Maybe I misunderstood
25 what she's saying. We do question the investigators where

1 they get their information from if they come in for a search
2 warrant.

3 Q. And if you have a question about that information, would
4 you then follow up with questions questioning the reliability
5 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 **The Court:** Direct, redirect, two shots only. You may
12 step down. Thank you. Any additional witnesses on this
13 issue by the defense?

14 **Dr. Faltas:** Yes, Your Honor. I need -- I have
15 subpoenaed Chief Carter. I don't know why he's here and I
16 ask why -- if he's not here, I ask that he be held in
17 contempt because he was properly served.

18 **The Court:** Was he a party to the search warrant?

19 **Dr. Faltas:** Yes, Your Honor. Evidently, according to
20 Amanda Blanton's testimony, they had a meeting about it
21 before it was issued, and he was the head of the meeting.
22 So -- so, yes.

23 **The Court:** All right. Ms. Weiss?

24 **Ms. Weiss:** Your Honor, Chief Carter will be here upon a
25 phone call. He indicated that he had other duties. I have

1 spoken to your clerk this morning. He's on telephone
2 standby, and he'll come as soon as he's needed. I was not
3 aware of when he was needed to be here.

4 **The Court:** All right. We'll recess 'til 1:30, if he
5 can be here by then.

6 **Ms. Weiss:** Oh, he'll be here. Is there anybody else
7 that needs to be here?

8 **Dr. Faltas:** Well, all the people that have been
9 subpoenaed including---

10 **The Court:** This is not -- this is the issue of the
11 search warrant, not the trial itself.

12 **Dr. Faltas:** No. I understand. I understand but, Your
13 Honor, I think I -- thank God I have gone a long way in
14 proving that this is all a conspiracy. And so, I mean, it
15 may not -- the trial may not need to go... I would like to
16 argue that there should be no trial after what has been
17 revealed so far.

18 **The Court:** Well, tell me what witnesses you want to
19 testify concerning the search warrant and tell me the
20 relevance of those witnesses to this issue, and I will decide
21 whether or not they can be called as witnesses.

22 **Dr. Faltas:** We've already agreed about Chief Carter.
23 Then J. Andrew---

24 **The Court:** You haven't agreed about it. You said he
25 was there at a meeting prior to the issuance of the search

1 warrant and you want to ask him about that.

2 **Dr. Faltas:** Yes.

3 **The Court:** All right. And who else?

4 **Dr. Faltas:** J. Andrew Delaney who is the lawyer for the
5 private defendant who pushed all of this and he also has been
6 subpoenaed, and he filed a motion to quash. Then---

7 **The Court:** He did not -- he provided information that
8 the investigator used, but he did not seek the search
9 warrant. I'm not going to allow his testimony on the search
10 warrant issue.

11 **Dr. Faltas:** Oh, okay.

12 **The Court:** And I'll just deal with the issue of
13 quashing the search warrant later.

14 **Dr. Faltas:** And Dana Turner.

15 **The Court:** Who is that?

16 **Dr. Faltas:** Executive Judge Dana Turner. She also has
17 been subpoenaed.

18 **The Court:** On what basis regarding this issue?

19 **Dr. Faltas:** Also on the search warrant because Angela
20 Ladson said that she consults with her about issuing search
21 and arrest warrants.

22 **The Court:** I recall the testimony that she did not
23 consult with her regarding this search warrant.

24 **Dr. Faltas:** It's possible to impeach one witness with
25 another, and I do not take this lightly at all, Your Honor.

1 **The Court:** Oh, that I clearly understand.

2 **Dr. Faltas:** So it's... If it's possible that someone
3 may say something different from someone else...

4 **The Court:** All right. Ms. Weiss?

5 **Ms. Weiss:** Your Honor, she has no basis for that. It's
6 merely a conjecture by the defense. It's merely a fishing
7 expedition. I object to continuing with witnesses, and I'd
8 like to get on with the trial of the case. We have put up
9 the witnesses I think that had -- were there for the issuance
10 of the search warrant and are prepared to argue and hopefully
11 move forward with the trial.

12 **The Court:** All right. The jury is coming at 1:45.
13 Chief Carter will be here at 1:30. I want them -- Judge
14 Turner -- you said executive Judge Turner?

15 **Dr. Faltas:** Yes.

16 **The Court:** Executive?

17 **Dr. Faltas:** Yeah. The reason I'm saying that is that I
18 want to constantly preserve my position that she's not a
19 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.)

1 **Dr. Faltas:** Good afternoon, Your Honor. May I ask
2 something?

3 **The Court:** Yes.

4 **Dr. Faltas:** May I call Chief Carter? May I ask the
5 other potential witness to be sequestered?

6 **The Court:** And who is that?

7 **Dr. Faltas:** Executive Judge Turner.

8 **The Court:** Okay. Chief Carter, if you'll come forward,
9 please, and Executive Judge Turner, as she refers to you, if
10 you'll wait outside.

11 **Judge Turner:** All right. Thank you.

12 **The Court:** Thank you.

13 Tandy Carter, after being duly sworn, testified as
14 follows in camera:

15 **The Clerk:** Have a seat on the witness stand, please,
16 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 Direct Examination

21 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 A. Good afternoon to you. I am 55, and I am in law

1 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 Q. Yes, sir. And before coming in, you were talking to
7 Captain White?

8 A. I'm sorry. I don't hear very well. It's nothing to do
9 with you. Tell me again.

10 Q. Before coming into the stand, you were talking to
11 Captain White?

12 A. Yes. For the sheriff? Yes, I was.

13 Q. Did you talk about the testimony or anything that
14 already happened in this case?

15 A. No, not at all.

16 Q. Okay. Thank you. And did you happen to see me a few
17 days ago?

18 A. I did.

19 Q. Okay. And did you tell me that you were aware of an
20 internal affairs report that I filed for excessive force and
21 that you knew about it?

22 A. Yes.

23 Q. And did you tell me that the City of Columbia attorney
24 told you that all you had to tell me is that my complaint was
25 unfounded?

1 A. Yes, I said the policy.

2 Q. And did you tell me that the City of Columbia attorney
3 told you that I have a lawsuit against the city?

4 A. I think I mentioned that you have a civil action against
5 the city; I'm not sure.

6 Q. Okay. And did you also describe me as mad?

7 A. I don't know if I used that term. Disruptive maybe but
8 not mad.

9 Q. Did you attend a meeting concerning whether to arrest
10 me?

11 A. I did.

12 Q. And it's -- you were aware that that was a misdemeanor.

13 A. Yes, I was -- I was aware of not the particulars of it.
14 The question -- the reason why I had the meeting is to -- for
15 two questions -- is what was the elements of the crime, and
16 the second question: Had we coordinated that through the
17 solicitor's office?

18 Q. So you requested coordination with the solicitor's
19 office?

20 A. No, I did not. I attended a meeting for the arrest
21 warrant, and there's two questions that would concern me.
22 One: What are the elements of the crime? Did we meet the
23 elements of the crime? And the second question is: Did we
24 coordinate our action with the solicitor's office?

25 Q. When did that meeting take place?

1 A. I cannot remember exactly when or how long it was. I'd
2 say maybe - just a guess - two or three months, maybe longer
3 or less.

4 Q. Does anyone in your office take notes of meetings?

5 A. That particular meeting? There was no notes taken.

6 Q. I didn't ask that question. I said, "Does anyone in
7 your office take notes of meetings?"

8 A. Yes, some do.

9 Q. Were you served with a subpoena to bring documents with
10 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 Q. It required all documents in the department that are
21 related to me. All right. Before that meeting, you had
22 received communication from the City of Columbia attorney's
23 office that I have a civil lawsuit against the city.

24 A. I wouldn't say received notification; I'm just aware of
25 it.

1 Q. You were aware of it before the meeting, before the
2 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 Q. And you had met me before that meeting. Is that
7 correct?

8 A. I did.

9 Q. And you were aware that I had been trying to meet you,
10 and your secretary constantly told me that you're out of town
11 or something to that effect.

12 A. I was aware that you were trying to meet me when you
13 told me, not any time in advance of that, when we met
14 accidentally that day.

15 Q. And did I tell you that your secretary was constantly
16 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 By Dr. Faltas:

20 Q. Did I then complain to you that your force was not
21 protecting me and was completely taking the side of the
22 opponent in the civil action?

23 A. You know, I can't recollect the exact conversation. One
24 of the things that I took away from our conversation is that
25 you were very unhappy with what the police force is doing.

1 Q. Okay. Did I specifically tell you that someone related
2 to my landlady was coming to my door repeatedly and taking
3 things from my own door and that when members of your force
4 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 A. You know, I don't -- I can't remember what we had in the
8 conversation. I do know that you were pretty upset.

9 Q. And did I also tell you that there was a man who
10 threatened to force me to do sexual acts and that your force
11 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 Q. Were you aware that I gave pictures to Lieutenant
16 Colonel Burke?

17 A. I'm unaware of that, too.

18 Q. Did Lieutenant Colonel Burke ever talk to you about a
19 meeting I had with him?

20 A. I don't recollect.

21 Q. Did Sergeant Auld ever talk to you about a tape I had
22 given him?

23 A. I don't recollect that either.

24 Q. Were you aware that someone from your force arrested me
25 and bruised my wrist in the process and I had filed a

1 complaint?

2 **Ms. Weiss:** Objection.

3 **The Court:** Sustained.

4 By Dr. Faltas:

5 Q. In that meeting was the idea discussed that if I were
6 arrested I would be off your back?

7 A. I don't ever remember that conversation. There's two
8 meetings that I've had with you. One is when it was an
9 impromptu meeting when I was coming out, and the second
10 meeting was the other day when I had a friend and you
11 interrupted us. So you've got to tell me what meeting you're
12 talking about. Okay?

13 Q. I'm sorry. I'm so sorry. I was talking about the
14 meeting that you had with Investigator Blanton about me. Do
15 you remember who else was at that meeting about the arrest
16 warrant?

17 A. What I remember: I think Captain Dodson and Detective
18 Blanton and there might have been another -- I don't know.
19 Those are the two I remember.

20 Q. Okay. Has your department ever, ever arrested someone
21 and put them in jail and took from their house and their car
22 everything that's a computer, a picture, a tape, a video?

23 A. You know, I can't answer that question. I'm sure we
24 have. We may have, and I don't know the answer to that.

25 Q. But at that meeting did you review the proposed search

1 warrant from my home?

2 A. I did not. This is what I did. I asked the question,
3 "What is the element of the crime?" It was read to me, and I
4 asked, "What do you have to corroborate that?" And the
5 second thing that I asked was, "Have we coordinated with the
6 solicitor's office?" I think, and that was it.

7 Q. And the element of the crime was read to you by whom?

8 A. You know, I think it was -- I'm thinking it was
9 Detective Blanton.

10 Q. And what was she reading from?

11 A. The general statute.

12 Q. And she told you she had information to corroborate that
13 how?

14 A. By statements of people.

15 Q. Uh-huh. Did you question her whether those people were
16 reliable?

17 **Ms. Weiss:** Objection.

18 **The Court:** The objection is sustained.

19 **Dr. Faltas:** So in that meeting did you all have the
20 idea somehow that I am a pain for you all and if I get
21 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?

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 By Dr. Faltas:

5 Q. In that meeting did you have the idea that since I had
6 been unhappy with your force before and I had been suing the
7 city and all this and that if I do get arrested maybe I will
8 be put away for a long time and I will be out of your hair,
9 so to speak? I realize that you don't have hair, but that's
10 okay.

11 A. Well, thank you. No. To be honest with you, it was
12 never a thought. The only two questions I had was -- one was
13 the coordination and, secondly, did it meet the elements of
14 the crime? And that was it.

15 Q. So one variant of that thought that you had was whether
16 you might be sued for this arrest.

17 A. Well, you know, if I worried about that every day, I
18 wouldn't be able to do my business. So that was not a
19 thought for me.

20 Q. Do you get this big meeting at the chief's level before
21 any misdemeanor arrests?

22 A. No.

23 Q. What was unusual about my case?

24 A. What was unusual about it is that you and I had had a
25 meeting but way before this happened. I would say - I don't

1 know - maybe four or five months before that, and you were on
2 my mind, and when I heard about it, I wanted to know because
3 you had already at least indicated to me that you were
4 unhappy with the police force. So that's why I took
5 interest.

6 Q. Heard about it? How did you hear about it?

7 A. I heard -- I heard about it through you when we had our
8 initial conversation.

9 Q. No, no. When you -- I mean, I didn't know that a
10 warrant against me was in the works. So when did you hear
11 that they were going to arrest me?

12 A. I know that they've been working on the case for quite
13 some time, didn't go into the details. I walk through my
14 C.I.D. office at least once a week and talk to every member
15 of the staff.

16 Q. What's a C.I.D.?

17 A. A criminal investigation. I'm sorry.

18 Q. Okay.

19 A. And one of the things that I do do is talk to the folks,
20 the detectives that are working the cases, ask them what
21 they're working, find out what their priorities and a few
22 other things... And I think that that came up. And since we
23 had the conversation before your name had came up -- we had
24 that one conversation. It was a very impromptu meeting
25 because when we met the first time I told you when I was

1 going downstairs I didn't have time to sit down and have a
2 long meeting with you, but I will spend some time talking to
3 you and I think we may have spent or five or ten minutes and
4 that was about it. So that's the only reason.

5 Q. And I had given you my name and my number, and you were
6 going to call me back and you never did.

7 A. You know, you may have and I may not have called you
8 back. I don't remember the details, but I did go back and
9 look and research the investigation because there was an
10 internal investigation as to what you were concerned about.

11 Q. And you researched it and then called the city
12 attorney's office, and they told you all you need to do is to
13 just write "unfounded" on it and send me a letter saying you
14 found it unfounded and that's it. Right?

15 A. No. You've asked that question several times. I've
16 gave you the same answer. I have not coordinated with the
17 city attorney about anything that has to do with you at all.

18 Q. Well, Chief Carter, either you or I -- I haven't
19 testified yet, but I do recall clearly a few days ago when I
20 ran into you in the office and I told you that you run a
21 corrupt department.

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

23 **The Court:** Objection is sustained.

24 **Dr. Faltas:** Sorry.

25 By Dr. Faltas:

1 Q. Did you see a letter sent to me that just said
2 "unfounded"?

3 A. What had happened is you had it in investigation, and
4 what I told you about policy: The only requirements that we
5 have to give you is a letter justifying the end results of
6 the investigation. I'm not sure whether that was -- I think
7 it's either unfounded or unsustained. I can't remember
8 exactly.

9 Q. And then you told me that I cannot even get the
10 underlying tape of where I had---

11 **Ms. Weiss:** Objection.

12 **The Court:** Sustained.

13 **Dr. Faltas:** Did I ask you that I wanted the pictures I
14 let them take of my bruised wrists?

15 **Ms. Weiss:** Objection.

16 **The Court:** Sustained.

17 By Dr. Faltas:

18 Q. So, Chief Carter, did you -- were you influenced by
19 anyone or did you influence anyone to make this arrest
20 happen?

21 A. I did not. I did not influence an individual or was
22 influenced by anybody.

23 Q. Okay. Do you think your department treats people
24 differently---

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

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 By Dr. Faltas:

6 Q. Do you think your department treats people differently
7 based on their national origin?

8 A. No, I don't think so because that's against the law. We
9 should be enforcing the law constitutionally and consistently
10 across the board.

11 Q. Have there been complaints against your department about
12 roughing up Mexicans, for example?

13 A. You know, I don't remember any specific complaints, but
14 we have complaints all the time about -- I shouldn't say all
15 the time, but it's not unusual to have excessive-force
16 complaints in any police department in the United States.

17 Q. Okay. Tell me of your own knowledge. I complained
18 about someone related to my landlady coming and taking things
19 from my own door, and I also complained about a man whom I
20 had photographed grabbing his crotch at me and telling me, "I
21 will make you suck this and take a picture of you sucking
22 this." What did your department do for me based on those two
23 complaints?

24 **The Court:** Sustain the objection. It's not relevant to
25 this question before the court.

1 By Dr. Faltas:

2 Q. Do you tell your police officers that it is important
3 policy not to arrest on misdemeanors not observed by the
4 police officer?

5 A. You know, that's a discretion that's left with an
6 officer. I'm not out there. They make those judgment calls
7 whether or not they're going to arrest somebody or give them
8 a courtesy summons. That's a discretion that's always left
9 with the officer, and I try not to get involved in that.

10 Q. So we leave it up to the officer's discretion to arrest
11 somebody on an alleged misdemeanor which the officer did not
12 witness?

13 A. We leave all arrests to the discretions of police
14 officers.

15 Q. Even though the constitution and the law of the state
16 forbid officers from arresting on misdemeanors that they did
17 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 **The Court:** Okay. Thank you, Chief. You may step down.
24 If someone would ask Judge Turner to come in.

25 **Ms. Weiss:** Your Honor, may the Chief be excused?

1 **The Court:** Yes.

2 **Dr. Faltas:** Your Honor, I'm sorry. If the trial goes
3 on, I need him as a witness.

4 **The Court:** Chief, you'll be available -- this is the
5 suppression hearing, and the subpoena is for the entire
6 trial. That may include being called by the defense in her
7 case.

8 **Chief Carter:** Yes, sir. I'm always at your beck and
9 call.

10 **The Court:** All right. Thank you.

11 (Judge Dana Turner is brought into the courtroom.)

12 **The Court:** This witness is being allowed to be called
13 on a limited basis based on the testimony of Investigator
14 Blanton.

15 Dana Turner, after being duly sworn, testified as
16 follows in camera:

17 Direct Examination

18 By Dr. Faltas:

19 Q. Good afternoon, Judge Turner.

20 A. Good afternoon.

21 Q. And, ma'am, briefly, you consider yourself a member of
22 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.

1 Q. And your salary is---

2 **The Court:** We've established that the judicial notice
3 by the court when the other person -- other judge was
4 testifying... This witness is here on the limited basis of
5 whether she -- something relating to testimony by
6 Investigator Blanton.

7 By Dr. Faltas:

8 Q. Were you consulted about my cases, either cases brought
9 against me or cases brought by me where I'm a witness against
10 somebody other than when you sit on the bench? Did you have
11 any -- sorry. I'll try to rephrase that. Did you have any
12 involvement with any case involving me other than in your
13 capacity while sitting on the bench?

14 A. We have cases in our court that are pending that involve
15 you that I am aware of. I'm aware of motions that you have
16 filed and other matters that pertain to those cases. I know
17 we have documentation with regard to a case that's pending
18 here, but was I consulted? No.

19 Q. Do you get consulted by the ministerial recorders about
20 search warrants and arrest warrants?

21 A. Occasionally they'll ask me questions about one.

22 Q. When were you first aware that a search warrant and/or
23 arrest warrants were going to happen against me for
24 harassment?

25 A. I don't think I was aware of them until they were

1 actually served.

2 Q. So your first awareness was when?

3 A. When they were -- when they appeared on our bond court
4 docket.

5 Q. Okay. And did you assign a specific municipal judge for
6 my bond hearing?

7 A. No. We have a calendar that we go by, and -- we rotate
8 responsibility in our court. So, no, whoever was on the
9 bench that day was on the bench that day.

10 Q. I mean, obviously the calendar doesn't make itself. Who
11 makes the calendar?

12 A. The administrative secretary and I make the calendar.
13 We make it quarterly.

14 Q. So you were involved in making that calendar.

15 A. We make it quarterly; yes, ma'am.

16 Q. And you were also involved in making the calendar when
17 you knew when my preliminary hearing---

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

19 **The Court:** The objection is sustained.

20 **Dr. Faltas:** Did you -- did I request several times that
21 you provide me with a tape of my bond hearing?

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

23 **The Court:** Sustained.

24 **Dr. Faltas:** Did you provide me with a tape that I
25 reported to you was unplayable?

1 **The Court:** The objection is sustained.

2 By Dr. Faltas:

3 Q. So are you sure that no one consulted you about any
4 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 **The Court:** Yeah, subject to being available if needed
13 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 Dr. Marie Assa'ad-Faltas, after duly affirming to
20 tell the truth, testified as follows in camera:

21 **Dr. Faltas:** Your Honor, what I would like to tell you
22 related to this, to the suppression part, is that on
23 October 14th, 2009, we had the hearing before Columbia
24 Magistrate Hudnell, and I had requested a restraining order
25 against Larry Mason, Dinah Steele, and Teresa Ingram, and

1 they had filed counter restraining orders, and both were
2 dismissed without prejudice. But the Honorable Magistrate
3 Hudnell wanted to talk to us informally.

4 She wanted to know what is going on with that, and I
5 explained to her that it's related to the sewer lines. In my
6 mind this is all pretext for them to keep the sewer lines.
7 At that hearing -- and that's on tape, and that was one of
8 the tapes that they took from my apartment and my car.

9 Larry Mason, when I was saying he accused me of being an
10 illegal alien and he said I don't have any civil rights
11 because I'm a citizen -- I said, "I have been documented
12 alien for long enough to apply for citizenship." So he said,
13 "No, you will never become a citizen; I guarantee you that,"
14 and that's on tape. And then he said that the Columbia
15 police are ready to file a warrant, a felony warrant, and
16 that's going to happen any day now.

17 And then in the -- then when the Magistrate Hudnell
18 dismissed the requests for restraining orders without
19 prejudice, I knew that we were going to have a hearing on
20 October 19th before the Honorable Judge Lee on my civil case,
21 and in it there was a request for a preliminary injunction
22 against Larry Mason and Dinah Steele. So that was the reason
23 I was amenable to dismissal without prejudice before Judge
24 Hudnell.

25 On October 19th the Honorable Judge Lee did not reach

1 the motion for a preliminary injunction. The defense had
2 several motions to dismiss and whatnot, so some of them were
3 heard, and the motions for preliminary injunction got
4 rescheduled for December 1st, 2009. Then Larry Mason, Dinah
5 Steele, Teresa Ingram, and one Mitch Jones went together and
6 filed for a restraining order against me before Lykesland
7 Magistrate Michael Davis, and at the end of the hearing I --
8 and that's also on tape and that's on the tapes that they
9 took from me, but Magistrate Davis let me make copies.

10 Larry Mason -- I was telling Magistrate Davis that there
11 is going to be a hearing on December 1st before the Honorable
12 Judge Lee, and Larry Mason jumped and said, "No, there isn't
13 going to be a hearing." And before that, when I got
14 information that -- from the Department of Motor Vehicles
15 that they wanted to cancel my driver's license based on the
16 false allegation that I am an illegal alien, I went -- and
17 then when I got the letter from the Social Security
18 Administration threatening to cut off my mother's Social
19 Security retirement checks, I went to Andrew Delaney and told
20 him, "One of your clients have harassed me long enough, but
21 my mother is off limits. Leave her out of this." They said,
22 "Well, we're trying to bring her in."

23 Because he had initially filed what I believe in
24 response to my discovery the correct rent rates for Teresa
25 Ingram and Charlene Crouch which he reported as \$375 per

1 month and \$320 per month -- but I don't remember which is
2 which, but one is 375 and the other is 320 which would prove
3 my case of rental discrimination. And I had gone and given
4 that discovery response to the South Carolina Human Affairs
5 Commission to tell them that the information that was
6 initially provided by Larry Mason and Dinah Steele was
7 incorrect. They had initially claimed that all the other
8 apartments rent for \$500 and that my apartment was rented to
9 a previous tenant for 550.

10 So when I got those discovery responses, I also
11 discovered in the meanwhile that my apartment was not
12 previously rented to anyone for payment but that Larry
13 Mason's son was living in it for free. So when I discovered
14 that information, I went to the Human Affairs Commission and
15 asked them to reopen and they did. And then Larry Mason made
16 -- or I believe at least J. Andrew Delaney filed what he
17 called amended discovery responses wherein he changed the
18 rent for Teresa Ingram and Charlene Crouch to \$500, and I
19 called him and said, "This obviously cannot be." He said,
20 "Oh, I just made a mistake." I said, "How can somebody look
21 at---

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

23 **The Court:** Objection is sustained. It's not relevant
24 to the suppression hearing.

25 **Dr. Faltas:** Okay. So after that he would ask me to

1 submit in writing a settlement proposal, and then he would
2 tell me, "I don't think it will happen. Something else will
3 happen," and I didn't understand that. And one of my causes
4 of action against Larry Mason and Dinah Steele is for
5 defamation, and when we were discussing discovery and
6 settlement, J. Andrew Delaney asked me, "Well, have you ever
7 heard them say those defamatory things about you to someone
8 else or have you ever heard them?" I told him, "Not only
9 have I heard them. I have tapes of them yelling those
10 defamatory and threatening things to me."

11 **Ms. Weiss:** Objection.

12 **The Court:** Objection is sustained.

13 **Dr. Faltas:** At the conclusion of the December 1, 2009,
14 before the Honorable Judge Lee, I saw Andrew Delaney, Larry
15 Mason, and Gary Johnson, who was assistant City of Columbia
16 attorney, talking about something. I did not hear what they
17 were talking about. But I had asked Mr. Delaney, "Let's try
18 to resolve this," and he said, "It's not necessary."

19 And then the day I went home, that evening -- and found
20 Larry Mason and Dinah Steele were there. I did not speak to
21 them. And the next day when I got arrested, Larry Mason was
22 there, and Teresa Ingram was standing outside and was waving
23 at me as if to say good riddance. And so with all of this
24 and with all that was revealed today, I have no doubt that
25 this was coordinated and fabricated to gain advantage in the

1 civil litigation. The -- I saw with my own eyes the report
2 of the mental health evaluator from the Alvin S. Glenn
3 Detention Center where---

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

5 **The Court:** Objection is sustained.

6 **Dr. Faltas:** Well, that's what I wanted to tell Your
7 Honor that I---

8 **The Court:** I sustain the objection.

9 **Dr. Faltas:** Okay. That's -- I'm saying that's all I
10 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 **The Court:** I find that the warrant was issued on
18 probable cause before a neutral and detached magistrate. The
19 warrant specified with sufficient particularity the items to
20 be seized, that the affidavit requirement of the warrant was
21 met. There's no necessity that the warrant contain
22 exculpatory information as to the defendant, and the motion
23 to suppress the warrant, the search warrant, is therefore
24 denied. If you'll have the jury come in.

25 Any witnesses who have been subpoenaed in this case who

1 are wishing to challenge the issuance of the subpoena we will
2 be in touch with you as long as you make it known to us who
3 you are.

4 (Whereupon, the jury was brought into open court at 2:19
5 p.m.)

6 **The Court:** Ms. Ingram, if you'll take your spot up
7 here. The witness is still under oath. You may continue.

8 **Ms. Weiss:** Thank you, Your Honor. May it please the
9 court?

10 Teresa Ingram, having been previously sworn and
11 remaining under oath, testified as follows:

12 **Ms. Weiss:** May it please the court? Your Honor, it's
13 come to my attention that the witness had some information
14 she wanted to take with her I think to help refresh her
15 memory. Is there any objection by the defense to her having
16 notes with her on the stand?

17 **Dr. Faltas:** I need to see the notes.

18 **Ms. Weiss:** It's not notes to be put into evidence.
19 It's notes to refresh her memory.

20 **The Court:** All right. You may proceed.

21 **Ms. Weiss:** Thank you, Your Honor.

22 (State's exhibits 1 through 6 were marked for
23 identification only.)
24
25

Direct examination

By Ms. Weiss:

Q. Teresa, I'm going to show you what's been marked as State's exhibits 1 through 6 for identification at this point.

Dr. Faltas: I object, Your Honor.

The Court: It's noted. The objection is noted.

Ms. Weiss: Thank you.

The Court: You may proceed.

By Ms. Weiss:

Q. I'm going to show you what's been marked State's exhibits 1 through 6. Without identifying them, do you recognize these photos?

A. Yes.

Q. Going one at a time, let's start with... Going one at a time, can you describe what is depicted in those photos?

A. Do you want me to show them to the jury or just tell you?

Q. No, just describe them.

A. Okay. In this first one it shows---

Dr. Faltas: Your Honor, I'm sorry. May I move---

The Court: Yes.

Dr. Faltas: ---there? Yes?

The Witness: In this first picture it shows Richard apparently leaving. This picture just shows her in her car

1 parked outside the mailbox taking pictures of my car and his
2 truck in front of my building. This picture shows her
3 peeking out her window just taking a picture of him leaving.
4 This is another picture of him leaving. It's just showing
5 the truck, no person, just the vehicle. And this picture
6 shows where she tried to get a side picture of his truck, and
7 Mitch's truck is in that.

8 By Ms. Weiss:

9 Q. And do these pictures accurately depict Richard's
10 vehicle as well as your apartment complex as -- I mean, is
11 there anything altered? Do they accurately depict---

12 **Dr. Faltas:** Objection.

13 **The Witness:** Accurately.

14 **Ms. Weiss:** ---this location?

15 **The Witness:** Accurately.

16 **Dr. Faltas:** Objection. Compound.

17 **The Court:** The objection is overruled.

18 **Ms. Weiss:** Your Honor, at this time I move to admit
19 State's exhibits 1 through 5.

20 **The Court:** Any objection to those pictures being
21 admitted into evidence?

22 **Dr. Faltas:** Yes, Your Honor.

23 **The Court:** All right. The objection is overruled.
24 They're admitted over objection.

25 **Ms. Weiss:** Thank you.

1 (State's exhibits 1 through 5 were received in
2 evidence.)

3 By Ms. Weiss:

4 Q. Now, if you'll just go through 1 through 5 just showing
5 them to the jury and just tell the jury what the exhibit
6 number is on the back as you show it to them.

7 A. This first one is exhibit number 5, and it shows Richard
8 basically just leaving.

9 Q. And if you can, since it's been since yesterday, who is
10 Richard?

11 A. Boyfriend.

12 Q. And it's your boyfriend?

13 A. Yes, my boyfriend. This picture which is exhibit number
14 4 depicts the building in which I live in, and it shows her
15 rear-view mirror which shows that she sits out by the mailbox
16 and takes pictures. That's my car and that's Richard's
17 truck. This is exhibit number 2---

18 **Dr. Faltas:** Your Honor---

19 **The Witness:** ---and this is---

20 **Dr. Faltas:** ---may I ask that she raise it so I can
21 see?

22 **The Witness:** This -- this depicts her peeking out her
23 blinds just to be able to snap a picture, and it depicts him
24 leaving as well. This is another -- exhibit number 1, she's
25 doing the same thing. It's him leaving, and she's taking a

1 picture. And this is exhibit number 3, and it just shows
2 where obviously she was just trying to take a picture of his
3 truck right here in the corner, and that's Mitch. That's the
4 neighbor that lives in her building. So you see it's a
5 little space -- it's a good piece in between. So she would
6 have to make a way to actually see what goes on in front of
7 my building.

8 By Ms. Weiss:

9 Q. And in State's exhibit 3, is that the side of your
10 building?

11 A. Yes.

12 Q. That you can see out of her window? Okay. I show you
13 State's exhibit 6. Can you identify what's in that photo?

14 A. In this photo this -- excuse me. In this photo it shows
15 me talking with the policemen, and she's taking pictures of
16 me talking with the policemen. I think on that day she
17 called the police on the police.

18 **Ms. Weiss:** Your Honor, at this time I'd move State's
19 Exhibit 6 into evidence.

20 **The Court:** Show it to Dr. Faltas.

21 **Dr. Faltas:** Objection, Your Honor.

22 **The Court:** Basis for the objection?

23 **Dr. Faltas:** And the continuing -- the second thing is
24 she did not take the picture. She has no knowledge of why I
25 took the picture. I also pray the Court to tell them to

1 disregard her statement that that day I called the police on
2 the police. She does not have personal knowledge of that.

3 **The Court:** All right. The objection is overruled, and
4 the picture is admitted into evidence.

5 (State's exhibit 6 was received in evidence. State's
6 exhibits 7 through 99 were marked for identification only.)

7 By Ms. Weiss:

8 Q. And who is in this photo?

9 A. I am in the photo in the middle with two officers.

10 Q. And did you call the police or do you know if this is a
11 day that you called the police?

12 A. I'm not sure.

13 Q. Okay. Your Honor, I'm going to try to do this a little
14 bit more -- a little bit more easily. I'm going to ask you
15 to look at Defense -- at State's exhibits 7 through 99. If
16 you'll just flip through these very briefly and just see if
17 you recognize these photos.

18 **Dr. Faltas:** I object, Your Honor, to the huge number at
19 once.

20 **The Court:** The objection is overruled.

21 **The Witness:** (The witness looks at the photographs.)
22 They are all pictures of me and my family.

23 **Dr. Faltas:** May I see?

24 **The Witness:** Friends. My car.

25 **Ms. Weiss:** Just leave them in that order.

1 **The Witness:** Me doing nothing.

2 **Ms. Weiss:** Just one moment. Let the defendant look at
3 the photos.

4 (Dr. Faltas looks at the photographs.)

5 **Ms. Weiss:** Your Honor, for the record the defendant was
6 provided a copy of each of these photos represented.

7 **Dr. Faltas:** No, I was provided a black-and-white copy,
8 and I object to Ms. Weiss saying that in the presence of the
9 jury.

10 (Dr. Faltas continues to look at the photographs.)

11 **The Court:** Do you have further questions to ask the
12 witness---

13 **Ms. Weiss:** Your Honor, they're all about the photos.

14 **The Court:** ---that doesn't relate to those photographs?

15 **Ms. Weiss:** Yes, they relate to the photographs, Your
16 Honor. I can go ahead and I can take the ones she's already
17 looked at. I can start with those.

18 **Dr. Faltas:** I'm almost through. Almost through.

19 **Ms. Weiss:** If you can let me have the ones you have
20 already looked at.

21 **Dr. Faltas:** Almost through.

22 By Ms. Weiss:

23 Q. Teresa, do all of these accurately depict you and your
24 friends, your apartment and your car and your friends' cars?

25 A. Yes, and family.

1 Q. And family. Sorry. Family.

2 **Ms. Weiss:** Your Honor, at this time I move State's
3 exhibits 7 to 99 into evidence.

4 **The Court:** What says the defense?

5 **Dr. Faltas:** Objection.

6 **The Court:** Objection is overruled. They're admitted
7 into evidence.

8 (State's exhibits 7 through 99 were received in
9 evidence.)

10 By Ms. Weiss:

11 Q. Please show -- tell the jury what this picture depicts.

12 A. This picture shows me and my brother---

13 **The Court:** Just a moment. Anything that's in evidence
14 that's referred to must be referred to by exhibit number.

15 **The Witness:** Oh, I'm sorry. This is exhibit number 7,
16 and the picture depicts my brother and I. He was apparently
17 trying to leave for work and she had blocked his car on that
18 day, and you can tell by her rear-view mirror where she was
19 almost in front of him, but by that time she could notice
20 that my brother and I was on the phone trying to contact
21 9-1-1 at that time.

22 By Ms. Weiss:

23 Q. Now, State's exhibits 8, 9, and 10, as far as you can
24 tell, were these all taken on the same day? Is there a date
25 on those photos?

1 A. Yes, it does have a date.

2 Q. And what is the date on the photos?

3 A. The date has the ninth month, 26, '09.

4 Q. 9/26/09?

5 A. Yes.

6 Q. And what do those photos depict? Show them to the jury
7 and just talk about them by...

8 A. Exhibit number 8 just shows my brother's car right here,
9 and it also has her rear-view mirror to show where she sits
10 in the car and takes the pictures. Exhibit number 9, a
11 different angle and still her rear-view mirror of my
12 brother's car in front of my building. That's a dentist
13 office beside the building. And this is a really close shot
14 that has my brother's vehicle and license tag.

15 **Court Reporter:** I'm sorry. That's your brother's?

16 **The Witness:** License tag and vehicle number and that
17 was exhibit number 10.

18 By Ms. Weiss:

19 Q. I show you State's exhibits 11, 12, 13, 14, 15, and 16.
20 Going through each of these, will you please show these to
21 the jury and tell them what the pictures depict?

22 A. Okay. This is exhibit number 11, and it shows a picture
23 of my car at the far end of my building which would actually
24 be in front of my building. This shows a picture of my car,
25 the tail end of my car, and this is exhibit number 12, which

1 is also parked in front of my building. This is exhibit
2 number 13, and it depicts myself and a friend apparently
3 leaving, and there she is snapping pictures and I'm waving at
4 her just to say we see you taking pictures.

5 This is another picture of us the same day. She's still
6 taking pictures, of course. That shows my car still on my
7 side in front of my building, and this is a closer shot of
8 her taking pictures. And this is another shot. It could be
9 the same but different focuses maybe, but this is the same
10 picture on the same day, me and my friend leaving.

11 Q. Which friend would that be?

12 A. Wendy Ceo.

13 Q. And that's State's exhibits 13, 14, 15, and 16?

14 A. Correct.

15 Q. All show you and Wendy. When you're waving in that
16 picture, what was going through your mind? Was that a
17 friendly wave?

18 A. It was not a friendly wave. It was a wave as to say:
19 Please stop. We see you. Just hey. Maybe she'd stop if you
20 wave. I don't -- that doesn't work. It was just a wave, a
21 cynical wave.

22 Q. And were you and Wendy -- and what time of day was this?
23 Do you know? Do you remember this?

24 A. Maybe about three or four, something---

25 Q. This was during the day.

1 A. Yeah, it was during the day.

2 Q. And do you have any idea where you or Wendy were either
3 going or coming from?

4 A. I have no idea.

5 Q. And was there anything illegal going on---

6 A. Oh, no.

7 Q. ---when this was happening?

8 A. No. Never.

9 Q. I'm going to show you State's exhibits 17, 18, 19, and
10 20. Can you tell the jury just in these four photos who's in
11 the photos and what is in the photos, what's being depicted?

12 A. Excuse me. This is exhibit number 17, and it shows
13 Richard Cooper and I. Obviously we were coming back from
14 somewhere because we were walking into my building. She had
15 been saying words, so I was waving to her once again cynical:
16 I see you; give it a rest. And as you can see, he's walking
17 towards me as if to just go on in the apartment.

18 So this just shows a closer picture of me asking her to
19 please stop, and it shows that Richard is kind of seeing or
20 showing that just to go on inside, like she takes perfect
21 pictures as to the conversations and movements. So she got
22 me in conversation with her asking her to stop, and it's
23 showing Richard telling me to go on inside.

24 This is the same day. That's Richard now looking at her
25 just in awe and amazement like this really goes on every day,

1 and this is just a picture of her obviously parked behind --
2 directly behind his truck right here to get a picture.

3 Q. State's exhibit 21, what does this depict?

4 A. That depicts the back side of the building where I live.

5 Q. Okay. And---

6 A. And in that top left square where the rail is, that
7 would be the balcony to my apartment.

8 Q. And do you know from what angle this photo was taken?

9 A. She would have had to have been on her balcony.

10 Q. State's exhibits 22, 23, 24, 25, and 26, I believe these
11 are all taken about the same time, so if you can just state
12 what this grouping of photos depicts.

13 A. Okay. Do you want me to go over them separate or
14 just...

15 **Ms. Weiss:** Your Honor, if it's okay just to go by the
16 grouping of photos, that group I just named out?

17 **The Court:** Okay.

18 **Ms. Weiss:** Thank you, Your Honor.

19 **The Witness:** Okay. In these groups of pictures it
20 shows me walking my company, Corey, downstairs and, of
21 course, he's not happy because she always calls the police
22 whenever he's over or she always makes it her business to
23 harass him. So this would depict him being tired of her.
24 This is her just constantly taking pictures, and that's her
25 -- that's her windshield, as always, her rear-view mirror.

1 That's him. We're either waiting on the police here or we're
2 all outside, but that's still her taking pictures. It's all
3 the same time frame. It's all the same evening.

4 By Ms. Weiss:

5 Q. Do you recall if this evening if she was just taking
6 pictures or if she was saying things?

7 A. She had been taking pictures and saying things.

8 Q. Exhibit 27, do you know what this depicts?

9 A. That depicts her inside of her apartment out her window
10 taking a picture of me talking to the police.

11 Q. Okay.

12 **Dr. Faltas:** What number was that? I'm sorry.

13 **Ms. Weiss:** State's exhibit 27.

14 By Ms. Weiss:

15 Q. All right. State's exhibit 28?

16 A. That shows me walking my brother outside, and she's -- I
17 think on that picture she was talking to him, asking him
18 about his work or something on that day.

19 Q. State's exhibits 29 and 30, do you know what these
20 depict?

21 A. It depicts Richard leaving.

22 Q. Okay. And is there a date on these photos?

23 A. Yes. It says 9/10 -- what? 10/9/11.

24 Q. I believe 10/11/09?

25 A. 10/11/09, yeah.

1 Q. State's exhibits 31, 32, 33, 34, 35, 36, 37, and 41, if
2 you'll look at this grouping of photos. What does this group
3 of photos represent -- depict?

4 A. That depicts -- one day it was beautiful outside. I
5 went on my balcony, and I noticed the man that lives
6 downstairs from me had company and the guy was sitting
7 outside. So I was on my balcony saying how nice of a day it
8 was, and me and him was conversating (sic), and she came
9 outside with her camera, started calling me all kind of
10 names, vulgar names, and was arguing with the man that was
11 sitting outside. That's what those pictures depict, and I
12 was inside of my balcony, so she was leaned over on her
13 balcony.

14 Q. At any point did you call her out to her balcony?

15 A. Never.

16 Q. Were you actually have a discussion with her on her
17 balcony?

18 A. Never.

19 Q. What types of vulgar names was she calling you?

20 A. Bitch, prostitute, killer, but mainly a bitch and
21 prostitute.

22 Q. Do you have any idea why she would have been calling you
23 this to your balcony in front of this man?

24 A. Well, no. She says that every chance that she gets.

25 Q. State's exhibits 38, 39, 40, what do these depict?

1 A. It depicts her obviously out by the mailboxes taking
2 pictures of my vehicle and Richard's vehicle, and it's a
3 perfect picture of the apartments.

4 Q. And these apartments, that would be whose apartment?

5 A. I live in that building, and she lives in that building.

6 Q. So two separate buildings. Okay. State's exhibits 42,
7 43, and 44, I show them to you.

8 A. It obviously shows me leaving.

9 Q. State's exhibits 45, 46, 47, and 48.

10 A. It shows the picture of the parking lot and my car and
11 my brother's car and my neighbor's car, and it has -- this
12 picture right here which is exhibit number 45, it shows me
13 talking with someone. I'm not sure who that is, but that's
14 me in front of my building.

15 **Dr. Faltas:** Your Honor? Your Honor?

16 **The Court:** Yes.

17 **Dr. Faltas:** I object to what Ms. Weiss is writing on
18 here. Victim. We have agreed that she's an alleged victim
19 and she had not said anything -- Ms. Weiss started writing
20 before the witness spoke, and I object to her saying --
21 writing victim.

22 **The Court:** All right. The objection is noted.

23 By Ms. Weiss:

24 Q. State's exhibits 49, 50, 51, 52, 53, 54, this series of
25 photos, if you would please tell the jury what this series of

1 photos depicts.

2 A. That's the day my father and my two uncles came to
3 Columbia. My father came to pick up some storm windows
4 because they're remodeling their house. His truck stopped on
5 him at my apartment. Because we all know how she is, I asked
6 him to try to have somebody come from Sumter as quick as
7 possible to not cause problems in my dad's life. So when --
8 as my uncles came to get my dad and we're all outside, lo and
9 behold here she comes with her camera and starts snapping
10 pictures away, snapping, snapping, snapping, and not to
11 mention she says that those are my clients, my dad and my
12 uncles.

13 Q. And who have you heard her say that to?

14 A. A judge in court.

15 Q. Speaking about these photos.

16 A. Yeah, about those photos.

17 Q. And for the record, who exactly is in these photos?

18 A. Myself, my uncles, and my dad.

19 Q. Approximately how long was your dad's car out there?

20 A. No more than two hours.

21 Q. And did Dr. Faltas come out and approach your father and
22 your uncles?

23 A. No, she just came out, the usual staring and the taking
24 and snapping of pictures. It's done in a way to make you
25 react or respond.

1 Q. Now, the next set of photos is October 21st, 2009, and I
2 believe you testified about this date yesterday. Who is that
3 depicted in the photo?

4 A. That's Corey.

5 Q. Okay. And how do you know Corey?

6 A. He sells movies and music D.V.D.'s.

7 Q. And is he a friend of yours?

8 A. He is an associate.

9 Q. And do you---

10 A. So that's friend. Friend is more deeper than an
11 associate. So friend-associate.

12 Q. Do you watch movies with him?

13 A. Yeah.

14 Q. Okay. And who is that?

15 A. That's Corey again and---

16 Q. Who is that?

17 A. That's the shade-tree mechanic. I don't even know his
18 name.

19 Q. And what was he doing there?

20 A. He was fixing my car or attempting to fix my car,
21 working on my car.

22 Q. Okay. I'm going to start kind of with this series.
23 This photo depicts?

24 A. That's just us basically by my car probably discussing
25 what's wrong with the car, and it's clearly in front of my

1 building, directly in front of my car.

2 **Dr. Faltas:** I'm sorry. What exhibit number was that?

3 **Ms. Weiss:** 55---

4 **The Witness:** And it's not blocking any drive---

5 **Court Reporter:** I'm sorry. I can't take you both at
6 the same time.

7 **The Witness:** I'm sorry.

8 **Ms. Weiss:** Exhibit number 55.

9 By Ms. Weiss:

10 Q. Go ahead.

11 A. And I said it was not blocking any driveways.

12 Q. Okay. Exhibit number 56.

13 A. That depicts that, yeah.

14 Q. A little closer photo? When these photos were being
15 taken, was Dr. Faltas making any comments towards you or
16 Corey?

17 A. On those first two -- because she took those pictures in
18 motion, I think. On those -- the first set right there, I
19 was -- I was not downstairs yet because Tiffany's car is in
20 the next set. So by the time we all came downstairs, he had
21 them -- Corey had already asked her several times to please
22 stop with the pictures. So by that time I think in that
23 group it will show that he's flipping her the bird. Yeah,
24 that -- that depicts him saying -- obviously saying something
25 to her.

1 Q. And?

2 A. That's me asking her to please leave. Why are you
3 harassing my company? He's looking down as if to say: Well,
4 I'm tired of this. I'm calling the police. That depicts by
5 now she's taking pictures. That's something to go -- to go
6 show. Now you have a picture. That's more of an expression
7 of I'm tired of you taking my picture. Everybody is not
8 going to have the same response. I have to live there so...

9 Q. These are State's exhibits, in order that we were
10 talking about them, 55, 56, 57, 60, 58, 59.

11 A. That's me beginning to call the police because he's
12 getting very irate by that point and---

13 Q. State's exhibit 61.

14 A. ---that's what it shows. That actually shows her parked
15 in front of his car blocking my car which is blocking
16 everybody at that time, and it has her rear-view mirror in it
17 as well.

18 Q. State's exhibit 62 and then finally State's exhibit 63.

19 A. It just shows me waiting on the police.

20 Q. Okay. And State's exhibit 64?

21 A. That's Tiffany Lurke, my friend.

22 Q. And according to the date, this was on that same day?

23 A. Yes, the same day.

24 Q. I'm sorry. That's State's exhibit 64, State's exhibits
25 65, 76, 75, 69, 71, 73, 70, 66, 67, 68, 72 and 74, and

1 according to the dates, these are all on the same day that we
2 were just talking about. Is this a day that you were talking
3 about yesterday during testimony when all these people were
4 outside of your apartment?

5 A. Yes.

6 **Dr. Faltas:** Objection.

7 **Ms. Weiss:** What---

8 **The Court:** Objection is overruled.

9 By Ms. Weiss:

10 Q. What specifically -- I'm going to let you look at the
11 photos to refresh your memory. What specifically was
12 happening on this day, if you can just...

13 A. Well, what was happening -- clearly I walked my brother
14 downstairs. Just as I said yesterday, I try to meet my
15 company and take them outside whenever they come, so it shows
16 me walking my brother outside. On this day I had Tiffany's
17 little girl, Kyra. So I had her in a stroller downstairs,
18 and me and my brother is talking to her as he's making an
19 attempt to get in the car. And here it clearly shows how
20 she's circling around -- well, not circling around, but she's
21 done changed positions, parked directly back behind the car
22 at that moment, and it shows me with Kyra at a distance
23 directly in front of my building.

24 Q. Do each of these photos -- State's exhibits 69 is you
25 with?

1 A. Kyra. And that's my brother.

2 Q. And would that be the child you referred to yesterday as
3 your niece?

4 A. Yes.

5 Q. That would be Tiffany's daughter?

6 A. Correct.

7 Q. Okay.

8 A. That's another picture of all three of us.

9 Q. (Ms. Weiss shows a picture to the witness.) That would
10 be?

11 A. My brother. And she's directly behind his car.

12 Q. (Ms. Weiss shows a picture to the witness.)

13 A. That's her by the mailbox, and that's my brother and my
14 car.

15 Q. (Ms. Weiss shows a picture to the witness.)

16 A. My brother. Parking lot.

17 Q. (Ms. Weiss shows a picture to the witness.)

18 A. That's all three of us again.

19 Q. (Ms. Weiss shows a picture to the witness.)

20 A. That's still all three of us.

21 Q. Approximately how far was Dr. Faltas from you when these
22 were being taken?

23 A. Just -- well, you can see her car in that shadow right
24 there.

25 Q. (Ms. Weiss shows a picture to the witness.)

1 A. Yeah, and it shows the frustration on my face in every
2 picture. That's us three. That's -- actually in that one --
3 let me see this one close up. Okay. By that time -- by this
4 time I'm asking her to stop with the pictures and I'm talking
5 to my brother, but it shows the baby is trying to like get
6 down in the pictures a little bit.

7 Q. (Ms. Weiss shows a picture to the witness.)

8 A. And that's us three.

9 Q. State's exhibit 77?

10 A. That's me and my brother.

11 Q. State's exhibits 78, 79, 80, and 81?

12 A. Depicts Richard leaving.

13 Q. State's exhibits 82 and 83?

14 A. It obviously is a picture of me leaving.

15 Q. State's exhibits 84 and 85?

16 A. That's -- okay. That picture is actually in front of
17 the building, but for some reason I guess she assumes that
18 everybody that comes there comes to visit me, but that's
19 actually a neighbor's company, the other vehicle that's on
20 the picture. I don't even know who that person is.

21 Q. State's exhibits 86, 87, and 89?

22 A. That shows the day the fire marshal came to check on
23 something that she had complained about, and I was coming out
24 of my apartment and it was a city worker that was trying to
25 get me to come to the road, but she had intervened, so I was

1 like, well, maybe he is talking to her. But she carried on
2 so bad, and I asked the guy who he was talking to and he said
3 me.

4 The two fire marshals were sitting in the car, and they
5 were trying to get her to come and talk with them about the
6 complaint that she was having. So she wouldn't do that. She
7 refused to come talk to them. She tried to start with me,
8 and it shows in the picture that I started to call the police
9 at that time while they were sitting there.

10 Q. State's exhibits 90, 93, 91, 92, 96, 94, 95, and 97 --
11 that's State's exhibits 90 and 93.

12 A. That's directly in front of my building.

13 Q. And then State's exhibits 91, 92, 96, 94, 95, and 97.

14 A. That's her sitting in her car taking pictures of my
15 company's car out in front of my apartment. That picture
16 shows her just taking a pic -- sitting in her car as well
17 taking pictures of my car. That picture shows a picture of
18 my car and my landlord or landlady leaving. That shows --
19 the last three shows me and my friend and the guy that was
20 working on my car, and that's the -- that's the back of my --
21 that last picture -- oh, that's the... Yeah, that's the --
22 that's the landlady. That's a picture of my car.

23 **Dr. Faltas:** Your Honor, I object to her writing victim.

24 **The Court:** Okay.

25 By Ms. Weiss:

1 Q. I show you State's exhibits 98 and 99.

2 A. That's a picture of Corey and the man that was working
3 -- it clearly shows her at the mailbox like she does
4 snapping pictures inside her car.

5 Q. Finally State's exhibit 88?

6 A. As she states that she does not follow anyone, she
7 followed him to his home.

8 Q. Whose home is this?

9 A. That is where Corey lives.

10 Q. Now, the dates that are listed beside you, those are the
11 dates from the pictures---

12 A. Correct.

13 Q. ---that we just looked at? They were actually written
14 on the pictures.

15 A. Correct.

16 Q. Okay. And before -- you called 9-1-1 on September 23rd
17 when your car was blocked in?

18 A. Uh-huh. Yes.

19 Q. All right. And then September 24th in the morning, you
20 testified yesterday that that was the day -- that was the
21 time you called the police and made a report because the
22 defendant followed you and Richard?

23 A. Correct.

24 Q. And later that afternoon on September 24th, '09, you
25 called the police again?

1 A. Correct.

2 Q. And October 9th of '09 was the date that she blocked you
3 in the parking lot?

4 A. Correct.

5 Q. And October 21st, '09, the dates that we have the
6 numerous pictures from, is that the date of the rock-throwing
7 incident?

8 A. Yes.

9 Q. And the incident report where the defendant -- the
10 defendant called the police November 6th of '09 about Corey,
11 and October 23rd of '09 is when the defendant -- one of the
12 times she complained to law enforcement that you were a
13 prostitute.

14 A. Correct.

15 **Dr. Faltas:** Your Honor, I object to...

16 **Ms. Weiss:** Beg the court's indulgence one moment. I
17 need to mark this, please. State's exhibit 113.

18 (State's exhibit 113 was marked for identification
19 only.)

20 By Ms. Weiss:

21 Q. Teresa, there was a C.D. in this envelope which is
22 currently in the C.D. player. Did you have the opportunity
23 to listen to this C.D.?

24 A. Yes.

25 Q. And do you know whose voice---

1 **Dr. Faltas:** What's the exhibit number?

2 **Ms. Weiss:** I'm sorry. Exhibit number 113. Do you know
3 whose voice is on this C.D.?

4 **Dr. Faltas:** Exhibit? Did you say 113?

5 **Ms. Weiss:** Yes, I did.

6 **Dr. Faltas:** Was the last number 129?

7 **Ms. Weiss:** I'm sorry?

8 **Dr. Faltas:** The last number I have...

9 **The Court:** Just proceed.

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

11 **The Court:** Proceed.

12 By Ms. Weiss:

13 Q. Do you know whose voice is on the C.D.?

14 A. If I'm not mistaken, on that one it would be mine.

15 Q. Okay. And what are you doing on the C.D.?

16 A. Calling to report her.

17 Q. Okay. And did it accurately depict your phone call?

18 A. Yes.

19 Q. And it is your voice?

20 A. My voice.

21 **Ms. Weiss:** Your Honor, at this time I move State's
22 exhibit 113 into evidence.

23 **The Court:** What says the defense?

24 **Dr. Faltas:** We need to hear it.

25 **The Court:** The objection is overruled. You may

1 proceed.

2 **Ms. Weiss:** Thank you, Your Honor.

3 (State's exhibit 113 was received in evidence.

4 Whereupon, a portion of State's exhibit 113 was played for
5 the jury.)

6 **Dr. Faltas:** I'm sorry. I request that it be played
7 completely.

8 **The Court:** The objection is overruled.

9 By Ms. Weiss:

10 Q. Who else is on that recording other than you?

11 A. In the background I can hear Corey, and clearly Tiffany
12 and Kyra made some noises as well.

13 Q. Okay. What were you -- what was going through your
14 mind? What were you feeling when you made that phone call?

15 A. The main thing that was going through my mind is when
16 Tiffany got off work and she comes to get her daughter and
17 she has to deal with that, I feel inadequate as a provider
18 during those few hours if I have someone's child and their
19 child's picture is being taken. Who is to say that -- who
20 knows what she's doing with those pictures? Mine, the child
21 or anybody's picture, for that fact? And then for it to be
22 thousands, hundreds, I felt bad. I felt as if I can't have
23 company. It's a risk and a chance if you come to my house.

24 Q. And, Teresa, do you have a history of anxiety attacks?

25 A. Yes, I do.

1 Q. And how long have you had those?

2 A. I've had them maybe about three years, three to five
3 maybe.

4 Q. And---

5 A. Yeah, about three years.

6 Q. And since march of 2009 have you had any related to
7 this, these sets of incidents?

8 A. Yes. Actually, I feel panicky right now. I had a bad
9 migraine last night. This -- just being in here and having
10 to deal with this on a constant basis has gotten on my last
11 nerve literally. My stomach is turning right now. I just
12 don't want to be here dealing with that.

13 Q. Beg the court's indulgence. Teresa, the photos that you
14 were looking at, do you know when those photos were taken
15 other than the ones that we have listed with dates on them?

16 A. No. I could just guess by the, you know -- I would say
17 between September and November.

18 Q. Now, prior to September, you were talking yesterday how
19 things started in March -- March, April, May. Do you recall
20 Dr. Faltas taking photos---

21 A. Oh, yeah. Yeah.

22 Q. ---during the Summer?

23 A. Yeah. Yeah, because the summertime she hated the most
24 because she hated me to come out in short pants or skirts, so
25 yeah.

1 **Dr. Faltas:** Objection, Your Honor.

2 **Ms. Weiss:** And you remember that---

3 **The Court:** The objection is overruled.

4 By Ms. Weiss:

5 Q. And you remember that because?

6 A. She stated that to me once.

7 Q. And, Teresa, what is the one thing you hope would
8 happen? What is the one thing you're looking for out of
9 this?

10 A. That they do not let her come back to that property and
11 for her to leave me alone because, other than this court
12 appearance that's going on now, I still have to go to court
13 with her for maybe two or three other things. I just want
14 her to leave me alone, period.

15 **Ms. Weiss:** Thank you. No further questions, Your
16 Honor.

17 **The Court:** Cross-examination.

18 Cross-Examination

19 By Dr. Faltas:

20 Q. The last thing you said that you hoped to come out of
21 this is that I don't come back to the property. Isn't that
22 what you just said?

23 A. Correct.

24 Q. You are aware that this jury has no power to do that.
25 They can only find me guilty or not guilty, and if they find

1 me guilty, I go to prison.

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

3 **Dr. Faltas:** If they find me not---

4 **The Court:** The objection -- just a moment, ma'am. The
5 objection is sustained. The jury is not concerned with the
6 punishment.

7 By Dr. Faltas:

8 Q. As you sit here, do you realize that these are criminal
9 proceedings?

10 A. Yes.

11 Q. And do you realize that the way for me to not go back to
12 the property is for me to go to prison?

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

14 **The Court:** Objection is sustained.

15 By Dr. Faltas:

16 Q. You do know that I have land at 324 Byron Road and that
17 I want to build on it.

18 A. I know that you claim to have land, and I know that you
19 claim to build some big circus something.

20 Q. Circus?

21 A. Yes.

22 Q. And so you want me to not build on that land either.

23 A. I never said that.

24 Q. Well, that land is close to your apartment. So by you
25 not wanting me to build anywhere near you, you want me to not

1 build on that land.

2 A. If you do and I'm still there, I would leave.

3 Q. You will do what?

4 A. If you build something there and I am still there, I
5 would leave.

6 Q. You will leave. Have you lived at other apartments
7 before?

8 A. Yes.

9 Q. So your choice is for me to go to prison or for---

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

11 **Dr. Faltas:** ---me to---

12 **The Court:** The objection is sustained. Next question.

13 By Dr. Faltas:

14 Q. You are aware that all pictures were taken from my
15 apartment, aren't you?

16 A. That's not correct.

17 Q. What do you think?

18 A. What do I know?

19 Q. Uh-huh.

20 A. I know that you take pictures from your apartment and
21 from your car.

22 Q. Oh, I'm sorry. All pictures that I took were taken from
23 my apartment.

24 A. Again, pictures were taken from---

25 Q. No. No. No.

1 A. ---your car and apartment.

2 Q. I'm sorry. Were taken away. That the police came---

3 A. I don't know.

4 Q. You don't know.

5 A. No.

6 Q. When I was being in handcuffs and taken to prison,
7 weren't you not standing and waving?

8 A. That's incorrect. As a matter of fact, the parking lot
9 was so crowded and full of cars I couldn't get in, and I can
10 remember clearly asking one of the officers, "Can I come in
11 because I live at the residence?" And I was told, "No." So I
12 had to park like on the far side behind someone else's truck,
13 and when I did get a chance to go out, I got out of the car
14 and I went straight in my apartment.

15 Q. So you never waved at me.

16 A. No, I didn't.

17 **The Court:** Ladies and gentlemen, we're going to have
18 you go to the jury room for a short break. Please do not
19 discuss the case.

20 (Whereupon, the jury was excused from open court at 3:22
21 p.m.)

22 **The Court:** We'll take a five-minute break. Ma'am, when
23 you step down, do not discuss your testimony with anyone
24 during the break.

25 (Whereupon, a short break was taken.)

1 **Ms. Weiss:** May it please the court, Your Honor? Before
2 we bring the jury in, Bob Cooper is here from the City
3 Attorney's office. He received a subpoena at lunch and that
4 I believe you had indicated that everybody in the subpoena
5 could leave and we could deal with it later, but he was not
6 -- I don't believe he was here yet, so I wanted to deal with
7 it directly.

8 **The Court:** All right.

9 **Dr. Faltas:** I believe---

10 **The Court:** Our hands are full right now other than
11 addressing subpoena issues. All witnesses were summoned with
12 the defense's case, and we're still in the State's case.

13 **Mr. Cooper:** Your Honor, I'm three or four blocks down
14 the street. If someone will call me, I will come.

15 **The Court:** If you'll give that information to my clerk,
16 we'll be happy to do so.

17 **Mr. Cooper:** Okay. Thank you, sir.

18 **Dr. Faltas:** Your Honor, I believe Ms. Weiss was
19 speaking about subpoena issues. He did not file the motion
20 to quash, only Mr. Delaney did.

21 **Mr. Cooper:** I will be filing a motion, Your Honor, but
22 I didn't get this until 1:30 and I was told to be here at 2.

23 **The Court:** Okay. Bring the jury, please.

24 **Dr. Faltas:** Your Honor, may I set up the tape recorder?
25 Yes?

1 **The Court:** Go ahead, whatever...

2 **Dr. Faltas:** But I don't know where the outlet...

3 **The Court:** I don't know either.

4 **Dr. Faltas:** Pardon?

5 **The Court:** I don't know either.

6 **Ms. Weiss:** Your Honor, for purposes of trying to figure
7 out scheduling of witnesses, do you know how late we intend
8 to go today?

9 **The Court:** 5:30, 6:00.

10 **Ms. Weiss:** Thank you, Your Honor.

11 (Whereupon, the jury was brought into open court at 3:35
12 p.m.)

13 **The Court:** Very good. You may continue.

14 **Dr. Faltas:** Do I have permission to approach the
15 witness---

16 **The Court:** Yes, ma'am.

17 **Dr. Faltas:** ---with these pictures?

18 By Dr. Faltas:

19 Q. State's exhibits 16, 13, 14 -- 13 to 15. (Dr. Faltas
20 shows pictures to the witness.) Who is that other person?

21 A. The other person in this picture that she's talking
22 about is my friend Wendy Ceo.

23 Q. Was Wendy Ceo arrested with you---

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

25 **The Court:** To what?

1 **Dr. Faltas:** I haven't even finished the question.

2 **Ms. Weiss:** Your Honor, may we approach?

3 **Dr. Faltas:** I object to that, Your Honor. I think we
4 have established that---

5 **The Court:** The parties may approach.

6 (Whereupon, a bench conference was held.)

7 **The Court:** All right. Let me hear the question, and do
8 not answer until I rule.

9 **Dr. Faltas:** I may ask the question?

10 **The Court:** Pose the question to the witness.

11 By Dr. Faltas:

12 Q. Was Wendy -- how do you pronounce her last name?

13 A. You said it correct.

14 Q. Ceo?

15 A. Yes.

16 Q. One of the two young ladies with you the day you forged
17 someone's signature on a credit card that you found and
18 bought clothes with it and then went out and came---

19 A. Clothes was never bought. I never left and came back.

20 **Ms. Weiss:** Objection. Objection.

21 **The Witness:** Thank you.

22 **Ms. Weiss:** Objection.

23 **Dr. Faltas:** All right.

24 **The Court:** Just a moment. Just a moment. The
25 objection is overruled.

1 **Dr. Faltas:** Thank you, Your Honor.

2 **The Court:** The answer to the question is what? Yes or
3 no.

4 **The Witness:** The answer to the question is yes, and the
5 explanation: I did not leave the store. I gave a clear
6 explanation as to what happened on that day. Yes, Wendy Ceo
7 was one of the persons with me on that day. The credit card
8 was never stolen. I never left the store with anything.

9 By Dr. Faltas:

10 Q. Well, I will -- didn't, in fact, the police report say
11 that you and Wendy and one Stephanie Simmons who is probably
12 Tiffany that you talk about---

13 **Ms. Weiss:** Objection.

14 **Dr. Faltas:** All right. Then I'll get the police
15 report. I'll get the police report. I'll get the police
16 report. It's on record.

17 **The Court:** The objection is sustained. Next question,
18 please.

19 By Dr. Faltas:

20 Q. What is Wendy doing?

21 A. You need to ask Wendy and Wendy is not here, and I
22 cannot---

23 Q. In the pictures.

24 A. ---speak for Wendy.

25 Q. In the pictures. In the pictures. Can you look in the

1 pictures? You are testifying about my intent and what I was
2 doing. Look---

3 A. I'm not Wendy.

4 Q. What?

5 A. Do I see her in the picture?

6 Q. What is she doing in the pictures?

7 A. Standing.

8 Q. Does she not, in fact, have a camera pointed at me?

9 A. Maybe.

10 Q. Maybe? You don't know.

11 A. You have the pictures in your hand.

12 Q. May I point?

13 **The Court:** You must question a witness. You can hand
14 the picture to the jury. You cannot stand and make a speech
15 to the jury. You must---

16 **Dr. Faltas:** All right.

17 **The Court:** ---ask questions of the witness.

18 **Dr. Faltas:** All right. May I -- may I...

19 By Dr. Faltas:

20 Q. Is there not an exit right here?

21 A. There's an exit on both ends, as I stated earlier.

22 Q. And this picture -- these pictures are clearly taken
23 from the other side.

24 A. You're on the opposite side of the car.

25 Q. So no one is being blocked here.

1 A. On that particular picture, no.

2 **Dr. Faltas:** All right. May I ask the jury to see that?

3 **The Court:** You may pass anything in evidence to the
4 jury.

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

6 **The Court:** And proceed with your questions. Next
7 question.

8 By Dr. Faltas:

9 Q. In fact, during that time didn't you start the kick of
10 flipping me the finger---

11 A. So untrue.

12 **Dr. Faltas:** Your Honor, could you please admonish her
13 to let me finish the question?

14 **The Court:** You asked her was she flipping the finger at
15 you. She said no. Next question.

16 By Dr. Faltas:

17 Q. State's exhibits 11 and 12.

18 A. Place them down, and I'll get them.

19 **Court Reporter:** I'm sorry. What was your response?

20 **The Witness:** I told her to place the pictures down, and
21 I'll pick them up. They're pictures of my car.

22 By Dr. Faltas:

23 Q. What's in here?

24 A. What's in where? That's dirt, rocks. What do you mean?

25 Q. You do not know that this is the sewer clean-out?

1 A. I am a resident of Sumter county. I don't -- I'm
2 renting from that property, renting. I don't own that
3 property. I don't know anything about a sewer.

4 Q. So why don't you go back to Sumter county?

5 A. The same reason why you won't go back to Egypt.

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

7 By Dr. Faltas:

8 Q. So you want me to go back to Egypt.

9 A. Yes, because you have been deported in '93 and in '98
10 and in 2003. Public information.

11 Q. How have you seen that?

12 A. The internet.

13 Q. That's not true, is it?

14 A. That's very true.

15 **Dr. Faltas:** Your Honor, she's -- all right. May I --
16 may I point that those are---

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

18 **The Court:** You cannot testify. You have a witness on
19 the stand. Let's ask the witness questions.

20 **Dr. Faltas:** Okay. So you do not know that those are
21 the sewer clean-outs and these are two views of the sewer
22 clean-out in front of the---

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

24 **The Witness:** Again, I do not know anything, nothing at
25 all, about the sewer.

1 By Dr. Faltas:

2 Q. Haven't you -- haven't you attended at least two
3 magistrates' hearings where I explained to the magistrate
4 that the issue between the landlady and Larry Mason and me is
5 the sewer?

6 A. Regardless, that's not me.

7 Q. Did you attend the---

8 A. I'm not Larry nor Dinah.

9 **Dr. Faltas:** Your Honor, I asked -- I asked her a very
10 straightforward question: Did she attend hearings?

11 **The Witness:** I'm not going to talk about the sewer.

12 **Dr. Faltas:** Your Honor---

13 **The Court:** Yes, ma'am?

14 **Dr. Faltas:** She cannot choose what she's going to talk
15 about. If I pose a proper question to her, she needs to
16 answer, and I asked her a very straight and simple question:
17 Whether she attended at least two hearings before different
18 magistrates where the sewer issue was talked about. That's
19 all I asked.

20 **The Court:** The answer is yes or no, ma'am. You must
21 answer, if you know.

22 **The Witness:** Yeah.

23 By Dr. Faltas:

24 Q. The answer is yes?

25 A. Yes, I've been to courts and you've explained about the

1 sewer in every single court appearance, something about the
2 sewer.

3 Q. So when you said I don't know nothing about no sewer---

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

5 **The Witness:** Because it's not my business.

6 **Dr. Faltas:** Your Honor---

7 **The Witness:** Because it's not my business. That's why.

8 **Dr. Faltas:** But you---

9 **The Court:** Just a moment.

10 **Dr. Faltas:** You just---

11 **The Court:** We're off the record at this point. Off the
12 record.

13 (Off-the-record comments were made by the Court.)

14 **The Court:** First we'll hear an objection by Ms. Weiss.

15 **Ms. Weiss:** Thank you, Your Honor. The objection is the
16 defendant is badgering the witness. She is mimicking the
17 witness and improperly stating questions.

18 **The Court:** The objection is sustained. You must act
19 civil toward the witness on the stand, Dr. Faltas. Next
20 question.

21 **Dr. Faltas:** Your Honor, my emergency bracelets broke.
22 Could I just get a second to fix them?

23 **The Court:** Okay.

24 (Pause in proceedings while Dr. Faltas attempts to
25 repair her bracelets.)

1 **Dr. Faltas:** Well, I'm sorry. It may take longer than I
2 thought, so I'll leave -- I'll leave it.

3 By Dr. Faltas:

4 Q. And those two hearings, one was initiated by my landlady
5 and the other one initiated by you along with my landlady.

6 Yes or no?

7 A. I don't know what you're talking about.

8 Q. All right. From September 29th, 2009, to October 2nd,
9 2009, did you attend and testify in an eviction hearing
10 initiated by Dinah Steele, the landlady, against me?

11 A. Yeah, for harassment. They still can't get her out.

12 **Dr. Faltas:** Your Honor, I ask the witness to---

13 **The Witness:** I can explain.

14 **The Court:** All right. Ms. Ingram, you must answer the
15 questions asked and the questions asked only. Next question.

16 By Dr. Faltas:

17 Q. So you did attend that hearing.

18 A. I've already answered that.

19 Q. And the answer is yes?

20 A. I've answered it.

21 Q. And you were the first witness. Is that correct?

22 A. I don't remember.

23 Q. Did you at the beginning of that hearing say or did
24 Dinah Steele at the beginning of that hearing say that she
25 wanted you to be the---

1 **Ms. Weiss:** Objection.

2 **The Court:** The objection is sustained.

3 By Dr. Faltas:

4 Q. Did you stay in court for that hearing for three days?

5 A. Probably so. With you we stay in court for days and
6 long nights. So, yes, I'm quite sure of it.

7 Q. And you were under no compulsion to stay in court for
8 three days.

9 A. If I didn't have to, no.

10 Q. You were the first witness and your testimony was taken
11 in about an hour, and you could have left if you had wanted
12 to. Yes or no?

13 A. I guess, yeah.

14 Q. Okay. So when you told the jury that I am bringing you
15 to court and that you don't have time for it, that wasn't
16 true, was it?

17 A. I don't remember.

18 Q. Okay. And then there was a second hearing that you,
19 Dinah Steele, Larry Mason, and Mitch Jones initiated to get a
20 restraining order against me, and that took place on
21 November 10th, 2009. Is that correct?

22 A. It was -- yes, it was and it was granted and still in
23 effect.

24 Q. My question was: You initiated it and you went to
25 court.

1 A. I don't know who initiated it.

2 Q. You don't know who initiated it?

3 A. That's my answer.

4 Q. So if I have papers saying that you signed the
5 application, you don't know?

6 A. Your question was: Did I initiate it? You did not ask
7 me did I sign it.

8 Q. Do you initiate court proceedings by signing papers?

9 A. Do you? I don't know.

10 Q. You don't know. All right. State's exhibit 4, isn't it
11 true that this is taken from the other side of the mailboxes,
12 meaning from the street?

13 A. No, meaning that you was on the grass.

14 Q. But not between the mailboxes and your car. Right?

15 A. The picture clearly shows that.

16 Q. So I was not blocking anyone.

17 A. On that particular picture it does not show you blocking
18 anyone.

19 Q. Okay. And on the top of the sign here does it not show
20 missing siding?

21 A. I don't know.

22 Q. Can you look?

23 A. I've looked and I don't see that. I don't know.

24 Q. Okay. So is it -- do you think you're the center of the
25 universe?

1 A. Yes.

2 Q. You are. All right. Do you think that I think you're
3 the center of my universe?

4 A. I think that you are obsessed with me, yes.

5 Q. Okay. All right. Didn't you just testify that I had
6 made complaints to the fire department about the landlady?

7 A. I never said that.

8 Q. Didn't you say that the fire marshals came about my
9 having made complaints about the building?

10 A. I said that.

11 Q. All right. And didn't I need to document the conditions
12 of the building?

13 A. I don't know what you needed to do.

14 Q. Okay. So you assumed that everything---

15 A. I didn't assume.

16 Q. Didn't you just say you think I'm obsessed with you?

17 A. Yes, you are. The pictures prove that. How you're
18 acting in here today proves that.

19 Q. What?

20 A. How you're acting in here today proves that.

21 Q. Okay. State's exhibits 90 and 93, are you in those
22 pictures at all?

23 A. No person is in those pictures.

24 Q. Okay. Are they not close up of the missing siding?

25 A. I don't know.

1 Q. So a reasonable person can see that I took those
2 pictures to document the missing siding and having nothing to
3 do with you.

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

5 **The Court:** Objection sustained.

6 By Dr. Faltas:

7 Q. State's exhibits 86, 87, and 89, is this my car here way
8 far from you?

9 A. That's not way far, but that's your car.

10 Q. Is it blocking anything?

11 A. Place it down, and I'll get it. Yeah, it's blocking the
12 front end of my brother's car.

13 Q. What is your brother's car?

14 A. The same place where you pointed to to ask the question.

15 Q. No, seriously, show the jury where your brother's car
16 is.

17 A. Definitely. Place it back down. Right here. So this
18 is her.

19 Q. Isn't it true that this is my other Toyota truck?

20 A. No, that's untrue.

21 Q. Is this car parked front forward or back forward?

22 A. Put it down so I can see it.

23 Q. Which is in the three pictures.

24 A. They're all backed in. Backed in.

25 Q. So how am I blocking that other car?

1 A. I said you're blocking the front part of the car. I
2 didn't say the entire car. The front left side. You are in
3 your car in your driver's seat taking pictures out of the
4 passenger window which would make it on the right side of --
5 it would make it the left side of his car.

6 Q. So this car could drive this way. Yes or no?

7 A. It could drive whichever way it wanted to go.

8 Q. So it can get out.

9 A. There are two -- one on each side. You can use
10 whichever one you want.

11 Q. So I wasn't really blocking anyone.

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

13 **The Witness:** On that picture she was blocking. That's
14 fine.

15 **The Court:** Yes, ma'am.

16 **Ms. Weiss:** The defendant is testifying.

17 **The Court:** The objection is sustained. Anything
18 further of this witness?

19 **Dr. Faltas:** Your Honor, I've barely begun. Yes.

20 **The Court:** Proceed.

21 **Dr. Faltas:** Well, I'm getting the pictures.

22 **The Court:** Go ahead.

23 By Dr. Faltas:

24 Q. State's exhibits 78, 79, 80, and 81.

25 A. (The witness looks at the exhibits.)

1 Q. Have you looked at them?

2 A. Excuse me. Yes, I have.

3 Q. Do they not show that Richard is going through the exit,
4 going around, making a detour to go through the exit that's
5 closer to my building?

6 A. It does not show that. What it does show is him
7 leaving.

8 Q. Leaving through the exit that is closer to my building
9 and then making a U-turn when he could have used the exit
10 that's closer to your building.

11 A. If that's what you see, that's fine. The pictures show
12 him leaving out of an exit, just him leaving.

13 Q. Do they not show him coming, making a detour---

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

15 **Dr. Faltas:** All right.

16 **The Witness:** I've already answered it.

17 **The Court:** Objection is sustained.

18 By Dr. Faltas:

19 Q. Is this my other truck, the Toyota truck?

20 A. I don't know.

21 Q. You don't know. Okay. Do you know that I have two
22 cars?

23 A. I don't know what you have.

24 Q. Have you seen me drive two cars?

25 A. I'm not sure.

1 Q. Have you seen two cars in the parking lot since I moved
2 in?

3 A. There's several cars there.

4 **Ms. Weiss:** Objection.

5 **The Court:** Just a moment.

6 **Ms. Weiss:** Objection.

7 **The Witness:** There's several cars there.

8 **The Court:** When there's an objection, Ms. Ingram, you
9 need to stop talking. The objection?

10 **Ms. Weiss:** Relevance. The defendant's cars to this
11 case...

12 **The Court:** All right. The objection is sustained.

13 By Dr. Faltas:

14 Q. State's exhibit 65, does it not show my Toyota truck and
15 does it not show open exit for your car and your brother's
16 car?

17 A. No, it sure doesn't.

18 Q. It doesn't. State's exhibits 51, 55, and 56, is that
19 Corey Curry?

20 A. Yes.

21 Q. Is his truck blocking two other cars?

22 A. Incorrect.

23 Q. In one of them is he grabbing his crotch?

24 A. I can't really say.

25 Q. What?

1 A. I can't really say.

2 Q. You can't really say. And in the other two, does it
3 show him in an aroused state?

4 A. If you saw that, I don't see that. No.

5 Q. State's exhibits 61, 58, and 59, is that Corey Curry
6 flipping me the finger?

7 A. Yes, it is.

8 Q. And that is on October 21st, 2009?

9 A. Yep.

10 Q. Okay. Could you please look at -- is that you coming
11 out there?

12 A. That's me.

13 Q. Okay. Could you please look at your fingers?

14 A. For what? Okay. I've looked.

15 Q. All right. Isn't it true that you had just thrown a
16 rock at me? That's why your fingers are like that?

17 A. (The witness laughs.)

18 Q. That's a yes or no question.

19 A. The answer would be no.

20 Q. All right. And then you claimed that day, according to
21 that recording, that I threw rocks at you. Is that correct?
22 That very day, that very time.

23 A. Yes.

24 Q. Okay. State's exhibits 60 and 63. In the recording did
25 you say anything about rocks hitting you?

1 A. Actually I did. If I'm not mistaken, I said two of them
2 hit me and I'm holding them in my hand.

3 Q. What would stop you from picking up rocks from the
4 parking lot and holding them in your hand?

5 A. (Witness shook head from side to side.)

6 Q. Anyone can pick up two rocks and say, "She threw rocks
7 at me."

8 A. Yeah, but you really did do it. So what's your
9 question?

10 Q. Did the policemen come?

11 A. Yes, they came.

12 Q. Did you give him or her the rocks?

13 A. They didn't ask for them, but I did hold on to them for
14 a minute.

15 Q. Uh-huh. Because you knew they had no fingerprints of
16 mine on them.

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

18 **The Witness:** If that makes you feel fine, sure.

19 **The Court:** Objection is sustained.

20 By Dr. Faltas:

21 Q. Does it look as if you're in pain or hurt in any way in
22 these pictures?

23 A. I look straight-up-and-down stressed out and frustrated
24 with you in every single picture.

25 Q. Stressed out and frustrated at me in every single

1 picture.

2 A. Yeah. Uh-huh.

3 Q. And you say you had anxiety attacks for three to five
4 years; right?

5 A. Correct.

6 Q. And that was before you ever knew that I existed, at
7 least two years before.

8 A. Exactly.

9 Q. Okay. And then you filed a lawsuit against a woman in
10 June of 2008?

11 A. I've never filed a lawsuit against anyone, never.

12 Q. The case of Teresa Ingram against Marjorie Russell
13 Triffon is not your case?

14 A. A car accident. You're right. One time. You're right.
15 It was a car accident I had maybe about two years ago. Well,
16 it was a car accident for car repairs, yeah.

17 Q. Actually it's not one time. There is another lawsuit by
18 you pending in Sumter also for a car accident.

19 A. And what lawsuit was that? That -- that is not true.

20 Q. Uh-huh. Well, we'll get it and we'll show it to the
21 jury.

22 A. Thank you.

23 Q. And in that lawsuit about the car accident you claimed
24 that that woman hit you and caused you mental distress.

25 A. Even if I did, that was probably not any time that I had

1 known you if I was in Sumter, as you just stated, that there
2 was an incident that happened that I didn't know you. So if
3 I did not know you then, that would be irrelevant.

4 Q. When was that case tried?

5 A. I don't even know what you're talking about, for one,
6 but if you're saying in Sumter, I haven't been in Sumter in
7 years.

8 Q. Ah.

9 A. Ah.

10 Q. Didn't you just tell the jury that you don't even live
11 in Columbia? You live in Sumter?

12 A. I'm a resident of Sumter, yes. That's where I'm from.

13 Q. No. You told the jury that you don't even live in
14 Columbia, and you don't know any---

15 A. No, Sumter is my permanent address. Yeah, that's my
16 permanent address. That will never change in life. After
17 I'm gone, it still will be my address, yes.

18 Q. And then yesterday you told the jury that I caused a
19 baby to cry.

20 A. You sure did, and as a matter of fact, you can hear in
21 the 9-1-1 tapes that her mom was upset because you did that.

22 Q. That's the same mom who went stealing with you; right?

23 A. That's so not true.

24 Q. She would do whatever---

25 A. You need to ask her that. She's not here.

1 **Ms. Weiss:** Objection.

2 **The Court:** Objection sustained.

3 By Dr. Faltas:

4 Q. State's exhibits 64, 62, 71, 72, 74, 68, 66, 70, 73, 76,
5 67, 75, and 69. Please tell the jury in which one of them do
6 you see the baby crying.

7 A. For a fact in this one because I know; I was there with
8 the baby. Go ahead. Show them that.

9 Q. Does this, in fact, not show the baby asleep?

10 A. If that's what you see. I know what happened; I was
11 there.

12 Q. And according to the recording and according to the --
13 to how the pictures are, what time of day is it?

14 A. I don't know.

15 Q. You don't know. All right. Your Honor, may we play the
16 beginning of State's exhibit 113 again, just the beginning,
17 please?

18 **The Court:** Proceed.

19 **Dr. Faltas:** Thank you, Your Honor. I don't know how
20 to...

21 (The first part of State's exhibit 113 was played for
22 the jury.)

23 **Dr. Faltas:** That's it. That's enough.

24 By Dr. Faltas:

25 Q. So 13:30 would be 1:30 p.m. Right?

1 A. (Witness shook head from side to side.)

2 Q. Ma'am, you don't know the time?

3 A. Yeah.

4 Q. Yesterday you testified you were in the military.

5 Aren't these military times?

6 A. Yes.

7 Q. So you can't answer the simple question that 13:30 is
8 1:30?

9 A. It doesn't matter how you try to bash me. Just -- just
10 -- just go ahead with it.

11 Q. And wasn't it high noon on a clear day?

12 A. I just said I didn't know what time it was. It's a
13 clear day according to the pictures.

14 Q. And at almost high noon, I mean, like---

15 A. I don't know.

16 Q. ---it was the middle of the day, sunny day, clear day?

17 A. I don't know.

18 Q. You don't know.

19 **Ms. Weiss:** Objection.

20 **The Witness:** You took the pictures.

21 By Dr. Faltas:

22 Q. All right. Fine. Fine. And isn't it true that
23 yesterday when I pointed out that an 18-year-old (sic) child
24 doesn't even know what---

25 A. She's not 18.

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

2 **The Court:** Just a moment. I can't hear the question.

3 **Ms. Weiss:** Your Honor?

4 **The Court:** Yes.

5 **Ms. Weiss:** The defendant is testifying.

6 **The Court:** You can't testify. This witness must
7 testify. You just ask questions.

8 **Dr. Faltas:** I'm referring to her testimony yesterday.
9 By Dr. Faltas:

10 Q. Yesterday when I pointed out that a baby of that age
11 doesn't even know what a camera is, you said, "Oh, no, she
12 was upset by the flash." Didn't you say that? Would you
13 like the testimony read back?

14 A. What I said was -- your response to a baby would not
15 have known, my response was: Any person would know at any
16 age if a stranger is in their face with anything flashing or
17 taking pictures.

18 Q. Flashing?

19 A. That's what I said.

20 Q. Yeah, you said the flash, but that was high noon and the
21 flash wouldn't have gone off.

22 A. Okay. And?

23 **The Court:** The jury is to disregard the statement. It
24 wasn't a question. Did you have a question?

25 By Dr. Faltas:

1 Q. Have you ever taken pictures?

2 A. Sure.

3 Q. Have you ever used automatic cameras?

4 A. Sure.

5 Q. Do you know that the flash doesn't go off when it's
6 daylight?

7 A. I do know that it depends on how you have it set.

8 Q. Uh-huh. And do you know that even if the flash were set
9 to go on, it wouldn't be seen when it's daylight?

10 A. That's not always true.

11 Q. Uh-huh. I am at quite a distance from---

12 **Ms. Weiss:** Objection.

13 By Dr. Faltas:

14 Q. Do the pictures show that I'm at quite a distance
15 from---

16 A. They sure don't.

17 Q. They don't. All right. State's exhibits 54, 53, 52,
18 51, 50, and 49: Are you holding a coat hanger in your hand
19 in some of them, in at least one of them?

20 A. I don't know what it is that you see, but no.

21 Q. Specifically State's exhibit 54, do you see a coat
22 hanger?

23 A. I don't see a coat hanger, and I would like for you to
24 show me a coat hanger in this picture right here.

25 Q. That's what I'm pointing at.

1 A. No, no, no. But you're saying that there's a coat
2 hanger in this picture. Just show me a coat hanger that's in
3 this picture.

4 Q. Yes, right here in your hand.

5 A. It looks like something across the picture. I don't
6 ever recalling having a coat hanger, but it does look like
7 something across the picture.

8 Q. And on this one here also a coat hanger?

9 A. No.

10 Q. And does it show that those people are going through a
11 clear exit? No one is blocking them?

12 A. It does show that. It shows you sitting in your car
13 taking pictures, yeah.

14 Q. Where am I in my car taking pictures?

15 A. Right here in every single picture in your rear-view
16 mirror. You're so smart that you forget that it takes a
17 picture of yourself in the car. As a matter of fact, there's
18 pictures with you taking pictures of yourself in the mirror.

19 Q. This is very far from where you were---

20 A. No, it's not.

21 Q. All right. The jury will see that. Are these people
22 able to pull out?

23 A. You see they are directly in front of an entrance or
24 exit. So, yes, they can pull straight out.

25 Q. So they were not blocked. So I come home. I see

1 somebody with a coat hanger---

2 A. You was already home.

3 Q. Could you please let me finish the question? I see
4 somebody with a coat hanger in her hand and people hooking a
5 car to a truck---

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

7 **The Court:** The objection is sustained.

8 **Dr. Faltas:** Would a reasonable person seeing this,
9 seeing that someone was---

10 **Ms. Weiss:** Objection.

11 **The Court:** Objection is sustained.

12 By Dr. Faltas:

13 Q. Have you known coat hangers to be used to force open a
14 car?

15 A. No, and none of those pictures depict that. If there
16 was a coat hanger on any of those pictures, what would a coat
17 hanger do? A coat hanger cannot tow a truck. It cannot pull
18 a truck, even if it was a coat hanger.

19 Q. It would force a truck open.

20 A. Nothing was locked, so why would we have to try to force
21 something open if nothing was locked?

22 Q. If someone were stealing something---

23 A. If. But it wasn't.

24 Q. How would I know that?

25 A. If. Hypothetical.

1 Q. How would I know?

2 A. How would I know?

3 Q. Okay. And this is State's exhibit 82. Isn't that, in
4 fact, your car pulling out of the exit that's closer to my
5 building?

6 A. That's me leaving out of the entrance or exit that I
7 chose, yes.

8 Q. Isn't it, in fact, the exit closer to my building?

9 A. That is the entrance or exit that is on -- closest to
10 the building that she resides in.

11 Q. And since you started trying to run me off, isn't it
12 true that one of the things you and your unquote/quote
13 company were -- started doing is do a detour in front of my
14 building and car and honk at me and yell obscenities at me?

15 A. Actually you did that several times. As a matter of
16 fact, I can remember calling the police because you kept
17 continuously doing it as a way to irritate me, and when you
18 used the race card about this old foreigner, I'm the only
19 black person that lives in my building, and I've never been
20 discriminated on.

21 Q. Yes, of course, because you pay \$320---

22 A. I do not -- I wish I did, but you'll never know how much
23 I pay because it's not your business.

24 Q. What reason would you have to take this exit as opposed
25 to the exit that's closer to your building as portrayed in

1 the State's exhibit 82?

2 A. It's my choice. There's no entrance or exit. You can
3 call it whatever or whatever we choose to call it. So I
4 choose to use whichever one I want to just as well as you do.

5 Q. State's exhibits 85, 84, 44, 43, and 42. Is the red car
6 a Corvette?

7 A. It's a red car. I don't know who that car is.

8 Everybody that comes to that address does not come to visit
9 me. Three other people live in that building outside of me.
10 I do not know every vehicle that comes in the parking lot.
11 It's a red car; that's what I know. It's a Chevrolet, looks
12 like it. That's all I know. Anything else, I don't know who
13 the car belongs to, who drives it, how the person looks or
14 anything.

15 Q. Isn't it true that this car is driven by Larry Mason and
16 that you followed him that day to go and file something
17 against me?

18 A. Once again, I don't know who drives that car, how the
19 person looks.

20 Q. Have you ever seen Larry Mason drive a red Corvette?

21 A. Corvette. This isn't a Corvette.

22 Q. Have you ever seen Larry Mason drive a red Chevrolet?

23 A. I've seen him drive a red Corvette.

24 Q. And is a Corvette a Chevrolet? Is Corvette made by
25 Chevrolet?

1 A. I don't know, but I know that this red car is not a
2 Corvette. That I do know.

3 Q. In State's exhibit 44 is your car following a Corvette,
4 a red Corvette?

5 A. My car is leaving out following a red car. I don't know
6 what kind of car it is, and I don't think you do either.

7 Q. And these are taken from my window, aren't they?

8 A. Well, you would know.

9 Q. State's exhibits 40 and 43, do they show my building and
10 your building and my pickup truck in front of my building?

11 A. This is a perfect picture of both of the buildings, not
12 in its entirety, and there is a little beat-up truck in the
13 picture.

14 Q. Have you ever seen me drive that old beat-up truck
15 that's in the picture?

16 A. I don't know.

17 Q. So you don't know.

18 A. I know you drive the little green raggedy car.

19 Q. What?

20 A. I know that you drive the green raggedy car.

21 Q. The green what?

22 A. Raggedy, rickety old car---

23 Q. Okay.

24 A. ---that's filled with paper cups and straws and plastic
25 and all kind of other stuff.

1 Q. So you look at my car.

2 A. Who can't see it? And when you came home last night,
3 now the apartments look worse than what they do just by sight
4 because you left your window up with all that stuff showing.

5 Q. The State's exhibits 45 and 46, isn't -- aren't these
6 taken from my window?

7 A. Unless you're on the top of the building or the side of
8 the building, yeah.

9 Q. Okay. And isn't it true that that day you were talking
10 to someone loud enough for me to hear and telling them that
11 my Egyptian---

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

13 **The Witness:** I don't know what you can hear. I don't
14 know; I'm not you.

15 **The Court:** Objection -- just a moment. The objection
16 is sustained.

17 By Dr. Faltas:

18 Q. And State's exhibits 29 -- and State's exhibits 29 and
19 30, do they not show this so-called Richard Cooper again
20 making a detour and driving in front of my building?

21 A. It shows the so-called Richard Cooper leaving.

22 Q. Which exit? Can you tell?

23 A. The one that he chose on that day, and it's not an
24 entrance or exit. So you can stop saying that. It's not an
25 entrance or exit. You can use it as you wish: Entrance or

1 exit.

2 Q. State's exhibit 27, is it taken from my window?

3 A. Yep, clearly from your window because it shows all the
4 straws that I just said that you have. Yeah, yeah, yeah,
5 your window.

6 Q. And isn't it true that it shows you talking to a
7 policeman?

8 A. Correct.

9 Q. And isn't it true that it shows the clear exit, that the
10 exit is totally clear?

11 A. There's not an entrance or exit. If it shows
12 something -- it could be either/or.

13 Q. Either/or exit or entrance, it's clear, not blocked by
14 anyone?

15 A. On that picture, no.

16 Q. And you had called the police falsely claiming that I
17 had blocked your brother's exit or whatever?

18 A. If I called the police falsely, what have you done?

19 Q. What did you say?

20 A. I said if I ever call the police falsely, what have you
21 done? Every complaint has been false and frivolous---

22 Q. Your Honor---

23 A. ---because you want to be a real lawyer---

24 Q. Your Honor---

25 A. ---on T.V.

1 Q. Your Honor, may I ask you to admonish the witness for
2 interjecting---

3 A. But you do the same thing.

4 **Dr. Faltas:** Your Honor, this witness is out of control.

5 **The Court:** All right. Let's respond to the questions.

6 Next question. Anything further?

7 **Dr. Faltas:** Yes, Your Honor. I was---

8 **The Court:** Next question.

9 **Dr. Faltas:** The State doesn't have the pictures in the
10 correct order, so I was trying to find them in the correct
11 order.

12 By Dr. Faltas:

13 Q. Exhibits -- State's exhibits 19, 18, and 17. In exhibit
14 19 aren't you, in fact, standing in front of my building?

15 A. No.

16 Q. You're not.

17 A. No, and the picture shows that. And you can't see that?
18 Does that show me in front of your building?

19 Q. Okay. Is this my building?

20 A. Yeah.

21 Q. And is this your building?

22 A. Correct.

23 Q. And aren't you, in fact, in front of my---

24 A. No. Does that picture show your sign number on your
25 door? That's not in the front of your building.

1 Q. And then in State's exhibit 6, does it show you talking
2 to police after you called police and claimed that I
3 blocked---

4 A. I'm not sure who called on this day, but, yes, it does
5 show me talking to the police.

6 Q. And it does show the exit that's closer to your
7 building?

8 A. It shows an entrance or an exit.

9 Q. That is completely clear and unblocked. Yes or no?

10 A. The entrance or exit that's in that particular picture
11 is not blocked.

12 Q. And then -- and then State's exhibits 26, 25, 24, 23,
13 and 22.

14 A. (The witness looks at the photographs.)

15 Q. Do they not show the truck of Corey Curry?

16 A. Yes, it shows you sitting in your car taking pictures.

17 Q. Ma'am?

18 A. Yes, it shows you in your car taking pictures of his
19 truck.

20 Q. Aren't the pictures taken from behind his truck?

21 A. You were in your car taking pictures of the truck.

22 Q. Aren't they taken from behind his?

23 A. You can't say that and I can't say -- well, you can say
24 it, of course. I can't say that because I don't... You make
25 up everything.

1 Q. Does it show the license plate?

2 A. Not clear. Oh, this one right here you was real close
3 on this one, almost directly behind him, and on this one.
4 Yeah, these pictures are showing you almost blocking him.
5 Yeah.

6 Q. How could I block him---

7 A. I said almost blocking him, if you're that close. Are
8 you looking at these pictures?

9 Q. Yes, ma'am, and he was -- he could be driving out or
10 stopped in the middle of the parking lot and not---

11 A. How can it be the middle if it's on this end in front of
12 my car? Come on now. You need to look at your pictures.

13 Q. It's not -- all right. What is your car -- where is
14 your car? Show the jury---

15 A. Where it's always parked.

16 Q. So where is your car in this picture? Show the jury.
17 Show the jury.

18 A. You can only see the rim of my car, the front rim, the
19 front left rim.

20 Q. Where? Where?

21 A. See right here. If you could see a so-called hanger,
22 you can see this rim.

23 Q. Okay. So this is Corey's truck blocking your car, not
24 my car?

25 A. Correct.

1 Q. I am not blocking any---

2 A. He's parked directly in front of my car. He was leaving
3 and we was talking, and then you came outside and so, yeah,
4 yeah, you're right.

5 Q. So he is the one blocking the parking lot.

6 A. He is the one on that particular picture parked where I
7 asked him to, directly in front of my car. I never
8 complained about him parking in front of my car or being
9 parked or stalled in front of my car.

10 Q. Yeah, but it could have inconvenienced me.

11 A. No, it inconvenienced me to the point one day that the
12 police had to literally make you put your foot on the gas to
13 leave to stop harassing me.

14 Q. Your Honor, could you please make her limit herself to
15 the question? State's exhibits 7, 28, and 77, are they -- do
16 they seem to be taken the same day and the same time?

17 A. I can't say that. You should have your camera fixed
18 where it shows the date and time.

19 Q. Does it show you in all three pictures?

20 A. Does it show me what? Does it show myself? Yeah.

21 Q. Does it show your brother?

22 A. Yep, it shows him frustrated with you and doing hand
23 gestures like, "I can't leave out." Yeah, it does. It shows
24 all that.

25 Q. Is he wearing the same thing in the three pictures?

1 A. Yep.

2 Q. Are you wearing the same thing in the three pictures?

3 A. It looks like it.

4 Q. Is it the same light conditions in the three pictures?

5 A. That I don't know. Is it the same light condition? How
6 was your camera set?

7 Q. And isn't it true that I am completely on my side of the
8 buildings and the other exit is not blocked?

9 A. On the picture no exits are blocked.

10 Q. All right. Thank you.

11 A. I don't... Well, how about the harassment part? What
12 about that?

13 **Dr. Faltas:** Your Honor, could you please admonish the
14 witness not to speak unless there is a question before her?

15 **The Court:** Okay. She's so admonished.

16 **Dr. Faltas:** Pardon?

17 **The Court:** She is so admonished.

18 **Dr. Faltas:** Thank you. Would you please tell the jury
19 to disregard that comment by her?

20 **The Court:** Proceed.

21 **Dr. Faltas:** Thank you.

22 By Dr. Faltas:

23 Q. State's exhibit 9.

24 A. (The witness looks at the photograph.)

25 **The Court:** How many more photographs do you have there?

1 **Dr. Faltas:** Your Honor, I have the rest of what the
2 State presented.

3 **The Court:** How many are there?

4 **Dr. Faltas:** There seems to be about 30, but I'm doing
5 them in groups.

6 **The Court:** Do you plan to ask her questions about all
7 of them?

8 **Dr. Faltas:** Not individually but in groups, Your Honor.

9 **The Court:** Okay.

10 By Dr. Faltas:

11 Q. That picture shows my Toyota pick-up and your brother's
12 car?

13 A. I don't know the relevance of these pictures. It's like
14 you're taking pictures of his car. What do you want me to
15 say? It shows the entrance or exit. Yes, it has a picture
16 of my brother's car.

17 Q. And it's not blocked in any way, is it?

18 A. Show the pictures that are blocking. No, it's not
19 blocked on that one.

20 Q. Okay. Have you ever used a camera that has a zoom photo
21 -- a zoom lens?

22 A. I'm sure I have.

23 Q. Do you know what a zoom lens is?

24 A. I'm not a photographer. I'm not familiar with it like
25 that.

1 Q. So you don't know what a zoom lens is or do you?

2 A. I'm not familiar with it like that.

3 Q. All right. State's exhibits 47, 10, and 8.

4 A. (The witness looks at the photographs.)

5 Q. Do they once again show your brother with a clear exit?

6 A. It does not show that on any of these pictures you've
7 just handed me. Really. It clearly shows you directly
8 behind his car taking pictures. That's what these pictures
9 are depicting: You in your car taking pictures. Why? Who
10 knows. These are the ones that are -- you are blocking him
11 from moving on that though, yeah.

12 Q. Isn't the mailbox here? So I'm on the other side of---

13 A. I didn't point out that one either.

14 Q. All right. State's exhibits 96, 91, 92, 97, 95, and 94.

15 A. (The witness looks at the photographs.)

16 Q. Do they show this Corey working on your car?

17 A. It does not show Corey working on anything. What it
18 does show is you in your car obviously moving to get closer
19 to take the pictures. That's -- that's what it's showing.

20 Q. Does it show your car with your hood up and---

21 A. It sure does. Uh-huh.

22 Q. With parts all over the lot?

23 A. All over the lot?

24 Q. Uh-huh.

25 A. One car could be parked all over the lot? Really.

1 Q. Parts. Parts. Parts. P-a-r-t-s. Car parts.

2 A. Okay. So it's parts -- so you see parts all over here.
3 I don't see parts right there. I see parts directly at the
4 tire where he was working at.

5 Q. Is this a garage? Is our parking lot a garage?

6 A. Wherever said it was a garage? Whoever said that --
7 whoever said that I could not have my car worked on? That's
8 not in the lease.

9 Q. In a residential---

10 A. Here you go.

11 Q. In a residential area?

12 A. Here you go.

13 Q. And then State's exhibits 98 and 99, do they not show
14 Corey in his blue truck in the middle of the parking lot and
15 in one of them he's flipping a finger at me again?

16 A. Yeah. It shows him actually leaving. Yeah. Yeah, he
17 flipped you for sure.

18 Q. And then State's exhibit 88?

19 A. That shows that obviously you had followed him to his
20 residence, but then you don't do things like that? It shows
21 you followed that man to his house. That's what that shows.
22 But then you're so scared because he grabbed his crotch, but
23 then you follow him to his house?

24 **Dr. Faltas:** Your Honor, could you please -- the witness
25 hasn't heeded Your Honor's admonition.

1 **The Court:** She's responded to your question. Next
2 question.

3 By Dr. Faltas:

4 Q. So you know for a fact that that's his house.

5 A. You do, too. Yep.

6 Q. And that's his car in front of his house?

7 A. You know that, too.

8 Q. Minus a tire.

9 A. Minus what tire? What do you see? Where do you see
10 minus a tire at? Oh, yeah, it is minus a tire. You was that
11 close?

12 Q. Is that common sense?

13 A. I can't tell you. You was following somebody home who
14 you're scared of, so from -- for just flipping you and
15 grabbing their crouch (sic) in a so-called purported arousal
16 state, but then you followed them to their house?

17 Q. How do you know I followed him?

18 A. How did you get the picture?

19 Q. How do you know I didn't get---

20 A. How did you get the picture?

21 Q. How do you know I didn't get the address from the police
22 department?

23 A. Okay, but how did you get the picture? Even if you got
24 the address and you went there, how did you get the picture?

25 Q. It's not following---

1 A. Are you stalking him as well?

2 Q. Ma'am?

3 A. Ma'am?

4 Q. You did not see me follow him.

5 A. It's your picture, your camera---

6 Q. It's---

7 A. It's with the same---

8 Q. Okay---

9 A. Okay. So your point is what?

10 **Court Reporter:** I can't take you both at the same time.

11 **The Witness:** I'm sorry.

12 By Dr. Faltas:

13 Q. And exhibits -- State's exhibits 38 and 39, do you
14 recall what you said about them?

15 A. I recall stating that -- I don't really recall, but the
16 way it -- looks like you parked out by the mailbox, stalked
17 out like you always are. These just are you taking pictures
18 of nothing really.

19 Q. Parked out by the mailbox.

20 A. These pictures prove the obsession and the constant
21 harassment. That's what your pictures are proving.

22 Q. Isn't it clear that they are taken from the street,
23 not---

24 A. I just said that. I didn't say from in your apartment.
25 I said you're stalked out by the -- by the mailboxes.

1 Q. They aren't by the mailboxes. The mailboxes are on the
2 other side.

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

4 **The Court:** The objections are -- the objection is
5 sustained. You cannot testify. You'll get an opportunity if
6 you want to testify. Do you have any more questions for the
7 witness?

8 **Dr. Faltas:** Yes, Your Honor. I haven't finished going
9 through the pictures.

10 **The Court:** All right. You need to ask her questions as
11 opposed to testifying.

12 By Dr. Faltas:

13 Q. State's exhibits 1, 2, 3, 5, and 20, do they not show on
14 another occasion also Corey's car marking a detour to go
15 in---

16 A. Excuse me? Whose car? Let's get it right.

17 Q. Richard's car.

18 A. It does not show any detour, unless these pictures can
19 talk. It shows you taking a picture of him leaving.

20 Q. And State's exhibit 83, does it not show your car
21 driving in front of my car?

22 A. If you were sitting in your car when you took this
23 picture, then, yes, I guess I did pass by you.

24 Q. Okay. And then State's exhibit 21, does it show your
25 balcony?

1 A. Yes.

2 Q. And Charlene's balcony?

3 A. Yep.

4 Q. And does Charlene's balcony have a---

5 A. I don't know what Charlene has on her balcony now. I
6 don't know.

7 Q. Do you dispute that it has a big sofa there that people
8 don't normally put in their balconies?

9 A. And the eyesore from your apartment. Come on. If
10 there's a sofa on her porch, what's the relevance of these
11 questions?

12 Q. Is there a sofa in her porch---

13 A. Wow.

14 Q. ---or not?

15 A. There's a sofa on her porch, and there's trash in your
16 window.

17 Q. Did there come a time when you got furniture from
18 Aaron's rent furniture or from Aaron's---

19 **Ms. Weiss:** Objection.

20 **The Witness:** No, there wasn't.

21 **The Court:** The objection is sustained.

22 By Dr. Faltas:

23 Q. Did Corey ever work for Aaron's---

24 A. I don't know. I'm not Corey.

25 Q. When did you meet Corey?

1 A. A couple of years ago maybe.

2 Q. How did you meet him?

3 A. That doesn't matter.

4 **Ms. Weiss:** Objection.

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

6 **Dr. Faltas:** Did you ever come to know that he has many
7 drug convictions---

8 **Ms. Weiss:** Objection.

9 **The Witness:** That's not my -- that's not my business.

10 See, that's the difference between me and you.

11 **The Court:** Just a moment, ma'am. When there's an
12 objection, let's stop talking. The objection is sustained.

13 By Dr. Faltas:

14 Q. And then State's exhibits 41, 37, 36, 35, 34, 33, 32,
15 and 31, do they not show you in your balcony?

16 A. Yes. This was the day that you came out, while I'm
17 talking to the man that's downstairs in my building, calling
18 names and cursing. This is a little feeble act that she
19 plays in court when she gets in court that she can't talk,
20 but then she screams all kind of obscenities and stuff all
21 day, just like she just had her little tyrant just now. Yes,
22 I remember these pictures on this date.

23 Q. In fact, didn't you hear in one court where I played a
24 tape---

25 **Ms. Weiss:** Objection.

1 **The Court:** Objection is sustained.

2 **Dr. Faltas:** Your Honor, may I play a tape for
3 impeachment purposes?

4 **The Court:** A tape from another court hearing?

5 **Dr. Faltas:** No, a tape from her.

6 **The Court:** From her?

7 **The Witness:** She's saying me and---

8 **The Court:** Just a moment, ma'am. A tape from where?

9 **Dr. Faltas:** Where she that day was yelling obscenities
10 at me and I came out and recorded it.

11 **The Court:** All right.

12 **Dr. Faltas:** And took pictures to correlate both of them
13 and that tape was played in a court.

14 **The Court:** All right. You may proceed.

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

16 **The Witness:** Play it.

17 **The Court:** Ladies and gentlemen, let's stand for -- do
18 you need a break? All right. Please go to the jury room for
19 a break.

20 (Whereupon, the jury was excused from open court at 4:52
21 p.m.)

22 **The Court:** Ma'am, you have prepared to play whatever it
23 is when the jury comes back out. Are you preparing to play
24 something?

25 **Dr. Faltas:** Yes, Your Honor.

1 **The Court:** Looking for something?

2 **Dr. Faltas:** Yes, I'm looking.

3 **The Court:** All right. If you'd be prepared to go when
4 the jury comes back out.

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

6 **The Court:** We'll take a short break.

7 (Whereupon, a short break was taken.)

8 **The Court:** All right. If you'll take your seat and
9 bring the jury, please.

10 **Ms. Weiss:** Your Honor?

11 **The Court:** Yes.

12 **Ms. Weiss:** Due to the fact that it's 5:00 and we're
13 still on this witness, we do not have any more witnesses
14 coming today. I was just going to have everybody lined up
15 for tomorrow. I'm hoping we'll finish this witness today.
16 Does that sound...

17 **The Court:** All right.

18 **Ms. Weiss:** Thank you, Your Honor.

19 **Dr. Faltas:** Your Honor, I don't think I can finish this
20 witness today.

21 **The Court:** She said she hopes that we will.

22 (Whereupon, the jury was brought into open court at 5:04
23 p.m.)

24 **The Court:** It doesn't really matter... If someone
25 wants to sit on that back row, it's fine with me. If some of

1 the jurors want to sit on the back row, it doesn't matter to
2 me even though the... All right.

3 **Dr. Faltas:** Your Honor?

4 **The Court:** Yes, proceed.

5 **Dr. Faltas:** Thank you. To save time, may I -- may I
6 ask other questions and---

7 **The Court:** To save time, yes.

8 **Dr. Faltas:** I mean -- and when there is another break,
9 I find the exact spot on the tape? I'm---

10 **The Court:** You're asking the questions. Proceed.

11 **Dr. Faltas:** Thank you, Your Honor.

12 By Dr. Faltas:

13 Q. Ma'am, I'm going back in the order from the beginning --
14 I did the pictures that she did last, but I'm going back from
15 the beginning of the questions Ms. Weiss asked you, and I
16 hope I'll go over them quickly. You said you worked in Navy
17 aviation for a year and a half and had a medical discharge.
18 Can you tell us what does that mean - what medical condition
19 you had?

20 A. A medical honorable discharge.

21 Q. Yeah. What was the medical condition?

22 **Ms. Weiss:** Objection.

23 **The Court:** The objection is overruled.

24 **The Witness:** Migraines. Migraines is why I was
25 dismissed from the military. My God.

1 By Dr. Faltas:

2 Q. And you were how old then?

3 A. I don't know. I don't remember.

4 Q. Okay. And then you said you went to South Carolina
5 University?

6 A. Yes.

7 Q. And did you graduate?

8 A. No.

9 Q. You did not graduate. You also went to Benedict
10 College.

11 A. Yes.

12 Q. Did you graduate from Benedict College?

13 A. No.

14 Q. No?

15 A. That's the answer.

16 Q. I just didn't hear it. And you said you also went to
17 Columbia College?

18 A. No, I did not say that.

19 Q. Did you go to other colleges from which you did not
20 graduate?

21 A. Yeah.

22 Q. Which other colleges or universities?

23 A. I went to Midlands Tech. Wow.

24 Q. Midlands Tech? And what else?

25 A. That's it. If you found out something else... I went

1 to high school, middle school, elementary school.

2 Q. So you do not have any college degree?

3 A. No, I do not have a degree.

4 Q. Okay. At one time in another court you claimed that you
5 have an associate's degree.

6 A. When did I say that?

7 Q. Well, there are tapes.

8 A. Okay.

9 Q. And you say that you're gainfully employed. What is
10 your hourly rate?

11 A. That's irrelevant, and that's not your business.
12 Huh-uh.

13 **Dr. Faltas:** Your Honor, may I ask that you have her
14 answer?

15 **The Court:** The objection is sustained. It's
16 irrelevant.

17 **Dr. Faltas:** May -- may I offer her answer for the
18 record?

19 **The Court:** No.

20 By Dr. Faltas:

21 Q. And you have been divorced for only a year and a half?

22 A. That's what I said.

23 Q. Okay. So when you rented the apartment, you were not
24 divorced?

25 A. No.

1 Q. Okay. And, in fact, was it your brother, you, or your
2 ex-husband who rented the apartment for you or someone else?

3 A. Ask me some relevant questions because the questions
4 that you're asking are -- it's like you're trying to be funny
5 with the questions, and I'm not sure how you want me to
6 answer your questions. I can't give you a yes-or-no answer
7 to those questions.

8 Q. Do you know if you signed a lease in your own name or
9 someone else rented?

10 A. If I'm renting the place and I live there alone, I, of
11 course, signed my own lease.

12 Q. Did you have to offer proof of income before --
13 before---

14 **Ms. Weiss:** Objection.

15 **The Witness:** I went through the same process you did.
16 By Dr. Faltas:

17 Q. Your Honor, she obviously doesn't know what process I
18 went through. I was asking if she ever -- if she had to
19 offer -- to offer proof of income before renting the
20 apartment.

21 A. Everybody has to show proof of income.

22 Q. Ma'am, I'm not asking about everybody.

23 A. Wow.

24 Q. I'm asking about you. Did you have---

25 A. What's the relevance?

1 **Dr. Faltas:** Your Honor, could you please make her
2 answer?

3 **The Court:** There's an objection that preceded your
4 colloquy with the witness. State the nature of the
5 objection.

6 **Ms. Weiss:** Relevance to this line of questioning to the
7 case.

8 **The Court:** And what's the relevance, ma'am?

9 **Dr. Faltas:** Your Honor, you know that my defense is
10 that this person has been engaged by Dinah Steele and Larry
11 Mason to try to get rid of me so they can keep my land and
12 the sewer on it, and I am trying to prove that she has a
13 financial incentive to work with them on that, including that
14 they either give her a low rate for rent or an exception or
15 things like that. I'm trying to establish that, Your Honor.

16 **The Court:** The objection is sustained.

17 By Dr. Faltas:

18 Q. So how did you know to rent this apartment?

19 A. What do you mean how did I not rent it?

20 Q. How do you know to rent it? I mean---

21 A. Because it had for rent sign outside.

22 Q. And why were you not wanting to stay where you were
23 before?

24 **Ms. Weiss:** Objection.

25 **The Witness:** Because I wanted to move.

1 **Ms. Weiss:** Objection.

2 **The Witness:** The same reason why you moved there.

3 **The Court:** She's answered the question. She wanted to
4 move. Next question.

5 **The Witness:** Oh, man.

6 **Dr. Faltas:** Did there come a time when other people
7 paid the rent for you?

8 **Ms. Weiss:** Objection.

9 **The Court:** Objection is sustained.

10 By Dr. Faltas:

11 Q. And you talked about a man whom you were dating, and it
12 ended around Valentine's in 2009?

13 A. You made a statement. You didn't ask a question.

14 Q. Do you recall in your direct examination by the State
15 that you talked about a man whom you were dating and it ended
16 badly around Valentine 2009?

17 A. Yeah.

18 Q. Did you call the police telling them that he had
19 threatened to kill you?

20 A. I called the police and said I made threats -- that he
21 -- that he made threats. I'm not even sure what the exact
22 words were. Do you have that transcript or that tape when I
23 called 9-1-1?

24 Q. Your Honor, I cannot testify, but, yes, there is a
25 police report where you said he had----

1 A. Okay. Well, thank you.

2 Q. ---threatened to kill you.

3 A. Thank you.

4 Q. And did you also say that he left notes on your door and
5 produced those notes to the police?

6 A. Yes.

7 Q. Okay. And---

8 A. I said he left a note.

9 Q. Did you also tell the police that he called and talked
10 to your brother?

11 A. I probably did, but what's the relevance of that?

12 Q. Okay.

13 A. Okay. Yes, he came. Yeah, I called the police.

14 Q. And did you tell the jury that the police were out in
15 the parking lot talking to you when I saw you and asked
16 what's going on?

17 A. I did not say that. What I said was when the police
18 came up, then I went downstairs to meet him because our doors
19 have a lock on it which means if you don't know the code you
20 can't get in. I went downstairs to meet him. At that time
21 she was already in her window yelling to try to get him to
22 talk to her, and he told her to go back inside, to mind her
23 business, that what was going on or what had happened didn't
24 have anything to do with her.

25 Q. And did you after that ask Dinah Steele and Larry Mason

1 to change the lock code on the door to your building so that
2 this man cannot come in?

3 A. Yes, I did.

4 Q. Okay. And did you tell them that?

5 A. Did I tell who that?

6 Q. Did you tell Dinah Steele and Larry Mason that that---

7 A. If they changed the code on the door, the answer is
8 obviously, yes, I had to tell them. Right?

9 Q. You requested it. You requested that it happen.

10 **Ms. Weiss:** Objection.

11 **The Court:** The objection is sustained. She's answered
12 the question already.

13 By Dr. Faltas:

14 Q. And then the next day you called the police and said to
15 forget about it; you didn't want the file.

16 A. Oh, that's so untrue.

17 Q. What?

18 A. That's not true.

19 Q. So what happened to that complaint?

20 A. That's not your business. You want to know that. I'm
21 not going to -- I'm not going into my personal business with
22 you. I'm sorry.

23 Q. Did you testify -- do you recall testifying on direct
24 examination that that was the end of that situation?

25 A. Yes.

1 Q. Okay.

2 A. And it is.

3 Q. So someone threatens to kill you. You make a call, and
4 that's the end of it.

5 **Ms. Weiss:** Objection.

6 **The Witness:** The same thing you did.

7 By Dr. Faltas:

8 Q. Do you recall testifying that you never knew me on a
9 personal basis?

10 A. I don't. Still to this day I don't.

11 Q. Since the time I moved in, did I ever make an effort to
12 visit with you or get close to you?

13 A. Yes, you did try.

14 Q. When?

15 A. You tried with all the hellos and the little
16 conversations up until I told you I wasn't going to be
17 involved in that lawsuit thing or whatever about this -- that
18 little piece of land.

19 Q. Okay. So when did I say hello?

20 A. I don't know. Shortly after you moved in.

21 Q. Okay. So it's polite -- you don't think it's polite to
22 say hello to a neighbor?

23 A. If I call back to you, yes, I think it's polite to do
24 that. If it's a neighbor or a stranger or anybody, that's
25 just the polite thing to do is to say hello.

1 Q. So I was politely saying hello to you?

2 A. Yes, in the beginning you was.

3 Q. Yeah. And the beginning was September 2008?

4 A. When you moved in there.

5 Q. Okay.

6 A. Whenever you moved in there, that was the beginning.

7 Q. And you claim that the first time I asked you what your
8 rent was was in March 2009.

9 A. Yeah, around that time.

10 Q. Okay. So from September 2008 'til March 2009, all I did
11 was say hello to you; right?

12 A. No, I never said all of that. I never said that whole
13 span that all you did was say hello.

14 Q. Okay. Did I ever try to come into your apartment?

15 A. No. You know better. No.

16 Q. Did I ever ask you out?

17 A. You don't have a life. This is your life.

18 Q. Did I ever ask you out?

19 A. This is your life. You would invite me to court, yes.
20 You would invite me to court often.

21 Q. Between September 2008 and March 2009, did I ever take
22 you to court or invite you out or make a phone call to you or
23 anything?

24 A. Yeah. You wrote me a note. Do you remember that little
25 letter you wrote me?

1 Q. Okay.

2 A. Do you remember?

3 Q. What is the date of that letter?

4 A. I don't remember.

5 **Dr. Faltas:** All right. Your Honor, I think it's
6 Court's exhibit 6.

7 **Court Reporter:** I don't know. The Court's exhibits are
8 right here.

9 **Dr. Faltas:** May I use it from the Court's exhibits?

10 **The Court:** Yes.

11 **Dr. Faltas:** Thank you.

12 By Dr. Faltas:

13 Q. (Dr. Faltas hands Court's exhibit 5 to the witness.)
14 Court's exhibit 5, is that a copy of it?

15 A. This is a copy of a letter that you wrote to me. We had
16 a conversation. We was in the parking lot one day---

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

18 **The Court:** The basis for the objection?

19 **Ms. Weiss:** If the defendant wishes for the witness to
20 refer to the letter, I'd ask that she enter it into evidence.

21 **The Court:** All right. Do you offer it into evidence?

22 **Dr. Faltas:** Yes, Your Honor. I thought it was already.

23 **The Court:** It's a Court's exhibit, not in evidence.

24 **Dr. Faltas:** Oh.

25 **The Court:** Do you offer it into evidence?

1 **Dr. Faltas:** Yes. Absolutely.

2 **The Court:** All right. It's Defense number 1.

3 (Defendant's exhibit 1 was received in evidence.)

4 **The Witness:** Okay. This is -- this is a letter that
5 she wrote me -- me, her, and my neighbor that lives next door
6 to me, Ms. Charlene. Me and Charlene was outside one day.
7 She was sitting in her car just taking pictures. So on this
8 day it's like, well, let's just give it a try and see if we
9 could just talk to her and see if she could be civil. We did
10 talk. We did talk to the extent of why does she do the
11 things that she does, and if she's so highly educated and
12 knows the judicial system as well as she does, why does she
13 harass the people in Columbia? Why don't you move somewhere
14 else that's big-time and you can really be seen? This is
15 small stuff right here. And how she claims to be a doctor
16 quote/unquote.

17 So I said to her, "Well, since you're a doctor, can you
18 see me? You're a doctor. You're my neighbor. Can you see
19 me?" So at that time then she went on about, "Well, I don't
20 have my license," or whatever she said. So I said, "Well,
21 can I get a prescription?" She went on and said, well, she
22 couldn't do that.

23 Well, anyhow, she writes a letter in response trying to
24 make it that I begged her for money and I begged her for
25 pills and I said to her that I was impressed with the way --

1 with the way that she handles herself in court and that
2 she -- and that I wanted her to teach me I guess the law
3 maybe, but it was the -- this letter to me was to say that we
4 had a regular conversation, and she took the conversation and
5 turned it into that.

6 So this clearly let me see that you cannot even have a
7 civil conversation with her, and on that day I thought it was
8 a civil conversation. As a matter of fact, at the end of our
9 conversation the neighbor that lives in her building, Mr.
10 John, pulls up, and all of a sudden she goes into character:
11 "Oh, my gosh. He's trying to kill me. Can you wait until I
12 get in my apartment?" And I'm standing there like, oh, no, I
13 know you're not doing this. We done stand outside -- she's
14 in her car the whole time for one now. She's in her car with
15 her window wound all the way up on this side this much, but
16 we still had a conversation. As soon as she saw the man pull
17 up, she started screaming and trying to run like I was trying
18 to attack her. And the next day I got this in the mail.

19 By Dr. Faltas:

20 Q. What is the date of that letter?

21 A. It's typed October 3rd, but it doesn't show the mailing
22 date.

23 Q. Can you read it, please?

24 A. No.

25 Q. Does the last sentence before the signature say, "But

1 please do not come uninvited near my car again, as when you
2 did it yesterday it made me very uncomfortable and blocked my
3 access to my home"?

4 A. It doesn't matter what you read from off of that. Okay.
5 You wrote the letter. What do you want me to say? Yes, you
6 wrote the letter and what?

7 Q. And that was the next day after you came next to my
8 car---

9 A. That was after you invited me and Charlene. If I was
10 uninvited to your car, how can I have talked to you for 45
11 minutes, if I was so much in uninvited? Yes, you were
12 sitting in your car and your window was wind (sic) up, but
13 there was enough cracked down, maybe about this much, to
14 talk.

15 Q. So the date of that letter is October 3rd, 2009. Where
16 is the pen?

17 **Ms. Weiss:** I'll be glad to take the sign down.

18 **Dr. Faltas:** No, I want to put...

19 **Ms. Weiss:** No.

20 **Dr. Faltas:** What?

21 **Ms. Weiss:** Take my sign down.

22 **Dr. Faltas:** I want to put this letter in here. So in
23 between two dates when you claim I was harassing you and
24 making unwanted contact with you and all of that, you come,
25 stand next to my car, ask me to write you a prescription, ask

1 me to be your doctor---

2 **Ms. Weiss:** Objection.

3 **The Witness:** Yes. Yeah, I did. Yeah, because it's
4 like -- as intelligent as you claim to be, something has to
5 be wrong for you to act the way that you do. So, yes, I gave
6 you a chance, just you sitting in your car and you looking at
7 us all crazy. So let's -- if we can talk to you with sense
8 -- you can't talk to anybody sensible.

9 By Dr. Faltas:

10 Q. And that is sensible for someone to approach somebody on
11 whom you are calling the police and tell me to give you a
12 prescription and to be your doctor?

13 A. We're still neighbors, yes, and when I said for you to
14 be my doctor, that was said in a funny sense because you
15 claim to be so much of a doctor. That's what I said when I
16 said that, and as a matter of fact, on that day we made light
17 of that. It was to the point where you even laughed as if
18 the judicial system here is a joke to you, and I think you
19 said that in court several times.

20 Q. I said that the judicial system is a joke?

21 A. Oh, yeah.

22 Q. Did I ever introduce myself to you?

23 A. I don't -- yeah, I want to say you did. Yeah.

24 Q. When?

25 A. I don't know when, but you did, probably the same day

1 when you tried to get me to go to court with you.

2 Q. What?

3 A. The same day you wanted me to come to court with you.

4 You already know who I was, so obviously you had been

5 stalking me since then.

6 Q. So in March 2009 is when I asked you to come to court

7 with me.

8 A. Yeah, I think it was that time.

9 Q. Yeah. And I live in the next building to you or I lived

10 there from September 2008, and you think I wouldn't know who

11 you are except by stalking you?

12 A. Exactly, because I have neighbors that's there -- I've

13 been there for two and half years. I just see these people.

14 I've never known their name until she moved here with all

15 that mess. I just see these people and that's it. I speak

16 cordially. Hello. Good-bye. That's it. So, yes, it's

17 possible for you to live and not know anybody's name. If you

18 mind your business, you wouldn't know people's names.

19 Q. So, in fact, the other neighbors weren't even greeting

20 you, and I was the one greeting you.

21 A. I never said that. What I said was I spoke, but I never

22 knew their names. We spoke hello, goodbye's, but I never

23 held a conversation. We never exchanged names.

24 Q. So I was saying hello to you between September 2008

25 until March 2009, and then in March 2009 I asked you what

1 your rent was. Right?

2 A. Yeah.

3 Q. Okay.

4 A. You asked the rent. I'm -- yeah. There's so much stuff
5 that's happened with you. Like if you're trying to make me
6 be specific on dates and times, I'm not going to be that
7 accurate.

8 Q. Okay.

9 A. So...

10 Q. And how much did you tell me your rent was?

11 A. I never told you, as I'm not going to tell you today
12 because it's not your business.

13 Q. And did you testify many times that I responded that
14 they are charging me much more rent than they are charging
15 you?

16 A. Yes, you have, and in each response I said, "Who
17 wouldn't love to have a rent for \$300?" If I can live
18 somewhere and pay \$300 for rent, I would, but I'm not.

19 Q. And you still don't want to tell this jury how much your
20 rent is.

21 A. It's none of their business either.

22 Q. Your rent has always been less than \$550.

23 **Ms. Weiss:** Objection.

24 **Dr. Faltas:** Has your rent---

25 **The Court:** The objection is sustained. Let's move on

1 beyond the rent.

2 By Dr. Faltas:

3 Q. And then you claim that I started harassing you after
4 you said, no, you would not come to court with me.

5 A. Oh, yeah, nonstop.

6 Q. Okay. So did there come a time when I said, "Okay. See
7 how I can harass you now. You will come to court with me,"
8 or anything like that?

9 A. Can you repeat that?

10 Q. I'm saying like if you said that I started harassing you
11 in March---

12 A. Uh-huh.

13 Q. ---did there come a time afterwards like, say, in April
14 I said, "See, I have harassed you for a month. Now you have
15 to come to court with me"?

16 A. No, no, no, no, no. I did that on my own accord just to
17 give you respect as an elderly lady. Maybe you were
18 delusional or crazy in your own mind. So for me to call the
19 police on an old lady that does not have a life and it's
20 clearly (sic) that the things that you're doing is for
21 attention, no, I did not call the police immediately and say
22 that you was harassing me and you know that. I've stated
23 that in court before, too.

24 Q. That wasn't even my question.

25 A. Well, what's the question? I don't understand the

1 question.

2 Q. If you would please listen---

3 A. I answered it to the best of my knowledge that I thought
4 you asked.

5 Q. If you would please listen. You said that I started
6 harassing you after you said you will not come to court with
7 me.

8 A. Yes.

9 Q. What do you think I was trying---

10 A. I'm not you.

11 Q. Okay. Then did there come a time, say, in April or May
12 when I said, "Okay. I've harassed you for two months. Now
13 you've learned your lesson. You will come to court with me,"
14 or something like that?

15 A. It's like are you trying to be funny? I'm not
16 understanding that question. It's like you're smiling when
17 you're asking it like you're trying to make a point, but I'm
18 really not getting it.

19 Q. And then you testified that you have ten acres of land?

20 A. I said several.

21 Q. What?

22 A. I said several.

23 Q. You have several acres?

24 A. Several. Not a slab. Several.

25 Q. Okay. And you call the land that I have a little slab?

1 A. That's what I call it. Compared to mine it is a slab.

2 Q. Okay. And I shouldn't be allowed to build on it?

3 A. I never said that.

4 **Ms. Weiss:** Objection.

5 **The Court:** The question has been answered.

6 By Dr. Faltas:

7 Q. And you said that you mind your business and I should
8 mind mine; right?

9 A. Yes.

10 Q. Okay. Is it my business if I'm charged more than
11 others?

12 **Ms. Weiss:** Objection.

13 **The Witness:** You're right. That's your business. You
14 said it correct: Your business.

15 **Dr. Faltas:** And how will I know if I'm charged more
16 than others?

17 **Ms. Weiss:** Objection.

18 **The Court:** The objection is sustained. How much rent
19 you're charged is irrelevant. Let's move to the -- beyond
20 the rent, her rent and your rent.

21 By Dr. Faltas:

22 Q. And then you claim that the reason you said that you
23 wouldn't come to court is that you would be missing days from
24 work.

25 A. Yes.

1 Q. And yet you stayed in one hearing for three days and in
2 another hearing for one day and in this trial for what?

3 Three days now?

4 A. Correct.

5 Q. Okay. All of these are things that you initiated.

6 A. I initiated? I never initiated you harassing me, so I
7 don't understand your last statement, question, or anything.
8 I never asked to be harassed.

9 Q. You caused these charges to be brought against me.

10 A. I caused it? I caused you to harass me?

11 Q. Ma'am, did you file complaints against me that resulted
12 in these charges being brought against me?

13 A. Obviously, yes.

14 Q. Okay. And then Dinah Steele, the landlady, started---

15 **Ms. Weiss:** Objection.

16 **The Court:** I didn't hear the question.

17 By Dr. Faltas:

18 Q. And Dinah Steele, the landlady, had started an eviction
19 proceeding against me in which you went and stayed in court
20 for three days. Yes?

21 A. I'm not sure when anything took place. Like I stated on
22 yesterday, when all this stuff started with her about court
23 -- when I say every day all the time, literally every day all
24 the time. I'm not sure on dates and times. I never even
25 kept a journal or a log of all this mess. I'm surprised it

1 even got this far.

2 Q. Do you have a supervisor at work?

3 A. Yes, I do.

4 Q. What's that supervisor's name?

5 A. My supervisor's name is Ms. Washington.

6 Q. What's her first name?

7 A. Sandra.

8 Q. And the current job that you have, have you been in it
9 for how long?

10 A. About two and a half years.

11 Q. Were you ever fired for any reason from any job?

12 A. I don't know. Could -- you know, could be. I've been
13 working since I was younger. I'm in my thirties now. I'm
14 sure. Maybe.

15 Q. Did you tell us why you did not graduate from college?

16 **Ms. Weiss:** Objection.

17 **The Witness:** Oh.

18 **The Court:** Objection is sustained.

19 **The Witness:** Okay.

20 By Dr. Faltas:

21 Q. And you said you started noticing me in my car in March;
22 right?

23 A. Yes.

24 **The Court:** The question has been asked and answered.

25 **Dr. Faltas:** That was?

1 **The Court:** You repeated the same questions over and
2 over.

3 **Dr. Faltas:** Not the same. In my car. In my car.

4 **The Court:** The objection is sustained.

5 **Dr. Faltas:** All right.

6 By Dr. Faltas:

7 Q. Isn't March the time I bought what you call the slab of
8 land?

9 A. I don't know when you purchased it.

10 Q. Okay.

11 A. I don't know anything about that.

12 Q. Okay. And then you called me eclectic or weird or---

13 A. Or a gypsy. Exactly. You've taken my pictures. You
14 could have root on me, voodoo. I don't know the purpose for
15 that. Yes, I did say that.

16 Q. Do you know what the word eclectic means?

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

18 **The Witness:** Do you?

19 **The Court:** Overruled.

20 By Dr. Faltas:

21 Q. Of course I do.

22 A. So do I.

23 Q. So what does it mean?

24 A. I'm not answering.

25 Q. And then when you went to see Investigator Blanton, did

1 you write a statement under oath for her?

2 A. Yes, I wrote a long statement of every incident that I
3 could think -- that I could just think about. It's humanly
4 impossible for me to just sit at one period -- let's say
5 somebody gives me an hour to say everything that you've done
6 pretty much in every court case. I could never sit here and
7 say how much things that you have done.

8 Q. So you gave Investigator Blanton two sworn statements;
9 right?

10 A. Yeah.

11 Q. Okay. And in one of them you told her that I overheard
12 you having a verbal altercation with a neighbor.

13 A. Correct.

14 Q. And I overheard you from my window; right?

15 A. Yep.

16 Q. You were standing under my window and yelling at another
17 neighbor.

18 A. That's where you're making the stuff up. You know I was
19 not under your window.

20 Q. And you wrote in your sworn statement to Investigator
21 Blanton what happened after that.

22 A. She wants me to tell you that guys that she wanted to
23 pray for me, and I was on the phone talking to my mom, and my
24 mom could hear her in the background saying she wanted to
25 pray for me. By this time I'm already kind of irritated

1 because I'm already arguing, and here she is not minding her
2 business.

3 My mom is in my ear saying, "Well, if she wants to pray
4 with you or whatever, go ahead and let her do it." So I
5 stand there holding the phone and she's reciting the Lord's
6 prayer as if I don't know it. But she tries to play me as if
7 I'm just stupid or don't know the Lord's prayer. I go to
8 church every Sunday and, yes, I do know it, but I did let her
9 say the prayer. I didn't stop her. She did say it, and when
10 she did say the prayer, I walked off from her. I didn't want
11 to. Clearly I didn't want to, but I did, but she prayed.

12 Q. In fact, didn't you in your sworn statement to
13 Investigator Blanton write that I told you that if you loved
14 God you should go and apologize to that neighbor?

15 A. You said that, and I'm good with God. If you love God
16 and claim to know God the way that you do, the things that
17 you do you should not do.

18 **Dr. Faltas:** No objection?

19 **Ms. Weiss:** What?

20 **Dr. Faltas:** These being Defendant's exhibits 2 and 3.

21 **Ms. Weiss:** You can mark them.

22 **Dr. Faltas:** May I, Your Honor? May I?

23 **The Court:** May you do what?

24 **Dr. Faltas:** Mark them as Defendant's exhibits 2 and 3.

25 **The Court:** Any objection by the State?

1 **Ms. Weiss:** No objection to them being marked, Your
2 Honor. As far as evidence, I think the best evidence is the
3 witness's testimony.

4 **Dr. Faltas:** Prior inconsistent statements, Your Honor.

5 **The Court:** What are they?

6 **Dr. Faltas:** They are handwritten sworn statements by
7 her.

8 **The Court:** All right. They can be marked.

9 **Dr. Faltas:** Thank you. Your Honor, may I introduce
10 them if she identifies them?

11 **The Court:** At this point they're for identification
12 only.

13 (Defendant's exhibits 2 and 3 were marked for
14 identification only.)

15 **The Court:** You have 15 more minutes.

16 By Dr. Faltas:

17 Q. (Dr. Faltas hands documents to the witness.) Do you
18 recognize Defendant's exhibits (sic) 2, please?

19 A. Yes.

20 Q. Is most of it in your handwriting?

21 A. Yep.

22 Q. Has it been sworn to by you?

23 A. Yes.

24 Q. Could you please read it for the jury?

25 A. No.

1 Q. I will read it, and you tell me if anything in there is
2 not...

3 A. If I wrote it, it's true.

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

5 **The Court:** Basis for the objection?

6 **Ms. Weiss:** The defendant can ask the witness about
7 anything in statements; most of these she has. If there's an
8 inconsistent statement, I believe she can read from it to --
9 to point to impeach---

10 **Dr. Faltas:** That's what I---

11 **Ms. Weiss:** ---but I object to her just reading from---

12 **Court Reporter:** I can't take you both at the same time.

13 **The Court:** The objection is sustained.

14 **Ms. Weiss:** Thank you.

15 **The Court:** Improper use of a statement.

16 **Dr. Faltas:** I'm sorry?

17 **The Court:** I said improper use of a preexisting
18 statement. The objection is sustained. Or a previously
19 given statement.

20 **Dr. Faltas:** May I pass it to the jury then?

21 **The Court:** No, it's not in evidence.

22 **Dr. Faltas:** May I admit it into evidence since she
23 identified it?

24 **The Court:** No, you may not.

25 **Dr. Faltas:** Your Honor, may I request argument on this?

1 **The Court:** No, you may not, not in the presence of the
2 jury.

3 By Dr. Faltas:

4 Q. Defendant's exhibit 3, do you recognize it as most of it
5 being in your handwriting?

6 A. Yes.

7 Q. And did you file that under oath?

8 A. Yeah, both of them say the same thing, I think.

9 **Court Reporter:** I'm sorry. Repeat that.

10 **The Witness:** I said yeah. Yes.

11 By Dr. Faltas:

12 Q. What is the date of that one?

13 A. 11/03.

14 Q. Which year?

15 A. '09.

16 Q. Is Tiffany's real name Stephanie?

17 A. There you go wanting to be nosy again. Tiffany and
18 Stephanie are two different people. If you're so smart, you
19 would have known that.

20 Q. You claim that -- you claimed -- yesterday you testified
21 that the Commissioner HUD, the fire chief, and police
22 officers come to your address wanting to -- in the hope of
23 meeting who the prostitute who is on 300 Byron Road?

24 A. Yes. Yes, because you tell everybody that, and there
25 has been several cases or incidents where I've even asked her

1 and the judge -- we've been in court and she has been asked
2 why does she feel that I'm a prostitute. Her response is
3 because I wear nails and how I dress. Anybody that wears
4 nails or wigs or weaves is a prostitute.

5 As a matter of fact, she says Marilyn Monroe is a
6 prostitute, and who else did you say? There was a couple of
7 other people, but that's her reason. And she feels that I
8 take my money and spend my money on clothes. As a matter of
9 fact, in pertaining to her calling me a prostitute, an
10 officer came one day and asked her as well why does she call
11 me a prostitute, and she told the officer because I spend my
12 money on clothes. So that's her reasoning for calling me a
13 prostitute. So when people come, they want to know: Well,
14 let me see the prostitute, so...

15 Q. Okay. So did the commissioner of HUD proposition you---

16 **Court Reporter:** I'm sorry. The commissioner of what?

17 By Dr. Faltas:

18 Q. Of HUD proposition you, say, "I came in the hope of
19 meeting the prostitute"?

20 A. Okay.

21 Q. "Come and be a prostitute with me"? Did anyone do that?

22 A. Okay.

23 Q. Did anyone come and say, "Okay. Since you're the
24 prostitute---

25 A. Okay.

1 Q. ---of 300 Byron Road, here is money. Give us sex," or
2 something like that?

3 A. Okay. Nobody has ever and will ever proposition me for
4 anything like that. My family is well to do. I've been
5 brought up with both my mother and my father. They are still
6 married today in the same household and everything. I have
7 no kids or anything. So for you to have an opinion, that's
8 fine. I'm not going to even defend that. If you think I'm a
9 prostitute, that's fine. I think you're a lesbian. So now
10 you see how it feels? It doesn't feel good; right?

11 Q. I was asking those people whom you claim came in the
12 hope of meeting the prostitute why did they hope to meet a
13 prostitute?

14 A. Because you go around saying that to everybody.

15 Q. Yes, but what were they wanting to do with---

16 A. Why would you say it?

17 Q. My question is: Did -- how did---

18 A. I can't answer for them, but why would you say it?

19 Q. You testified that they came---

20 A. Exactly. And his exact words were, "When I went to talk
21 to Dr." Really "Faltas about her complaints with the HUD
22 commissioner," he was -- like when he came in my apartment
23 compared to hers -- the buildings do look kind of like an
24 eyesore. It's not like -- okay. It wouldn't be anyone's
25 first choice, but the insides are really nice, and my

1 apartment is beautiful.

2 When he came from her apartment into my apartment, he
3 was like, "Oh, my gosh. I thought these apartments were..."
4 She's got books in the refrigerator. Who lives like that?
5 Books -- she doesn't even eat in her house, but then this man
6 is coming in his profession saying that -- maybe he wasn't
7 supposed to tell me what she said, but he said, "Well, don't
8 you know I went to talk to her and she says that you're a
9 prostitute?" So I want to meet Teresa, quote/unquote. So he
10 comes into my apartment, and it's like, "Wow," like it's
11 unbelievable. Everybody else is living how normal people
12 should live. I don't know her...

13 Q. So the HUD Commissioner wanted to meet the prostitute,
14 and you said the fire marshall also?

15 A. Yeah, and not only did he just come to meet me, he came
16 to look at the apartment because obviously she had complained
17 that the apartments were I guess bad or in a condition that's
18 not livable, but that was clearly unfounded because it's just
19 the way she chooses to live in her apartment, so...

20 Q. Could you please stay on the subject?

21 A. That is the subject. We are talking about the HUD
22 commissioner that came and his reasoning for coming. That's
23 -- that's on the same thing. You just don't want to know --
24 you don't want them to know the entire truth. Speak the
25 truth.

1 Q. Ma'am, could you please answer the question?

2 A. I am.

3 Q. And do you recall yesterday you also testified that the
4 fire chief wanted to meet the prostitute on 300 Byron Road?

5 A. Yeah.

6 Q. So did that fire chief also tell you -- did he
7 proposition you? Did he say I---

8 A. Again, nobody will never proposition me. Never. That's
9 what you need.

10 Q. And you also testified that the police officers come in
11 the hope of meeting the prostitute?

12 A. Well, the police officers already know because they come
13 out there almost on a constant basis, so they know who I am.
14 But there's just one officer that came at a time when he
15 could visibly see that I was upset with her, and he asked her
16 why was she doing that, and this is the same officer that had
17 to literally almost force her to put her foot on the gas and
18 go.

19 She's arguing with the officer about not harassing me
20 and not blocking me, and the officer is clearly telling her,
21 "I'm here in your presence, and you're harassing her now."
22 So the officers already know who I am. So they already know
23 that she calls me a prostitute.

24 Q. And?

25 **The Court:** You have five more minutes.

1 **Dr. Faltas:** Five more minutes?

2 **The Court:** Five more minutes.

3 **Dr. Faltas:** Until we adjourn for today?

4 **The Court:** Yes, five more minutes.

5 **Dr. Faltas:** Thank you, Your Honor, but I will continue
6 to cross-examine?

7 **The Court:** Well, I don't know. You have five more
8 minutes.

9 **Dr. Faltas:** Well, Your Honor---

10 **The Court:** Ask your next question.

11 By Dr. Faltas:

12 Q. Ma'am, have you been on Zoloft and Vicodin?

13 A. I never said---

14 **Ms. Weiss:** Objection.

15 **The Witness:** It's fine. It's fine. I never said
16 Vicodin. I said Zoloft. And if you want to know or anybody
17 else, I take Effexor for my anxiety attacks. So since you
18 know so much but so little...

19 Q. And you had those anxiety attacks long before you met
20 me.

21 A. Well, actually I thought I was having one this morning
22 and I wasn't going to make it and terrible migraines that I
23 got discharged for. Dealing with you, yes, is causing me
24 physical anxiety.

25 Q. Okay. And you testified that when you took somebody's

1 credit card and signed their name on it and got merchandise
2 and then went out and went---

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

4 **The Witness:** You keep saying that like you just want to
5 sneak that in. That didn't happen, and if it makes you feel
6 good to keep saying that, that's fine. I've already
7 explained how that situation happened---

8 By Dr. Faltas:

9 Q. When did it happen?

10 A. ---and that happened in 1998 which would make it over 12
11 years ago.

12 Q. And when were you born?

13 A. You don't know that?

14 Q. Ma'am, I'm asking you: When were you born?

15 A. 1976.

16 Q. So at that time you were 22.

17 A. Good.

18 Q. So you weren't just falsifying---

19 **Ms. Weiss:** Objection.

20 **The Witness:** Did I say that?

21 **The Court:** Just a moment. The objection is sustained.
22 Move beyond that line of questions.

23 By Dr. Faltas:

24 Q. And when you sued a woman for allegedly a car accident,
25 you said that that caused you anxiety and mental distress.

1 Isn't that correct?

2 A. Yeah, anything -- it doesn't have to be one particular
3 thing that can cause a person to have anxiety attacks.

4 Q. And that accident occurred in June 2008?

5 A. I'm not sure. I don't remember. It happened.

6 Q. Okay.

7 A. And I don't think it was June. I don't think it was
8 that far into the year.

9 Q. Okay. And that was before you met me.

10 A. Exactly. So why is that even any of your business?

11 Q. And you had the trial in August 2009.

12 A. You know all this better than me. I don't know when the
13 trial was. If you say it was in August, it probably was in
14 August.

15 Q. Okay. And you did not get any money from it.

16 A. I sure didn't, not a dime.

17 Q. All right.

18 A. I'm alive.

19 Q. And you claimed that that accident had been causing you
20 anxiety and mental distress.

21 A. I never said that.

22 **Dr. Faltas:** Well, Your Honor, may I show her the
23 complaint?

24 **The Court:** No.

25 By Dr. Faltas:

1 Q. And you also claim that you never called me the B. Word.

2 A. Never. And in the tape that you want everybody to hear,
3 if anybody can hear anybody calling anybody a bitch on this
4 tape, the only person you can hear clearly on this tape is
5 her arguing with us outside. So, yes, play your tape.

6 **Dr. Faltas:** I'm trying to find this---

7 **The Court:** Unless the tape is about 30 seconds, we're
8 not going to hear it today. How long is the tape.

9 **Dr. Faltas:** Well, that part where she's---

10 **The Court:** How long is it?

11 **Dr. Faltas:** It's about 15 minutes, Your Honor.

12 **The Court:** All right. Well, I said we're leaving in 15
13 minutes and that was 15 minutes ago.

14 **Dr. Faltas:** Sorry?

15 **The Court:** I said 15 minutes ago that we were leaving
16 in 15 minutes, so obviously we're not going to listen to a
17 15-minute tape.

18 **Dr. Faltas:** All right. So can Your Honor set---

19 **The Court:** So you have one more minute. (Pause) Now
20 40 seconds.

21 By Dr. Faltas:

22 Q. Did you ever write in a sworn statement that there was
23 an altercation by people other than me in the parking lot?

24 A. That's something that -- actually, that's something you
25 started when you followed me and Richard that morning when

1 you accused him of fighting me, and a couple of days later a
2 neighbor from down the street was just walking past and I was
3 outside either washing my car or something, and he said, "Was
4 you home when they was fighting in the parking lot?" And I
5 was like, "Who?" He was like a girl -- actually he said it
6 was a white girl and black dude fighting in the parking lot.

7 So she clearly knew it wasn't me and Richard. So I put
8 just put two and two together that when she accused him of
9 that morning -- of me and him in the parking lot fighting...
10 So I think that's what she's trying to refer to, but I don't
11 know nothing about that.

12 Q. So there are people who come to our parking lot and
13 fight?

14 A. I don't know. They were -- I don't know.

15 **The Court:** All right. Ladies and gentlemen, that will
16 do it for this day. 9:30 tomorrow morning. 9:30. 930.
17 9:30 tomorrow morning. Do not take any exhibits with you.
18 We look forward to seeing you all. I'm sure you all look
19 forward to seeing us. 9:30 tomorrow morning.

20 (Whereupon, the jury was excused from open court for the
21 day at 5:55 p.m.)

22 **The Court:** You may step down, Ms. Ingram.

23 **The Witness:** Thank you.

24 **The Court:** Is there anything before we leave this day?

25 **Dr. Faltas:** Yes, Your Honor.

1 **The Court:** All right. Yes, ma'am?

2 **Dr. Faltas:** I have a municipal trial tomorrow morning
3 and, of course, I'll be here all day. I didn't get a chance
4 -- actually, it's before Executive Judge Turner, so I need
5 something to---

6 **The Court:** She knows where you'll be tomorrow.

7 **Dr. Faltas:** So no more -- so I'll file a motion for a
8 continuance. The second thing is---

9 **The Court:** She knows that you're in this trial. You
10 have -- you subpoenaed her here today, so she knows that
11 you'll be here tomorrow.

12 **Dr. Faltas:** Your Honor, I think I have about an hour
13 and a half more of cross-examination of this witness. At
14 this point may I know what the State's projected schedule is
15 and when I will get to put up my case? I'm considering that
16 Your Honor is not a resident judge here, how that would go.

17 **The Court:** All right. Well, tomorrow is Thursday.
18 This session of court will end on Friday. I'm assigned to be
19 in Fairfield County next week, Lexington the week thereafter,
20 and not assigned to be back in Richland anymore for the next
21 several months that I know of.

22 **Dr. Faltas:** So I mean---

23 **The Court:** Other than common pleas court in -- is that
24 April? So I don't know.

25 **Dr. Faltas:** So---

1 **The Court:** On Saturday the mock trial will be in this
2 courtroom.

3 **Dr. Faltas:** Pardon?

4 **The Court:** A mock trial will be in this courtroom.

5 **Dr. Faltas:** A block trial?

6 **The Court:** We won't be here on Saturday. Yes.

7 **Dr. Faltas:** Did you say block trial---

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

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

12 **The Court:** Make the State rest?

13 **Dr. Faltas:** At a time certain.

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

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

21 **The Court:** Do you agree that---

22 (A telephone rings in the courtroom.)

23 **The Court:** Oh, boy. Oh, boy. Let's let her slide this
24 time. She's worked hard being on a 403... She won't do it
25 again. We'll let her slide.

1 **Lady In The Courtroom:** I apologize.

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

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

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

12 **Dr. Faltas:** All of them?

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

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

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

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

22 **The Court:** Well, we're on to something: Time limits to
23 get this trial done. That's -- that's what we're on to.
24 But, for example, this one witness has taken all day, and you
25 say you have another hour and a half more of questioning of

1 her, much of which you've been very repetitive in doing. So
2 if we can agree on some -- you know, I generally do not like
3 to impose time limits on folks asking questions, and even
4 though I'm certain the jury would love for there to be time
5 limits placed on the length of time people are on that stand
6 asking questions...

7 **Dr. Faltas:** Well, Your Honor, I mean, what is the
8 alternative? That I don't get to put a defense?

9 **The Court:** Well, you have a right to put up a defense,
10 but you've -- you've -- how many witnesses do you anticipate
11 having?

12 **Dr. Faltas:** Well, I don't even know who else the State
13 will put on, but I definitely, God willing, plan to testify
14 myself unless there is a directed verdict at the end of the
15 State's case. But what I wanted to say: The State presented
16 a hundred exhibits and the witness, you know, freelanced on
17 everything. I asked simple yes or no---

18 **The Court:** Well, you were asking her about photographs
19 that you took, and you intend to testify. So you want her to
20 tell what's in the pictures. Then later you want to say
21 what's in the pictures, and then after asking her what's in
22 the pictures, then you want to put the pictures down and then
23 ask her more questions about what happened regarding what was
24 -- what was in the pictures. So, you know, much of that can
25 be condensed.

1 **Dr. Faltas:** Your Honor, I was following the State's
2 direct examination, and I think I have a right to do that.

3 **The Court:** Well, I'm not questioning that at all.
4 We're just discussing the means to which this matter can be
5 shortened somewhat. That's what we're talking about.

6 **Dr. Faltas:** All right. Can the State tell us how many
7 witnesses it has and can there be a time certain for the
8 State to finish its case?

9 **The Court:** All right. State?

10 **Ms. Weiss:** Yes, Your Honor.

11 **The Court:** She wants a time certain for the State to
12 finish. How many more witnesses do you have?

13 **Ms. Weiss:** I anticipate calling one, two, four, five,
14 six, seven -- possibly seven to eight more witnesses.
15 Depending on how the testimony goes, I may be able to shorten
16 that. I would love to have -- time limits would be perfectly
17 fine with the State. I don't anticipate -- most of these
18 witnesses should be -- actually, all the witnesses should be
19 very short.

20 **The Court:** All right.

21 **Dr. Faltas:** Well, Your Honor, unless the witnesses have
22 admissible evidence, could we ask now who the witnesses are?

23 **The Court:** The investigators and police officers and
24 other people who were out there whose pictures were taken, et
25 cetera. Those are probably the witnesses.

1 **Ms. Weiss:** (Nodded head up and down.)

2 **Dr. Faltas:** But, for example, Investigator Blanton
3 admitted that she never personally observed anything.

4 **The Court:** She's not testified yet in this trial. She
5 testified in the suppression hearing.

6 **Dr. Faltas:** Well, I'm sure she will testify at the
7 different thing once she testified under oath that she never
8 observed any event.

9 **The Court:** Well, I don't know what she plans to testify
10 to, but if you all want us -- want a one-hour limit to be
11 placed on all witnesses - 20 minutes for direct exam and 40
12 minutes for cross-exam or 30 minutes for direct and 30
13 minutes for cross - I'll be happy to impose that.

14 **Dr. Faltas:** Yes. Yes, please, Your Honor and -- but---

15 **The Court:** Would you like for me to do that?

16 **Dr. Faltas:** Yes, Your Honor, so long as the State rests
17 by Thursday, God willing tomorrow, by 5:00 so I can get to
18 present a defense.

19 **The Court:** All right. All right. That means you might
20 not have another hour and a half with Ms. Ingram up here.

21 **Dr. Faltas:** Well, I mean, I don't know how long her
22 witnesses will be, especially -- especially if they have no
23 admissible evidence.

24 **The Court:** Right.

25 **Dr. Faltas:** If they did not personally observe

1 anything.

2 **The Court:** All right. I understand. Well, we'll see
3 how it goes, but based -- would you want me to impose those
4 time limits as well?

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

6 **The Court:** All right. The parties have agreed for
7 there to be time limits that the court will impose and that
8 -- and that further that the State will rest by the end of
9 the day tomorrow?

10 **Ms. Weiss:** Your Honor, if we can---

11 **The Court:** Can we go up 'til 6 tomorrow?

12 **Ms. Weiss:** If we can set a limit on the cross-
13 examination of the victim in the morning, I have no problem
14 resting tomorrow.

15 **The Court:** All right. And will necessitate your having
16 no more than one-half hour more with the victim so that we
17 can start with the other witnesses by 10:00, 10:15 at the
18 latest.

19 **Dr. Faltas:** Your Honor, I think I deserve an hour and a
20 half with the alleged victim and after that we can -- she can
21 shorten her other witnesses and especially -- I mean, I don't
22 want her to be putting witnesses whom she knows have no
23 admissible evidence---

24 **The Court:** Right.

25 **Dr. Faltas:** ---and I try to object and, Your Honor, you

1 know -- and I look back to the jury.

2 **The Court:** Yeah. Well, part of the hazards of a pro se
3 litigant is that oftentimes no matter how many law books you
4 might read -- but you still do not know proper trial
5 procedures and the rules of procedure and the rules of
6 evidence, and if you don't, then quite often you will have
7 objections sustained and overruled that will not go in your
8 favor.

9 **Dr. Faltas:** Am I wrong in that witnesses who did not
10 observe things personally cannot testify? Am I wrong?

11 **The Court:** Any witness the State calls can testify and
12 any -- you object to whatever testimony that the State
13 offers, and I will rule based on every objection that
14 everyone makes. I cannot foretell the substance of any
15 testimony or what my rulings would be as to any testimony
16 offered.

17 **Dr. Faltas:** Has Your Honor considered further the issue
18 of the unconstitutionality of the statute?

19 **The Court:** Yes, I've considered it further. I will --
20 I will rule on that by day's end tomorrow.

21 **Dr. Faltas:** Thank you, Your Honor.

22 **The Court:** Okay?

23 **Ms. Weiss:** Your Honor, may I ask a question about the
24 timeliness?

25 **The Court:** Yes.

1 **Ms. Weiss:** If the State does not go for a full 30
2 minutes, it's still 30 minutes for the defense. We each have
3 30 minutes.

4 **The Court:** Yes.

5 **Ms. Weiss:** So if I choose to go shorter to try to get
6 the witnesses in more quickly---

7 **The Court:** Right. That limitation will not be imposed
8 on Ms. Ingram. She has another full arsenal of questions for
9 her tomorrow that will take at least up to an hour and a half
10 you think?

11 **Dr. Faltas:** Yes, Your Honor.

12 **The Court:** All right.

13 **Dr. Faltas:** And, Your Honor, may I say that if the
14 State finishes before the end of the day tomorrow, may I
15 start before then?

16 **The Court:** Yes, absolutely.

17 **Dr. Faltas:** Unless there is a directed verdict.

18 **The Court:** Absolutely.

19 **Ms. Weiss:** But, Your Honor, I will say that it is the
20 State's burden of proof, and I do intend to call all the
21 witnesses that I need to call to put up my case.

22 **The Court:** Absolutely. You have a right to call
23 whatever witnesses you choose to call.

24 **Ms. Weiss:** Thank you, Your Honor.

25 **Dr. Faltas:** Your Honor, have I offended you?

1 **The Court:** Not in any way. You've been most pleasant
2 and gracious, and you have not offended me in any way.

3 **Dr. Faltas:** Your Honor, I think -- in fact, I was
4 surprised at the admissions that were made as far as the
5 search warrant and I hope you -- I mean, I think the evidence
6 was even better than I expected, and I hope you don't think I
7 made the suppression motion frivolously.

8 **The Court:** No. No, you didn't. I did not consider the
9 motion frivolous at all. I thought it was appropriate for
10 you to make the motion, and I ruled based on the evidence
11 offered as I saw it, but I have no problem with---

12 **Dr. Faltas:** Should I brief the issue further of the --
13 that it should have been the...

14 **The Court:** I've ruled on that issue of the -- I've
15 ruled on the search warrant, and the evidence is in. The
16 evidence consists of the photographs.

17 **Dr. Faltas:** Do I need -- I'm asking to preserve it.

18 **The Court:** Are there other -- is there other evidence
19 other than photographs that were taken that you intend to
20 offer?

21 **Ms. Weiss:** Photographs and audiotapes.

22 **The Court:** Yeah. Those things are, you know, matters
23 that you'll be using as well.

24 **Dr. Faltas:** But they are my property.

25 **The Court:** Yeah. But, still, that's the -- under any

1 analysis it's almost not the matter of the subject of a
2 search. If you made -- if you take pictures and you're
3 acknowledging that you took the pictures and all of that
4 so...

5 **Dr. Faltas:** Your Honor, the reason I needed the search
6 to be declared invalid is that they are still to this day
7 holding on to more of my property.

8 **The Court:** Yeah. Well, those are separate issues not
9 germane to this trial.

10 **Dr. Faltas:** Well---

11 **The Court:** But I've ruled on that search warrant issue,
12 and I am going to stand by that ruling. Anything regarding
13 other property and all, that's another matter for another
14 day, maybe even for another judge.

15 **Dr. Faltas:** Well, Your Honor, all the motions were
16 assigned to Your Honor, and I need to be able to -- I wasn't
17 -- even after she was told to make the arrangements, the
18 arrangements weren't honored, and I still wasn't able to hook
19 my computer up.

20 **The Court:** What's wrong with the computer now?

21 **Dr. Faltas:** Sorry?

22 **The Court:** What's wrong with the computer now?

23 **Dr. Faltas:** They didn't come at the time they said they
24 were coming, and so I wasn't able to have enough time to take
25 it to the apartment and connect it and test it. Besides,

1 there are a matter of maybe 180 floppy disks that I need to
2 test.

3 **The Court:** Well, that's -- as I indicated, we're doing
4 the trial now and that's -- to a great degree, that is a
5 collateral issue not germane to the proof in this case.
6 That's a matter involving -- almost of a civil nature, but
7 we'll address any other relevant issues of this case that we
8 need to, including that if we need to.

9 **Dr. Faltas:** Thank you, Your Honor.

10 **The Court:** But that won't be right now because I am
11 leaving. We're in recess.

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

13 **Ms. Weiss:** Thank you, Your Honor.

14 (Whereupon, the trial concluded for the day at 6:11 p.m.
15 and resumed the following day, February 25, 2010, as
16 follows.)

17 **The Court:** If you'll please be seated. Good morning.

18 **Ms. Weiss:** Good morning.

19 **The Court:** Madam witness, if you'll resume your spot.
20 You're still under oath, and if you'll bring the jury,
21 please.

22 **Dr. Faltas:** Your Honor, there were a few matters I'd
23 like to bring before the Court before the jury comes in
24 today. May it please the court?

25 **The Court:** Okay.

1 **Dr. Faltas:** First, I had asked about the jury viewing
2 the site.

3 **The Court:** I have decided to deny that.

4 **Dr. Faltas:** All right. Then there were witnesses that
5 were on the State's witness list and that to whom she
6 referred, and I don't know if the State is going to call
7 them. I need to call them.

8 **The Court:** All right. We're dealing with this witness
9 at this time.

10 **Dr. Faltas:** The other -- the other thing...

11 **The Court:** We'll address any other matters later.

12 (Whereupon, the jury was brought into open court at 9:47
13 a.m.)

14 **The Court:** All right. Thank you very much. Good
15 morning. You may proceed.

16 **Dr. Faltas:** Thank you, Your Honor.

17 Cross-Examination (resumed)

18 By Dr. Faltas:

19 Q. Good morning. Good morning. Yesterday you claimed that
20 I know who your father is and who your brother is and who --
21 have I ever been introduced your father or to your brother or
22 to anybody? Did you ever introduce me to your father?

23 A. I never introduced you to my father. You introduced
24 yourself to my brother, and just common knowledge I would
25 think that you would just assume an elderly man with an

1 elderly woman would automatically be my parents. But, no,
2 you never introduced yourself.

3 Q. Really?

4 A. Really, but you know them.

5 Q. No, no. I mean, no, really? Common sense is that any
6 older person is the father of any younger woman in the world?

7 Just---

8 A. Okay.

9 Q. And that -- was I ever introduced to your ex-boyfriend
10 who threatened to kill you?

11 A. You didn't have to be.

12 Q. Ma'am, yes or no?

13 A. I don't know.

14 Q. Did you ever introduce me to your ex-boyfriend who
15 threatened to kill you?

16 A. I don't know.

17 Q. Did you ever introduce me---

18 A. That's my answer.

19 **Ms. Weiss:** Objection.

20 **The Court:** The objection is sustained. Don't argue
21 with the witness.

22 By Dr. Faltas:

23 Q. Did you ever introduce me to your cousin?

24 A. You introduced yourself as---

25 Q. Did you---

1 A. ---the landlord.

2 **Dr. Faltas:** Your Honor, that's a yes-or-no question.

3 **The Court:** The question is responsive -- the answer is
4 responsive to the question.

5 By Dr. Faltas:

6 Q. Did you ever introduce me to your cousin?

7 A. No, you introduced yourself to him as the landlord.

8 Q. Were you there?

9 A. He told me.

10 **Dr. Faltas:** Your Honor, that's hearsay, and I ask the
11 jury to dis -- Your Honor to -- to instruct the jury to
12 disregard that.

13 **The Court:** All right. She's responded to the question.

14 **Dr. Faltas:** And when is it that your ex-boyfriend is
15 supposed to have threatened to kill you?

16 **Ms. Weiss:** Objection.

17 **The Witness:** We talked about that yesterday.

18 **Dr. Faltas:** It was about Valentine's Day; right?

19 **The Court:** Just a moment. There's an objection. The
20 nature of the objection?

21 **Ms. Weiss:** Asked and answered, Your Honor.

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

23 By Dr. Faltas:

24 Q. And when is it that I'm supposed to have met your
25 cousin?

1 A. I'm not sure.

2 Q. It was after Valentine's Day, wasn't it?

3 **Ms. Weiss:** Objection.

4 **The Court:** Basis for the objection?

5 **Ms. Weiss:** The witness has already answered the
6 question.

7 **The Court:** The objection is overruled.

8 By Dr. Faltas:

9 Q. It was after Valentine's Day 2009, wasn't it?

10 A. I don't know.

11 Q. All right. So you -- yesterday -- and I'm just laying
12 the foundation, just summarizing the testimony from
13 yesterday, not asking it again. You testified---

14 **The Court:** The objection is sustained to summarizing
15 testimony from yesterday.

16 **Dr. Faltas:** All right. Then assuming for the purpose
17 of this question that yesterday you testified that---

18 **Ms. Weiss:** Objection.

19 **The Court:** I need to hear the question.

20 **Dr. Faltas:** ---that there was a man who threatened to
21 kill you and that you -- the police, when they came, I saw
22 the police talking to you and that later you asked---

23 **Ms. Weiss:** Objection.

24 **Dr. Faltas:** ---the landlord to change the security lock
25 on your door. Then would it not be reasonable for me if

1 sometime later I saw another young man trying to get through
2 the security door of your building to assume that he might be
3 that boyfriend returning to harm you?

4 **The Court:** Objection is sustained. The witness cannot
5 speculate what would be reasonable for you.

6 **Dr. Faltas:** Oh, Your Honor, she has been all---

7 **The Court:** The objection is sustained. Next question.

8 **Dr. Faltas:** Would I have had any basis---

9 **Ms. Weiss:** Objection.

10 **Dr. Faltas:** What basis do you know of that I would have
11 had before I spoke to your cousin?

12 **Ms. Weiss:** Objection.

13 **The Court:** It's overruled.

14 **Dr. Faltas:** Thank you.

15 **The Court:** No need to thank the court.

16 **Dr. Faltas:** I apologize -- you told me no need to
17 apologize.

18 By Dr. Faltas:

19 Q. What basis would I have had before speaking to your
20 cousin to know that he is not the ex-boyfriend returning?
21 What basis would I have had?

22 A. I don't know you. I'm not you.

23 Q. All right. Yesterday you denied that you were on Zoloft
24 and Vicodin.

25 A. That's not true. I did not deny it, and I'm not on

1 Vicodin. Stop saying that. Ask the question.

2 Q. Were you ever on Vicodin?

3 A. Were you ever on Vicodin?

4 **Dr. Faltas:** Judge, she cannot ask me questions. She
5 needs to respond to my question.

6 **The Court:** Please respond to the question.

7 **The Witness:** I've answered that question yesterday.

8 **Dr. Faltas:** What is the answer today?

9 **Ms. Weiss:** Objection.

10 **The Court:** The objection is sustained. The question
11 has been asked and answered.

12 **Dr. Faltas:** Your Honor, I don't think she said that she
13 was on Vicodin yesterday.

14 **The Court:** She said she's not on Vicodin.

15 **Dr. Faltas:** She's not on Vicodin.

16 **The Court:** Yes.

17 **Dr. Faltas:** And did she yesterday say that she was
18 never on Vicodin?

19 **The Court:** You have to ask her questions. The next
20 question.

21 By Dr. Faltas:

22 Q. Were you ever on Vicodin?

23 A. I've answered that.

24 **Ms. Weiss:** Objection.

25 **Dr. Faltas:** What's the answer?

1 **Ms. Weiss:** Objection.

2 **The Court:** I overrule the objection to expedite this
3 whole thing.

4 By Dr. Faltas:

5 Q. Were you ever on Vicodin?

6 A. Once again, for the very last time, I have never been on
7 Vicodin.

8 Q. Did you ever in a court of law present a statement from
9 someone saying that you were on Vicodin?

10 A. If I was never on Vicodin, what would it be the use for
11 a statement?

12 **Dr. Faltas:** Your Honor---

13 **The Court:** Ladies and gentlemen, concerning your note
14 to the Court stating that, "It appears this trial may run
15 past Friday. This presents an extreme hardship to most of
16 us. Are there any provisions for this or are there any
17 options for us?" It's the Court's intent to speed this trial
18 up significantly after this witness and to be through with
19 this witness no later than 11:00. And so the option for you
20 is that we intend to finish this case. Next question, ma'am.

21 **Dr. Faltas:** Yes, Your Honor. I'm finding a document.

22 **The Court:** This is the first witness. The first few
23 minutes of the testimony you must be prepared to proceed.
24 You have to proceed, ma'am. Next question.

25 **Dr. Faltas:** Were you ever treated by a James Fields?

1 **Ms. Weiss:** Objection.

2 **The Court:** Your objection is sustained.

3 **Dr. Faltas:** Were you ever on Zoloft?

4 **Ms. Weiss:** Objection.

5 **The Court:** It's overruled.

6 **The Witness:** I answered that yesterday.

7 **Dr. Faltas:** What is the answer today?

8 **Ms. Weiss:** Objection.

9 **The Court:** She said she was taking Zoloft or some --
10 what medications are you taking, ma'am, or were taking?

11 **The Witness:** If you must know, for whatever reasons,
12 Zoloft and Effexor, Tylenol whenever needed, Advil, Aleve.
13 Is there anything else?

14 **Dr. Faltas:** How long have you been on Zoloft?

15 **Ms. Weiss:** Objection.

16 **The Court:** Sustained.

17 By Dr. Faltas:

18 Q. In the past three months I was not allowed to go back to
19 my apartment. Isn't that true?

20 A. Thank God.

21 Q. Have you found it possible to decrease your dose of
22 Zoloft, Effexor, and Tylenol while I was not there?

23 A. You're the doctor.

24 Q. I am asking you.

25 A. You're the doctor.

1 **Dr. Faltas:** Judge, please, yes or no.

2 **The Court:** I sustain the objection. It's not relevant
3 to what she may have done within the last three months.

4 **Dr. Faltas:** Your Honor---

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

6 By Dr. Faltas:

7 Q. How has your life improved by my absence?

8 A. A peace of mind. I don't have to worry about anybody
9 taking pictures, flipping me the finger, calling me names,
10 blocking me in. It has been peaceful for the last 90 days
11 with the exception of her sneaking back twice when she wasn't
12 supposed to.

13 **Dr. Faltas:** Your Honor, exception. I mean, objection.
14 She cannot keep assassinating my character like this.

15 **The Court:** The objection is overruled. Next question.

16 By Dr. Faltas:

17 Q. Did you under oath in other -- in another case testify
18 that you do not know the people in the very pictures that you
19 identified yesterday?

20 A. Not true.

21 Q. All right.

22 (Whereupon, Dr. Faltas begins to play a tape for the
23 jury and the witness.)

24 **Dr. Faltas:** Your Honor, first may I ask if this is
25 audible to the jury or there is mechanic -- way to

1 mechanically make it more audible?

2 **The Court:** It's audible to me, so it should be audible
3 to the jury.

4 **Dr. Faltas:** No need to put the microphone...

5 **The Court:** Let's proceed, ma'am.

6 **Dr. Faltas:** Thank you.

7 (Dr. Faltas plays a tape for the jury and the witness.)

8 **Ms. Weiss:** Objection.

9 **The Court:** What -- the objection is sustained. Turn
10 that off, ma'am.

11 **Dr. Faltas:** Your Honor, could I speed it to the part
12 about the picture?

13 **The Court:** Well, if you have something that's
14 specifically related to the question that you have asked her,
15 fine.

16 **Dr. Faltas:** Yes, sir.

17 **The Court:** You can't come in and play some tape of
18 another court proceeding.

19 **Dr. Faltas:** I---

20 **The Court:** I trust it wasn't from this proceeding.

21 **Dr. Faltas:** No. No, it's not.

22 **The Court:** All right.

23 **Dr. Faltas:** It's not. It's from -- I just needed first
24 to lay the foundation.

25 By Dr. Faltas:

1 Q. Is that you testifying in the Lykesland magistrate court
2 on November 10th?

3 A. I don't know where I was on that.

4 (Dr. Faltas continues to try to find the point on the
5 tape that she wants to play.)

6 **The Court:** Okay, ma'am.

7 **Dr. Faltas:** That's the part about the pictures.

8 **The Court:** Well, you have about 10 seconds to proceed
9 with this. Otherwise, we're moving on.

10 (Dr. Faltas plays a portion of a tape to the jury and
11 the witness.)

12 **The Court:** All right. Turn that off, ma'am. All
13 right. All right. The Court is not going to permit the
14 playing of any testimony from any other hearing in any other
15 court. Proceed with the questions.

16 By Dr. Faltas:

17 Q. Do you recall previously denying that you knew the
18 people in the pictures?

19 A. I don't know. I didn't deny anyone in the pictures that
20 was entered into evidence, so I have no idea what you're
21 talking about.

22 Q. In that other hearing.

23 A. We're in this hearing.

24 **Dr. Faltas:** Your Honor, subject to recalling her in my
25 rebut -- in my case as a hostile witness, I'll excuse the

1 witness now.

2 **The Court:** Ms. Weiss?

3 **Ms. Weiss:** I object. If the defense has any questions
4 of this witness, I would ask that it be asked at this time.

5 **The Court:** Let's complete your examination at this
6 time.

7 **Dr. Faltas:** Well, Your Honor, I am allowed to call
8 witnesses.

9 **The Court:** She's a witness. She's on the stand subject
10 to cross-examination.

11 **Dr. Faltas:** I'm saying in my case.

12 **The Court:** She will not be called back again as another
13 witness in this trial.

14 By Dr. Faltas:

15 Q. Did you ever write that I told you that if you love God
16 you should go and apologize to another neighbor?

17 A. Again, on yesterday when you asked that, I said yes to
18 that. I never wrote that. You said that to me. That was
19 never written, and we talked about that yesterday.

20 **Dr. Faltas:** All right. Your Honor, may I use Court's
21 exhibit -- the one that's marked for---

22 **The Court:** For what purpose?

23 **Dr. Faltas:** For impeachment. She said she never wrote
24 it.

25 **The Court:** All right.

1 **Dr. Faltas:** Yes?

2 **The Court:** Pardon me?

3 **Dr. Faltas:** I'm sorry?

4 **The Court:** What is your question?

5 **Dr. Faltas:** I said yes?

6 **The Court:** What -- you want to use this document that
7 the Court did not allow in to do what purpose? To do what?

8 **Dr. Faltas:** For impeachment. She just said that there
9 is nothing written like that, and it's written in the
10 document. So that's for impeachment.

11 **The Court:** Okay.

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

13 By Dr. Faltas:

14 Q. Is this in your handwriting, Defendant's exhibit 2? Is
15 this in your handwriting?

16 A. Can you show me where it says that at?

17 Q. I asked you a question---

18 A. No, no.

19 Q. Is this in your handwriting?

20 A. That's the question at hand that you said I wrote
21 something. Can you show me that?

22 Q. Yes, ma'am. This last paragraph on page 3 going on to
23 page 4, would you please read it for the jury?

24 A. No. (The witness reads the exhibit silently.) This is
25 the same statement that I gave yesterday about the argument

1 with the lady across the street. So basically she wants me
2 to read the fact that I had to go write down every incident.
3 So it's written because I had to write it down for the
4 detective, and it does go into saying about she -- one day a
5 lady from across the street - I don't even know her name -
6 got in a verbal disagreement. Ms. Faltas was looking out her
7 window and listening, as always.

8 She began screaming and asking me why am I talking to
9 the lady that way. I told her to mind her business, that I
10 had -- that it had nothing to do with her. Ms. Faltas
11 replied that she wanted to pray for me and if I loved God I
12 would go and apologize to this lady. When I refused to
13 apologize and refused her offers to pray, she really started
14 harassing myself, my family, and all of my company.

15 Q. You skipped the sentence: "That's fine; she can do
16 that." Right? Didn't you?

17 A. You can. You have a right to do whatever you -- you can
18 look out your window. Just mind your business. I have the
19 same rights as you.

20 Q. Your Honor---

21 A. Do you realize that?

22 **Dr. Faltas:** Your Honor, at this time I move that this
23 be introduced as a Defendant's exhibit.

24 **The Court:** The Court -- the exhibit is not allowed.
25 The testimony is -- it's her testimony. That exhibit is not

1 allowed.

2 By Dr. Faltas:

3 Q. All right. You claim that your -- where is your cousin
4 from?

5 A. My cousin is not here and he's not on the witness list,
6 so I can't -- that's not your business.

7 Q. The cousin that you claim that I told to leave, where is
8 he from?

9 A. Well, since you want me to tell you guys: My cousin
10 came from Atlanta one day, four hours away, and I was still
11 at work. So he asked can he go to my house and sit in the
12 parking lot and wait until I got off work. It probably was
13 maybe 2:30 or so. She comes outside harassing him, telling
14 him that she is the landlady and demanding that he tell
15 her---

16 Q. Your Honor, objection.

17 A. ---why he's there.

18 Q. Objection. Objection.

19 A. Not only that, she---

20 **The Court:** Just a moment. Just a moment, ma'am.

21 **Dr. Faltas:** This is a whole lot of hearsay. All I
22 asked is where her cousin is from.

23 **The Court:** Okay. He's from Atlanta. Next question.

24 **Dr. Faltas:** All right. Is he going to come and
25 testify?

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

2 **The Court:** Sustained. She's not in charge of
3 witnesses.

4 By Dr. Faltas:

5 Q. What is his name?

6 A. I wouldn't tell you that.

7 Q. Did you see his name on the witness list?

8 **Ms. Weiss:** Objection.

9 **The Court:** Objection is overruled.

10 By Dr. Faltas:

11 Q. Did you see his name---

12 A. As I just stated, he is not on the list and he is not
13 coming. So, therefore, whatever he does in his name is none
14 of your business.

15 Q. So his name is not Rodney Ingram because the State's
16 witness list has a Rodney Ingram.

17 A. Rodney is my brother and not my cousin. You want to
18 know -- come...

19 Q. All right. Did you see a Curtis Ingram on the State's
20 witness list?

21 **The Court:** The objection is sustained. Questions of
22 the witness.

23 By Dr. Faltas:

24 Q. Did you also say that all I would do is sit and not say
25 anything?

1 A. At times you would sit and just stare evilly, yes, as
2 you've done in here.

3 Q. You claim that I hit you with rocks; right?

4 A. You did hit me with rocks, yes.

5 Q. How did that happen?

6 A. You leaned over and picked up the rocks, threw them out
7 the window, the same way you lean over and take pictures.
8 Your window is down; you're taking pictures. You leaned
9 over, picked up the rocks and threw them at me.

10 Q. Okay. And are you talking about those pictures here?

11 A. On that same day. You don't have to show them. It was
12 on that same day.

13 Q. Ma'am, I do my examination the way I see fit. Don't say
14 you don't have to.

15 **Ms. Weiss:** Objection.

16 **The Court:** Objection is sustained. Don't argue with
17 the witness.

18 **Dr. Faltas:** Sorry?

19 **The Court:** Don't argue with the witness.

20 **Dr. Faltas:** Well, Your Honor, she---

21 **The Court:** Don't argue with the witness and don't react
22 to the court's ruling.

23 By Dr. Faltas:

24 Q. State's exhibits 76, 75, 74, 73, 72, 71, 70, 69, 68, 67,
25 66, 65, 55, 56, 57, 58, 59, 60, 61, 63, 64, would you please

1 tell the jury what happened first? They have all the same --
2 do they all have the same date stamp on them?

3 A. Well, obviously not. The first one doesn't even have a
4 date.

5 Q. What is this?

6 A. Oh.

7 **The Court:** All right. I'm going to sustain this
8 objection without an objection. We reviewed those pictures,
9 and you're not going back through them.

10 **Dr. Faltas:** I'm not talking about the pictures. I'm
11 talking about the alleged rocked throwing.

12 **The Court:** You ask her a question. We're not going
13 back through those issues.

14 **Dr. Faltas:** All right. Then I'll ask a question.
15 By Dr. Faltas:

16 Q. Would you please step down and maybe demonstrate to the
17 jury -- let's say that those two seats are the driver's seat
18 and the passenger seat---

19 A. I can sit here and do that fine. They have seen the
20 pictures. You know how the mailboxes are. She leaned over
21 from her driver's door, leaned over and picked up the rocks.
22 The passenger window is always open. Put them in her right
23 hand and threw them out the window like that.

24 Q. And they wouldn't have fallen right away next to my car.

25 A. No, they didn't because they hit me.

1 Q. Where did they hit you?

2 A. On my leg.

3 Q. Which leg?

4 A. Right -- left leg.

5 Q. Oh, the right leg.

6 A. My left leg.

7 Q. Isn't it true that you first, when you called and the
8 tape was played yesterday, you didn't say anything about
9 rocks hitting you?

10 A. If I called and said you threw rocks and you assaulted
11 me, what's that?

12 Q. You didn't say that they hit you, and then when the
13 policemen came didn't you say that they struck your feet and
14 then when---

15 A. No, I didn't say that.

16 Q. So the police didn't write the---

17 A. No one said that -- are you making this up?

18 Q. No, ma'am. I have it in the police report.

19 A. So where is it?

20 **Dr. Faltas:** Your Honor, may I -- may I get it out?

21 **The Court:** No, you cannot publish a police report
22 through this witness.

23 **Dr. Faltas:** Well, how can I publish it?

24 **The Court:** I cannot give you advice.

25 By Dr. Faltas:

1 Q. And then when you went to see Investigator Blanton, you
2 said it hit you in the left leg.

3 A. You threw rocks and it hit me. I've already said it hit
4 me on my left leg, yes. You threw the rocks and hit me.

5 Q. But then now you started saying first the right, and
6 then what did you do about that?

7 A. If I could do something to you and not get in trouble, I
8 would have been done it. Okay? I've been nothing but polite
9 and respectful to you.

10 Q. Really? So did you go see a doctor?

11 A. No, I didn't see a doctor.

12 Q. Did you have any bruises?

13 A. No.

14 Q. Did you show the policemen any bruises?

15 A. No, I didn't show any bruises.

16 Q. How can rocks hit somebody in the leg and not bruise
17 them?

18 **Ms. Weiss:** Objection.

19 **The Court:** The objection is sustained.

20 **Dr. Faltas:** Have you ever taken money or things of
21 value from anyone you had sex with?

22 **Ms. Weiss:** Objection.

23 **The Court:** The objection is sustained.

24 **Dr. Faltas:** Have you ever argued in the parking lot
25 with men about money?

1 **Ms. Weiss:** Objection.

2 **The Court:** Objection is overruled.

3 **The Witness:** No. And have you ever argued with anyone
4 about washing and changing your clothes?

5 **Dr. Faltas:** Your Honor -- Your Honor, she cannot be
6 asking me questions.

7 **The Court:** Ask another question.

8 **Dr. Faltas:** Could you please admonish her not to do
9 that?

10 **The Court:** Don't pose questions to the witness. Next
11 question, ma'am. Don't pose questions to the interrogator.
12 Next question.

13 By Dr. Faltas:

14 Q. Does your lease say that you must get written permission
15 from the landlady before someone can spend overnight at your
16 apartment?

17 A. What I do in my apartment is not your business.

18 Q. I didn't ask that. I asked does your---

19 A. I don't know.

20 Q. You never read your lease.

21 A. I don't know.

22 Q. Have you ever read your lease?

23 A. I don't know.

24 Q. All right. Have you ever gotten permission from your
25 landlady to have people overnight?

1 **Ms. Weiss:** Objection.

2 **The Court:** Objection is sustained. It's not relevant.

3 **Dr. Faltas:** Did you get money from Stephanie Lurke -
4 Stephanie or Tiffany, whoever - for keeping -- baby-sitting
5 her child?

6 **Ms. Weiss:** Objection.

7 **The Court:** Sustained.

8 **Dr. Faltas:** Does this Corey Curry have a business?

9 **Ms. Weiss:** Objection.

10 **The Court:** Sustained.

11 By Dr. Faltas:

12 Q. Is there a permit to conduct the business of fixing cars
13 in the parking lot of our apartment complex that you know of?

14 A. I don't know.

15 Q. Did you have permission for him to be undertaking
16 mechanic's work in the parking lot?

17 **Ms. Weiss:** Objection.

18 **The Court:** Sustained.

19 By Dr. Faltas:

20 Q. Going back to October 2nd, 2009, did I discuss with you
21 that I do not appreciate the fact that you didn't -- do not
22 embrace your blackness?

23 A. What are you talking about, lady? Seriously, what are
24 you really talking about?

25 Q. Did I comment that I do not like the fact that you---

1 A. What you don't like about me I don't care.

2 Q. I'm not saying that. I'm asking: Did I comment on the
3 fact that in one appearance you had very light contact lenses
4 and I said I didn't like that you're not embracing your
5 blackness?

6 A. You don't like anything about me, the nails. So what?
7 I wear contacts. Every now and again I wear green contacts.
8 Do you want me to tell them that? Every now and again I wear
9 green contacts, guys. Thank you.

10 Q. When you were telling me that you wanted me to adopt you
11 as your student, did I -- as my student, did I tell you that
12 I liked people to be natural and simple and classy and that's
13 one thing I wanted to teach you if you were to become my
14 student is to be natural and simple and classy?

15 A. No, you did not, and on that particular day that we're
16 talking about I told you if your life was so lonely, if she
17 wanted to go play Bingo or we could start a book club, I said
18 that, or go find a man or a woman.

19 Q. You came to my car on that day and you started telling
20 me that I need to start to go play Bingo or find a man or a
21 woman when I didn't want to be talking to you and when you
22 pretend that you have never been wanting to talk to me?

23 **Ms. Weiss:** Objection.

24 **The Court:** Basis for the objection?

25 **Ms. Weiss:** The defendant is testifying.

1 **The Court:** Is that a statement or a question, ma'am?

2 **Dr. Faltas:** It was a question.

3 By Dr. Faltas:

4 Q. Did that happen?

5 A. Okay. Well, you keep saying that you didn't want to
6 talk, but our conversation went on for 45 minutes and the
7 window was cracked. So, yes, we had the conversation: You,
8 I, and Charlene.

9 By Dr. Faltas:THE ATTORNEY:

10 Q. Could I have gotten out of my car safely while you and
11 Charlene were standing there?

12 A. Yes, and you know that. Anybody -- whenever we talk
13 and---

14 Q. Objection, Your Honor.

15 A. ---anybody is around, she screams, "Help. She's going
16 to kill me." Even leaving out of court, if I'm even near her
17 or in proximity it's, "Can you please walk me to my car? I'm
18 so scared she's going to kill me," but then she have tirades
19 and ranting and ravings and stuff.

20 Q. Didn't you just tell the jury a few minutes ago that if
21 you can revenge on me without getting into trouble you would?

22 A. Who wouldn't? Who wouldn't? That's -- that's anybody.
23 Even if it wasn't you, that's anybody.

24 Q. So you want to take revenge on me without getting into
25 trouble, and that's what you're doing here. You want me to

1 get in prison without you getting in trouble.

2 **Ms. Weiss:** Objection.

3 **The Witness:** You have the---

4 **The Court:** Objection is sustained.

5 By Dr. Faltas:

6 Q. Are you telling this jury that you never called me
7 bitch? You never said, "Die, bitch, die"?

8 A. I'm not that kind of person, and it reflects that on the
9 9-1-1 tape. As mad as I was with you that day, I still
10 replied to that lady, "Yes, ma'am. No, ma'am. Thank you,"
11 and everything. So, no. Play the tape. Thank you, because
12 it will incriminate her more.

13 **Dr. Faltas:** Your Honor, may I play a different tape?

14 **The Court:** No, ma'am.

15 **Dr. Faltas:** That's not from a court proceeding. That's
16 the tape from her yelling from her balcony to me saying, "Die
17 bitch, die."

18 **The Court:** Okay. Go ahead.

19 **Dr. Faltas:** Your Honor? Could we be at ease for five
20 minutes so I can get the exact spot?

21 **The Court:** No, ma'am.

22 **Dr. Faltas:** Okay.

23 (Pause in proceedings while Dr. Faltas tries to find a
24 portion of the tape to play.)

25 **Dr. Faltas:** Your Honor, is there any way to magnify it?

1 **The Court:** I don't know.

2 **Dr. Faltas:** Pardon?

3 **The Court:** I don't know.

4 **Dr. Faltas:** Could I try to put the mic on it?

5 **The Court:** Yes.

6 (Dr. Faltas plays a tape for the jury and the witness.)

7 By Dr. Faltas:

8 Q. Do you hear that, that voice in the background when I'm
9 saying, "What are you calling me?"

10 A. I hear your voice. That's the only voice I hear.

11 (Dr. Faltas continues to play the tape.)

12 **Dr. Faltas:** Could I take the tape closer to the jury
13 box, Your Honor?

14 **The Court:** If you want to.

15 **Dr. Faltas:** Thank you. Could I plug it in the...

16 (Dr. Faltas continues to play the tape.)

17 **The Court:** Can you all hear anything?

18 (The jurors shake their heads from side to side.)

19 **The Court:** All right, ma'am. It's futile. They can't
20 hear anything.

21 **Dr. Faltas:** Well, Your Honor, I may use it later in my
22 own testimony later. Maybe I can get better equipment.

23 **The Court:** All right. Any more questions of this
24 witness?

25 **Dr. Faltas:** Did you on October 2nd, 2009, that day tell

1 me that you have a juvenile record of simple assault?

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

3 **The Court:** The objection is sustained.

4 By Dr. Faltas:

5 Q. Before and after those pictures on October 21st, 2009,
6 did Wendy Lurke continue to bring her child for you to take
7 care of?

8 A. Who is Wendy Lurke?

9 Q. Tiffany Lurke, whoever.

10 A. Well, whoever I don't know.

11 Q. All right. The woman in those pictures, did she bring
12 that child to you before and after that date?

13 A. Yeah, she still visits me now.

14 Q. So my having taken pictures that day didn't affect the
15 continuing to come to see you.

16 A. Actually I'm not Tiffany, but because me and Tiffany
17 love each other, of course she comes to visit me. You
18 haven't been there in 90 days so -- so, yeah, you weren't
19 there.

20 Q. Before I was taken out, she continued to come and bring
21 her child to you. Isn't that correct?

22 A. Yeah.

23 Q. Okay. And isn't it correct that your brother and your
24 cousin continued to come and see you?

25 A. And they will.

1 Q. And isn't it also true that Corey Curry continued to
2 come and see you as evidenced by pictures of different
3 things?

4 A. Not really. Not really because you knew and I knew as
5 well that that was the one person that was not going to
6 tolerate you.

7 Q. Doesn't he have convictions for---

8 A. I'm not him---

9 **Ms. Weiss:** Objection.

10 **Dr. Faltas:** Isn't he a drug dealer? Isn't that why you
11 didn't want me to know his name? Doesn't he have convictions
12 for assault?

13 **The Witness:** This is what I live with.

14 **The Court:** The objection is sustained.

15 **Dr. Faltas:** Your Honor, at this time I'd like to
16 impeach her with his criminal record.

17 **The Court:** The objection is sustained.

18 **Dr. Faltas:** May I -- may I offer it for the record?

19 **The Court:** No.

20 **Dr. Faltas:** Your Honor, may I be heard on that in the
21 absence of the jury?

22 **The Court:** When the jury goes out, you can be heard.

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

24 By Dr. Faltas:

25 Q. So isn't the truth of the matter that this Corey Curry

1 helped you steal furniture from Aaron's Furniture and then
2 because he is very rude and continued to block the parking
3 lot and one day I photographed him, you started doing all of
4 this so I don't discover what his name is, what his criminal
5 record is, and what his address is? Isn't that what this is
6 all about and wasn't he delivering drugs---

7 A. You are truly crazy.

8 **Ms. Weiss:** Objection.

9 **The Witness:** Truly.

10 **Dr. Faltas:** Your Honor---

11 **The Court:** The objection is -- basis for the objection?

12 **Ms. Weiss:** Compound question. Testifying.

13 **The Court:** You must ask one question, ma'am, not give a
14 speech. One question.

15 By Dr. Faltas:

16 Q. Isn't it true that you were particularly afraid of my
17 discovering who this man is?

18 A. I don't care who you know. It's just the fact that you
19 harass people, like you want to know my cousin's name to
20 harass him. No.

21 Q. Did you get a statement from your cousin and deliver it
22 to the landlord from your supposed cousin?

23 A. I don't know.

24 Q. Didn't the statement say that his name is Rodney Ingram
25 and that he's from Sumter, not from Atlanta?

1 A. Again, Rodney is my brother. Are you hearing this?

2 Rodney is my brother, not my cousin. There's a difference in
3 brother and cousin.

4 Q. And what is the name of the cousin in---

5 A. I'm not telling you.

6 **Ms. Weiss:** Objection.

7 **The Court:** Objection is sustained.

8 By Dr. Faltas:

9 Q. All right. That brother, when the door code was
10 changed, why wouldn't he have the new door code?

11 A. My brother will have the new code. If it changes, he
12 will. He has a key to my apartment as well - he's my brother
13 - and my father as well, whoever I choose to give one to.

14 Q. All right. So how is it possible that your brother whom
15 you yesterday testified comes to see you every day
16 wouldn't -- would know that I'm not the landlady, even if I
17 had pretended to---

18 A. He's going to testify that you introduced yourself as
19 the landlady when you first moved in. So he will be
20 testifying himself.

21 Q. So your brother is going to come and testify?

22 A. Maybe.

23 Q. I'm talking about the one whom you claim---

24 A. I have one brother. It's not the one that I'm claiming
25 anything. I have one brother.

1 Q. You only have one brother, and you only have one cousin.

2 **Ms. Weiss:** Objection.

3 **The Court:** Sustained.

4 **Dr. Faltas:** All right. Who is the one and when do you
5 claim I told somebody that I am the landlady and if he
6 doesn't leave I would call the police? Which one?

7 **Ms. Weiss:** Objection.

8 **Dr. Faltas:** Is it your brother or your cousin?

9 **The Court:** The objection is sustained.

10 **Dr. Faltas:** All right. May I impeach her with a prior
11 inconsistent statement?

12 **The Court:** No.

13 **Dr. Faltas:** The written one.

14 **The Court:** No.

15 By Dr. Faltas:

16 Q. And did that brother continue to come?

17 A. Not that brother. My brother. And, yes, he will.

18 Q. So he wasn't intimidated by me; nothing affected him.

19 A. Of course not. Actually she got mad because he never
20 would just stand and give her the proper pose that she
21 wanted. He wouldn't just give her the time of day or just
22 follow up with her little antics. He just pretty much tried
23 to ignore her.

24 Q. So that one brother who comes every day who has the key
25 to your apartment, you pretend that on one day or in March

1 2009 I told him I'm the landlady and he needs to leave before
2 I call the police.

3 **Ms. Weiss:** Objection.

4 **Dr. Faltas:** You want this jury to believe that he
5 didn't have the key to just go in and when -- and you want
6 the jury to believe---

7 **Ms. Weiss:** Objection.

8 **Dr. Faltas:** ---that having him come every day to your
9 apartment he wouldn't know who the landlady is?

10 **The Court:** The objection is sustained.

11 By Dr. Faltas:

12 Q. Have you ever told a lie before, Ms. Ingram?

13 A. No.

14 Q. When you sign somebody else's name on a credit card that
15 you found, you weren't telling a lie?

16 A. No.

17 Q. And yesterday when you said that you didn't go back to
18 the store and try to---

19 A. I never left the store. It's like you want to---

20 **Ms. Weiss:** Objection.

21 **The Witness:** You want to highlight that. I never left
22 the store. That happened over 12 years ago. I have to
23 answer to God for that, not you. So I don't feel bad about
24 that nor embarrassed.

25 **Dr. Faltas:** Didn't the police report say that after---

1 **Ms. Weiss:** Objection.

2 **The Witness:** I don't know what it said.

3 **The Court:** The objection is sustained.

4 **Dr. Faltas:** May I present it, Your Honor?

5 **The Court:** No.

6 By Dr. Faltas:

7 Q. Didn't you plead guilty to two -- two counts? Wasn't
8 the first count for---

9 A. Whatever happened then, it happened. I pled guilty. I
10 had probation. That was done with over 10 years ago. I
11 barely remember what all happened, but I do know I never left
12 the store with anything. I was inside the store still.
13 Everybody was inside the store. The merchandise was there,
14 the card, the receipt, everything.

15 Q. The car was in the store? Your car was in the store?

16 A. Card. Aren't you smart? C-a-r-d. Card, not car.

17 Q. Did you ever read a police report that said you took the
18 card and merchandise and went out and came back and said---

19 **Ms. Weiss:** Objection.

20 **The Witness:** I don't know.

21 **The Court:** Objection---

22 **Dr. Faltas:** And tried to use that card and that's how
23 you got caught?

24 **The Court:** The objection is sustained.

25 By Dr. Faltas:

1 Q. At page 22 if you don't know right from wrong, why do
2 you---

3 A. Well, at your age you still don't know, so what does
4 that leave me?

5 **Dr. Faltas:** Your Honor---

6 **The Court:** The objection is sustained. Next question.

7 **Dr. Faltas:** If you find someone else's credit card,
8 what is the right thing to do?

9 **Ms. Weiss:** Objection.

10 **The Court:** Sustained.

11 **Dr. Faltas:** Your Honor, I think it's useless.

12 **The Court:** Pardon me?

13 **Dr. Faltas:** I think it is useless.

14 **The Court:** Are you through? Step down, ma'am.

15 **The Witness:** Thank you.

16 **The Court:** Your next witness.

17 **Ms. Weiss:** Your Honor, may we take a short break just
18 to line up the next witnesses?

19 **The Court:** All right. Ladies and gentlemen, please go
20 to the jury room. Short break. While you are there, we'll
21 have you all select your foreperson rather than me appoint
22 the foreperson. If you all would vote on the very best
23 person to be the foreperson out of the first 12 people
24 selected.

25 (Whereupon, the jury was excused from open court at

1 10:41 a.m.)

2 **The Court:** Dr. Faltas, you wanted to put something else
3 on the record as the jury was coming in the courtroom this
4 morning?

5 **Dr. Faltas:** Your Honor, I don't say this lightly, but
6 throughout all of this and throughout many other things the
7 most important thing I remember is Jesus Christ saying it
8 doesn't matter what else you gain if you lose your soul, and
9 I'm not going to lose my soul. And I respect Your Honor and
10 I like Your Honor, and I am not unaware that if, God forbid,
11 there is a guilty verdict you will be sentencing me and I'm
12 not unaware that a lot of discretion goes into that. But I
13 respect Your Honor too much and I value my soul too much to
14 be an hypocrite and try to butter Your Honor up.

15 These rulings have been extremely unfair to me. I don't
16 think I'm having a fair trial, and I think my right to mount
17 a full defense and fair defense is being compromised. I'm
18 sorry. The function, yes, it's a great thing that there is a
19 moot (sic) court competition and all, but if the students are
20 to be taught anything they should be taught that a
21 defendant's constitutional rights, especially a criminal
22 defendant's constitutional rights, are paramount. And if the
23 jury has -- some members have difficulty with the schedule,
24 then we need to either call a mistrial or replace the ones
25 with -- who have the difficulty with the -- with the

1 alternates.

2 I'm sorry. Your Honor said that you have commitments,
3 but it is one circuit court, so another judge can take over.
4 Those -- you heard -- you heard her. She's trying to portray
5 me as crazy. The man threatened me. I've seen many things,
6 and now there is his criminal record showing convictions for
7 assault and for drug dealing, and there must be a way -- and
8 he was on the State's witness list.

9 I'm sure now the State will not call him, and I want the
10 right to call him -- to make the State call him so I can get
11 a fair trial, and this is very important. It's very
12 important to get that man's criminal record on the record. I
13 also needed to amend my witness list and -- and call some
14 other people.

15 And, you know, Your Honor, it doesn't matter. I'm a
16 nice person. If I get convicted, they will kill me in
17 prison. If I get acquitted, they -- the police will --
18 because you saw it. You saw it. Yesterday she admitted she
19 was getting -- she was getting information from the
20 defendant's lawyer in the civil lawsuit, and then you saw
21 Chief Carter. They had a meeting at the highest level; it's
22 from top to bottom.

23 You've seen that what's supposed to be -- and I don't
24 know how Your Honor could have ruled that she's a neutral and
25 detached magistrate. She's somebody who answers to somebody.

1 These are all matters of principles, and I cannot -- I look
2 to the courts. The Honorable Judge Lee was courageous to
3 make Her Honor's ruling in the civil matter, and this --
4 maybe if Your Honor has become antipathic to me, maybe
5 another judge could be substituted. I'm not getting a fair
6 trial, and I'm very scared. I'm very scared, Your Honor.
7 It's... She was there. You know, she was---

8 **The Court:** Okay. All right. Ma'am, you said you had
9 some matters to put on the record before the jury came in,
10 and I'm not sure what portion you're referring to now that
11 you intended to put on before the jury came in.

12 **Dr. Faltas:** Before the jury---

13 **The Court:** The essence of your complaint -- your
14 comments now are complaints concerning the Court's ruling.
15 The Court rules. The matters of ruling are matters of
16 record. If in any matters I rule erroneously, a reviewing
17 court would have the opportunity to review those things, but
18 I'm not going to spend time now listening to---

19 **Dr. Faltas:** Oh.

20 **The Court:** ---all of the thoughts that you have
21 concerning these proceedings.

22 **Dr. Faltas:** What I was wanting to rule - I'm sorry -
23 before the jury came in was that I need to amend my witness
24 list.

25 **The Court:** All right. You have the right to do that.

1 **Dr. Faltas:** Thank you. So I'd like to subpoena --
2 thank you. So I'll add two more people to the subpoena---

3 **The Court:** Yes.

4 **Dr. Faltas:** ---if it pleases the Court? And the
5 Court's order is that they be served?

6 **The Court:** Yes, depending on who they are and where
7 they are.

8 **Dr. Faltas:** All right. Thank you.

9 **The Court:** All right. We'll take about four minutes.

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

11 (Whereupon, a short break was taken.)

12 **The Court:** All right.

13 **Ms. Weiss:** Your Honor, may it please the Court?

14 **The Court:** Yes.

15 **Ms. Weiss:** I'd like to go ahead -- I think just to make
16 things easier, I'd like to settle -- obviously settle the
17 record of the next witness. I'd like to just go ahead and
18 settle the records of the witnesses that we have---

19 **The Court:** All right.

20 **Ms. Weiss:** ---just to avoid any of what has been
21 happening. The next witness that the State intends to call
22 is Rodney Ingram. Rodney Ingram's prior record is driving
23 under suspension in 1996. I would argue that that is
24 inadmissible as impeachment records and that, therefore, he
25 would have no record that would be brought up in this trial.

1 **The Court:** All right. That is -- you cannot impeach a
2 person with a driving---

3 **Ms. Weiss:** Under suspension.

4 **The Court:** ---under suspension record.

5 **Dr. Faltas:** I would -- just to have put it on the
6 record, I would have wanted to use that.

7 **The Court:** All right. All right. Bring the jury,
8 please.

9 **Ms. Weiss:** Your Honor, may we -- may we just go through
10 the records and go ahead and settle the records very quickly?

11 **The Court:** On?

12 **Ms. Weiss:** On the possible witnesses. I just -- it's
13 very disturbing to the State when the defendant is making up
14 records and yelling them out in front of the jury. I know---

15 **Dr. Faltas:** I'm not making up records.

16 **Ms. Weiss:** I would ask Your Honor to ask the jury to
17 specifically disregard any statements -- I mean, I know any
18 statements by the defense about records -- but they're just
19 -- they're fabricated and I just---

20 **Dr. Faltas:** Your Honor, I'm sorry---

21 **Ms. Weiss:** And I would like to go ahead and---

22 **Dr. Faltas:** Objection. Objection.

23 **Ms. Weiss:** ---settle.

24 **The Court:** Be quiet, ma'am. You can't hear both people
25 at the same time. Continue, Ms. Weiss.

1 **Ms. Weiss:** It would take just a moment. They're very
2 simple short records, and if we can just settle them for even
3 -- for the future, I think it will keep from disparaging any
4 possible witnesses by the State.

5 **The Court:** Yes, ma'am, Dr. Faltas?

6 **Dr. Faltas:** I'm sorry?

7 **The Court:** Yes. You were attempting to talk while she
8 was talking. She's now through talking. You may talk.

9 **Dr. Faltas:** Your Honor, I'm not the one fabricating
10 things, and you admonished me to not use the word lie when
11 referring to her. Why is she allowed to use the word
12 fabrication when referring to me? Are we different creatures
13 of God? I mean, I think there is a double standard going on
14 here.

15 **The Court:** All right. Any further comments?

16 **Dr. Faltas:** Yes. Yes, Your Honor.

17 **The Court:** All right. What?

18 **Dr. Faltas:** I think the driving under suspension is
19 relevant, and I want to impeach with it and I -- Your Honor
20 said that the disciplinary records of law enforcement people
21 are relevant. I also want to say that my discovery -- my
22 discovery included the financial statements and many other
23 things. I have filed that request of the State's witnesses.
24 I haven't been given any of that.

25 **The Court:** Okay. The Court did not allow any financial

1 statements of any witnesses, and the Court will not allow you
2 to impeach on the driving record of this witness.

3 **Dr. Faltas:** And -- thank you. But the other witnesses
4 have much more impeaching record. This Corey Curry has drug
5 convictions and possession with intent.

6 **The Court:** All right. Ms. Weiss?

7 **Ms. Weiss:** Thank you, Your Honor. If I may, Mitch
8 Jones is a possible witness. He has a shoplifting from 1991.
9 I would argue it would not be admissible. It's from 1991,
10 and it's a 30-day offense. Corey Curry has a conviction for
11 burglary third and petit larceny in 2000 which is just inside
12 the ten-year limit. The burglary third in that situation I
13 believe would be admissible for impeachment if he is called
14 to the stand. He also has a possession -- simple possession
15 of marijuana in 2001 that I would argue is not admissible.
16 And then---

17 **Dr. Faltas:** I'm sorry. What was the other one other
18 than the burglary third?

19 **Ms. Weiss:** Petit larceny. And a possession of
20 marijuana second in 2005 I would argue is not admissible, and
21 an-owner-of-dangerous-animal-that-injures-a-human conviction
22 in 2005, those are 30-day offenses. I would argue those are
23 not admissible either. So that would limit Corey Curry's
24 record to a burglary third from the year 2000, Your Honor.

25 **Dr. Faltas:** Your Honor, may I respond?

1 **The Court:** Yes.

2 **Dr. Faltas:** Your Honor, the issue for which I have been
3 so far exiled from my apartment and imprisoned and my privacy
4 totally -- and my property taken and put in jail and face
5 even more is that whether I acted reasonably by trying to
6 maintain a reasonable neighborhood watch or even watch for
7 myself against people who are obviously dangerous and
8 reckless, and his conviction about ownership of a dangerous
9 animal -- I'm not saying that he brought a dangerous animal.
10 Actually someone did, but in any event, but I'm not -- but
11 I'm saying the reckless people behave recklessly, and it is
12 obvious to a reasonable person. And so all of Corey Curry's
13 prior record is relevant, relevant not only to his
14 credibility but to the reasonableness of my thinking that he
15 is a dangerous person especially -- especially that he made
16 threats of sexual violence against me.

17 **The Court:** The only record the Court will allow is
18 Curry's burglary third conviction.

19 **Ms. Weiss:** Thank you, Your Honor. Rodney Ingram -- oh,
20 we've already done Rodney Ingram. I have---

21 **Dr. Faltas:** I'm sorry. Did Your Honor rule on which
22 charge the shoplifting conviction...

23 **The Court:** From what year?

24 **Ms. Weiss:** 1991.

25 **The Court:** The ten-year rule applies. It's not

1 admissible for impeachment.

2 **Ms. Weiss:** Wendy Ceo does not have any prior
3 convictions, Your Honor.

4 **Dr. Faltas:** That's not correct. That's not correct,
5 Your Honor.

6 **The Court:** Ma'am, have a seat. Proceed.

7 **Ms. Weiss:** According to her rap sheet, she doesn't have
8 any record. If she had anything that could even be a
9 conviction, it would be obtaining goods by fraud in 1998
10 which is a Forest Acres offense and a simple assault in 2001
11 and I don't think -- the 1998 charge is still outside the
12 ten-year limit, but I don't show a conviction on either of
13 those, Your Honor. I would argue that she does not have a
14 record to be impeached with.

15 **The Court:** What's the person's name again?

16 **Ms. Weiss:** Wendy Ceo. C-e-o.

17 **Dr. Faltas:** Your Honor---

18 **The Court:** Yes, ma'am?

19 **Dr. Faltas:** ---actually, according to what Ms. Weiss
20 gave me, the simple assault -- there is a conviction and this
21 is very relevant to Ingram's guests and family threatening
22 me, and so the simple assault is very relevant. Besides,
23 that obtaining goods, that is the scheme from 2000 -- from
24 1998 where Ingram was essentially the ringleader and two
25 other young ladies were stealing with her. Your Honor---

1 **The Court:** Was she a co-defendant with---

2 **Dr. Faltas:** Yes.

3 **The Court:** ---Ms. Ingram?

4 **Dr. Faltas:** Yes.

5 **The Court:** The court will allow that.

6 **Dr. Faltas:** Thank you, Your Honor. Thank you, Your

7 Honor. Thank you.

8 **Ms. Weiss:** Your Honor, I don't show a conviction.

9 **Dr. Faltas:** Yes. Yes, also---

10 **The Court:** Ma'am.

11 **Dr. Faltas:** That is a conviction. I'm sorry. I'm

12 sorry. I'm so sorry. I'm so sorry, Your Honor.

13 **The Court:** Is there a conviction or not?

14 **Ms. Weiss:** Your Honor, there's no conviction on the rap

15 sheet. I could look it up. It may have been a magistrate

16 level case, but I'll be glad to look it up. I would still

17 argue that unless she is called to the stand it cannot be

18 brought up in court.

19 **The Court:** No witness can be impeached through -- a

20 witness's record cannot be used as a basis for impeachment by

21 a third person.

22 **Ms. Weiss:** Richard Cooper has petit larceny in 1996 and

23 fraudulent check in 2002 and disregarding a stop sign and

24 reckless driving in 2007. The State would argue that none of

25 those records are admissible as none of them carry over a

1 year.

2 **The Court:** The Rule 609(a)(2) says evidence that any
3 witness has been convicted of a crime shall be admitted if it
4 involved dishonesty or false statement, regardless of the
5 punishment. So the---

6 **Ms. Weiss:** Fraudulent check.

7 **The Court:** ---fraudulent check is impeachable.

8 **Ms. Weiss:** Thank you, Your Honor. There are two
9 convictions for that in 2002. And Curtis Ingram---

10 **Dr. Faltas:** Your Honor, may I -- may I say on the 2007
11 driving record and -- may I? May I?

12 **The Court:** Yes, ma'am.

13 **Dr. Faltas:** Thank you. And Your Honor told me not to
14 apologize, but no one can possibly understand what I'm going
15 through. In any event, the 2007 driving record, this is a
16 matter of the reasonableness of my actions, and someone who
17 is a reckless driver or has evidence of reckless driving
18 which was exhibited in the parking lot, especially when they
19 took a detour towards my home and my car instead of taking
20 the straight way out, that is relevant to why I was
21 documenting this. So it may -- of course, all the rules are
22 always subject to the needs of the case and the demands of
23 justice.

24 **The Court:** I'll address that issue when Cooper
25 testifies. Is he the one with the driving record?

1 **Dr. Faltas:** Yes, Your Honor.

2 **The Court:** And the one allegedly driving reckless in a
3 parking lot?

4 **Dr. Faltas:** They all---

5 **The Court:** Is that the individual?

6 **Ms. Weiss:** Richard Cooper would be the one in the
7 G.M.C. Yukon exiting out the exit; yes, sir.

8 **The Court:** I'll address that issue when and if he
9 testifies.

10 **Dr. Faltas:** Thank you, Your Honor. And Corey Curry
11 also has a driving record. I don't think Ms. Weiss mentioned
12 it, but I---

13 **The Court:** And her driving record is not impeachable.

14 **Dr. Faltas:** Okay. Your Honor, the -- is the State
15 going to call Corey Curry or do I need to subpoena him?

16 **The Court:** I don't know.

17 **Dr. Faltas:** Well, that's why I needed to---

18 **The Court:** You can subpoena whom you want. I don't
19 know if the State's calling the person or not.

20 **Dr. Faltas:** Okay. All right. So I'll go ahead and
21 subpoena him and if the court allows me to -- so I'll
22 subpoena him.

23 **The Court:** All right. Anyone else?

24 **Ms. Weiss:** And Curtis Ingram does not have a criminal
25 record, and Tiffany Lurke does not have a criminal record.

1 **The Court:** All right. If you'll bring the jury,
2 please.

3 **Dr. Faltas:** Are there -- Your Honor, are there other
4 potential witnesses other than the ones Your Honor said may
5 stay?

6 **The Court:** Those are the only ones at issue.
7 (Whereupon, the jury was brought into open court at
8 11:07 a.m.)

9 **Bailiff:** Juror number 95 is the foreman.

10 **The Court:** Okay. Very well. You know, it almost
11 always happens that the person that I would have appointed
12 ends up being the foreperson. So when I got a note from this
13 juror this morning, I indicated to my clerk we'll make him
14 the foreperson, and you all have done that, so very good.
15 Next witness, please.

16 **Ms. Weiss:** Thank you, Your Honor. The State calls
17 Rodney Ingram.

18 **Dr. Faltas:** Your Honor, may I sit...

19 **The Court:** Yes.

20 Rodney Ingram, after being duly sworn, testified as
21 follows:

22 **The Clerk:** Have a seat in the witness stand, please,
23 and give the court reporter your name.

24 **The Witness:** My name is Rodney Ingram.
25

Direct Examination

By Ms. Weiss:

Q. Good morning, Rodney.

A. How are you doing.

Q. Rodney, where do you currently live?

A. I live in Sumter County.

Q. Do you work in Sumter?

A. No, I work in Columbia.

Q. How many jobs do you hold?

A. One now and then I've got another one coming up this morning.

Q. Okay. So basically two jobs.

A. Uh-huh.

Q. And where are your jobs located?

A. In Columbia.

Q. What type of work do you do?

A. Mental health, one. The other---

Dr. Faltas: I'm sorry, Your Honor. I can't hear even sitting here.

The Court: I can hear sitting here. If you'll attempt to speak into the mic. Pull the mic towards you, the little black mic.

The Witness: Mental health, one job, and the second job I'll be driving vans with disabled clients.

By Ms. Weiss:

1 Q. So you come to Columbia pretty much every day?

2 A. Yes, every day.

3 Q. Rodney, is Teresa Ingram your sister?

4 A. Yes, she is. That's my little sister.

5 Q. How much younger is she than you?

6 A. One year.

7 Q. How many sisters and brothers do you have?

8 A. Just one.

9 Q. Are you close to your little sister?

10 A. Yes, I am.

11 Q. When you come to Columbia each day for work, do you
12 often go by and visit and check on her?

13 A. Yeah, I always check on her because she lives alone.

14 Q. And have you been doing this for the last I think six
15 years that she's been living in Columbia?

16 A. Yes, I check on her from -- anywhere from three to four
17 days a week to make sure she's okay.

18 Q. And are you aware that she was living at 300 Byron Road?
19 She's been living there for awhile?

20 A. Yes.

21 Q. And would you go by that residence and check on her
22 there?

23 A. Yes.

24 Q. Did you have the code to the door -- the code to the
25 door and the key to her apartment?

1 A. Yes.

2 Q. When you would come by and visit her, do you always go
3 immediately into her apartment whether or not she is there?

4 A. Straight in.

5 Q. And did you ever have the opportunity to come in contact
6 with Dr. Marie Assa'ad-Faltas?

7 A. Yes, I have.

8 Q. Please tell the jury about the first time you came in
9 contact with Dr. Faltas?

10 A. The first time I came in contact with Dr. Faltas, she
11 actually parked behind my car and wouldn't let me move, the
12 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 By Ms. Weiss:

18 Q. And she parked behind you and wouldn't let you move. So
19 what happened?

20 A. Then she started telling me -- she started asking me who
21 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 A. Yeah, started asking me who was I and why am I here.

1 And I just looked at her, because I don't know the lady. So
2 I just looked at her like: Okay. Who are you? And she told
3 me that she owned the building; she's the landlord. But I
4 knew who the landlord was, so I found it kind of strange, and
5 she still wouldn't let me move.

6 So at that point I said, "Well, do you want me to call
7 the police?" And she took some pictures and she said some
8 things like, "Well if you don't stop coming here, I'll find
9 somebody to hurt you. I know people that will blow things
10 up," just ranting and raving about crazy stuff. I don't even
11 know the lady. I laughed it off the first time.

12 When it started getting like every time I would come
13 there to check on my sister, "You're a pimp. You're a pimp,"
14 you know, stuff like that, you know, taking pictures of my
15 daughter, taking pictures of me -- I don't know this lady. I
16 don't even know why I'm here. I don't even know this lady.
17 Does anybody know this lady?

18 **Dr. Faltas:** Your Honor, may I ask you to admonish the
19 witness not to ask questions. He's supposed to be answering
20 her. He just said, "Does anybody know this lady?"

21 **The Court:** All right. Just answer the questions, sir.
22 By Ms. Weiss:

23 Q. You said she asked if?

24 A. If I was a pimp.

25 Q. If you were a pimp?

1 A. Yes. She's -- she's trying to say I'm prostituting my
2 sister. In other words, I'm a pimp, yeah.

3 Q. Did you ask her to explain that comment?

4 A. No, because it was so funny because she's crazy. I
5 don't know the lady. I don't know her. When somebody comes
6 up to you -- and being that I work in mental health, I know
7 she's crazy, so I don't even really pay attention to it. So
8 I don't -- you know, I look at her and I just keep going, but
9 it's to the point that she just harasses you. You know,
10 either she's standing behind your car and won't let you move,
11 either when I close the car -- when I get out of my car,
12 she's running over there with the camera, I mean literally
13 running with the camera. So it's like, okay, do you want me
14 to pose? Do you want me to strike a pose before I go in the
15 building? What do you want me to do? You know, so it's just
16 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 A. Now, that made me mad. That made me angry because, you
23 know, it's one thing to do something to an adult, but when
24 you start taking pictures of peoples' kids and acting crazy,
25 you know, that's a whole 'nother thing because my daughter

1 goes to my sister's house, and she, you know, keeps my
2 daughter on the weekend sometimes. So that makes me feel
3 like -- you know, I feel unsafe with my sister over there and
4 my daughter when you've got somebody like this over there.
5 So at that point it would make anybody feel, you know, un --
6 uneasy.

7 Q. And would you say that this conduct started sometime
8 last Spring?

9 A. Yes.

10 Q. And did she begin taking pictures pretty much
11 immediately?

12 A. Yes.

13 Q. And how often would you say -- would you estimate that
14 Dr. Faltas either takes pictures or approaches you when you
15 go to visit your sister?

16 A. As soon as I turn in the parking lot, she runs out of
17 her house.

18 Q. Okay. And did she ever follow you into your sister's
19 apartment?

20 A. No.

21 Q. Did you ever ask her to stop?

22 A. I asked her why she's taking picture, and she just tells
23 me, "I can do what I want to do. It's not against the law."

24 Q. You stated you're close to your sister. Do you have any
25 personal knowledge of how this has affected your sister?

1 A. Yes. I mean, you know, she's upset by it. You know,
2 when you have to come to court every day, you know, it's --
3 it's -- it bothers anybody, especially when you don't know
4 the person. It's different if I actually knew her or you
5 knew the people -- you know, you know what's going on, but
6 when you don't know somebody and you're up in court with
7 people you don't know, that will make anybody upset, you know
8 -- you know, like every day you got to come to court with
9 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 A. Because she wouldn't let me out one day. She -- I -- it
18 was like, "Could you please let me out?" She stated, "I'm
19 not going to move." So I had to call the police. Then when
20 the police come, she runs in the building. She just
21 literally takes off and runs in the building.

22 **Ms. Weiss:** Thank you. No further questions of this
23 witness, Your Honor.

24 **The Court:** All right. Questions?
25

Cross-Examination

By Dr. Faltas:

Q. If it pleases the court, how did you get to court?

A. Huh?

Q. How did you get to court this morning?

A. In a car.

Q. Did you drive?

A. Yeah, I drove.

Q. Could we see your driver's license?

Ms. Weiss: Objection, Your Honor.

Dr. Faltas: Your Honor, I don't believe this man is who he says he is.

The Witness: You know, hold up. I---

The Court: Just a moment, sir. Do you have a driver's license?

The Witness: Yes, I do.

The Court: All right.

Dr. Faltas: Could we see it, please?

The Witness: Are you serious?

Dr. Faltas: Yes, I'm serious.

Ms. Weiss: Objection.

The Court: Show it to the court.

The Witness: No, I'm not going to show my driver's license. You know what? I---

Dr. Faltas: His Honor said, "Show it to the court."

1 Show---

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

3 **The Witness:** Even if---

4 **The Court:** Just a moment. Just a moment. Don't start
5 arguing with the witness. Sir, let me see your driver's
6 license.

7 **The Witness:** This is ridiculous. This is -- this is
8 crazy.

9 **Dr. Faltas:** Your Honor, you ordered him---

10 **The Witness:** I have a C.D.L. driver's license with a
11 tanker endorsement on it.

12 **The Court:** All right. Give it back to him.

13 **Dr. Faltas:** Your Honor, may I ask the court to put on
14 the record what address on it is?

15 **The Court:** No, I will not.

16 **Dr. Faltas:** All right.

17 **The Court:** He lives in Sumter County. He's testified
18 to that.

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

20 By Dr. Faltas:

21 Q. What's your nickname?

22 A. Y'all are wasting peoples' money with this for real?
23 What's your nickname?

24 **Dr. Faltas:** Your Honor, could you please admonish the
25 witness not to ask me questions.

1 **The Court:** Sir, you must answer the question.

2 **The Witness:** I don't have a nickname. My name is
3 Rodney. You can address me as Mr. Ingram. As a matter of
4 fact, Mr. Ingram. That will be just fine. I don't believe
5 y'all are wasting peoples' money with this.

6 **Dr. Faltas:** Your Honor---

7 **The Witness:** I've got to go to work and got another
8 interview coming up for a job and I'm in here with this lady
9 who I don't even know asking me questions about a nickname
10 and want to see my license. This is what the people on
11 Channel 19 News every night call wasting taxpayers' money,
12 with this kind of stuff.

13 **Dr. Faltas:** Your Honor, could you please---

14 **The Witness:** Are you serious?

15 **Dr. Faltas:** Your Honor, could you please re-admonish
16 him not to ask me questions and to just limit himself to the
17 response.

18 **The Court:** All right. Sir, just answer the questions.
19 Next question.

20 By Dr. Faltas:

21 Q. Did I ever introduce myself to you when I first moved
22 in?

23 A. No. You just parked behind my car.

24 Q. When I first moved in.

25 A. When you first moved in, you just -- I don't -- Lady, I

1 don't even know you. The first time I saw you is when you
2 parked behind my car taking pictures and wouldn't move.

3 Q. And can you tell us which pictures these are?

4 A. I don't know. You took so many. You tell me. You've
5 got like a million of them. You tell me which one. I don't
6 know. You take them daily. I don't know. You tell me.

7 **Dr. Faltas:** Your Honor?

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

9 **Dr. Faltas:** May I approach him with what the State
10 presented?

11 **The Court:** You're proceeding, ma'am.

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

13 **The Court:** While she's doing that, Mr. Foreman, I want
14 to tell you that as foreperson your role is to serve as a
15 spokesperson for the jury, to preside over the jury
16 deliberations, to bring to the Court's attention any
17 questions or concerns the jurors may have, to preside over
18 the jury deliberations and to complete the verdict form
19 representing the unanimous verdict of the jury at the end of
20 the trial. You sit in that very special seat.

21 By Dr. Faltas:

22 Q. State's exhibits 76, 75, 74, 73, 72, 71, 70, 69, 68, 67,
23 66, 65, and 55 -- you're not in 55 but -- I'm sorry. Can you
24 look separately at 55?

25 A. You've got it upside-down; I can't see.

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 A. Oh, yeah, because you were in your car taking the
7 picture from your car, yeah. You're on your property taking
8 the picture of me on the other side, yeah. That's -- that's
9 -- that's your normal harassment. You'll just come run out.

10 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 A. No, my car isn't blocked in that picture. No. I've got
13 in my trunk -- I was actually taking some clothes into my
14 sister's house.

15 Q. All right. And in the other State's exhibits that I
16 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 A. This is the one where you're actually blocking me.
22 These are the ones where I'm actually blocked -- these last
23 three I'm actually blocked in. This is the one I had my back
24 turned on you when you was telling me that you don't have to
25 answer to anybody. Remember?

1 Q. Your Honor---

2 A. This is the one where you're blocking me again in this
3 picture. This is another picture where I'm being blocked in.
4 This picture I'm being blocked in. This is actually the one
5 from the side where you told me that you knew people that
6 could threaten me just before I called the police, people
7 that could do me harm. Remember that? This is the one where
8 you've got me blocked in.

9 This is the one just before the police came. Remember
10 that one? This is -- this is just your regular harassment on
11 the pictures for somebody you don't know. That's it. Does
12 the jury want to see the pictures, too? You can take them
13 over there.

14 Q. You're telling this jury that your car is blocked in---

15 A. Oh, no, no, no, not that picture, the other ones where I
16 showed you where you had me blocked in.

17 Q. Blocked in in exhibit...

18 A. No, not those. Not those. Those are the ones where I
19 was about to -- those are the ones where you was just like at
20 the mailbox up where you were just across the street.

21 Q. Blocked in at exhibit 75?

22 A. Not that one. That's the one just before I called the
23 police on you when you were yelling things at me and my
24 sister in the parking lot.

25 Q. You called the police on me that day?

1 A. Yes.

2 Q. You called the police on me?

3 A. I called the police on you twice. Remember? When they
4 came out, you actually went in the house. Remember? And you
5 wouldn't come back out.

6 Q. Did you call the police on October 21st?

7 A. I don't remember the date, but you -- but you should ask
8 the police officers because they actually tried to get you
9 out of the apartment. Remember that? But you wouldn't come
10 out to address the police officers.

11 Q. And---

12 A. Show them the pictures where you actually have me
13 blocked in so we can all get this over with because I do have
14 a job to go to. Do you want to go ahead and do that so we
15 can get this over with?

16 Q. Your Honor, could you please...

17 A. I'm doing what you asked me to do. What do you want
18 from me? I don't know you. It would be easier if I knew
19 you. Do you actually know me?

20 Q. Your Honor, this is about the eighth time he's been
21 asking me questions.

22 A. I might as well play a lawyer, too. You want me to -- I
23 might as well put a suit on and come in here and play a
24 lawyer, too. I don't know you.

25 Q. Your Honor, could you please...

1 A. I don't know my way around Columbia. Lady, I do not
2 know you. Do you actually know me? Tell -- please tell the
3 judge you actually know me.

4 Q. Your Honor, this is totally out of order.

5 A. No. What's out of order is you got me out of missing
6 money from a job I need to go to.

7 **The Court:** All right, sir. Next question.

8 **The Witness:** Show them the pictures - go ahead - where
9 you've got me blocked in.

10 **The Court:** Sir, you have to answer the question. Wait
11 for the question. Then answer the question.

12 **Dr. Faltas:** Your Honor, I ask you -- I ask you to hold
13 him in contempt of court. Your Honor already admonished him
14 several times, and he's not abiding by Your Honor's rulings
15 and he's keeping committing disparaging statements.

16 **The Court:** All right, sir. You must answer the
17 questions and answer the questions only.

18 **The Witness:** Yes, sir.

19 By Dr. Faltas:

20 Q. So in the pictures, is that -- of the ones I identified,
21 is that your daughter?

22 A. No. That's actually Ms. Lurke's daughter. My sister
23 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.

1 Q. That's a yes-or-no answer.

2 A. No, that's not my daughter in that picture.

3 Q. All right. And didn't you just testify that you were
4 taking laundry up to your sister's house?

5 A. Uh-huh, when I had my trunk open. Yes.

6 Q. Yes. So weren't you just going to pick the laundry up
7 at that time?

8 A. No. That's the picture you actually had me blocked in.
9 See, what you're doing is showing certain pictures and saying
10 certain aspects. See, you're trying to play them like
11 they're dumb, but, see, I'm not. See, I'm in mental
12 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 **Dr. Faltas:** Besides, these are the pictures that the
19 State has. If any -- if the State had anything of me
20 blocking him, the State would have shown it.

21 **The Court:** Ma'am---

22 **The Witness:** Did you show the picture---

23 **The Court:** Sir, sir, Mr. Ingram, you must answer the
24 questions only. You can't volunteer information. You
25 can't---

1 **The Witness:** But, Your Honor, she's showing certain
2 pictures. She just showing certain pictures to the jury.

3 **The Court:** Regardless. She's the -- she's representing
4 herself, and she has a right to ask questions, but you do not
5 have the right to make statements such as you've just done.
6 Next question.

7 By Dr. Faltas:

8 Q. Have you ever taken pic -- have you ever taken pictures
9 yourself?

10 A. Of who?

11 Q. Have you ever taken pictures, period?

12 A. Of my family, yeah.

13 Q. Do you know that cameras have -- some cameras have zoom
14 lenses?

15 A. Really? I didn't know that.

16 Q. No, you didn't know? Okay. That's the answer. State's
17 exhibits 7 and 77, is that you in these pictures?

18 A. Yeah. As a matter of fact, this is the one where I'm on
19 the cell phone calling the police. I'm glad you took this
20 one, yeah. Yeah. And this is the one actually where you
21 were right here slurring some more things at me. This is the
22 one that you need to show. This is the exact one I called
23 the police on.

24 Q. Is your car blocked in in those pictures?

25 A. As a matter of fact, you had just -- as a matter of

1 fact, you moved as soon as I called the police. You were
2 doing the running thing as usual, the usual backing up when I
3 called the police, and it's actually -- this is the one I
4 called the police on.

5 Q. State's exhibit 28.

6 A. Same pictures with me calling the police.

7 Q. Okay. So at the moment you're calling the police, how
8 is your car blocked in in those three pictures?

9 A. You just backed out. When I got the cell phone to call
10 the police, you just backed out, the normal -- you will move.
11 When I call 9-1-1, then you back out. You wouldn't -- you
12 wouldn't let me out until I called the police. When they
13 come, you skedaddle in the apartment.

14 Q. So supposing even if your story were true and I had
15 already moved out---

16 A. Uh-huh.

17 Q. ---why didn't you just drive away instead of causing---

18 A. No. After I called -- well, after I called the police,
19 what's the need for me to move? Because, see, that's --
20 that's -- that's making a false call. I don't want to make a
21 9-1-1 call and then leave the premises. I have to let them
22 know what happened.

23 Q. Did they---

24 A. That's protocol. Right?

25 **Dr. Faltas:** Your Honor, he shouldn't ask me questions.

1 He said, "That's protocol. Right?" He shouldn't be asking
2 me questions.

3 **The Court:** Next question.

4 By Dr. Faltas:

5 Q. In fact, the police came and you weren't there.

6 A. Do you have the police record showing that, that I left
7 the scene?

8 Q. Yes.

9 A. Could you please show the court that?

10 Q. Absolutely.

11 A. Okay.

12 Q. State's exhibit 27, isn't that the police and aren't
13 they talking to your sister?

14 A. This probably was a day I probably wasn't even over
15 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 By Dr. Faltas:

19 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---

1 **The Witness:** I have enough education. I'm an adult. I
2 have enough education to have two jobs. I have enough
3 education to have went to college. I have enough education
4 to graduate high school.

5 **The Court:** He's a high school and college graduate.

6 **The Witness:** I went to college and high school,
7 elementary school, middle school, preschool, and I went to a
8 couple of day cares when I was a little younger, too.

9 By Dr. Faltas:

10 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 **Dr. Faltas:** Your Honor, he shouldn't be asking me
17 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 **The Witness:** Oh, my gosh. I went to Nielson -- I went
22 to Nielsen Electronic Institute. Does that answer your
23 question?

24 By Dr. Faltas:

25 Q. When?

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 **The Witness:** It's the same reason you're not a real
11 doctor. Lady, I don't know you to be telling you my personal
12 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 **The Witness:** Now, go ahead and cry, fall out, so we can
17 get this over with so I can go home, please. I've got to go
18 to work, ma'am. I don't have time to play. I don't know
19 you. It would be different if I knew you.

20 **The Court:** Ladies and gentlemen, I'm going to have
21 y'all go to the jury room. Please do not discuss the case.

22 (Whereupon, the jury was excused from open court at
23 11:34 a.m.)

24 **The Court:** Mr. Ingram?

25 **The Witness:** Yes, sir.

1 **The Court:** As testy or as difficult your relationship
2 with Dr. Faltas might be and as upset as you might be based
3 on what you may think to be what she has done to you, the
4 procedure in court is that a witness must answer questions
5 that are asked. The witness must not -- must not make
6 extraneous comments. The witness must not attempt to assault
7 the character of the person asking the questions. I would
8 hate to hold you in contempt of court. You must comply with
9 the rules of court. If you would bring the jury back,
10 please.

11 **Dr. Faltas:** Your Honor, before they do, I move for
12 dismissal with prejudice. The State knew exactly how its
13 witnesses would react. This is how Ingram was behaving.
14 This is how the other Ingram is behaving on purpose after
15 being admonished many, many times, and what they are trying
16 to say is we can do this to a foreigner. Under the eyes of
17 the Court, you, the jury, can also do it to her. I need a
18 dismissal with prejudice, a sanction for the prosecutorial
19 misconduct.

20 **The Court:** All right. It's all denied. If you'll
21 bring the jury back. Your time is extended another ten
22 minutes with this witness because of the disruption.

23 **Dr. Faltas:** Thank you, Your Honor. May I ask you to
24 admonish him to not keep shaking his head like this?

25 (Whereupon, the jury was brought into open court at

1 11:36 a.m.)

2 **The Court:** Ladies and gentlemen, you must disregard the
3 extraneous -- the contemporaneous and extraneous outbursts by
4 this witness. His conduct is improper. He's been admonished
5 that he may be held in contempt of court if it continues.
6 Next question.

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

8 **Dr. Faltas:** So I was in the process of asking you why
9 did you not graduate from---

10 **Ms. Weiss:** Objection.

11 **The Court:** Objection sustained.

12 By Dr. Faltas:

13 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 By Dr. Faltas:

20 Q. What do you actually do?

21 A. I work with them to make sure that they don't hurt
22 themselves or other people.

23 Q. So are you basically a security guard, a nanny, what?

24 **Ms. Weiss:** Objection.

25 **The Court:** Overruled.

1 **The Witness:** I work with mental -- I work with mentally
2 ill people.

3 By Dr. Faltas:

4 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 Q. So you're saying I never spoke to you until March 2009
11 or I -- what? What are you saying?

12 A. You spoke, but it wasn't anything good. You slurred
13 some things at me: Who am I? Are you a pimp? I know
14 some---

15 Q. And when was -- just a second. When was the first time
16 I asked you were you a---

17 A. I don't know the first time. All I know is you came
18 behind me. Don't even know you. To this day I don't even
19 know you.

20 Q. All right. When was the first time you met -- is
21 Teresa's -- have you ever called Teresa Ingram Nikki?

22 A. That's my sister's name, yeah. That's her nickname,
23 yeah.

24 Q. Do you recall that when I first moved in I introduced
25 myself to you, and you said that you were the tenant and that

1 your name is Ricky?

2 A. If my name is Ricky, I think you've got me confused with
3 somebody else. The first time I met you is when you came
4 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 A. I don't know when you moved in. All I know is you came
9 behind my car---

10 Q. Assuming for the purpose of this question that I moved
11 in in September 2008, do you have any idea when I allegedly
12 came in behind your car?

13 A. The first time you came behind my car, I didn't know if
14 you moved in or not. All I know is you came behind my car
15 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 A. I don't know which year it was. You did it so many
20 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 A. I know who the landlady was, but when you said that, I
25 found it kind of strange because I just said I knew who the

1 landlady was.

2 Q. And then what happened?

3 A. And then what happened was that you wouldn't move.

4 Remember? And I had to end up asking you several times to
5 move, and when you -- then when you told me you refused to
6 move -- because you was like who am I? What business do I
7 have going in the building?

8 Q. And then how did that resolve itself?

9 A. I just went inside the building. I just ignored you and
10 went inside the building.

11 Q. Okay. So you weren't really asked to leave or you
12 didn't have to leave.

13 A. Well, I didn't know who you were, so I wasn't -- when
14 you told me you were the landlord and I knew you weren't,
15 right then and there I knew you had some problems, so I
16 laughed it off. Like I said, I work with mentally ill
17 people. So I just went upstairs.

18 Q. All right. So then did you write a statement to
19 somebody to the effect that I asked you to leave and you had
20 to leave?

21 A. I never wrote a statement saying I had to leave.

22 Q. Did you---

23 A. You tried to make me leave because you told me you were
24 the landlord.

25 **Dr. Faltas:** Your Honor, may I present a statement, an

1 alleged statement, to him?

2 **The Court:** Yes.

3 **Dr. Faltas:** Thank you. Your Honor, I don't know the
4 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 **Dr. Faltas:** All right. Could you please tell us if
9 that is the statement that you wrote?

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

11 **The Court:** Overruled.

12 **The Witness:** Okay. The only thing this is saying is
13 that Maria -- Maria also stated that my sister was not
14 allowed to have company and if he doesn't leave she will call
15 the police.

16 By Dr. Faltas:

17 Q. Have you read all of it?

18 A. Yes, I read all of it, but if you -- but if you
19 underline the last part: Maria also stated that my sister
20 was not allowed to have company and if she does you will call
21 the police...

22 **Dr. Faltas:** May I have it marked now, Your Honor?

23 **The Court:** For identification purposes only.

24 **Dr. Faltas:** I'm sorry. Did I ask him -- did I ask him
25 whether he wrote it?

1 By Dr. Faltas:

2 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 A. You want to look at my driver's license again? That's
6 not my signature.

7 **Dr. Faltas:** Well, may I ask the court to compare his
8 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 **Dr. Faltas:** Well, this is -- this was presented by the
13 State.

14 **The Court:** Ma'am, you cannot make statements. You have
15 to ask questions of the witnesses.

16 By Dr. Faltas:

17 Q. So did you write this or---

18 A. I just said that's not my signature and I didn't write
19 that.

20 Q. You did not write that.

21 A. Look at the last statement on there, and the only thing
22 it's saying is that you said my sister was not supposed to
23 have company and if I didn't leave, you were going to call
24 the police.

25 Q. I'm sorry. You did not write this, and this is not your

1 signature?

2 A. That's not my signature, no.

3 Q. And you did not write this?

4 A. The last statement on there was the only thing I recall,
5 but everything else I didn't write that.

6 Q. You did not---

7 A. That's not even my signature. I never knew your name
8 until just now. Doctor... What's your last name? That's
9 it.

10 **Dr. Faltas:** Your Honor, I think the witness was
11 admonished not to ask questions.

12 **The Court:** All right. You have two more minutes with
13 this witness, two minutes.

14 **Dr. Faltas:** Then may I mark this for identification?

15 **The Court:** I have indicated it's marked for
16 identification purposes only.

17 **Dr. Faltas:** I'm sorry. Thank you.

18 (Defendant's exhibit 4 was marked for identification
19 only.)

20 By Dr. Faltas:

21 Q. Did you ever say that your name is Deputy Ingram and
22 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?

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 **Dr. Faltas:** Your Honor, we said that we -- I thought
10 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.

17 Curtis Ingram, after being duly sworn, testified as
18 follows:

19 **The Clerk:** Have a seat in the witness stand, please,
20 and give the court reporter your name.

21 **The Witness:** Curtis Ingram.

22 Direct Examination

23 By Ms. Weiss:

24 Q. I'm sorry?

25 A. Curtis Ingram.

1 Q. Good morning, Mr. Ingram.

2 A. How are you?

3 Q. Mr. Ingram, where do you live?

4 A. Sumter, South Carolina.

5 Q. And how long have you lived there?

6 A. About 47 years.

7 Q. Are you married?

8 A. Yes.

9 Q. And how many children do you have?

10 A. Two.

11 Q. What are your children's names?

12 A. Rodney Ingram and Felicia Ingram.

13 Q. Is that also Teresa Ingram?

14 A. Yeah. Yeah.

15 Q. And she sometimes goes by the name Nikki?

16 A. Yeah.

17 Q. Mr. Ingram, are you currently employed?

18 A. No, I'm not.

19 Q. Are you retired?

20 A. Laid off.

21 Q. Okay. And do you have occasion sometimes to visit your
22 daughter, Teresa, in Columbia?

23 A. Oh, yeah.

24 Q. Do you go to her apartment sometimes at 300 Byron Road?

25 A. Yeah.

1 Q. During your time visiting Teresa, have you ever had the
2 opportunity to come in contact with Dr. Marie Faltas?

3 A. I never knew her name, but I have seen her.

4 Q. Well, the defendant in the courtroom today?

5 A. Yes.

6 Q. Okay. And will you please tell the jury about the times
7 you've seen her at 300 Byron Road?

8 A. Well, a couple of times I have been to my daughter's
9 house, I does -- I smoke, but I doesn't smoke in her
10 apartment.

11 Q. Okay.

12 A. So I goes on the outside to smoke, and I have seen her
13 just standing there staring at me. So I didn't say any -- I
14 didn't pay it any attention. So when I go back upstairs to
15 Nikki, my daughter's place, I told her about it. She said,
16 "Don't pay her no attention." And one time I came over here
17 to get some windows to go in my house and I was driving my
18 truck, so my truck break down. So I called my brothers to
19 come and pull my truck back to Sumter, and during that time
20 we was out in the front of her apartment and she came out
21 taking pictures of us.

22 Q. And how did that make you feel, Mr. Ingram?

23 A. I got mad at her. I started to stick my finger up at
24 her, but my daughter told me, "Don't do it." Said just leave
25 it alone and she was just---

1 **Dr. Faltas:** I'm sorry. What did he just say? I'm
2 sorry. I just didn't hear what he said. I got mad and stuck
3 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 By Ms. Weiss:

9 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 Q. And did the defendant remain out there for an extended
12 period of time?

13 A. She stayed out for awhile, and then she finally went
14 back in.

15 Q. Okay.

16 A. Got in -- she got in her car. She didn't go back in.
17 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 A. She was snapping pictures of me and my other two
22 brothers.

23 Q. And that was the car that you had -- that you drive when
24 you come to and from Columbia?

25 A. Well, I have two cars. I was driving my truck that

1 particular day.

2 Q. But that was the car you had come in, come to the
3 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 Q. To your personal knowledge, how has the behavior of the
10 defendant affected your daughter?

11 **Dr. Faltas:** Objection.

12 **The Court:** Objection is overruled.

13 **The Witness:** Answer?

14 By Ms. Weiss:

15 Q. Yes, please answer the question.

16 A. Oh, it affects her real bad because she be calling to
17 the house complaining to me and my wife all the time about
18 the harassmt that she have from this lady.

19 **Ms. Weiss:** Thank you. No further questions for this
20 witness. Please answer any questions the defendant may have
21 for you.

22 **The Court:** All right. Doctor?

23 **Dr. Faltas:** Your Honor, may I ask the same question,
24 that he show the Court his identification, please?

25 **The Court:** Do you have your driver's license, sir?

1 **The Witness:** Yes, I do.

2 **The Court:** All right. May I see it?

3 (The witness complies.)

4 **The Court:** Thank you. You may proceed.

5 **Dr. Faltas:** Thank you. Did the court verify his name
6 is...

7 **The Court:** Yeah, he -- it is who he says that it is,
8 and he lives in Sumter county.

9 **Dr. Faltas:** Thank you, Your Honor.

10 Cross-Examination

11 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?

1 Q. You said you are laid off from work. What are you laid
2 off from.

3 A. Cooper Tools.

4 Q. What?

5 A. Cooper Tools.

6 Q. You work at Cooper Tools? What do you do or what did
7 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 **The Witness:** To tow cars? I was pulling my car. I
18 didn't tow it.

19 By Dr. Faltas:

20 Q. What?

21 A. No, I do not have a license to tow cars.

22 Q. Are you aware that for cars to be towed there are safety
23 procedures?

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

25 **The Court:** The objection is overruled.

1 **The Witness:** I don't follow on this.

2 **The Court:** Do you know that there are safety procedures
3 involved in towing cars?

4 **The Witness:** Oh, yeah.

5 **Dr. Faltas:** State's exhibits 54, 53, 52, 51, 50, and
6 49, could you please look at them and tell the jury if you're
7 in any of them?

8 **The Court:** Tell us if you see yourself in any of those
9 pictures.

10 **The Witness:** Oh, yeah.

11 By Dr. Faltas:

12 Q. Could you raise it and point where you...

13 A. I beg your pardon?

14 Q. Could you raise the picture and point where you are in
15 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 Q. Show us -- show us -- show us where you are in each one,

1 please.

2 **The Court:** Sir, do you look the---

3 **The Witness:** 54 I'm right---

4 **The Court:** Mr. Ingram, do you look the same in all
5 those pictures as you look now?

6 **The Witness:** I had on my work clothes that day, but I
7 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 **The Court:** Do you have on the same thing in all the
13 pictures?

14 **The Witness:** Yeah.

15 **The Court:** All right.

16 **The Witness:** Yeah.

17 By Dr. Faltas:

18 Q. In at least two of them---

19 A. Yeah.

20 Q. ---do you see your daughter with a wire coat hanger in
21 her hand?

22 A. Yes.

23 Q. Okay. What was the wire coat hanger used for that day?
24 Do you remember?

25 A. When I -- when we tied the chain up to keep it from

1 dragging on the ground. So we tied the chain to keep it from
2 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 A. I didn't have the -- I tied the chain on to the bumper,
7 and then where it was hanging down, we tied the wire to keep
8 the chain from hanging back down. So the wire was not
9 pulling the car. The chains was pulling the car.

10 Q. Do you know that sometimes wire coat hangers are used to
11 break into cars?

12 A. It could -- ain't no pressure was on it. The wire---

13 Q. I'm asking you a question. Do you know that sometimes
14 wire coat hangers are used to break into cars or if someone
15 lost their car key, they would use a wire coat hanger to open
16 the car? Do you know that or not?

17 A. Oh, yeah. Yeah.

18 Q. Yeah, yeah, yeah. It happens. Right? Okay. And what
19 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 Q. Okay. Have I ever had any occasion to know that this is
24 your pickup truck?

25 A. You should have. You take -- you see -- you be taking

1 pictures of me driving my pickup truck. I drive my pickup
2 truck to my daughter's house more than one time. Every time
3 I come I see you.

4 Q. Every time you come, you come in this truck?

5 A. No. Like I said before, I have a car and a -- I have
6 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 Q. Okay. And have you driven all those different five cars
14 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 A. Just of my daughter pointing a finger the day when you
20 was taking these pictures of us pulling the truck. She told
21 me don't say nothing to you. You were just standing there in
22 the yard snapping pictures. I didn't ever say nothing to
23 you.

24 Q. Okay. Wasn't she standing there and saying, "You
25 Egyptian bitch, you'll go to jail soon"?

1 A. No.

2 Q. Okay. Do the pictures show her mouthing things or do
3 the pictures show her looking towards me and speaking?

4 A. She's looking to where you were snapping the pictures,
5 but everybody else's backs were turned.

6 Q. Are the other people in the picture other than your
7 daughter -- are they smiling?

8 A. Yeah, one of them -- one of my brothers was smiling.
9 When you started taking the pictures, he posed for you to
10 take the picture. This one right here, that's when he was
11 posing for you.

12 Q. And you were able to pull and go from that exit. You
13 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 Q. Is anything in your way in any of those pictures? Like
18 specifically on State's exhibit 51, you're pulling away from
19 the exit?

20 A. I'm not pulling away right there. We're still tying the
21 chain to it.

22 Q. Yeah, but there is nothing blocking you, is there?

23 A. No, nothing -- nothing but my brother's truck in front
24 of me.

25 Q. Okay. So nothing bad happened to you from my taking the

1 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 Q. Do you ever go to Wal-Mart or Target or any store that
8 has on a video surveillance?

9 A. Yeah.

10 Q. And you are aware that your picture is being taken when
11 you park and when you go to the store and when you leave?

12 A. I know they have surveillance cameras, but I don't know
13 whether they be snapping pictures with them or not.

14 Q. And does that bother you?

15 A. Well, I guess if they were taking pictures of me and I'm
16 not aware of it and I'm not doing anything, yes, it will
17 bother me.

18 Q. So you don't go to shop at any place that has video
19 surveillance? Isn't that taking pictures---

20 **Ms. Weiss:** Objection.

21 **The Court:** The objection is sustained. He's not an
22 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.

1 By Dr. Faltas:

2 Q. And you claim that your daughter would call you and
3 complain about me?

4 A. I'm not claiming. She does it. She does call and say
5 you be harassing her.

6 Q. Okay. And what did she say happens to her as a result
7 of that?

8 **Ms. Weiss:** Objection.

9 **The Court:** The objection is overruled.

10 By Dr. Faltas:

11 Q. What did she say happens to her as a result of that?

12 A. She says you just be harassing her, and she's tired of
13 it.

14 Q. And you say you visit her quite often?

15 A. Yes, I do.

16 Q. Has the frequency of your visiting her changed in any
17 way?

18 A. No. That's my daughter. Why should it -- why should it
19 change?

20 Q. So you keep visiting her before I moved in and after I
21 moved, in the same way, the same frequency.

22 A. I don't know whether you was there or not, but when I
23 come I see you.

24 Q. Okay. So it didn't affect your coming to visit your
25 daughter. Mr. Ingram, were you hospitalized in the Intensive

1 Care Unit in Richland Memorial Hospital in September 2009?

2 **Ms. Weiss:** Objection.

3 **The Witness:** No, I was not.

4 **Dr. Faltas:** You were not. Thank you. Were you
5 hospitalized---

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

7 **Dr. Faltas:** He's already said he was not. Were you
8 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 **The Court:** Just a moment. The objection is sustained.

13 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 **The Court:** All right. All right. Thank you, sir.

18 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 By Dr. Faltas:

24 Q. Did you tow the truck like that all the way from

25 Columbia to Sumter?

1 A. Yes.

2 Q. And no police officer or highway trooper stopped you and
3 told you that that's an unsafe way?

4 A. As far as I know, if you've got a chain and got a bar,
5 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 **Ms. Weiss:** Your Honor, unfortunately we've had some
11 scheduling conflicts. We'll be able to -- we'll still be
12 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 **The Court:** All right. Ladies and gentlemen, we will
16 break until 1:00. If you'll leave the exhibits in the
17 courtroom and we'll be at ease for just a moment.

18 (Whereupon, the jury was excused from open court to go
19 to lunch 12:06 p.m.)

20 **The Court:** All right.

21 **Ms. Weiss:** Your Honor, is there any reason the victim
22 needs to stay? I told her she could break for lunch.

23 **The Court:** No, she can go. Any other matters we need
24 to discuss outside the presence of the jury?

25 **Dr. Faltas:** Your Honor -- I'm sorry.

1 **The Court:** Yes, ma'am.

2 **Dr. Faltas:** I need for the State to tell us if it is
3 going to call Corey Curry or should I go ahead and subpoena
4 him?

5 **The Court:** Do you intend to call Corey Curry?

6 **Ms. Weiss:** Your Honor, that is a possibility. I can't
7 tell you absolutely right this minute because we're trying to
8 get -- we're trying to get in touch with him to coordinate
9 times, so I'm just...

10 **The Court:** He's coming here today?

11 **Ms. Weiss:** He might be. We're trying to -- we're
12 trying to reach him.

13 **The Court:** Because if you don't call him, she wants to
14 call him, so he needs to be available for the State or the
15 defense.

16 **Ms. Weiss:** And -- but I know I'm -- I'm going to get my
17 case done today, so I'm trying to get him here today.

18 **The Court:** Right. If you don't get him here -- if you
19 can't get him here today, then he needs to be here tomorrow
20 for the defense's case.

21 **Ms. Weiss:** Yes, Your Honor.

22 **The Court:** Because he's -- you have access to him, so
23 we want you to be sure and have him---

24 **Ms. Weiss:** Well, that's -- that's sort of the issue
25 right now. We had access to him a couple of days ago. Right

1 now I'm having phone issues so... But I'll do everything in
2 my power to try to get him here this afternoon.

3 **The Court:** Okay. If you'll keep me posted on it to see
4 whether he's available.

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

6 **Dr. Faltas:** So I do not need to subpoena him and it
7 will be the State's responsibility to get him in or---

8 **The Court:** The State is attempting to locate him to get
9 him here. I can't really review the issue as she reports it
10 to me.

11 **Dr. Faltas:** All right. Thank you, Your Honor.

12 **Ms. Weiss:** She does not need to send a separate
13 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 **Ms. Weiss:** Your Honor, Dinah Steele-Mason and Larry
19 Mason have received subpoenas from the defense telling them I
20 think to be here this afternoon? Is there -- do they need to
21 be here for the defendant?

22 **Dr. Faltas:** Yes, definitely.

23 **The Court:** But if they are -- if the State has -- and
24 we may -- we may go late today, and so if witnesses are
25 available, then they need to -- and if the State ends early,

1 then they need to be here for the defense's case, if
2 she chooses to call them.

3 **Ms. Weiss:** Okay. Are they -- can I ask if they're
4 going to be one of her first witnesses? I just hate for them
5 to come at 1:30 and---

6 **The Court:** No. They will -- well, obviously they don't
7 need to be here at 1:30 because we're still---

8 **Ms. Weiss:** That's what the subpoena says.

9 **The Court:** All right. They don't need to be here
10 before -- before the time you're to call them or the time the
11 defense is to call them.

12 **Ms. Weiss:** Okay. Thank you, Your Honor. May I put
13 them on a telephone standby?

14 **The Court:** Yes.

15 **Ms. Weiss:** Thank you.

16 **Dr. Faltas:** Your Honor, may I know who are the State's
17 witnesses coming up next so I can prepare my impeachment and
18 cross-examination exhibits in a manner that does not
19 unnecessarily delay---

20 **The Court:** Do you know who your witnesses are?

21 **Ms. Weiss:** My next witnesses, if I can get them here,
22 are Corey Curry and Tiffany Lurke.

23 **The Court:** All right.

24 **Ms. Weiss:** And then possibly Deputy or Corporal El
25 Dada, Sergeant Taurus Sanders, and Investigator Blanton.

1 Those are the ones I can tell you for sure.

2 **The Court:** Okay. Very good. We'll be in recess 'til
3 1:00.

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

5 **The Court:** All right.

6 **Ms. Weiss:** Your Honor, Tiffany Lurke -- the rap didn't
7 come back yesterday, so Dr. Faltas doesn't have a copy of it.
8 She has a 2000 ABHAN that was dismissed, so she has no
9 record. I'm still maintaining she has no record, but I did
10 want to say the rap sheet did not come back yesterday with
11 her...

12 **The Court:** There's no record if the charges were
13 dismissed.

14 **Dr. Faltas:** Could I look at it?

15 **The Court:** All right.

16 (Whereupon, a lunch break was taken.)

17 **Ms. Weiss:** May it please the Court, Your Honor?

18 **The Court:** Yes.

19 **Ms. Weiss:** I had stated before the break who I intended
20 to call as witnesses. I believe that is now going to be
21 shortened. I am going to call -- I am going to call
22 Investigator Blanton, Sergeant Sanders, Corporal El Dada, and
23 hopefully Tiffany Lurke. That will be the extent of the
24 State's case this afternoon.

25 We have contacted Dinah Steele-Mason and Larry Mason on

1 behalf of Dr. Faltas to go ahead and be here by about 4:00.
2 I have -- we have contacted Corey Curry. He has indicated
3 that he is not interested in coming to the court. However, I
4 told him that the judge had ordered that he be here tomorrow.
5 He said he would come at 9:30 and, Your Honor, that's the
6 extent of my abilities I believe in that matter.

7 **The Court:** All right.

8 **Ms. Weiss:** I just wanted to put everything on the
9 record.

10 **Dr. Faltas:** Your Honor?

11 **The Court:** What's the last thing you said about when he
12 could be here or not be here?

13 **Ms. Weiss:** I said that he said he would be here at 9:30
14 in the morning. He was not happy about that and that is --
15 but that's the extent of my abilities to get him here---

16 **The Court:** All right.

17 **Ms. Weiss:** ---at this point.

18 **Dr. Faltas:** Your Honor, if it pleases the Court -- and
19 I know that that may sound rustic. I'd like the Court to
20 issue a warrant for him to come this afternoon and I -- my
21 examination of him will be very brief since he is here this
22 afternoon or somehow Ms. Weiss could contact him. And we
23 could examine him out of turn, if necessary. I know he's not
24 part of the State's case now, but sometimes the court can do
25 that. So while we still know he's here -- because if he

1 escapes or something, what do we do on Friday?

2 **The Court:** All right. Okay. Let's bring the jury.

3 Let's deal with matters at hand.

4 **Ms. Weiss:** Thank you, Your Honor.

5 **The Court:** During the break, call him to see if he can

6 come today. If not, he must be here in the morning.

7 **Ms. Weiss:** Your Honor, that's what I've told him.

8 **The Court:** Right, to come today and if he can't be here

9 today to be here in the morning, and do you have an address

10 for him?

11 **Ms. Weiss:** I do, Your Honor.

12 **The Court:** We'll have the sheriffs go get him, if

13 necessary.

14 **Ms. Weiss:** Yes, Your Honor.

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

16 (Whereupon, the jury was brought into open court at 1:30

17 p.m.)

18 **The Court:** All right. Next witness, please.

19 **Ms. Weiss:** Thank you, Your Honor. The State calls

20 Investigator Amanda Blanton.

21 **Dr. Faltas:** And, Your Honor, may I again sit...

22 **The Court:** Yes.

23 Amanda Blanton, after being duly sworn, testified

24 as follows:

25 **The Clerk:** Have a seat in the witness box, and give the

1 court reporter your name.

2 **The Witness:** Amanda Blanton.

3 Direct Examination

4 By Ms. Weiss:

5 Q. Good afternoon, Investigator Blanton.

6 A. Good afternoon.

7 Q. Where are you currently employed?

8 A. Columbia Police Department.

9 Q. And how long have you been employed with the Columbia
10 Police Department?

11 A. Seven years.

12 Q. Was this your first job in law enforcement?

13 A. Yes.

14 Q. And that would be 1993 when you first came to work
15 there?

16 A. No.

17 Q. Oh, I'm sorry. 2003?

18 A. Right.

19 Q. Sorry. Prior to the Columbia Police Department -- well,
20 I guess -- where are you from?

21 A. Spartanburg.

22 **Dr. Faltas:** Sorry?

23 **The Witness:** Spartanburg County.

24 By Ms. Weiss:

25 Q. And after high school, did you attend college?

1 A. I did.

2 Q. And where was that?

3 A. Spartanburg Methodist.

4 Q. Did you graduate from Spartanburg Methodist?

5 A. I did.

6 Q. And with what degree?

7 A. An Associate's in Criminal Justice.

8 Q. And after you got your Associate's -- what year was
9 that?

10 A. 2001.

11 Q. Where did you work?

12 A. When I graduated college, I moved to Columbia and I
13 worked at Best Buy.

14 Q. What position did you have there?

15 A. Originally I just started as a baseline level employee.
16 Then I was promoted to supervisor over the home theater
17 department, and then I started the manager program and was
18 promoted from there.

19 Q. And did you leave there to go to the Columbia Police
20 Department?

21 A. I did.

22 Q. What positions have you held with the Columbia Police
23 Department?

24 A. I got hired, finished the police academy. Started out
25 as a street officer, a patrol officer. From there I was

1 selected to go to the C.R.T. which is the Community Response
2 Team, and then from there I was promoted last year to
3 investigator.

4 Q. Okay. Before you were put out on patrol, you said you
5 went to the academy. What academy is that?

6 A. The South Carolina Criminal Justice Academy.

7 Q. And how long is that program?

8 A. Nine weeks when I went through.

9 Q. And when you moved to C.R.T., during your time of patrol
10 in C.R.T., did you receive any training during that time?

11 A. Yes.

12 Q. What kind of training was that?

13 A. Several things. Narcotics Undercover Techniques class
14 which I completed and assist in teaching it over the past
15 couple of years now, once I completed it. I've been through
16 the Basic Detective school through the Criminal Justice
17 Academy.

18 Q. And do you receive updates on training each year?

19 A. Yes.

20 Q. Okay. When were you promoted to investigator?

21 A. I was promoted a few weeks before everybody else, but it
22 was around June of last year.

23 Q. June of 2009?

24 A. Right.

25 Q. And what unit were you assigned to?

1 A. Special Victims.

2 Q. Prior to being promoted to investigator, did you receive
3 any awards or recognitions at the Columbia Police Department?

4 A. I've got a few accolades. I did receive the Police
5 Officer Of The Year for the year of 2008.

6 Q. So you've been with the Special Victim unit since June
7 of 2009?

8 A. Yes, ma'am.

9 Q. What types of cases does that unit handle?

10 A. Well, we handle child death investigations, sexual
11 assaults, rapes, any sort of pornography, child porn,
12 harassment, stalking, C.D.V. or criminal domestic violence,
13 harassment, harassing phone calls, unlawful communications.

14 Q. Okay. And approximately how many cases have you been
15 assigned since June of 2009?

16 A. I can give you a roundabout number. I couldn't tell you
17 exactly.

18 Q. That's fine.

19 A. About 40.

20 Q. Okay. And those cases cover many of the different
21 topics that you just discussed?

22 A. Correct.

23 Q. And how many of those have been harassment and/or
24 stalking cases?

25 A. When we started trial this week, I have one -- well,

1 actually two harassment cases that I have investigated,
2 signed warrants, and put someone in jail for. I have several
3 other pending that warrants have not been sought yet.

4 Q. So approximately cases have you been working on
5 involving harassment or stalking?

6 A. I don't know. I'd say six or seven.

7 Q. Okay. And prior to being an investigator when you were
8 on patrol with C.R.T., how many cases did you preliminarily
9 investigate involving harassment or stalking?

10 A. Several. Again, I couldn't pinpoint an exact number.

11 Q. Around about?

12 A. I don't know. People would call dispatch. Then we
13 would go to their -- wherever to meet them, and then I'd
14 start a preliminary investigation. So that -- maybe a dozen
15 or so. I'm not sure.

16 Q. And what is the procedure for you to receive a case?

17 A. The street officer or patrol officer responds to an
18 incident location per a victim, per the victim's request.
19 They take the initial incident report and the initial
20 statement from the victim, and from there it's signed off by
21 that officer's supervisor. Then it's forwarded to
22 investigations and then my sergeant who then assigns it to
23 whichever one of us he feels like assigning it to.

24 Q. And how many of you are in the unit?

25 A. Let me count. I want to say there are eight of us---

1 Q. Okay.

2 A. ---but I'm not sure.

3 Q. So about eight of you in the unit.

4 A. Yeah.

5 Q. And is that the same procedure that ended up getting you
6 assigned to a case involving Dr. Marie Assa'ad Faltas?

7 A. Yes.

8 Q. And prior to an incident report coming to your desk, did
9 you have any knowledge of Marie Faltas?

10 A. No.

11 Q. Did you know who she was?

12 A. No.

13 Q. Had you ever even heard the name before?

14 A. No.

15 Q. Okay. And what was the initial case that came to your
16 desk?

17 A. The initial one was -- I believe it was a -- harassment
18 slash stalking was how it was titled, and that would put
19 Teresa Ingram being the victim.

20 Q. Okay. And what did you do with that case?

21 A. Initially I did what I do with every other case. I
22 called the -- contacted the victim to find out what happened,
23 to see when they could come in and write a statement, a sworn
24 statement.

25 Q. Okay. And did you talk to Teresa Ingram?

1 A. I did.

2 Q. And did she come in and do a statement?

3 A. She did.

4 Q. Was she able to stay with you as long as you wanted the
5 initial time she came in?

6 A. Not the first time. She had to pick somebody up at
7 school.

8 Q. Okay. And do you have any idea who that was?

9 A. I don't.

10 Q. Okay.

11 A. I didn't ask.

12 Q. She was picking a child up at school?

13 A. Yeah.

14 **Dr. Faltas:** Your Honor, that's leading.

15 **The Court:** Was there an objection?

16 **Dr. Faltas:** Yeah. I'm sorry. Objection.

17 **The Court:** Basis for the objection?

18 **Dr. Faltas:** She asked her if she was picking---

19 **The Court:** I heard the question. The basis for the
20 objection?

21 **Dr. Faltas:** Leading.

22 **The Court:** Objection sustained. Don't lead the
23 witness.

24 By Ms. Weiss:

25 Q. Did Teresa Ingram come in a different time to give

1 another statement?

2 A. Yes, after a second report was made. I believe it was
3 after a simple assault involving rocks.

4 Q. And how did that report end up on your desk?

5 A. My sergeant actually assigned it to someone else in my
6 unit, and because we had already had a unit discussion
7 involving names of victims as well as suspects, so it was
8 then turned over to me as part of my entire case.

9 Q. And what did you do after you got the second statement?

10 A. I called Teresa again to have her come in and do another
11 statement.

12 Q. And---

13 A. I'm sorry. Did I answer that?

14 Q. Yeah, that's fine.

15 A. Okay.

16 Q. Did she do that?

17 A. She did.

18 Q. What did you do next in the investigation?

19 A. I would have contacted our records department within our
20 agency to find out how many reports -- due to the allegations
21 against the defendant, I pulled all reports involving her
22 name as a victim and/or suspect.

23 Q. Her name being?

24 A. Dr. Faltas.

25 Q. Okay. And what did you do next?

1 A. Contacted victims. If those were pending cases and if
2 they hadn't been assigned to an investigator, I originally
3 found out whether or not they were assigned, if they would
4 fall under the parameters of our unit, and then I asked my
5 supervisor if that was okay if I did it that way which he
6 agreed with the way I was thinking. And then I went from
7 there, contacted Ms. Dinah Steele-Mason who was also a victim
8 in another incident report because it was the same defendant,
9 also the same allegations, contacted her, had her come in for
10 a statement, then found out about people that lived in the
11 apartment had similar complaints.

12 Q. So approximately -- were you able to interview other
13 witnesses?

14 A. Yes.

15 Q. Approximately how many witnesses were you able to
16 interview?

17 A. I can name five.

18 Q. Okay. And who are those witnesses---

19 A. Or four. I'm sorry. Four, and then five including Ms.
20 Ingram.

21 Q. Five including Ms. Ingram.

22 A. Yes, ma'am.

23 Q. Okay. And did you get statements from---

24 **Dr. Faltas:** I'm sorry. Would you ask her who were
25 those individuals? She didn't give the names.

1 By Ms. Weiss:

2 Q. Were able to get statements from those witnesses?

3 A. Yes.

4 Q. Okay. Did they come in and meet with you?

5 A. Yes.

6 Q. Okay. After talking to the different witnesses in this
7 case, did -- were you able to come to a conclusion from that
8 -- from your investigation at that point to a preliminary
9 conclusion in the case?

10 A. Yes.

11 Q. And what was that?

12 A. Which was after reading the statute for harassment
13 first, I went to my supervisor, explained everything I had,
14 and then we did what we call a round-table discussion.
15 Everybody in our unit, before we go out and get warrants or
16 search warrants or things like that, we discuss our cases in
17 a meeting, just all the investigators in my unit specifically
18 to include my supervisor. Everybody's opinion was the same
19 as mine. So after that, I would have contacted the
20 solicitor's office to make sure there was probable cause.

21 Q. Okay. And who did you talk to about probable cause?

22 A. You.

23 Q. Okay. And then did you receive anything other than
24 statements to corroborate the information that you had
25 received about Dr. Faltas?

1 A. Yeah, I got other stuff.

2 Q. What else did you get?

3 A. Obviously the incident reports, witnesses to include
4 those five. I received photos from an attorney that he
5 alleged that Dr. Faltas had dropped off at his office. Let's
6 see. Numerous copies of notices that were sent to Dr. Faltas
7 via certified mail.

8 Q. Did those photos depict some of the same statements that
9 were given to you from the witnesses?

10 A. Yes.

11 Q. And what was your opinion about how those photos related
12 to those statements?

13 A. I was disturbed, but it just made me feel more at ease
14 about the -- my decision as far as the harassment went.

15 Q. And what did you do next?

16 A. I believe the next thing I would have done would have
17 been to have typed up a case summary because I had to present
18 it to our higher-ups.

19 Q. And once you completed your investigation or were at a
20 point where I guess -- did you reach a point at some point
21 where you felt that you had sufficient probable cause?

22 A. Yes.

23 Q. And what did you do at that point?

24 A. That's when -- when I thought I would have had probable
25 cause, I would have contacted the solicitor's office to run

1 that by just to double-check.

2 Q. Okay. After you had finished with your meetings, what
3 did you do?

4 A. Signed two search warrants and executed them as well as
5 two arrest warrants and executed those.

6 Q. And what were those two search warrants for?

7 A. Dr. Faltas's residence as well as one for her vehicle.

8 Q. And where is that residence?

9 A. 304 Byron Road, apartment 3, I believe is what it is.

10 Q. And would that be the same general location where the
11 incidents allegedly occurred?

12 A. Yes.

13 Q. And is that in the city of Columbia?

14 A. Yes.

15 Q. Is that in Richland county?

16 A. Yes.

17 Q. And had you been to that apartment before?

18 A. No.

19 Q. Did you know where it was?

20 A. After I Google mapped it.

21 **Dr. Faltas:** I'm sorry. I didn't hear that.

22 **The Witness:** Using Google maps on the internet.

23 By Ms. Weiss:

24 Q. What were you searching for in that -- in those search
25 warrants?

1 A. Photos that had been alleged by the victims and
2 witnesses that may have been taken, cameras, video
3 recordings, audio recordings because again witnesses, victims
4 alleged that there were audio recordings, maybe video
5 recordings, a cell phone that could possibly hold video or
6 audio recordings, any sort of computer thumb drive, zip
7 drive, any sort of database like that. We're in a
8 technological age, so people often use computers to hold
9 their information. I'm trying to think of everything that
10 was in the warrant; I'm sorry.

11 Q. Okay. And when you went to execute the search warrant,
12 did you go by yourself?

13 A. No.

14 Q. Who went with you?

15 A. Just about every investigator in my unit as well as a
16 uniformed officer.

17 Q. And is that typical in executing a search warrant?

18 A. It's typical to have more than two or three people, yes.

19 Q. And why is that?

20 A. Well, number one, you have to have several people
21 searching, depending on how big the location is and what
22 you're looking for. You also want uniforms there, so that
23 way there's no doubt in anybody's mind who you are because
24 typically we're dressed like I am.

25 Q. Okay. Did you take photos while you were executing the

1 search warrant?

2 A. We---

3 Q. Or did someone take photos while you were executing the
4 search warrant?

5 A. Yes, an officer did.

6 Q. Okay. I'm going to ask you to look at State's exhibits
7 112, 111, 110, 109, 108, 107, 106, 105, 104, 103, 102, 101,
8 and 100, and I'm going to ask that these four photos be
9 marked as well, State's exhibits.

10 **Dr. Faltas:** Objection, Your Honor.

11 **The Court:** Basis for the objection?

12 **Dr. Faltas:** The completeness rule.

13 **The Court:** Objection is overruled.

14 (State's exhibits 114 through 117 were marked for
15 identification only.)

16 By Ms. Weiss:

17 Q. And also if you can look at State's exhibits 116, 117,
18 115, and 114.

19 A. (The witness complies.)

20 Q. Do these pictures -- are these pictures that were taken
21 during the search warrant?

22 A. Right.

23 Q. Do they accurately depict items that were collected
24 during the search warrant?

25 A. Yes.

1 **Ms. Weiss:** Okay. Your Honor, at this time I move
2 State's exhibits 104, 100, 101, 103, 102, 112, 111, 110, 109,
3 108, 107, 106, 105, 117, 116, 115, and 114 into evidence.

4 **Dr. Faltas:** Objection.

5 **The Court:** Admitted over objection.

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

7 (State's exhibits 100 through 112 and 114 through 117
8 were received in evidence.)

9 By Ms. Weiss:

10 Q. If you would, could you identify 117, 114, 115, and 116
11 for the jury?

12 A. Those would be the cameras that we -- that were within
13 the search warrant that we removed from Dr. Faltas's
14 apartment during the search warrant.

15 Q. And one of those was being pulled out of a purse? Is
16 that...

17 A. The one coming out of the brownish or goldish purse?

18 Q. Yes.

19 A. Yes.

20 Q. Okay. Okay. And can you tell what's being photographed
21 in exhibits 105, 102, 103, 101, and 104?

22 A. A whole bunch of pictures.

23 Q. And 110 and 111?

24 A. A bunch of cassettes.

25 Q. And in 109, 106, 107, and 108, is there one item that is

1 in all four of these photos?

2 A. Yes, there's some sort of audio recording device in each
3 photo.

4 Q. And these were where they were found in the residence?

5 A. Right, before we took them.

6 Q. And did you take the recording devices?

7 A. No, we didn't.

8 Q. Okay.

9 A. We made sure that there weren't anything in them as far
10 as cassettes: Audio, video, or whatever.

11 Q. And what is in State's exhibit 100?

12 A. Numerous rolls of film or boxes.

13 Q. And, finally, what is depicted in State's exhibit 112?

14 A. A window from a bedroom overlooking the parking lot in
15 the apartment of Dr. Faltas.

16 Q. What types of evidence did you remove from the apartment
17 of Dr. Faltas?

18 **Dr. Faltas:** Objection.

19 **The Court:** Objection is overruled.

20 **The Witness:** The stuff you just picked up right there
21 is what's left. That's audio cassettes, video cassette -- or
22 there are no video cassettes left but...

23 By Ms. Weiss:

24 Q. Just in general what did you remove?

25 A. Okay. Cameras, a laptop computer, a freestanding

1 computer I guess you would call it, numerous cassettes,
2 numerous video cassettes, a lot of pictures, the cameras, a
3 cellular phone that had a camera on it, negatives of photos.
4 Without looking at the return, I'm not exactly sure but---

5 Q. But that's the general description of what was removed?

6 A. Yes, ma'am.

7 **Ms. Weiss:** Okay. If I may mark just for identification
8 only...

9 (State's exhibits 118 through 122 were marked for
10 identification only.)

11 By Ms. Weiss:

12 Q. State's exhibit for identification only 118, what are
13 these?

14 A. Cassettes.

15 **Dr. Faltas:** I didn't see them. You said that's 118?

16 **Ms. Weiss:** Yes.

17 By Ms. Weiss:

18 Q. State's exhibits 119 for I.D. only, do you know what's
19 in this bag?

20 A. I know what's in there. It's going to be numerous
21 photographs.

22 Q. Okay.

23 **Dr. Faltas:** I didn't see them. Could I see in there?

24 By Ms. Weiss:

25 Q. These would be the same photographs that you were

1 saying...

2 A. Yes, ma'am.

3 Q. State's exhibit 120 for identification only?

4 A. It's more photos.

5 **Dr. Faltas:** What did she say?

6 **Ms. Weiss:** More photos.

7 By Ms. Weiss:

8 Q. State's 121 for identification?

9 A. That's going to be more pictures.

10 Q. Finally a green crate?

11 A. Has photos, cassettes as well as disks of photos.

12 Q. Actually, still remaining if you want to look...

13 **Dr. Faltas:** Your Honor?

14 **The Witness:** Disks of photos, yes, ma'am.

15 **Dr. Faltas:** Your Honor, may...

16 **Ms. Weiss:** Okay.

17 **Dr. Faltas:** Could we approach for a second, please?

18 **The Court:** Okay.

19 (Whereupon, a bench conference was held.)

20 By Ms. Weiss:

21 Q. State's exhibits for identification that were just shown
22 to you, Investigator Blanton, is that all of the evidence
23 that you collected?

24 A. No.

25 Q. Okay. What happened to the rest of the evidence?

1 A. After we started going through it, I determined that it
2 wasn't needed or necessary. Even though it was under the big
3 scope of the search, search warrant, it involved other people
4 that are not involved in this case specifically or in the
5 Masons' case.

6 Q. And some of the tapes -- were some of the tapes
7 completely irrelevant?

8 A. Yes.

9 Q. Did you have any way of knowing that while collecting
10 it?

11 A. No, they weren't marked or labeled, not that we could
12 see anyway.

13 Q. And once you figured out they were not relevant to this
14 case, what did you do with them?

15 A. After I listened to them or viewed them, whether it was
16 audio or video, I had to take them back to our property room
17 and sign for each individual thing so that they could be
18 returned.

19 Q. Okay. And the computers, were you able to look at those
20 yourself?

21 A. I was with S.L.E.D. -- two S.L.E.D. technicians because
22 we don't do that at our department. What we do is separate
23 search warrants for -- I did separate ones for both
24 computers.

25 Q. And were you able to in that investigation determine

1 whether those were relevant?

2 A. They were not.

3 Q. And what was done with those computers?

4 A. They were taken back to our agency property room by me
5 and then signed back over.

6 Q. Okay. And after the search warrant and arrest warrants
7 were done, other than reviewing the evidence, have you done
8 anything else relevant to this case?

9 A. I'm sorry. I don't understand.

10 Q. Have you -- I mean, is that where your involvement in
11 this case, other than testifying here in court today -- I
12 mean, there's nothing else that has happened that you have
13 investigated regarding this case.

14 A. No.

15 Q. Beg the court's indulgence one moment. Were you able to
16 identify who Dr. Marie Assa'ad Faltas was?

17 A. Yes.

18 Q. And were your witnesses able to identify her?

19 A. Yes. They all knew her by name.

20 Q. And were you able to identify by photo who it was? Were
21 you able to figure out exactly who they were talking about?

22 A. Oh, yes. Yes.

23 Q. And did you do any background information to try to
24 identify who that person was?

25 A. Basic background info, yes, ma'am.

1 | **Ms. Weiss:** Okay. Thank you. No further questions.

2 Please answer any questions Dr. Faltas may have for you.

3 **The Court:** Cross-examination.

4	Cross-Examination

5 | By Dr. Faltas:

6 Q. Ma'am, you arrested me and took me out of my apartment.

7 | Isn't that correct?

8 A. Yes, ma'am. I was there while it happened.

9 Q. While you were in my apartment in home clothes and you
10 came and put handcuffs on my hands, isn't that correct, and
11 put my hands behind my back and put handcuffs behind on my --
12 on my hands? Isn't that correct?

13 A. I am not the one who put handcuffs on you, but I was
14 there while that was going on. Yes, ma'am.

15 Q. What I was in the process of doing when you did that?

16 A. I don't know what you were doing before we got there.

17 Q. The moment I was there, what was I doing?

18 A. Telling us that we couldn't arrest you and that we were
19 going to kill your mother.

20 Q. Yes. And were you ever trained that police officers
21 cannot arrest for a misdemeanor except if it is committed in
22 their presence?

23 A. I have not been trained that way, no.

24 Q. All right. Were you -- did you observe me at that time
25 in the act of allegedly harassing anybody when you or your

1 entire team -- you said just about everybody in your unit
2 came down on me.

3 A. I don't understand the question because we didn't come
4 down on anybody.

5 Q. You said just about everybody in your unit came to my
6 apartment. Isn't that correct?

7 A. Yes, ma'am.

8 Q. And I'm saying: Did you find me in the process of doing
9 anything illegal?

10 A. You must have been at your window because you were
11 making comments and demanding to know why there were officers
12 in front of your building.

13 Q. And it's illegal to be at one's window?

14 A. I did not say that.

15 Q. I asked a question. Yes or no, is it illegal?

16 A. No.

17 Q. All right. And then you took me away before doing the
18 search. Isn't that correct?

19 A. I did not, no. A uniformed patrol officer did.

20 Q. You did not even serve me with the arrest warrant or the
21 search warrant before taking me away. Isn't that correct?

22 A. Because I'm the one that signed the arrest warrants, I
23 did not serve them. I was standing there when the officer
24 served them to you though as well as gave you your copies.

25 Q. Actually, isn't it true that the copies were left in my

1 apartment?

2 A. Copies of the search warrant, yes, were left.

3 Q. But the search warrant wasn't given to me.

4 A. I didn't say the search warrant was given to you.

5 Q. Okay. So there was no search warrant given to me, and
6 there were no arrest warrants given to me.

7 A. Yes, ma'am. The arrest warrants -- the copies were
8 given to you.

9 Q. Before the police officer entered my house, he did not
10 give me an arrest warrant, did he, or two arrest warrants?

11 A. You wouldn't open the door for us.

12 Q. Didn't he say, "Either you open the door or we break the
13 door"?

14 A. I don't recall what that officer said.

15 Q. Did you take a video?

16 A. We did.

17 Q. And you never produced it to me even though I asked for
18 it.

19 A. I'm not sure. I never received a Brady motion, so I'm
20 not sure.

21 Q. Does that video still exist?

22 A. As far as I know.

23 Q. And you know that Chief Carter has been subpoenaed to
24 come and bring it?

25 A. I didn't know he was subpoenaed to bring that, no.

1 Q. And you basically ransacked my apartment in my absence,
2 didn't you?

3 A. Ransacked is your opinion.

4 Q. Did you take things and throw them all over the place?

5 A. No, ma'am, we did not throw any of your belongings.

6 Q. Did you put everything back where it was?

7 A. Probably not but it was attempted to.

8 Q. It was attempted to.

9 A. Your apartment was extremely messy when we got there.

10 Q. No, ma'am.

11 A. It was very hard to put that stuff back.

12 Q. These pictures are after you did that---

13 A. No, ma'am.

14 Q. ---and you're trying to show -- to pretend to the jury
15 that---

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

17 **The Court:** The objection is sustained. It's
18 argumentative. Let's ask questions.

19 By Dr. Faltas:

20 Q. State's exhibit 109, explain to the jury what's messy
21 about that.

22 A. My house doesn't look like this, so to me that's messy.

23 Q. Really?

24 A. Yes, ma'am. There's a furnace right here inside this
25 closet or some sort of heating device. So I assume it's a

1 furnace; I'm sorry if I'm wrong in that. But there are
2 books, magazines, papers, all kinds of stuff here. These
3 would be clothes all lining the wall here to include the
4 window and then more clothes on this side right here which is
5 visible and then a closet full of clothes which is typical.

6 Q. And isn't the apartment a real small one?

7 A. Again, that's a matter of opinion what small would be.

8 Q. Do you have any idea, according to your experience, what
9 the square footage of that apartment is?

10 A. I have no idea what the square footage of your apartment
11 is; no, ma'am.

12 Q. No idea.

13 A. No, ma'am. I've never asked. I had no reason to.

14 Q. Police officers are not trained to estimate distances?
15 If I asked you how far apart you and I are now, you would
16 have no idea?

17 A. I would take a wild guess but that's---

18 Q. All right. Take the wild guess. Let's see how good you
19 are.

20 A. It's not going to be accurate.

21 Q. Well, just tell me how far apart we are.

22 A. I would guesstimate 25 foot, 20, 25, somewhere around
23 there.

24 Q. What?

25 A. I said 20 or 25 foot as a guess.

1 Q. And you couldn't estimate the size of my apartment?

2 A. Not square footage, no, ma'am.

3 Q. Okay. Have you ever seen anything like this?

4 A. I'm sorry. Can you bring it closer? I can't see that
5 far.

6 Q. Have you ever seen anything like this?

7 A. I have seen a V.C.R. before as well as a television
8 before but not---

9 Q. No, the stand right...

10 A. No.

11 Q. Okay. Were you aware that this is a stand that I had
12 invented?

13 A. I had no reason to question whether or not you invented
14 something.

15 Q. What right did you have to come in and look at my
16 inventions?

17 A. Again, I wasn't there looking at your inventions.

18 Q. Okay. For its purpose, does it function well? Does it
19 hold a T.V., a telephone, a tape recorder, a Caller I.D.
20 unit, lots of books in a reasonable, compact, and stable
21 manner?

22 A. Your opinion would be reasonable and stable. I wouldn't
23 sit on it, so, no, I wouldn't say it's stable.

24 Q. Was it wobbly?

25 A. I don't remember trying to move that around. It wasn't

1 part of our warrant.

2 Q. Okay. And these were files neatly arranged in that
3 closet; right?

4 A. Neatly would be your opinion.

5 Q. And then because you -- you went inside my clothes
6 closet and searched it as well, didn't you?

7 A. Because the items we were seeking may possibly be there,
8 yes, ma'am, we did go in your closet.

9 Q. And the closet was full.

10 A. It had a lot of stuff in it; yes, ma'am.

11 Q. And this is an ingenious way of putting the overflow
12 clothes, isn't it?

13 A. Again, your opinion.

14 Q. Had you ever been told before the search that I never
15 used the heating or the air conditioning in my apartment?

16 A. I wasn't aware of that. I know the window was open when
17 we got there.

18 Q. What?

19 A. I know the window was open when we got there.

20 Q. The blinds?

21 A. I don't recall.

22 Q. Exhibit 100, did you say these are rolls of film?

23 A. I said those are boxes that could contain rolls of film.
24 There's also a portion of your kitchen which would include
25 your refrigerator door being open with telephones in it.

1 Q. Were there books in the refrigerator?

2 A. It was photographed before we ever searched, so I would
3 have to look at the photos. I do remember telephones being
4 in there and the refrigerator not being on.

5 Q. Were you told that I never used the refrigerator either?

6 A. I don't recall that.

7 Q. Did you look at the expiration dates of those rolls of
8 film, of those boxes of rolls of film?

9 A. No.

10 Q. Okay. Did you consider that I had bought them before
11 and they had expired?

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

13 **The Court:** Objection is sustained.

14 By Dr. Faltas:

15 Q. Is it illegal to have as many boxes or rolls of film as
16 one wants to?

17 A. Not to my knowledge.

18 Q. Okay. Is it illegal to use a refrigerator that's not
19 being used to put food in it for storage?

20 A. I'm sorry. Your question was: Is it illegal to do
21 that?

22 Q. Uh-huh.

23 A. Not to my knowledge.

24 Q. And you think you are not invading my privacy.

25 A. My opinion, no.

1 Q. Your opinion, no. Did you cause these items to fall in
2 State's exhibit 106?

3 A. No, ma'am. That would have been before we touched
4 anything. Part of---

5 Q. What is behind them?

6 A. I'm sorry. Behind what? This is a pile of stuff. I'm
7 not exactly sure what you're asking. If you want to point it
8 out...

9 Q. Yeah. Isn't this an encyclopedia that is neatly
10 arranged also on a shelf that you've never seen before
11 because I invented it?

12 A. There are books. I couldn't tell you whether or not
13 they're encyclopedias looking at this photo.

14 Q. But they are neatly arranged, aren't they?

15 A. They're sitting upright.

16 Q. And on State's exhibit 112, these are clothes on this
17 side. Some of my underwear are neatly arranged, aren't they,
18 even by color? Sorted by color?

19 A. There are clothes across the sides of the walls. Again,
20 neatly arranged would be your opinion. My house doesn't look
21 like that.

22 Q. Yes, ma'am, because you can't invent anything.

23 A. Again, your opinion.

24 Q. State's exhibit 101, does this show one of the people
25 who descended and also having pulled something and are

1 looking at it?

2 A. Can you ask the question again?

3 Q. I think you heard it.

4 A. No, ma'am. You were holding the picture back there; I
5 couldn't see it.

6 Q. Is this one of the people who descended with you on my
7 apartment?

8 A. This is an investigator within my office; yes, ma'am.

9 Q. And what is he doing?

10 A. He's conducting the search within the scope of the
11 search warrant -- search warrant.

12 Q. I didn't ask for a legal conclusion. I asked what is he
13 physically doing.

14 A. Holding a box full of stuff.

15 Q. Do you know what that stuff is?

16 A. That stuff appears to be photos, a shoebox full of
17 photos.

18 Q. Did you know how old I am before you did the search
19 warrant?

20 A. Because I looked at your driver's photo, so obviously I
21 knew when your birthday was.

22 Q. So how old am I?

23 A. Because I'm not looking at it right now, I couldn't tell
24 you even what year you were born. I'm sorry.

25 Q. Did you know when I came to this country?

1 A. It was alleged very early on in the investigation and,
2 no, I never saw documentation of the day you came to this
3 country, so I'm not sure.

4 Q. Did you testify that you knew that this is my only
5 residence?

6 A. I'm not sure I testified to that, but as far as I know,
7 this is the only place that you reside at the time. I do
8 know that you own a piece of vacant land.

9 Q. So if I've lived in this country about 30 years and this
10 is my only residence, it is possible to have a lot of clothes
11 and a lot of pictures and a lot of tapes from my 30 years in
12 this country.

13 A. I never said that this was the only place you had lived
14 while you've been here. I know that is the only residence,
15 to my knowledge, that you held at this time.

16 Q. And State's exhibit 105, does this show someone else
17 also looking into my files and papers?

18 A. It does. It shows, which I believe would be
19 Investigator Bailey again, the same as the other photo,
20 holding pictures that were found.

21 Q. Okay. And then State's exhibit 104, does it show the
22 gloved hands of somebody who has put a box on my bed which
23 wasn't there when you started ransacking my apartment?

24 A. Again, ransacking would be your opinion. It is another
25 investigator because investigators and police officers would

1 have been the only ones in the apartment. It shows them
2 emptying a box of photos on to something, so that way we
3 could make sure we were trying not to take things that were
4 not needed because there were so many pictures.

5 Q. And State's exhibit 103, that's another -- somebody
6 else's hands in my files?

7 A. This would again be another officer or investigator
8 going through photos, again relevant to why we were there to
9 the victims.

10 Q. State's exhibit 102.

11 A. I'm sorry. Were you going to ask me a question about
12 this picture?

13 Q. Yeah. Does it also show someone else looking at my
14 papers?

15 A. Again, another investigator and/or officer holding up
16 another shoebox full of photos.

17 Q. State's exhibit 116.

18 A. Were you going to ask a question about it?

19 Q. Yes. What's in it?

20 A. In this photo there's a small black bag with a camera
21 sitting on top of it.

22 Q. Was there another camera in that bag that you took?

23 A. I believe there was.

24 Q. And what else is in this picture?

25 A. Some of your personal effects as well as a box of floppy

1 disks, maybe two boxes of floppy disks, but I'm for sure one
2 box because the picture cuts it off on the side.

3 Q. You took those, too.

4 A. The floppy disks? Yes, ma'am.

5 Q. And what else is there?

6 A. In this photo?

7 Q. Uh-huh.

8 A. Again, that would be it.

9 Q. No, that's not it.

10 A. I said your personal---

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

12 **The Witness:** ---stuff.

13 **Dr. Faltas:** There is a picture of my mother there.

14 **The Court:** Just a moment. The objection is sustained.

15 **Dr. Faltas:** Sorry.

16 By Dr. Faltas:

17 Q. Is there a picture of a woman older than I am who looks
18 somewhat like me?

19 A. It is a picture of an elderly female. That would be
20 your opinion on whether or not she looks like you.

21 Q. Did you testify in this court outside the presence of
22 the jury that you contacted the Social Security
23 Administration trying to have my mother's Social Security
24 checks cut off under on the false pretext that she is dead
25 and that I've been fraudulently taking her Social Security

1 checks?

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

3 **The Court:** Sustained.

4 By Dr. Faltas:

5 Q. Did you testify that you contacted the Social Security
6 Administration?

7 A. I did.

8 Q. Did you testify that you got my mother's Social Security
9 number through some system that's only available to law
10 enforcement?

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

12 **The Court:** It's overruled.

13 **The Witness:** Yes.

14 By Dr. Faltas:

15 Q. Did you use that information to contact the Social
16 Security office and suggest to them that her Social Security
17 retirement check should be discontinued?

18 A. I never suggested anything to the Social Security office
19 other than the allegations that I was told.

20 Q. Who told you what?

21 A. That would be hearsay.

22 **Dr. Faltas:** Your Honor, if that's part of her
23 investigation, she needs to answer.

24 **The Court:** Ms. Weiss?

25 **Ms. Weiss:** Objection. Hearsay.

1 **The Court:** Objection is sustained.

2 By Dr. Faltas:

3 Q. Were you ever given an allegation that my mother is not
4 alive and that I'm fraudulently taking her Social Security
5 retirement checks?

6 A. No, ma'am. The allegation was that your mother did not
7 reside at your residence even though that's where apparently,
8 according to the same website where I got her Social Security
9 number and name from as well as all of her personal
10 information -- the same website lists your address as her
11 address. It is a one-bedroom apartment, not two.

12 Q. People can get their Social Security check, retirement
13 check, deposited to their bank accounts no matter where they
14 live. Isn't that correct?

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

16 **The Court:** The objection is sustained.

17 **Dr. Faltas:** Did you know before or after you contacted
18 the Social Security Administration that people can get their
19 Social Security retirement checks deposited to their banks?

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

21 **The Court:** The objection is sustained.

22 **Dr. Faltas:** Did you -- had you received, before you
23 contacted the Social Security Administration, information
24 that my mother has a bank account in South Carolina?

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

1 **The Court:** Objection is sustained.

2 By Dr. Faltas:

3 Q. In the discovery that you provided, did you have copies
4 of checks from my mother's account in South Carolina?

5 A. Yes.

6 Q. Okay. So you knew that she had an account in South
7 Carolina, a bank account in South Carolina.

8 A. I know it's a Bank of America. They're all over the
9 country, I believe.

10 Q. Okay. And did you know that her Social Security
11 retirement checks were being directly deposited to that
12 account?

13 A. After I contacted the Social Security office. That
14 would have been how I found that out.

15 Q. Yes. So you did find out that she was getting direct
16 deposits into a bank account that she has.

17 A. After I contacted the Social Security Administration.

18 Q. And you didn't ask them if there was anything improper
19 about that.

20 A. I don't recall the conversation I had with that
21 investigator.

22 Q. So did it turn out that anything wrong was being done as
23 far as my mother's Social Security retirement checks?

24 A. Not that he could find, and that would have been their
25 investigation, not mine, because I don't work for their

1 agency.

2 Q. An investigation that you asked them to initiate.

3 A. I did.

4 Q. Okay. And that's State's exhibit 115, is this how my
5 purse was when you found it?

6 A. I honestly -- I don't recall. I know the camera came
7 out of it though.

8 Q. You took it and emptied it on my bed and left things all
9 over the place. Isn't that true?

10 A. It's a search warrant.

11 Q. In fact, State's exhibit 117, that is the camera below
12 the other camera.

13 A. That would be the camera that came out of the black bag
14 that was underneath another camera.

15 Q. And, in fact, you thought it was a V.C.R. You listed it
16 in the return as a V.C.R. Isn't that correct?

17 A. Because I did not write the return, I'm not sure what
18 the investigator wrote down as far as what that item would
19 be, and because I'm not looking at the exact number of how it
20 was tagged into our evidence room, I couldn't tell you that.

21 Q. So none of the very experienced, highly-paid very
22 powerful -- you came to this court with a gun in your side,
23 didn't you? Could you stand up, please? You do have a gun.

24 A. I do, as well as my badge.

25 **The Court:** You have five more minutes for this witness.

1 **Dr. Faltas:** Your Honor, I need a little bit more time.

2 **The Court:** How much more time?

3 **Dr. Faltas:** I need about 30 minutes, please.

4 **The Court:** All right. Proceed.

5 **Dr. Faltas:** Thank you. So none of the eight -- the
6 entire Special Victims Unit that came down knows that this is
7 a Super Eight millimeter camera that they haven't even made
8 films for in 20 or 30 years.

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

10 **The Court:** Objection is sustained.

11 By Dr. Faltas:

12 Q. You just took it. And this State's exhibit 114, does it
13 show the shoes or a man's shoes and some things on the floor?

14 A. It shows a lot of stuff on the floor. The floor was not
15 clean, and it does show someone's shoes which again would be
16 an officer or investigator which, by looking at the shoes, I
17 would assume it was one of our investigators.

18 Q. And the camera wasn't on the bed when you found it, was
19 it, when you entered? You opened my purse and threw things
20 out to take the camera.

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

22 **The Court:** Objection is sustained.

23 By Dr. Faltas:

24 Q. Did you have any information that any of those cameras
25 were stolen or anything?

1 A. Stolen? No, ma'am.

2 Q. Embezzled? Anything? Anything that I should not have
3 those cameras?

4 A. I don't believe that's what you're charged with, so no.

5 Q. Okay. And then State's exhibit 110, were those
6 cassettes in that state of disorder when you entered my
7 apartment?

8 A. I honestly could not tell you that because I don't
9 recall. Everything was photographed before we logged it into
10 our evidence bags though.

11 Q. Doesn't even that picture show that the cassettes have
12 writing on them?

13 A. Uh-huh. Some of them did.

14 Q. And does the writing say they are tapes of court cases?

15 A. Your eyes are much better than mine if you can see that
16 in that photo.

17 Q. Do you know who Frederic Chopin is?

18 A. The composer? Yes, I do.

19 Q. Do you know who Sergei Rachmaninoff is?

20 A. Again, another composer.

21 Q. And weren't a lot of tapes marked Frederic Chopin or
22 Sergei Rachmaninoff or Felix Mendelssohn?

23 A. I didn't see any that were marked like that. If they
24 were, we did not take them during the search warrant.

25 Q. That's not true, is it?

1 A. Yeah, it is true.

2 Q. And State's exhibit 111, does it show more tapes?

3 A. Yes, ma'am, a good many more tapes as well as other
4 stuff.

5 Q. And again on State's exhibit 108, have you ever seen a
6 stand like this?

7 A. Again, no.

8 Q. Yes, because I invented it.

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

10 **The Court:** Objection is sustained.

11 By Dr. Faltas:

12 Q. And in State's exhibit 107 you show a stand, lots of
13 bookshelves.

14 A. I can honestly say I don't see a bookshelf whatsoever
15 here. There's a bunch of stuff in this picture though which
16 was how it was when we got there.

17 Q. No, it's not how it was.

18 A. Yes, it was.

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

20 **The Court:** The objection is sustained. You can't argue
21 with the witness.

22 By Dr. Faltas:

23 Q. You were aware that I was suing my landlady and others
24 for housing discrimination, weren't you?

25 A. For housing discrimination?

1 Q. Among other things, yes.

2 A. No, I didn't know about you suing them for housing
3 discrimination.

4 Q. What did you think I was suing them for?

5 A. From what I was told later on in the investigation of my
6 portion of the investigation that it was a property thing.

7 Q. Did you have any allegation that I had child pornography
8 in my house?

9 A. No, ma'am, again not what you were charged with.

10 Q. Did you have any allegation that I had drugs in my
11 house?

12 A. No, ma'am, not what you were charged with.

13 Q. Did you find any drugs or child pornography or pictures
14 of anything inside anybody's house? I mean, was I ever
15 charged with breaking into somebody's house and taking
16 pictures inside their house?

17 A. I did not charge you with any sort of burglary, so no.

18 Q. Without burglary, was I even charged with taking
19 pictures of anybody in their private residence?

20 A. In their private life? Yes.

21 Q. No, I didn't ask you that. I said private residence.

22 A. Not inside of their residence.

23 Q. Of all that you had taken from me, was there a single
24 picture in the private residence of any person but myself?

25 A. I just answered that.

1 Q. And the answer is yes or no?

2 A. No, there were no pictures of you taken inside of
3 someone's home other than yours.

4 Q. And was there any picture taken while I was following
5 someone?

6 A. Again, that would be your own opinion of how you---

7 Q. On the road? On a public street?

8 A. On the public highway, no.

9 Q. Okay. Or any public street.

10 A. Again, on the public roads, no.

11 Q. Was there any picture of Dinah Steele's business?

12 A. Unless it was something that I didn't recognize which
13 I've never been to her business, so there may have been and I
14 didn't recognize it.

15 Q. But you didn't recognize any. Was there any picture---

16 A. Again, I don't know what it looks like.

17 Q. Was there any picture of Dinah Steele's home---

18 **Ms. Weiss:** Objection.

19 **Dr. Faltas:** ---even from the outside.

20 **The Court:** Just a moment, ma'am. There's an objection.
21 Basis for the objection?

22 **Ms. Weiss:** Relevance to the case at hand, Your Honor.

23 **Dr. Faltas:** Your Honor, there was a false allegation
24 that I was following---

25 **The Court:** No, ma'am, you don't make arguments unless

1 requested by the court. Objection overruled.

2 **Dr. Faltas:** Thank you. Was there any picture of Dinah
3 Steele's or Larry Mason's or anybody's -- sorry -- Larry
4 Mason or Dinah Steele's or any of my false accusers --
5 picture of their house from the outside?

6 **The Court:** The objection is sustained.

7 **Dr. Faltas:** I'm sorry. I thought the objection was
8 overruled.

9 **The Court:** The objection is sustained.

10 **Dr. Faltas:** Okay.

11 **The Court:** You changed the question and added in some
12 other---

13 **Dr. Faltas:** I apologize.

14 **The Court:** ---improper language.

15 **Dr. Faltas:** I apologize.

16 By Dr. Faltas:

17 Q. Was there any picture of Larry Mason's or Dinah Steele's
18 house from the outside in what you took from me?

19 A. Not that I'm aware of.

20 Q. And, in fact, most of those pictures were in duplicate
21 or triplicate. Most of them had maybe ten copies of the same
22 picture; isn't that correct?

23 A. I don't know about ten copies, but there were duplicates
24 of just about every photo we took.

25 Q. And in your case summary -- did you prepare a case

1 summary on November 17th?

2 A. I did.

3 Q. And did you also testify in a preliminary hearing on
4 January 6th, 2010?

5 A. I don't know what day the prelim was, but I did testify
6 in your preliminary hearing. I just don't know the date.

7 **Dr. Faltas:** Your Honor, I have provided the original to
8 the Court. At this time may I ask her to identify it and may
9 I enter it as an exhibit?

10 **The Court:** You've asked several questions. Which --
11 you can have this.

12 **Dr. Faltas:** Thank you, Your Honor. May I ask her to
13 identify it?

14 **The Court:** The document speaks for itself.

15 **Dr. Faltas:** All right. May I enter it as an---

16 **The Court:** It may be marked for identification
17 purposes.

18 **Dr. Faltas:** Thank you.

19 (Defendant's exhibit 5 was marked for identification
20 only.)

21 **The Court:** Next question, please.

22 By Dr. Faltas:

23 Q. Do you recall in the course of that having testified
24 that you got a signed statement from Rodney Ingram?

25 A. I did.

1 Q. Is Defendant's Exhibit 4, which was marked for
2 identification purposes only, that statement?

3 A. Correct.

4 Q. And did you sit here and hear him say that it was---

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

6 **Dr. Faltas:** ---not his signature?

7 **The Court:** The objection is sustained. No pitting
8 witnesses.

9 **Dr. Faltas:** Sorry?

10 **The Court:** No pitting witnesses.

11 **Dr. Faltas:** I'm not pitting witnesses.

12 **The Court:** The objection is sustained.

13 **Dr. Faltas:** All right.

14 **Dr. Faltas:** May I enter Defendant's exhibit 5 into
15 evidence, please?

16 **Ms. Weiss:** Objection.

17 **The Court:** The objection is sustained.

18 **Dr. Faltas:** Could I leave it for the record as
19 proffered?

20 **The Court:** It's part of the record. It's been marked
21 for identification.

22 By Dr. Faltas:

23 Q. And did you also testify that there was an Alden Wheeler
24 who signed the statement claiming that I sent him away as he
25 was trying to rent an apartment?

1 A. Yes, ma'am.

2 **Dr. Faltas:** May I -- defendant's exhibit, may it be
3 marked?

4 **The Court:** It may be marked for identification purposes
5 only.

6 (Defendant's exhibit 6 was marked for identification
7 only.)

8 By Dr. Faltas:

9 Q. Is that the statement that you received?

10 A. Yes, ma'am, looks like it.

11 Q. And about which you testified?

12 A. I testified that I had the statement, correct.

13 **Dr. Faltas:** Your Honor, may I ask that it be introduced
14 into evidence?

15 **The Court:** What says the State?

16 **Ms. Weiss:** I object, Your Honor.

17 **The Court:** The objection is sustained.

18 By Dr. Faltas:

19 Q. Did you get handwritten statements from Teresa Ingram?

20 A. I did.

21 Q. Are Defendant's exhibits 2 and 3 those statements?

22 A. Yes.

23 **Dr. Faltas:** Your Honor, may I ask that they be
24 admitted?

25 **The Court:** What says the State?

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

2 **The Court:** The objection is sustained.

3 By Dr. Faltas:

4 Q. And you said you received pictures from a lawyer called
5 J. Andrew Delaney. Isn't that correct?

6 A. I'm sorry. I don't know his first name other than
7 Andrew Delaney.

8 Q. Okay. And you also received faxes from him or at least
9 one fax from him. Isn't that correct?

10 A. I don't recall getting a fax, but it may have come
11 through via fax. I don't remember.

12 Q. No, separately from the pictures.

13 A. No.

14 Q. What?

15 A. No.

16 Q. So it was one fax that had the pictures and also a copy
17 of a document?

18 A. Again, I don't recall a fax nor a document.

19 Q. Okay. But he had contact with you?

20 A. I called him.

21 Q. You called him when?

22 A. I couldn't specify a date.

23 Q. And you knew that he was defending them in the lawsuit
24 that I brought against them -- against Larry Mason and Dinah
25 Steele. Isn't that correct?

1 A. I didn't know what he was representing them for. I just
2 knew that Mr. Delaney was the Masons' attorney. I didn't
3 know why and nor did I ask.

4 Q. So how did you even know to contact him?

5 A. Mr. Mason called me, told me that there were photos
6 dropped off to Mr. Delaney's office by you.

7 Q. Okay.

8 A. I contacted Mr. Delaney to see if they may be pertinent
9 to my investigation of my case.

10 Q. Did you -- did you have any kind of conversation with
11 Mr. Delaney?

12 A. Other than a basic question of were there photos dropped
13 off by you, I was told yes. I asked if I could get copies.
14 I was told, yes, no problem. Then I got copies. That was
15 our conversation.

16 Q. So you assumed Mason had told Delaney that you're doing
17 an investigation.

18 A. I don't want to assume what Mr. Mason told Mr. Delaney.

19 Q. Did Delaney ask you who you are and what you were doing
20 and why you wanted the pictures?

21 A. I explained when I talked to him that I was an
22 investigator and that I was investigating some allegations
23 which made Ms. Mason and Mr. Mason potential victims and that
24 if he had photos that, if they were relevant, I would like to
25 see them and get copies if that was possible.

1 Q. And, in fact, you were subpoenaed for a hearing in the
2 case that I had brought---

3 **Ms. Weiss:** Objection.

4 **Dr. Faltas:** Did you receive a subpoena on December 1st,
5 2009?

6 **Ms. Weiss:** Objection.

7 **Dr. Faltas:** I'm changing---

8 **The Court:** The objection is overruled.

9 **Dr. Faltas:** Thank you, Your Honor.

10 By Dr. Faltas:

11 Q. Did you receive a subpoena on December 1st, 2009, in a
12 civil case that I had brought against Dinah Steele and Larry
13 Mason?

14 A. I received a handwritten -- what appeared to be a
15 subpoena, but it was not properly served so---

16 **Dr. Faltas:** Please -- Your Honor, please admonish the
17 witness not to make conclusions of law whether it was
18 properly served or not. I asked her whether she received it;
19 that's all.

20 **The Court:** Answer -- you may respond now.

21 **The Witness:** I received it. I don't know what date
22 though.

23 By Dr. Faltas:

24 Q. And did you, in fact, come to court or did you ask a
25 lawyer for the City of Columbia to come to court and ask that

1 you do not come to court?

2 A. I contacted the city attorney's office to ask because I
3 was not properly served.

4 Q. Had you been properly served, would you have come to
5 court?

6 A. If I would have been properly served, of course.

7 Q. In fact, you did not want to come. Isn't it true that
8 you did not want to come to court because you did not want to
9 disclose that you were---

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

11 **The Court:** Objection is sustained.

12 By Dr. Faltas:

13 Q. And I was arrested the next day after the hearing.
14 Isn't that correct?

15 A. Again, I don't know what day that hearing was, so I'm
16 sorry.

17 Q. I just told you December 1st, 2009.

18 A. Okay. Without seeing it in writing, then I don't know.

19 Q. Okay. And did you ever learn that that hearing that was
20 held on December 1st, 2009, had an outcome that was favorable
21 to me?

22 A. I had no idea what that hearing was about. It had
23 nothing to do with my investigation.

24 Q. I didn't say in the past. I'm saying between---

25 **Ms. Weiss:** Objection.

1 **Dr. Faltas:** ---even then and today, did you ever learn
2 that it had an outcome that was favorable to me?

3 **The Court:** The objection is sustained. The jury is to
4 disregard the comment, the improper question.

5 By Dr. Faltas:

6 Q. And when those five people -- you said you interviewed
7 five people who came and met with you. Who are they?

8 A. Dinah Steele-Mason, Larry Mason, Mitchell Jones, Teresa
9 Ingram, and Charlene Crouch.

10 Q. Did you pull the driving record on Charlene Crouch?

11 A. I had a driver's photo of each of those individuals.

12 Q. Did it include the ten-year driving record?

13 A. I don't know if I pulled a ten-year or not. I don't
14 know if I pulled ten or three. I'm sorry. I don't know.

15 Q. But you pulled some driving record, some kind of driving
16 record, for each of them.

17 A. Because it has D.M.V. photo, yes, ma'am.

18 Q. Okay. And you pulled mine as well.

19 A. Of course.

20 Q. Did you see any violation on mine?

21 A. I'm not looking at it in front of me, so I don't want to
22 say yes or no. Honestly, I don't remember.

23 Q. Do you recall substance abuse problems that resulted in
24 the suspension of the driver's license---

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

1 **Dr. Faltas:** ---of Charlene Crouch on the record that
2 you pulled?

3 **The Court:** The objection is sustained. The jury is to
4 disregard the improper question.

5 By Dr. Faltas:

6 Q. You claim that the photographs were disturbing. How
7 were they disturbing? Do they show -- do they show me
8 physically hurting anyone?

9 A. My opinion was they were disturbing.

10 Q. How so?

11 A. Because of how many and how intrusive they were into
12 other peoples' personal lives and their day-to-day routines.

13 Q. Day to day.

14 A. Uh-huh.

15 Q. In fact, they are apart, aren't they? There aren't
16 photographs from each day, are there?

17 A. I'm not sure. I wasn't there the day they were taken.

18 Q. Do they have date stamps on them?

19 A. Some of them do, yes.

20 Q. In fact, aren't there basically groups of photographs
21 like from the same incident---

22 **Ms. Weiss:** Objection.

23 **The Court:** Sustained. How many more minutes?

24 **Dr. Faltas:** Sorry?

25 **The Court:** How many more minutes do you have for this

1 witness?

2 **Dr. Faltas:** About 20, Your Honor. I really haven't
3 kept track of the time but maybe about 10 or 20 minutes.

4 **The Court:** All right.

5 **Dr. Faltas:** Thank you. Did you ever hear of a T.V.
6 show called "Smile, You're On Candid Camera"?

7 **Ms. Weiss:** Objection.

8 **The Court:** Sustained.

9 By Dr. Faltas:

10 Q. Is there anything illegal about taking as many or as few
11 photographs as one wants in public places?

12 A. I'm not aware of a law that says you cannot take photos
13 of people as long as they are wanted. When it becomes an
14 issue is when those people tell you that's unwanted.

15 Q. Have you ever been present when someone told me that
16 pictures are unwanted?

17 A. I had never met you; no, ma'am.

18 Q. Have you ever been present where anyone allegedly told
19 me the pictures are---

20 **The Court:** She said she'd never met you.

21 **Dr. Faltas:** Well, Your Honor---

22 **The Court:** Proceed, ma'am. I sustain the objection.

23 **Dr. Faltas:** Do you ever watch television news?

24 **Ms. Weiss:** Objection.

25 **The Court:** Sustained.

1 **Dr. Faltas:** When the media takes a picture of an
2 airport or a parking lot or on the highway, do they go and
3 ask every person in that public place---

4 **Ms. Weiss:** Objection.

5 **The Court:** Sustained.

6 By Dr. Faltas:

7 Q. Did you prepare a case summary?

8 A. I did. I answered that earlier.

9 Q. And that was dated November 17th?

10 A. I believe that is the date on it. I'm not looking at
11 it, but I'm pretty sure that's the correct date.

12 **Dr. Faltas:** Your Honor, may I get it and introduce it?

13 **The Court:** You may get it if you would like to. Ladies
14 and gentlemen, I'll have you go to the jury room for a couple
15 of minutes.

16 (Whereupon, the jury was excused from open court at 2:52
17 p.m.)

18 **The Court:** We'll be at ease for a few minutes.

19 (Whereupon, a short break was taken.)

20 **Ms. Weiss:** Your Honor, after this witness are we going
21 to return to the limits imposed?

22 **The Court:** Yes.

23 **Ms. Weiss:** Thank you.

24 **The Court:** You have five more minutes with this
25 witness. You have five more minutes with this witness.

1 **Dr. Faltas:** Yes, Your Honor. The jury hasn't come
2 back.

3 **The Court:** I understand that.

4 **Dr. Faltas:** I mean from the time the jury...

5 **The Court:** Yes. If you'll bring the jury, please.

6 **Dr. Faltas:** Until the jury comes, may I mark two
7 exhibits for identification?

8 **The Court:** Yes.

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

10 (Whereupon, the jury was brought into open court at 3:01
11 p.m.. Defendant's exhibits 7 and 8 were marked for
12 identification only.)

13 By Dr. Faltas:

14 Q. Is this the case summary that you prepared?

15 A. Yes. Yes.

16 **Dr. Faltas:** May I move that it be admitted into
17 evidence, Your Honor?

18 **Ms. Weiss:** Objection.

19 **The Court:** Sustained.

20 By Dr. Faltas:

21 Q. Is this a longer set of pictures of the ransacking of my
22 apartment and my car?

23 A. Ransacking would be your opinion. This looks like the
24 photos that were taken by our I.D. tech which came to the
25 search warrant with us that were taken before and during the

1 search.

2 **Dr. Faltas:** May I move that they be admitted, Your
3 Honor? The State has admitted some of them, and I objected
4 to completeness. That is a more complete set.

5 **The Court:** What says the State?

6 **Ms. Weiss:** No objection, Your Honor.

7 **The Court:** Admitted without objection.

8 (Defendant's exhibit 8 was received in evidence.)

9 By Dr. Faltas:

10 Q. Some of these you searched my bathroom. You even
11 searched my shirt pocket, didn't you?

12 A. Because your bathroom is a part of your residence, we
13 would have searched it.

14 Q. Do you normally expect to find pictures and tapes in
15 bathrooms?

16 A. At your apartment we weren't sure what we would find
17 once we found a refrigerator full of telephones.

18 Q. Was it a functional refrigerator or was it disconnected?

19 A. I didn't look at the plug, honestly.

20 Q. Did was there cold coming---

21 A. No.

22 Q. ---from it?

23 A. No, ma'am.

24 Q. So you couldn't think that a non -- a non-functioning
25 refrigerator or one that's not being used to refrigerate can

1 be used as a storage closet? That's totally out of the
2 reasonable or I'm crazy? That's what your alleged victim
3 kept on saying at her brother.

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

5 **Dr. Faltas:** I'm crazy for being practical.

6 **The Court:** The objection is sustained.

7 By Dr. Faltas:

8 Q. Does it also show my green card?

9 A. It's a black-and-white copy. I know we did take a photo
10 of it, so I'm not exactly sure which one here it is---

11 Q. Do you recall---

12 A. ---but we did---

13 Q. Do you recall I was very concerned even after you put
14 handcuffs on me and were taking me away that I needed to take
15 my green card with me because I was afraid that you would
16 take it?

17 A. You continued to say you needed identification and stuff
18 like that.

19 Q. And did you take my mother's bank card and my mother's
20 check cards and her credit cards that were in my shirt
21 pockets?

22 A. Any card that did not have your name on it, yes, we
23 took.

24 Q. And you had absolutely no search warrant for it.

25 A. The search warrant did not include your mother's name,

1 but it's a credit card that did not have your name on it, so
2 you should not be in possession of it. At the time that's
3 what we were thinking, so we did take those.

4 Q. So whatever you think I shouldn't have you just take.

5 A. Because it was---

6 Q. Well, you're wrong.

7 **Ms. Weiss:** Objection.

8 **Dr. Faltas:** Did you eventually prove to be wrong?

9 **The Court:** Objection is sustained.

10 By Dr. Faltas:

11 Q. All right. Did you eventually find out that you were
12 wrong and returned them to me?

13 A. We returned your mother's cards because you showed us
14 power of attorney.

15 Q. And isn't it true that after you contacted the Social
16 Security Administration trying to get my mother's Social
17 Security retirement---

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

19 **Dr. Faltas:** All right. Isn't it true that you were
20 informed that I went there and showed them power of attorney
21 for my mother for me, meaning that I can act for her, that I
22 have power---

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

24 **The Court:** The objection is sustained. You have one
25 more minute with this witness.

1 **Dr. Faltas:** Could you read the entry from the case
2 summary for November 2008, please?

3 **Ms. Weiss:** I'm sorry. What part are we reading?

4 **The Witness:** November 2008. It's on page 2. It's an
5 entire paragraph.

6 **Dr. Faltas:** Could you please read the entire paragraph?

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

8 **The Court:** The objection is sustained.

9 By Dr. Faltas:

10 Q. You did know at that time that I was interested in
11 buying a piece of land and that Larry Mason was very upset
12 that I ended up buying it. Isn't that correct?

13 A. Mr. Mason told me that he and you had a conversation
14 about the piece of land briefly.

15 **The Court:** Anything further?

16 **Dr. Faltas:** I'm about to ask her a question from that
17 paragraph. Mr. Mason also states that Ms. Faltas began---

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

19 **The Court:** The objection is sustained.

20 **Dr. Faltas:** And that's about everything?

21 **The Court:** You can't read reports to the witness.

22 **Dr. Faltas:** She wrote them.

23 **The Court:** It doesn't matter.

24 By Dr. Faltas:

25 Q. So you were aware before you had me arrested and jailed

1 that there was some kind of property dispute between my
2 accusers and me. Yes or no?

3 A. Yes. That had nothing to do with harassing.

4 Q. How did you know that?

5 A. Because Mr. Mason told me.

6 Q. Oh, anything Mr. Mason says---

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

8 **The Court:** The objection is sustained. All right,
9 ma'am. The final question.

10 By Dr. Faltas:

11 Q. Have you ever in your experience known somebody to make
12 a false allegation about somebody else to gain some
13 advantage?

14 A. I've heard you make numerous false allegations, so yes.

15 **Dr. Faltas:** Your Honor, I---

16 **The Court:** Final question.

17 **Dr. Faltas:** Pardon?

18 **The Court:** Final question.

19 **Dr. Faltas:** But I ask Your Honor to ask the jury to
20 disregard that.

21 **The Court:** Overruled.

22 **Dr. Faltas:** I ask you: Have you had experience, for
23 example, of parents in divorce and custody battles that one
24 falsely accuses the other---

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

1 **Dr. Faltas:** ---of sexually molesting the children or
2 something?

3 **The Court:** The objection is sustained. You may step
4 down, ma'am. Call your next witness.

5 **Ms. Weiss:** The State calls Tiffany Lurke.

6 Tiffany Lurke, after being duly sworn, testified as
7 follows:

8 **The Clerk:** Have a seat on the witness stand, please,
9 and give the court reporter your name.

10 **The Witness:** My name is Tiffany Lurke.

11 **Court Reporter:** Would you spell your last name?

12 **The Witness:** L-u-r-k-e.

13 Direct Examination

14 By Ms. Weiss:

15 Q. Good afternoon, Ms. Lurke. How are you?

16 A. I'm doing pretty good.

17 Q. Do you mind if I call you Tiffany?

18 A. Yes.

19 Q. Thank you. Tiffany, where do you live?

20 A. I live in Columbia.

21 Q. Columbia? And do you have any children?

22 A. Yes, I do.

23 Q. How many?

24 A. One.

25 Q. Daughter?

1 A. Daughter.

2 Q. How old is she now?

3 A. She's two now.

4 Q. And what type of work do you do?

5 A. I'm a medical lab tech.

6 Q. What hours do you generally work?

7 A. 7 to 3:30, sometimes second shift, sometimes all day.

8 Q. Were you at work today?

9 A. Yes.

10 Q. And should you still be at work now?

11 A. Yes.

12 Q. Would you rather be at work now?

13 A. Yes.

14 **Dr. Faltas:** Objection, Your Honor.

15 **The Court:** Basis for the objection?

16 **Dr. Faltas:** That's totally irrelevant, and she's trying
17 to get false sympathy.

18 **The Court:** Objection sustained.

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

20 By Ms. Weiss:

21 Q. Tiffany, how long have you known Teresa Ingram?

22 A. Since about 1990-ish, a long time.

23 Q. And you two are pretty close?

24 A. Yes, she's like family to me.

25 **Dr. Faltas:** She's like what?

1 **The Witness:** Family.

2 By Ms. Weiss:

3 Q. And your daughter is -- she's also like family to your
4 daughter?

5 A. Yes. Yes.

6 Q. And, in fact---

7 **Dr. Faltas:** Objection, Your Honor.

8 **The Court:** Objection is overruled.

9 By Ms. Weiss:

10 Q. How does she refer to your daughter?

11 A. As her niece.

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 A. Yes. Occasionally when I work second shifts, Teresa
20 will keep her during the evening before my fiancée gets home.

21 Q. Okay. Have you ever had the opportunity to visit Teresa
22 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.

1 Q. And in going over there to visit Teresa, did you ever
2 have the opportunity to come into contact with the defendant,
3 Dr. Faltas?

4 A. Yes.

5 Q. What was the first time you came in contact with her?

6 A. I think the first time I came in contact with her was
7 the day she was snapping pictures of myself and my daughter.

8 Q. And who all was outside there?

9 A. Myself, my child, Teresa, and she was there and she
10 pulled up and blocked my car in and she just started snapping
11 pictures, and it started upsetting my child. I told her it
12 was not right to take pictures of a minor. I don't care what
13 -- if she takes pictures of me all she wants if she thinks
14 I'm that beautiful, but my child is not necessary---

15 **Dr. Faltas:** What? I didn't hear. I'm sorry.

16 **The Court:** Proceed, ma'am. Do not interrupt the
17 witness.

18 **The Witness:** So I told her it was not necessary for her
19 to take pictures of my child, and she continued and she was
20 saying something. I just walked off because I got really
21 upset, and I didn't want it to escalate.

22 By Ms. Weiss:

23 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?

1 A. She cried.

2 Q. And where did you go with your child?

3 A. I believe I took her to Nikki or -- I'm not sure if I
4 was on my way to work at this time and I was dropping her
5 off. I believe that was the case. I believe I left her with
6 Nikki and I had to go to work. Even though I was disturbed
7 with the situation, I still had to leave and go to work. So
8 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 A. I've seen her, but I didn't talk to her or anything like
13 that. I've seen her before.

14 Q. Okay. And did -- did this encounter change the way you
15 felt about going over to Nikki's apartment?

16 A. Definitely.

17 Q. And please tell the jury how it changed your feelings.

18 A. I didn't want to go over there anymore. I didn't want
19 my child over there. Someone I don't know is taking pictures
20 of my child who is one. That's kind of bizarre, and I
21 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.

1 **The Court:** I need to hear the question. I must hear
2 the question.

3 By Ms. Weiss:

4 Q. In your personal opinion, has the behavior of Dr. Faltas
5 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 **The Witness:** It's been going on for almost a year now,
11 so---

12 **Dr. Faltas:** Your Honor---

13 **The Court:** Objection is overruled.

14 **The Witness:** If you're being harassed by someone for
15 almost a year, of course your life is going to be affected in
16 a not positive manner.

17 By Ms. Weiss:

18 Q. Did you see or observe any changes in Tiffany's -- I
19 mean Teresa's behavior?

20 A. She seemed a little upset more so. She seemed pretty
21 disturbed by everything that was going on. At first she
22 didn't seem to take it too seriously, but when things got
23 deeper and deeper, it did -- you could tell she was worried
24 about it and it bothered her.

25 Q. Thank you. I have no further questions of this witness.

1 Please answer any questions Dr. Faltas may have?

2 A. Yes.

3 **The Court:** Dr. Faltas?

4 **Dr. Faltas:** Your Honor, may I ask, as we did with the
5 other witnesses, can she show Your Honor her identification,
6 please?

7 **The Court:** Do you have identification with you?

8 **The Witness:** It's in my purse.

9 **The Court:** All right.

10 **Ms. Weiss:** Do you want me to -- Your Honor, do you need
11 it?

12 **The Court:** Do you have a driver's license with you?

13 **The Witness:** It's in my purse.

14 **The Court:** All right. If you'll hand her her purse.
15 (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 **Dr. Faltas:** Your Honor, may I ask the name on it? Is
20 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.
24
25

Cross-Examination

By Dr. Faltas:

Q. Can you tell us about your education -- age and education, please?

A. My age?

Q. Yes, ma'am, and your education.

A. My age is 32, and I have college degrees.

Q. Degrees in the plural?

A. Plural.

Q. Yes, ma'am. What are they?

A. I have a biology degree.

Q. From where?

A. Morris Brown. What does this have to do with you?

Q. Your Honor, we're not going through this again.

A. I don't understand why she's questioning my education.

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.

A. Is that why you took pictures of me? Because I have an education?

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...

The Witness: Midlands Tech.

The Court: And Midlands Tech.

1 By Dr. Faltas:

2 Q. When?

3 A. I don't know.

4 Q. You don't know when you graduated?

5 A. No, I don't know. You know everything. You should
6 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 By Dr. Faltas:

12 Q. So you say that there was only one occasion when your
13 child was photographed?

14 A. As far as I remember. You're the one taking the
15 pictures. I don't know. You might have more. You may have
16 been hiding in a bush and I didn't see you. That's the only
17 occasion I can recall seeing you take pictures.

18 Q. And, in fact, before that and after that you continued
19 to bring your child to Nikki.

20 A. Maybe several other times.

21 Q. Yes. And when did your child start to talk?

22 A. She's been talking for a long time. Since she was a few
23 month she said words. A long time ago.

24 Q. Since she was a few months. She must be very genius.

25 A. She is.

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

2 **The Witness:** She is a genius, smarter than you
3 probably.

4 **The Court:** The objection is sustained to the question
5 and to the answer.

6 **Dr. Faltas:** Your Honor, may I ask that -- okay.

7 By Dr. Faltas:

8 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 Q. I'm sorry. State's exhibit 75, is that Nikki with your
13 child?

14 A. Looks like it.

15 Q. And is there at least a car -- a full length of a car
16 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?

1 Q. Yes, ma'am. Length of a car between---

2 A. Perhaps. I can't measure that. I don't know.

3 Q. Are Nikki and your child on the other side of a car,
4 meaning there is a whole car between?

5 A. It looks like it.

6 Q. And do you happen to know that a car is about 15 feet
7 long?

8 A. I have no idea what length that car is. I did not
9 measure it.

10 Q. You don't know how long the car is.

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

12 **The Witness:** No, it's not my car. I don't know how
13 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 By Dr. Faltas:

19 Q. Could you tell the jury where in these pictures is your
20 baby crying?

21 A. Well, this one she looks like she's hiding, probably the
22 pictures scared her. This one she also looks like she's
23 hiding to get away from something and that something is
24 probably you.

25 Q. In fact, doesn't she look playing (sic) and normal?

1 A. Does she look what?

2 Q. Playful and normal.

3 A. No, she looks like she's hiding from something.

4 Q. Oh, really? And I'm supposed to be frightening because
5 I'm Egyptian; right?

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

7 **The Witness:** I don't -- you're probably frightening
8 because you're taking pictures of strangers. This is a child
9 that has never seen you before, and you're in our face just
10 taking our pictures for God knows what reason.

11 By Dr. Faltas:

12 Q. In fact---

13 A. That's why she's probably scared. She's never seen you,
14 ma'am. She doesn't know you.

15 Q. So even if I weren't taking pictures and just walking in
16 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 **The Court:** Objection is sustained. You're not
21 testifying, ma'am.

22 By Dr. Faltas:

23 Q. Wasn't I, in fact, in my car?

24 A. Yeah. You had me blocked in, and you were in your car
25 leaning over, so I could not get out.

1 Q. So I wasn't approaching your car.

2 A. You were focusing on my child, taking pictures, and had
3 your car blocked and, yes, you were in your car taking
4 pictures from your car. So I guess that's a better means for
5 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 Q. But you testified to the jury that I was two feet from
9 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 **The Court:** Just a moment, ma'am. Whenever there is an
16 objection or whenever you hear me talk, you stop talking.
17 Next question.

18 By Dr. Faltas:

19 Q. In fact, you were not the only ones there, and then
20 there was this man flipping me fingers.

21 A. Do you wonder why? Come on.

22 Q. But when you said that you -- only you and Teresa and
23 your child were there, that wasn't correct.

24 A. That was months ago. All I know is you harassed me and
25 my baby, and I don't know why.

1 Q. Didn't you testify that that was only this one occasion?

2 A. I don't know when that picture was taken. That could
3 have been taken the next day. I don't know. Do you have
4 times -- do you have times and dates on these pictures?

5 Q. Yes, ma'am, there are -- there are dates, and I'm asking
6 you to testify---

7 A. I don't know about that. I don't know.

8 Q. You just testified in response to Ms. Weiss's
9 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 **The Witness:** Why are you yelling -- she's yelling at
14 me, Your Honor.

15 **The Court:** Don't argue with the witness. Ask a
16 question, ma'am.

17 **Dr. Faltas:** I'm sure -- all right. Ms. Weiss, could
18 you please---

19 **Ms. Weiss:** Your Honor, would you please ask the
20 defendant not to address me?

21 **Dr. Faltas:** All right. May I ask that the court replay
22 the tape where Ms. Lurke's voice is on there?

23 **The Court:** The court is not going to play anything.
24 You have to ask questions of the witness and present your
25 cross-examination.

1 By Dr. Faltas:

2 Q. In fact, Teresa Ingram called 9-1-1, and you stood there
3 in the background and yelled profanity at me, and the
4 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 A. Yeah, and if you do it again, I'll yell more profanity.
8 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 **The Court:** Just a moment. Dr. Faltas, you must ask
15 questions, not make side comments. Questions only. Next
16 question.

17 By Dr. Faltas:

18 Q. In all of those pictures isn't Teresa Ingram leaning on
19 the child's stroller?

20 A. In these pictures here?

21 Q. Yes, ma'am. No, in the pictures that---

22 A. I don't have those pictures. I don't know what they're
23 looking at.

24 Q. Didn't you just look at them and see---

25 A. You showed me one picture that had Teresa. You showed

1 me another picture and asked me if I was in that picture and
2 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 **Dr. Faltas:** Isn't it unsafe to be leaning on one side
8 of a stroller---

9 **The Witness:** I don't know. I didn't make the stroller.
10 You'd have to call Evenflo and ask them.

11 **Dr. Faltas:** Do you know---

12 **The Court:** Objection is overruled. Go ahead.

13 By Dr. Faltas:

14 Q. Do you know how to safely handle a child's stroller?
15 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 Q. Okay. When you bring your child for Teresa, did you --
20 and I say that you're very close and all of that. Do you
21 know that Teresa has mental problems?

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

23 **The Court:** The objection is sustained.

24 **Dr. Faltas:** Your Honor, it was testified that she has
25 anxiety attacks and that she's on Zoloft and Vicodin and---

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

2 **The Court:** The objection is sustained. Next question,
3 ma'am.

4 By Dr. Faltas:

5 Q. Did you know that Teresa Ingram has anxiety attacks?

6 A. No.

7 Q. You didn't.

8 A. No.

9 Q. Does it make a difference for you for the safety of your
10 child whether you leave her with somebody who has anxiety
11 attacks?

12 **Ms. Weiss:** Objection.

13 **The Court:** Sustained.

14 By Dr. Faltas:

15 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.

1 By Dr. Faltas:

2 Q. Is that friend Wendy Ceo or---

3 A. No.

4 Q. Is that -- is that friend Stephanie Sumter?

5 A. Huh-uh.

6 Q. Okay. Are you engaged to a member of Teresa Ingram's
7 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 Q. Okay. Have you checked whether the inside of Teresa
14 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 By Dr. Faltas:

20 Q. Does she have the electric outlets plugged?

21 A. Yes.

22 **Ms. Weiss:** Objection.

23 **The Court:** Sustained.

24 **Dr. Faltas:** So you testified that you happened on the
25 scene when someone is flipping me fingers and your child

1 happened to be there, and I never got out of my car, and
2 you've never seen it happen again and you want me to go to
3 prison for this.

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

5 **The Witness:** I don't care where you go.

6 **The Court:** The objection is sustained. The jury is to
7 disregard the question.

8 **Dr. Faltas:** And you---

9 **The Court:** It wasn't a question. The jury is to
10 disregard the improper statement by Dr. Faltas.

11 By Dr. Faltas:

12 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 By Dr. Faltas:

18 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.

1 By Dr. Faltas:

2 Q. So you opined that it affected her severely.

3 A. I don't understand what you're saying.

4 Q. You claim that you have a personal opinion that she's
5 affected severely by me.

6 A. Uh-huh.

7 Q. Yes?

8 A. I said that she seems to be different since you've been
9 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 A. I don't know anything about your personal business. You
18 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 By Dr. Faltas:

24 Q. Did you know---

25 A. I don't know anything about her personal stuff. I don't

1 know, ma'am. I don't know.

2 Q. If I were asking---

3 **The Court:** Just a moment, ma'am. Just a moment, ma'am.

4 The objection is what?

5 **Ms. Weiss:** Arguing with the witness, badgering the
6 witness.

7 **The Court:** Don't argue or badger the witness. Ask
8 another question.

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

10 By Dr. Faltas:

11 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 Q. Do you know that she has filed at least two lawsuits
16 against other people claiming that they injured her car and
17 caused her mental stress?

18 A. I don't know.

19 Q. Okay. So how can you separate the mental stress that
20 she has from the car accidents that she sued other people for
21 and what she pretends resulted from me?

22 A. I don't know about that. I don't know.

23 Q. You don't know. So you're sure that you don't have a
24 complete or reliable person that---

25 **Ms. Weiss:** Objection.

1 **The Court:** Sustained.

2 **Dr. Faltas:** Thank you. Your Honor, may I put the
3 pictures back on the table?

4 **The Court:** Yes, ma'am.

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

6 **The Court:** Anything further of this witness?

7 **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 **Mr. Campbell:** The State calls Corporal Derek El Dada to
13 the stand.

14 **The Court:** Corporal Derek El Dada.

15 **Dr. Faltas:** Your Honor, I don't think I was given his
16 disciplinary record.

17 **Ms. Weiss:** Your Honor, this is the record that Scott
18 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 Derek El Dada, after being duly sworn, testified as
23 follows:

24 **The Clerk:** Have a seat in the witness stand, please,
25 and give the court reporter your name.

1 **The Witness:** Corporal Derek El Dada.

2 Direct Examination

3 By Mr. Campbell:

4 Q. Thank you, Corporal El Dada. How are you doing?

5 A. Just fine. Thank you.

6 Q. Could you please provide the Court with who your
7 employer is?

8 A. Richland County Sheriff's Department.

9 Q. And how long have you been employed with the sheriff's
10 department?

11 A. I've been in the sheriff's department since January of
12 '98.

13 Q. And what is your position currently within the
14 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 By Mr. Campbell:

23 Q. And could you tell the court a little bit about the
24 training that you've received within the sheriff's
25 department?

1 A. I started my law enforcement career in April of -- April
2 1st of '92 with the City of Forest Acres. At that point I
3 went to, of course, the Criminal Justice Academy. Since then
4 I've taken numerous courses: Radar certification,
5 DataMaster, all stuff involving Alzheimer's patients, just --
6 I mean, it's been a lot so...

7 Q. All right. And in the course of your employment, did
8 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 **Mr. Campbell:** Your Honor, if I may approach the witness
13 a moment?

14 **The Court:** You may.

15 By Mr. Campbell:

16 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 A. Oh, I'm sorry. I was out there on the 23rd of October,
24 2009.

25 Q. All right. And for what reason were you called out

1 there?

2 A. I was sent out there from my captain who is Captain
3 Ragland.

4 **Court Reporter:** I'm sorry. Captain who?

5 **The Witness:** Ragland. R-a-g-l-a-n-d. He is the
6 commander over the Region One area which is our Lower
7 Richland area from Olympia out to Eastover. He had received
8 a memo from the sheriff asking him to send an officer to this
9 address to speak with Marie Assa'ad-Faltas in reference to a
10 complaint that she had, that she had written a letter to the
11 sheriff's department.

12 By Mr. Campbell:

13 Q. All right. And when you got to the location, what
14 happened when you got there?

15 A. When I went to the location, I made contact with Marie
16 Assa'ad-Faltas and spoke with her about her concerns of a
17 neighbor that lived in a building adjacent to her and some
18 individuals that lived in the same building that she lived
19 in.

20 Q. And is Ms. Faltas here in the courtroom today?

21 A. Yes, she is. She is sitting right here next to the jury
22 box.

23 **Mr. Campbell:** Let the record reflect the officer has
24 identified the defendant.

25 **The Court:** Okay.

1 By Mr. Campbell:

2 Q. And did you have any discussions with Dr. Faltas when
3 you were there?

4 A. I did. She expressed to me that she had some concerns
5 for a small child that was I believe visiting one of the
6 neighbors that lived in her building, that he was playing
7 with some metal objects that were unsafe behind the building,
8 and there was some make-shift like fish ponds back there and
9 she was concerned that the child might would fall into the
10 pond and that they were running electricity or extension
11 cords that might be a fire hazard which were powering some
12 pumps that were in the fish pond. And she said that a young
13 lady in a building next to hers was possibly involved in some
14 prostitution, and she was taking some photographs of one of
15 the males that was visiting that lady and he'd made some lewd
16 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 Q. All right. And did Dr. Faltas have anything else to
20 say?

21 A. She stated that she had tried to call D.S.S. The fire
22 department was there when I got there. That was about the
23 extension cord out back. She stated this had been an ongoing
24 problem, that she had been photographing these individuals,
25 gave me a license plate off of the guy -- one of the

1 gentleman that had been visiting this Ms. Ingram, and that
2 was basically her whole concern.

3 Q. And was Ms. Ingram at the location at that time?

4 A. No. I went over to the apartment and tried to make
5 contact with her. There's several locks on the door which is
6 to the entryway of the building, and I knocked and I don't
7 remember if there was a doorbell or not, but nobody ever came
8 down.

9 Q. All right. Was anyone else on this scene when you were
10 there?

11 A. Initially when I was there I had a co-officer that
12 responded, coworker. His name was Deputy Garo Brown, but he
13 -- 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 Q. All right. And do you happen to know if the defendant
17 made any kind of follow-up with the department regarding
18 this?

19 A. I have absolutely no idea. I gave her my business card
20 and explained to her that it would take about four to five
21 business days probably for the report to become available and
22 how she could get a copy of it and that someone should be
23 making contact with her, but I never heard anything else
24 about it.

25 Q. And do you know if the defendant made any audio

1 recordings of your discussions?

2 A. It later became evident to me that she had recorded our
3 conversation.

4 Q. All right. Court's indulgence, Your Honor. While you
5 were at the location, did you ever go inside the defendant's
6 apartment to discuss anything with her?

7 A. No, she wouldn't -- she did not invite me in. She
8 cracked open the door and spoke to me initially through a
9 crack of the door, and then she came outside into the area
10 and locked her door, and then when she went back in she
11 unlocked her door, went in, and locked her door again and I
12 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 **Dr. Faltas:** If it pleases the court, I believe Your
20 Honor's ruling was that the pictures that they had taken from
21 me would be available to me for the trial and I need to use
22 some of them.

23 **The Court:** Go right ahead.

24 **Dr. Faltas:** Well, I don't know how they, you know,
25 messed them up. So it may take me some time to find them.

1 **The Court:** Go ahead.

2 **Dr. Faltas:** Thank you.

3 (Pause in proceedings.)

4 **The Court:** You have 25 more minutes with this witness.

5 **Dr. Faltas:** Yes, Your Honor. I think the pictures --
6 we need the extent of it. I just can't find it. I had them
7 arranged in an organized way, and I don't know what they have
8 done with them.

9 **The Court:** What is it that you want to ask? What is it
10 that you want to ask him about a picture?

11 **Dr. Faltas:** Your Honor, that I had, in fact, shown him
12 pictures of the man that was bothering me standing under my
13 window and also that I had shown him, in fact, pictures of
14 that other man drinking with the father of a little child and
15 the child actually playing around unsafe areas and that he
16 also saw the fire hazard, the extension cord.

17 **Ms. Weiss:** Objection.

18 **The Court:** Did she show you some pictures?

19 **The Witness:** Yes, sir, she did. Well, she gave me
20 copies of some pictures.

21 **The Court:** All right.

22 Cross-Examination

23 By Dr. Faltas:

24 Q. Did you agree that the picture -- did you agree that the
25 pictures showed a man making lewd gestures at me?

1 A. Yes.

2 Q. And did you -- did you agree that in one of them he was
3 grabbing his crotch at me?

4 A. Yes. Well, in the picture he was. I'm guessing it was
5 towards you.

6 Q. Pardon?

7 A. In the picture he was grabbing his -- himself. I'm
8 assuming it was towards you. I don't know what, you know...

9 Q. Yes. And did you also promise that you would find his
10 name from the license plate and---

11 A. I did not promise you that. I said I would take the
12 information you gave me and put it in the report.

13 Q. And did you say that you'd help me find his name and you
14 would tell me?

15 A. I said I would attempt to locate his information. I'd
16 put it in the report and whoever got it would investigate it,
17 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 **Dr. Faltas:** Your Honor, may I mark it for
23 identification?

24 **The Court:** Yes.

25 **Dr. Faltas:** I will be identifying it myself later.

1 Thank you.

2 (Defendant's exhibit 9 was marked for identification
3 only.)

4 By Dr. Faltas:

5 Q. Do -- tell me the pictures that you think depict the
6 pond that I told you about.

7 A. Okay.

8 Q. Of the fish pond that I told you about. (Dr. Faltas
9 hands the witness photographs.)

10 **Mr. Campbell:** Your Honor, I'm going to object to the
11 relevancy of these photos to the case here and the trial.

12 **The Court:** The objection is sustained.

13 **Dr. Faltas:** Well, Your Honor, they elicited from him
14 testimony that I -- oh, I'm sorry. They elicited...

15 **The Court:** Go ahead. Are there any additional
16 questions for the witness?

17 **Dr. Faltas:** Yes. Yes, Your Honor.

18 By Dr. Faltas:

19 Q. Do these pictures show the pond that I was concerned
20 about, those pictures?

21 A. This looks like the ponds that I saw back there, but you
22 did not originally show me those pictures, just to make sure
23 I'm clear about that.

24 Q. And do those -- Your Honor, the ones that he---

25 **The Court:** I'm going to -- I don't need you to explain

1 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 **The Court:** You have some documents you want to have
6 marked for identification purposes?

7 **Dr. Faltas:** Yes, please.

8 **The Court:** Can someone identify them? Do you have a
9 witness -- ask the witness can he identify them.

10 **Dr. Faltas:** Well, Your Honor, he said they looked like
11 the pond that he saw.

12 **The Court:** Hand him those pictures and ask him whether
13 he can identify them.

14 By Dr. Faltas:

15 Q. Did you -- did you say that those are...

16 A. These are not original pictures that you showed me, but
17 that appears to be the ponds behind your apartment that you
18 had discussed with me.

19 **The Court:** They can be marked for identification
20 purposes only.

21 By Dr. Faltas:

22 Q. And do these pictures show the insecure tabletop that I
23 was concerned about?

24 A. I'm sorry? The what?

25 Q. Insecure tabletop that I was concerned about that -- did

1 we walk back and did I show you a tree stump with the metal
2 on it---

3 **Court Reporter:** I'm sorry. What?

4 **The Witness:** This piece of metal here appears to be
5 what you were talking about. It's like something they're
6 using as a tabletop.

7 **Dr. Faltas:** Yes, but they just put it on the tree stump
8 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 By Dr. Faltas:

12 Q. Did you and I walk back to that area?

13 A. Yes, I walked behind the apartment complex.

14 Q. And did you see, in fact, there was a piece of metal as
15 you were showing on a tree stump that was like a make-shift
16 table?

17 A. There was like a metal grate that they were using as a
18 tabletop. I do not remember what it was resting on, and I do
19 remember you expressing that you felt it was unsafe.

20 Q. Yeah. Did I show you that it was insecure and did I
21 kick it with my leg and show you that it keels over?

22 A. Yes. When you kicked it, it did -- it did move. I
23 mean, it's, you know...

24 Q. Yeah. Yeah. And did I also show you pictures of the
25 child sitting on one side of it?

1 A. You did show me a picture of a child with two men there.

2 Q. Yes. And in some of those pictures the child was
3 sitting on that -- on one side of that crate and I told
4 you -- in some of those pictures was the child sitting on
5 the---

6 **Mr. Campbell:** Your Honor, I object to this line of
7 questioning. Again, relevancy to the matter at hand.

8 **The Court:** All right. The objection is sustained.

9 **The Witness:** Your Honor, since---

10 **The Court:** The objection is sustained. Next question.

11 **The Witness:** Okay. Do I need to continue looking
12 through these pictures?

13 **The Court:** No.

14 **The Witness:** Okay. Thank you.

15 By Dr. Faltas:

16 Q. Did I also show you pictures of two men drinking with
17 the child in the presence of that small child?

18 A. There was a picture that had two men there and a child.
19 I do not remember if they were drinking or not, and if they
20 were, I couldn't tell you what they were drinking.

21 Q. Did I tell you I was also concerned that if the father
22 of the child was drinking that he drove away with the child
23 in the car?

24 **Mr. Campbell:** Objection, Your Honor.

25 **The Court:** Sustained.

1 By Dr. Faltas:

2 Q. Were the members of the fire department present,
3 according to your report, when you were there?

4 A. When I first got there, there was some fire personnel
5 there.

6 Q. And they were, in fact, examining the unsafe or the
7 hazardous electric connection.

8 A. They -- I'm not sure what they were looking at; I did
9 not ask them specifically. You told me that you had called
10 them because of an extension cord that was running from one
11 building to the pond.

12 Q. Okay. And did I tell you that I was terrified of that
13 man whose picture I showed you grabbing his crotch at me?

14 A. You did -- you did state that you had some concerns.

15 Q. And did I ask you to do everything you can for me so
16 that he doesn't come back?

17 A. I don't remember that specific question. I remember us
18 speaking about that, and I told you that I would do the
19 report, so somebody would look into the matter for you.

20 Q. And did I also tell you that the reason I contacted the
21 sheriff's department is that the Columbia Police Department
22 wasn't doing anything for me?

23 A. I believe you did say that.

24 Q. All right. And did I tell you that I wasn't sure, I was
25 just asking the question whether there is possibly

1 prostitution?

2 A. You said that there was prostitution taking place.

3 Q. Did I tell you possibly?

4 A. I cannot remember the exact words. I just do remember
5 you stating that you thought the lady over in that apartment
6 had prostitution taking place because she had lots and lots
7 of male friends coming and visiting at all hours of the day
8 and night.

9 Q. All right. And did I also ask you whether I was right
10 to be concerned about the safety of the child based on the
11 picture that I had shown you? We're talking about the male
12 child now, the male child, who was with the other neighbor?

13 **Mr. Campbell:** Objection, Your Honor.

14 **The Court:** Objection is sustained.

15 By Dr. Faltas:

16 Q. Did you form an opinion whether my concern was valid?

17 A. No. I try to stay impartial in those things. I mean, I
18 took the information you gave me. I didn't see anybody else
19 there. The pictures you showed me look like two men that
20 were just out sitting around drinking and had a small child
21 walking around. I didn't see anything in the picture that
22 looked like it was a problem.

23 Q. So did you tell me that I shouldn't concern myself about
24 that or did you write in the report that you will forward it
25 to be looked into further?

1 A. Sure. With any call I go to, I'm going to listen to the
2 person and take what their concerns -- and I'm going to put
3 it in the report and I'm going to send it forward so somebody
4 can look at it. I mean, I'll do that for anybody.

5 Q. And all the time you were with me, didn't you have the
6 radio open so someone else was also recording our
7 conversation?

8 A. I'm sorry. Say that again.

9 Q. All the time I spoke to you, did you not also have radio
10 contact -- radio contact open so someone else was listening
11 to our conversation?

12 A. Was my radio open?

13 Q. Yeah, radio contact.

14 A. No. Our radios don't work like that. I have to press a
15 key down and, you know, for transmission to go.

16 Q. And had you pressed the key and there was transmission?

17 A. I asked for a case number.

18 Q. Okay.

19 A. And spoke with dispatch.

20 Q. Okay. But at the long portion of our conversation, the
21 radio contact was open.

22 A. No.

23 Q. Okay. And then was there anything wrong with you not
24 coming in?

25 A. No. That's your decision.

1 Q. I mean, did I cooperate with you when you came?

2 A. Yeah. I had no problems with you.

3 Q. Okay. And did I also explain to you that I take my
4 shoes off at the door and I wouldn't---

5 A. You did.

6 Q. And the reason I'm not inviting you in is that it would
7 be improper for me to ask a police officer to get out of
8 uniform?

9 A. You did. You did say that.

10 Q. And was I polite and pleasant also?

11 A. I had no problems with you.

12 Q. Okay. Did you think you were in the presence of a crazy
13 person?

14 A. My personal opinion?

15 Q. Yes.

16 A. I felt like there might be a little bit of an issue.

17 Q. How so?

18 A. Ma'am, quite honestly, I go to lots and lots of calls; I
19 have so for many years. I'm not a medical doctor, so I can't
20 give a professional diagnosis, but, yeah, I think there's
21 something a little bit off.

22 Q. Okay. And is that the reason why you never followed up
23 on the identification of the man who was making rude gestures
24 at me?

25 A. I did my job. I wrote you an incident report, and I

1 sent it forward for the investigators. That's the extent of
2 my job.

3 Q. And you never knew who investigated it or if it was
4 investigated?

5 A. No, ma'am, I don't follow up on that.

6 Q. Did you put like a wink and a nod? Never mind; this is
7 a crazy lady? Let people make rude gestures at her?

8 A. I don't do that to anybody.

9 Q. I mean, are you allowed to characterize the report in
10 one way or another as urgent, important, or unfounded, put it
11 aside?

12 A. I select an incident title that's appropriate to the
13 information you're giving me.

14 Q. And what was the incident title?

15 A. "All other responses."

16 Q. Meaning never mind?

17 A. No. It means it's -- there's nothing in particular that
18 stands out like, say, if somebody hit somebody with a
19 baseball bat, I would -- depending upon the injuries, I would
20 classify that as an aggravated assault. These are -- these
21 are incident titles that are -- that are put out by S.L.E.D.
22 in a manual called Skypers (phonetic), and they have a
23 certain definition for every type of call that you go to and
24 you try to write a report. I don't make that up. They
25 select what I can title it, and that's what I title it.

1 Q. And is there a title for possible drinking and driving
2 under the influence with a child in the car?

3 A. That would be called traffic.

4 Q. And like if I were concerned that some people were
5 habitually coming to the area drinking and then driving after
6 having drunk and having a child in the car, what would you
7 have titled that?

8 **Mr. Campbell:** Objection, Your Honor.

9 **The Court:** The objection is sustained.

10 By Dr. Faltas:

11 Q. Do you know anything about preventive policing?

12 A. I'm sorry? What was that?

13 Q. Do you know anything about preventive policing?

14 A. Well, I'm gathering you mean going and patrolling that
15 particular area to prevent criminal activity.

16 Q. Do you also encourage the public to be involved with
17 that?

18 A. Oh, absolutely. We have community policing.

19 Q. And do you encourage the public to report to you the
20 concerns and regardless of whether they turned out to be
21 right or wrong?

22 A. That is correct.

23 Q. And I didn't ask you to go arrest anyone, did I?

24 A. No. You were just reporting it, the concerns that you
25 had at hand, and wanted it looked into.

1 Q. And is that exactly what you want people to do in
2 community policing?

3 A. Absolutely. We want the community involved.

4 Q. And what would happen if everyone who calls the police
5 and tells them, "This is what I saw. Is that serious or not
6 serious?" Gets charged with a criminal violation and faces
7 going to prison for it? Would community policing continue to
8 work?

9 A. Well, I mean, that's a hypothetical question. I
10 don't -- I don't think that that would ever happen but---

11 Q. Really? Really?

12 A. ---if it did, sure, it wouldn't work.

13 Q. What kind of proceeding is this?

14 A. Ma'am, I don't know.

15 Q. You don't know what kind of proceeding---

16 A. I'm called in here as a witness.

17 Q. What were you -- were you subpoenaed?

18 A. Was I subpoenaed?

19 Q. Uh-huh.

20 A. I didn't have a subpoena. I was called in here by the
21 solicitor's office to testify.

22 Q. And how did you identify me?

23 A. How did I identify you?

24 Q. Yeah.

25 A. I went to a call---

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 A. No. I said you were Marie Assa'ad-Faltas. That's how I
5 identified you.

6 Q. So you came into this courtroom having no idea that I'm
7 charged with crimes just because I reported to you what I saw
8 and was concerned about exactly as you wanted community
9 policing to work? You don't know that I'm facing prison
10 terms?

11 **Mr. Campbell:** Objection, Your Honor.

12 **The Court:** The objection is sustained. The jury is to
13 disregard it. Any more questions?

14 **Dr. Faltas:** Did you ask me about my national origin?
15 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 By Dr. Faltas:

21 Q. Did you ask me about my national origin?

22 A. No.

23 Q. Did you know that I have an accent? Did you notice that
24 I have an accent?

25 A. Yes.

1 Q. And did that figure in your thinking that there was
2 something off?

3 A. Ma'am, I'm Lebanese. I'm an Arab. What is -- I mean, I
4 don't know what you're getting at.

5 Q. I'm not Arab.

6 A. Okay. Well, I'm just telling you that I am of another
7 descent. I don't look into what people's ethnic background
8 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 By Dr. Faltas:

14 Q. Do you speak Arabic?

15 A. Very little.

16 Q. How was my call to you different from the community
17 policing and community involvement that you try to encourage?

18 A. How was your call different?

19 Q. Uh-huh.

20 A. Well, it was different from I -- you wrote a letter to
21 the sheriff's department.

22 Q. Pardon?

23 A. You wrote a letter to the sheriff's department. The
24 sheriff got the letter. He read your concern. He sent it to
25 our captain. The captain sent me over there. I handled your

1 call. That's...

2 Q. So at least the sheriff thought that that was a valid
3 concern.

4 A. The sheriff is going to listen to anybody that's in the
5 county, and he's going to make sure that that person's
6 listened to.

7 Q. If someone wrote him a letter saying, "I think the moon
8 is going to break into two and fall on earth," would he send
9 somebody for that?

10 A. That's only something the sheriff can answer.

11 Q. So to sum up, you found an insecure tabletop. I showed
12 you pictures of a child playing near an insecure tabletop and
13 a fish pond?

14 **Mr. Campbell:** Objection, Your Honor. The defendant is
15 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 **Ms. Weiss:** I would ask that Corporal El Dada be
22 excused, please.

23 **The Court:** You can be excused.

24 (Defendant's exhibits 10 and 11 were marked for
25 identification only.)

1 **Dr. Faltas:** Is the police report going to be in
2 evidence by the State?

3 **The Court:** No. Next witness, please.

4 **Ms. Weiss:** The State calls Sergeant Taurus Sanders.

5 Taurus D. Sanders, after being duly sworn,
6 testified as follows:

7 **The Clerk:** Have a seat in the witness stand, please,
8 and give the court reporter your name.

9 **The Witness:** Taurus D. Sanders.

10 Direct Examination

11 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 A. I attended U.S.C. for three years and transferred to

1 Arvester (phonetic) University where I earned my Bachelor's
2 in psychology.

3 Q. Okay. What did you do after you graduated from college?

4 A. Actually I'm currently in graduate school right now.
5 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 Q. After you graduated from undergraduate, where did you go
13 from there?

14 A. I began working at the Columbia Police Department.

15 Q. At that time were you working as a civilian?

16 A. I was a civilian in school at the time and then after
17 graduating, yes, became a police officer.

18 Q. Okay. And did you go to the academy?

19 A. Yes.

20 Q. Other than your training at the academy, what other
21 trainings have you had in the last ten years with the city of
22 Columbia Police Department or in law enforcement?

23 A. The vast training I've had: DataMaster, radar. I've
24 had several leadership classes. I've had accident
25 reconstruction training. I've also had canine handler

1 training and S.W.A.T. training.

2 Q. And how many of those years were you on the road as a
3 patrolman?

4 A. All but three. I was a traffic officer for three years.

5 Q. So seven years you were doing regular rotation and then
6 for three of the years you were doing traffic?

7 A. Yes.

8 Q. What are your general duties as a law enforcement
9 officer with the City of Columbia?

10 A. Main duties is general law enforcement, responding to
11 calls, taking reports, enforcing traffic and other laws.
12 That's just the general gist of it.

13 Q. What region are you currently assigned to?

14 A. South region.

15 Q. And what does that region encompass?

16 A. It encompasses Five Points, Garners Ferry, Woodcreek
17 Farms, some of Wildewood out in northeast Columbia.

18 Q. And how long have you been with the south region?

19 A. I just returned back to the south region October of
20 2009.

21 Q. Prior to that, were you assigned to the south region
22 before?

23 A. Yes, initially when I became a police officer I was.

24 Q. How many years did you serve south region?

25 A. I believe about five.

1 Q. Are you familiar with 300 and 304 Byron Road?

2 A. I am.

3 Q. Is that in the south region?

4 A. It is.

5 Q. Is it in the city of Columbia?

6 A. It is.

7 Q. Richland County?

8 A. It is.

9 Q. And in your years with the south region, have you had
10 the opportunity to respond to 304 and 300 Byron Road?

11 A. I have.

12 Q. Approximately how many times have you responded to that
13 address?

14 A. I can't remember anymore.

15 Q. Since October of 2009, how many times have you responded
16 out there, approximately?

17 A. At least 20.

18 Q. At least 20?

19 A. Yes.

20 Q. And have any of those times involved Dr. Marie
21 Assa'ad-Faltas?

22 A. Every time.

23 Q. Every time. In the times that you've responded out
24 there, have you ever responded -- are they usually responding
25 to calls initiated by Dr. Faltas or by others?

1 A. Usually Dr. Faltas.

2 Q. Have any of those calls ever been in response either
3 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 A. Basically they were confrontations about Ms. Ingram
7 either exiting the driveway on the 305, excuse me, 304 side
8 of the parking lot. There's been issues about the mailbox
9 and also allegations of people coming and going from her
10 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 A. Ms. -- I'm sorry. Dr. Faltas accused Ms. Ingram of
17 being a prostitute.

18 Q. And she said that to you.

19 A. Yes. Well, at one particular point I had both of them
20 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 **Dr. Faltas:** Your Honor, objection to her interrupting
25 before he had finished his answer.

1 **The Court:** Objection is overruled.

2 **The Witness:** I can't remember if it was about the
3 driveway or the mailbox, but it ended up being a verbal
4 exchange between the two of them, and during that time Dr.
5 Faltas made some allegations about Ms. Ingram being a
6 prostitute, various people coming and going, cars. And she
7 then began to show me some photos that she has been taking of
8 the 300 building, various cars. And then I asked her
9 specifically did she have any proof of this, and she says,
10 "Look at the photos." I said, "Well, this doesn't prove
11 anything."

12 I said, "Well, did you witness anything directly?" And,
13 of course, she didn't answer directly. And I said, "Well,
14 you can't make those allegations because that is defamation
15 and slander," and eventually I had to instruct Ms. Faltas to
16 go back into her apartment.

17 By Ms. Weiss:

18 Q. Would you say that of the phone calls from Dr. Faltas
19 involving Teresa Ingram that she was accusing Teresa Ingram
20 of something one way or the other?

21 A. Yes.

22 Q. And did you ever find any evidence of anything that Dr.
23 Faltas was accusing her of?

24 A. No. I never took a report from her nor have any of my
25 patrol officers.

1 **Dr. Faltas:** What? I'm sorry. What was the last part?

2 I didn't hear.

3 **The Witness:** I said---

4 By Ms. Weiss:

5 Q. He said he has never taken a report nor have any of his
6 patrol officers. And have you ever responded to any calls
7 from Teresa Ingram?

8 A. I can't remember exactly. Maybe once, but I can't say
9 for sure.

10 Q. Okay. Do you remember what that was involving?

11 A. I believe it was an altercation surrounding her going to
12 the mailbox or something like that, some -- some
13 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 **Ms. Weiss:** Okay. Thank you. No further questions,
17 Sergeant Sanders. Please answer any questions the defendant
18 may have for you.

19 Cross-Examination

20 By Dr. Faltas:

21 Q. Do you know that many police officers and sheriff's
22 deputies do off-duty work?

23 A. I'm aware that is available, yes.

24 Q. Have you done any off-duty work?

25 A. I have from time to time.

1 Q. Like a security guard in a store?

2 A. Yes.

3 Q. In Food Lion in particular?

4 A. Yes.

5 Q. In the Food Lion in particular where John Mitchell Jones
6 is a store manager?

7 A. No.

8 Q. Do you know a John Mitchell Jones?

9 A. If he's your neighbor, I met him on occasion, yes.

10 Q. And what was the occasion?

11 A. It was the grand opening of Food Lion, 2900 Leesburg, I
12 think in October.

13 Q. Can you speak up a little, please?

14 A. Sure.

15 Q. And why were you invited there?

16 A. The store invited the police department, and my captain
17 wanted me to go to represent the police department.

18 Q. Did you -- was there a time when I saw you and you
19 recognized each other by name?

20 A. He recognized me. I didn't recognize him immediately.

21 Q. Were there favors or anything given during that grand
22 opening?

23 A. They gave the police department a fruit basket.

24 Q. A fruit basket?

25 A. Yes.

1 Q. You got a fruit basket from them?

2 A. The police department got a fruit basket.

3 Q. Did you eat any of it?

4 A. I don't believe I did. I left it for the other
5 officers.

6 Q. And did you seek employment -- I'm sorry. I think I did
7 ask you. You did work as a security guard off-duty for some
8 stores.

9 A. Yes, not that store though.

10 Q. Yeah. And are you still doing that?

11 A. No, I haven't done that for quite sometime.

12 Q. Are any of your subordinates doing that?

13 A. No.

14 Q. Okay. When you were in the police department, you have
15 a bit of a disciplinary record. You had some problems
16 controlling your car?

17 **Ms. Weiss:** Objection.

18 **The Court:** Objection is sustained.

19 **Dr. Faltas:** In 2001 did you have several incidents---

20 **Ms. Weiss:** Objection.

21 **The Court:** I have to hear the question.

22 **Dr. Faltas:** In 2001 did you have several incidents
23 where you had accidents or damage to the police car you were
24 driving?

25 **Ms. Weiss:** Objection.

1 **The Court:** The objection is overruled.

2 By Dr. Faltas:

3 Q. Please answer.

4 A. I believe I did have an accident in 2002. I can't
5 remember the exact year. I know I had one in or two in 2001.

6 Q. More like five?

7 A. No, not five. I had a total of three.

8 Q. Okay. Do you recall the first time you met me?

9 A. Not specifically, no.

10 Q. Isn't it true that I had come to the south region and
11 told you that as I was trying to get my mail from my
12 mailbox---

13 **Ms. Weiss:** Objection.

14 **The Court:** The objection is sustained.

15 By Dr. Faltas:

16 Q. Do you recall on the last day of September 2009 I came
17 to the south region?

18 A. I believe that was October. I didn't return to the
19 south region until October. So, no, not September.

20 Q. No? On September 30th, 2009, did you have evening duty
21 in the south region?

22 A. No, ma'am.

23 Q. Do you recall my coming to the south region office and
24 asking you to follow me because---

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

1 **Dr. Faltas:** I haven't finished the question, Your
2 Honor.

3 **The Court:** What's the question?

4 By Fr. Faltas:

5 Q. Do you recall my coming to the south region and asking
6 you to follow me because I was afraid to get out of my car
7 because someone had thrown rocks at me?

8 A. Yes, I remember that.

9 Q. And did you follow me?

10 A. I believe I did.

11 Q. And did I show you the area?

12 A. Yes, you did.

13 Q. And did I show you that I was trying to get my mail from
14 my mailbox, but Teresa Ingram threw rocks at my car?

15 A. You explained that, but I didn't see anything.

16 Q. Of course. You weren't there when it had happened.
17 Isn't that correct?

18 A. That is correct.

19 Q. And then you tried to speak with her. Isn't that
20 correct?

21 A. I went over to her apartment to make contact. I tried,
22 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?

1 A. Yes, to follow up.

2 Q. Yes. And that is the conversation about which you
3 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 Q. Okay. And is there anything wrong with somebody in the
8 community reporting something that may be suspicious or drug
9 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 Q. And, in fact, you claim that you told me this is
14 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 Q. You do? You are familiar with the law enough to give
19 legal opinion as to what constitutes defamation and slander?

20 A. I didn't give the opinion.

21 Q. What did you say?

22 A. I said that it was against the law and you should not do
23 that.

24 Q. What is against the law?

25 A. Defamation and slander.

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 By Dr. Faltas:

8 Q. Without proof, huh? Didn't you know that defamation and
9 slander has to be false and that's a civil matter, not a
10 legal matter, not a criminal matter?

11 A. But it's still against the law civilly.

12 Q. So you were opining on civil law even though you are not
13 trained in civil law and you're not a lawyer.

14 **Ms. Weiss:** Objection.

15 **The Court:** The objection is sustained.

16 By Dr. Faltas:

17 Q. And yet when she claimed that I threw rocks at her you
18 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 Q. Okay. Did I show you pictures of an inordinate number
23 of males coming to her apartment and going?

24 A. Yes, you showed me several pictures.

25 Q. Okay. And had you already been told about -- by someone

1 else not to follow up on what I was saying to you?

2 A. No, no one gave me any specific instructions
3 concerning...

4 Q. In fact, did I not wait in -- that first time, did you
5 not make me wait in the south region while someone was
6 whispering in your ears?

7 A. I don't recall that exactly.

8 Q. Okay. And then when you came did you find out that, in
9 fact, Ms. Ingram's building is closer to the exit which is
10 closer to Garners Ferry Road?

11 A. Correct.

12 Q. And one of my complaints was that she was choosing to
13 make a detour in front of my building and shout obscenities
14 at me and flip me a finger while she was doing that?

15 **Ms. Weiss:** Objection.

16 **The Court:** The objection is sustained.

17 By Dr. Faltas:

18 Q. Did I -- did you testify that I complained? In fact,
19 weren't your exact words in response to Ms. Weiss's question,
20 "Some may have been exiting the drive the side of the 304?"

21 A. That's what I testified to, yes.

22 Q. So I had complained to you about that and that made --
23 that was intimidating me?

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

25 **The Court:** The objection is sustained.

1 By Dr. Faltas:

2 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 Q. Has there been a recent incident where the Columbia
7 Police Department let somebody go---

8 **Ms. Weiss:** Objection.

9 **The Court:** Objection is sustained.

10 **Dr. Faltas:** After that, did I call you and show you a
11 letter where my landlord and landlady were threatening to tow
12 my own car?

13 **Ms. Weiss:** Objection.

14 **The Court:** The objection is sustained.

15 **Dr. Faltas:** Now, why is that, Your Honor?

16 **The Court:** Next question.

17 By Dr. Faltas:

18 Q. You testified that you had calls from me. Isn't that
19 correct?

20 A. That is correct.

21 Q. Only this one of them was about Teresa Ingram and, in
22 fact, it wasn't a call. I had come to the south region
23 office. Isn't that correct?

24 A. On the first occasion.

25 Q. And were any other calls about Teresa Ingram or about my

1 landlady and my landlord?

2 A. Initially they ended up being about the issues with your
3 landlord and landlady, but somehow the accusations about Ms.
4 Ingram came into the conversation somehow.

5 Q. And what were the issues with my landlady and my
6 landlord?

7 **Ms. Weiss:** Objection.

8 **The Court:** Overruled.

9 **Dr. Faltas:** Thank you, Your Honor.

10 **The Court:** No need to thank the court.

11 **The Witness:** From what you stated, they were
12 restricting you from your legal rights or whatever in
13 connection with your---

14 By Dr. Faltas:

15 Q. Speak up, please.

16 A. According to you, you were stating that they were
17 restricting you from legally occupying your apartment and
18 restricting you since you were paying rent and you were a
19 tenant there.

20 Q. Did I not show you a letter saying that I cannot park my
21 car in the parking lot and I need to park them on my land?
22 Otherwise, they will tow them?

23 **Ms. Weiss:** Objection.

24 **The Court:** Overruled.

25 **The Witness:** I did see such a letter stating that

1 because of the incidents between you and your neighbors that
2 you needed to park your car on your property to prevent
3 further incidents or altercations.

4 By Dr. Faltas:

5 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 Q. And I showed you the sewer clean-out and the sewer --
12 the -- how the sewer lines are running on my land. Isn't
13 that correct?

14 A. You showed me some sketches, but I don't know that for
15 sure.

16 Q. Did I also show you on the ground the clean-outs from in
17 front of the buildings and the ones on my land?

18 A. Yes, you did.

19 Q. Okay. And did I explain to you that they are running on
20 my land and that is the origin of the issue?

21 A. That's what you stated.

22 Q. Yes. And then my land doesn't have a driveway. Isn't
23 that correct? It's not divided.

24 A. It's not a prepared driveway, no.

25 Q. Yeah. And isn't there an ordinance in Columbia that

1 criminalizes people who park on the grass?

2 A. Unprepared surfaces. That's the -- that's the
3 ordinance.

4 Q. So if I were to do what the letter told me to do, I
5 would be violating the law, at least the ordinance. Isn't
6 that correct?

7 A. I guess it depends on how you parked your vehicle, yes.

8 Q. Okay. And I explained to you that I would like you to
9 protect me from them towing my vehicle. Isn't that correct?

10 A. That's correct.

11 Q. And did you think that since I live there and pay rent
12 there I have the right to park my vehicle there?

13 **The Court:** Objection is sustained.

14 **Dr. Faltas:** Were there times when I called you because
15 they had a big truck there with a trailer?

16 **Ms. Weiss:** Objection.

17 **The Court:** Sustained.

18 By Dr. Faltas:

19 Q. You say about 20 times. Do you recall what the 20 times
20 were about?

21 A. It was various reasons, complaints about your neighbors,
22 the landlord. It just depends.

23 Q. Were there complaints about the landlord taking signs
24 from my door?

25 A. One of those or I think two or three of those, yes.

1 Q. And at one time at least was I very concerned because
2 they had -- the landlord was there with a truck and I was
3 afraid they were going to tow my car with their truck?

4 **Ms. Weiss:** Objection.

5 **The Court:** Objection is sustained.

6 By Dr. Faltas:

7 Q. Can you tell us what you remember about my concerns as
8 far as the threats to tow my cars?

9 A. As far as I understood, none of those threats were
10 followed through. I explained to you that was a civil matter
11 and you need to follow up with the magistrate's court.

12 Q. So you told me that the police department will do
13 nothing for me if they start to tow my car and that I would
14 only have to sue them afterwards.

15 **Ms. Weiss:** Objection.

16 **The Court:** The objection is sustained.

17 **Dr. Faltas:** Is that what you just testified that you
18 told me?

19 **Ms. Weiss:** Objection.

20 **The Court:** The objection sustained.

21 By Dr. Faltas:

22 Q. Did I one time ask you to go back and see that an
23 outdoor electric extension was used to run the fountain while
24 the resident was not there?

25 A. Yes, you complained about that as well.

1 Q. And did I tell you that the fire department said that
2 that was---

3 **Ms. Weiss:** Objection.

4 **Dr. Faltas:** ---a hazard?

5 **The Court:** Objection is sustained.

6 **Dr. Faltas:** Are you aware that there are outdoor
7 electric extensions and indoor electric extensions?

8 **Ms. Weiss:** Objection.

9 **The Court:** Sustained.

10 **Dr. Faltas:** As a law enforcement person, do you know
11 that certain extensions should not be used outdoors?

12 **Ms. Weiss:** Objection.

13 **The Court:** Objection is sustained.

14 By Dr. Faltas:

15 Q. Did there come one time where you in your own
16 handwriting told me that if I needed to go back to my
17 apartment I should call dispatch and write the dispatch phone
18 number for me?

19 A. If you asked for the number, I believe I did give it to
20 you.

21 Q. Yes. And were you aware that when I called dispatch
22 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.

1 **Dr. Faltas:** Do you recall my telling you that I feel
2 it's a civil rights issue what they are doing to me, and you
3 said that you're offended that I would use the word civil
4 rights because your race is African-American and it's not the
5 same thing?

6 **Ms. Weiss:** Objection.

7 **The Court:** The objection is overruled.

8 **The Witness:** I responded that your comment and your
9 comparison was not the same, and it was offensive that you
10 were comparing the civil rights issue to this situation you
11 were going through with your landlord and your tenants.

12 By Dr. Faltas:

13 Q. Why was it offensive to you?

14 A. Because I think it's not in terms of comparison the
15 circumstances nor the repercussions of what happened.

16 Q. Really?

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

18 **The Court:** Sustained.

19 **Dr. Faltas:** Did you, in fact, personally observe that
20 the motor pump was running on the fish pond in the back of my
21 building when there was no -- the tenant in apartment 1 was
22 not present?

23 **Ms. Weiss:** Objection.

24 **The Court:** Sustained.

25 **Dr. Faltas:** That's all.

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 (Court reporter's note: This concludes the testimony of
9 witnesses put forth by the State. The testimony put forth by
10 the defense is as follows:)

11 **The Court:** Call your first witness, please.

12 **Dr. Faltas:** I call Dinah Steele, and may I ask the
13 Court to declare her a hostile witness?

14 **The Court:** Witnesses -- there's no need to declare a
15 witness hostile.

16 **Dr. Faltas:** All right.

17 **The Court:** Under the rules of evidence.

18 **Dr. Faltas:** Sorry?

19 **The Court:** Under the rules of evidence there's no need
20 to have a witness declared hostile.

21 Dinah Steele-Mason, after being duly sworn,
22 testified as follows:

23 **The Clerk:** Have a seat in the witness stand, please,
24 and give the court reporter your name.

25 **The Witness:** Dinah Steele-Mason.

1 **Dr. Faltas:** Your Honor, may I ask that she show Your
2 Honor identification?

3 **The Court:** No.

4 Direct Examination

5 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 Q. That wasn't my question. Did you ever have a formal
11 name change?

12 A. I'm not sure how I can answer that question. I am my
13 husband's dependent and I have a federal I.D. that says Dinah
14 Steele-Mason. I do use both names - Dinah Steele - for my
15 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 A. I don't -- I don't remember whether or not if it was
24 Facebook or not.

25 Q. And do you list yourself as single on that page?

1 A. When that page was created, it automatically made me
2 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 By Dr. Faltas:

15 Q. So you were married in Las Vegas?

16 A. Yes, ma'am.

17 Q. Do you have a marriage license from Nevada?

18 A. I do have a marriage license from Las Vegas. I don't
19 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 By Dr. Faltas:

25 Q. Do you have a lawyer called Andrew Delaney?

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 **Dr. Faltas:** Were you made aware that a judge in
8 Richland County circuit court entered a preliminary
9 injunction?

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

11 **The Court:** The objection is sustained.

12 By Dr. Faltas:

13 Q. Are you a defendant in a lawsuit I brought against you?

14 A. Yes.

15 Q. Does that lawsuit allege that you charge me more rent
16 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 **Dr. Faltas:** Do you, in fact, charge me more rent than
22 the other tenants?

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

24 **The Court:** I overrule the objection.

25 **Dr. Faltas:** Sorry?

1 **The Court:** Overrule the objection. You may answer,
2 ma'am.

3 **The Witness:** We have two apartments that are being
4 rented for 550, and yours is one of them.

5 By Dr. Faltas:

6 Q. And the other six apartments are rented for less than
7 550.

8 A. That's correct.

9 Q. And is there a current apartment -- the other apartment
10 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 Q. No foreign-born tenant is charged -- no American-born
17 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 **The Court:** She can explain the previous answer and
25 continue.

1 **The Witness:** Okay. We renovated the apartments, and
2 the ones that are rented at a lower rent, they've never
3 become vacant and they were never renovated. So as the
4 apartments came available, we renovated them. We put them on
5 fair market value and then, you know, rented them for that.
6 A previous renter that rented your apartment also paid 550.

7 By Dr. Faltas:

8 Q. Isn't it true that the previous renter previous to me
9 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 By Dr. Faltas:

15 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 By Dr. Faltas:

19 Q. Did you state in it that your rental income was \$37,000?

20 A. Yes.

21 **Ms. Weiss:** Objection.

22 **The Court:** Objection sustained. You don't have to
23 answer any questions about your income taxes, ma'am.

24 **The Witness:** Okay. Thank you, sir.

25 **Dr. Faltas:** Your Honor, the reason that I'm talking

1 about this is that it's impossible for the other tenants'
2 rent to be as high as mine given what she reported on her
3 income.

4 **The Court:** All right. The objection is sustained.

5 By Dr. Faltas:

6 Q. Did you bring a temporary restraining order action
7 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 Q. And do you recall having been asked whether you think
14 you can use my land and keep your sewer lines on my land even
15 though I don't want them there and you said that you do want
16 them---

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

18 **The Court:** Sustained.

19 By Dr. Faltas:

20 Q. Did you accuse me to many people of being an illegal
21 alien?

22 A. No.

23 Q. Did you write to many congressmen and senators that I am
24 an illegal alien?

25 A. My husband, we -- my husband and I wrote several

1 senators and congressmen because originally when you signed
2 your lease and I asked you whether or not you were a legal
3 citizen, you said, yes, that you were. Then later after we
4 evicted you and we started having all the harassment, we --
5 and you sued me, we Googled your name and it came up that you
6 had been ordered deported two or three times.

7 Now, under South Carolina law it is illegal for me to
8 rent to an illegal alien. If you had been ordered deported,
9 that means you're not a citizen. So we called the I.N.S.
10 They won't give us any information. So we called -- we
11 didn't call. We wrote between 12 and 16 letters to senators,
12 congressmen, and representatives so that we could get
13 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 A. No, I -- we got a phone call, and I don't remember when
20 it was. I didn't actually take the phone call. Larry got
21 the phone call saying that we had -- were supposed to have an
22 appointment with Detective Blanton, and we went down there
23 and she asked us about the problems that we were having at
24 the apartment complex. Literally, I was afraid that they
25 were going to shut my complex down because the police had

1 been called so many times, sometimes as many as three times a
2 day because of your conduct. So I was worried that they were
3 going to shut my apartment complex down. And so she just
4 asked me questions about the harassment that we had endured.

5 Q. Did she never tell you that she found out that, in
6 fact---

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

8 **The Court:** Objection is sustained. You can't testify,
9 ma'am.

10 By Dr. Faltas:

11 Q. Did she at any time tell you that she found out that
12 I've had a green card since 2005 during the appeal process of
13 those deportation orders?

14 A. I don't -- I don't recall that.

15 Q. All right. Did you, in fact, try to write to Senator
16 Lindsey Graham and he wrote to you back that he will report
17 to the department---

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

19 **Dr. Faltas:** Did you write.

20 **The Court:** Let me hear the rest of the question. Go
21 ahead, ma'am.

22 By Dr. Faltas:

23 Q. Did you write to Senator Lindsey Graham and he wrote
24 back to you that he forwarded your concern to the Department
25 of Motor Vehicles?

1 A. No, I don't recall that either, not from Mr. Lindsey
2 Graham. I don't recall that.

3 **Dr. Faltas:** Your Honor, may I -- may I present an
4 exhibit?

5 **The Court:** She's on the witness stand.

6 **Dr. Faltas:** Sir?

7 **The Court:** She's on the witness stand. It's your
8 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 **The Court:** If it's something the witness can identify,
15 ma'am.

16 **Dr. Faltas:** Well, I---

17 **The Court:** Hand it to the witness.

18 By Dr. Faltas:

19 Q. Did you receive those letters?

20 A. This is from City Attorney Gaines and the United States
21 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 **Dr. Faltas:** Okay. And may they be admitted into
25 evidence, Your Honor?

1 **Ms. Weiss:** Objection.

2 **The Court:** The objection is sustained.

3 By Dr. Faltas:

4 Q. Did you call the person that Ms. -- that Senator DeMint
5 told you to call?

6 A. I did not.

7 Q. Is this my list?

8 A. Yes, it is.

9 Q. Does it say that I cannot have anybody else in my
10 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 A. Charlene. Charlene's lease doesn't. She had a
16 different lease.

17 Q. And does Teresa Ingram's lease say that she has to have
18 written permission from you before?

19 A. It does.

20 Q. Did you ever give Teresa Ingram written permission to
21 have anybody other than she spend the night in her apartment?

22 A. I did. She called me and asked, and I did give her
23 permission.

24 Q. So it was oral, not written?

25 A. Yes, it was.

1 Q. For how many persons and how many---

2 **Ms. Weiss:** Objection.

3 **The Court:** Objection is sustained.

4 **Dr. Faltas:** Can this lease be admitted into evidence,
5 Your Honor?

6 **Ms. Weiss:** Objection.

7 **The Court:** The objection is sustained.

8 By Dr. Faltas:

9 Q. Is that your car in those pictures?

10 A. Yes, it is. This is when you -- you tried to block me
11 in. I was leaving the apartment complex and pulled out of
12 the parking space and headed towards a particular -- we have
13 two exits or two entrances, and as soon as I got almost
14 there, you pulled your vehicle -- you had been sitting in
15 your car, and you pulled your vehicle right in front of mine.
16 And I honked my horn, and you started taking these
17 photographs of me. I honked my horn again, and you refused
18 to move your vehicle. I would not get out of my vehicle
19 because I didn't know what you were going to do.

20 Q. And then what happened?

21 A. I called my husband and asked him if he thought I should
22 just go ahead and call the police and he said, "Just let it
23 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.

1 Q. Went out from the other exit.

2 A. From the other exit which you totally blocked the exit
3 in which it was very apparent that I was trying to leave
4 through because if I had pulled out into the other exit, I
5 would have been backing out into the traffic instead of
6 pulling front ways.

7 Q. No, that's not correct.

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

9 **The Court:** The objection is sustained.

10 **Dr. Faltas:** May I mark this as an exhibit, please? May
11 I---

12 **The Court:** Any objection by the State?

13 **Ms. Weiss:** May I see what it is? No objection, Your
14 Honor.

15 **The Court:** It's admitted without objection.

16 (Defendant's exhibit 12 was received in evidence.)

17 By Dr. Faltas:

18 Q. Defendant's exhibit 12, does it not show in this picture
19 that you're perfectly able to go out the other exit?

20 A. You can go out either exit, but my point was and I would
21 like---

22 Q. No, but you---

23 A. No, I'd like to finish, please. I backed out of the
24 parking space, and if I had continued to back out, I would
25 have backed out into traffic. So, instead, we have basically

1 like a circular drive. So I backed out. I pulled forward to
2 go so that I would be going out with my car pointed forward
3 instead of backing out into the traffic, and you blocked my
4 exit. We had had---

5 (Dr. Faltas begins playing a tape.)

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

7 **The Court:** All right. The objection is sustained, and
8 we're not entertaining any further questions concerning any
9 harassment, an allegation between you and this witness. The
10 victim in the case at bar is Ms. Ingram. Anything not
11 pertaining to that case will not be entertained by the Court.
12 Any further questions of this witness?

13 **Dr. Faltas:** Yes, Your Honor. I'm sorry. I need to
14 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 By Dr. Faltas:

19 Q. Did you change the lock on the security lock on the
20 building 300 where Ms. Ingram lives?

21 A. Yes.

22 Q. Why did you do that?

23 A. One of the other renters we affectionately call Mr.
24 Charlie had complained that the other door lock was not
25 locking properly. These are combination door locks, and when

1 you shut the door it automatically locks. So you are secure
2 when you get into the building and then it automatically
3 locks so no one else who doesn't live in the building can't
4 get in there, and he said that it was not locking properly.
5 I went over there and tried to fix it, and I could not fix
6 it. So I replaced it with a new locking system, with a new
7 combination.

8 Q. Did it have anything to do with the fact that Ms.
9 Ingram's ex-boyfriend had threatened to kill her?

10 **Ms. Weiss:** Objection. Leading.

11 **The Court:** Objection sustained.

12 **Dr. Faltas:** Did you have any knowledge, any report from
13 Ms. Ingram, that her ex-boyfriend---

14 **Ms. Weiss:** Objection.

15 **The Court:** The objection is sustained.

16 By Dr. Faltas:

17 Q. Were you requested to change the security code by Ms.
18 Ingram?

19 A. No. Again, the lock and the combination to that door
20 was changed when a new lock went on to the door.

21 Q. And when did that happen?

22 A. I don't -- I don't remember the date; I'm sorry. It was
23 -- to me it was just maintenance, so...

24 Q. Are you telling this jury that Ms. Ingram never---

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

1 **Dr. Faltas:** That she never wanted to change the -- the
2 combination on the door?

3 **The Court:** The objection is overruled.

4 By Dr. Faltas:

5 Q. Please answer the question. Are you telling this jury
6 that Ms. Ingram never requested you to change the combination
7 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 A. No, I don't recall that. Again, the lock was changed
13 because it would not -- it wasn't working properly.

14 Q. Do you recall telling me one day when I saw you there
15 changing the lock that you were changing the lock because Ms.
16 Ingram had asked you to because of her ex-boyfriend?

17 A. No, I don't recall that.

18 Q. All right. Do you recall having questioned whether my
19 mother is dead or alive?

20 **Ms. Weiss:** Objection.

21 **The Court:** Sustained.

22 **Dr. Faltas:** Do you recall ever having made the
23 statement that you want to keep your sewer lines on my land?

24 **Ms. Weiss:** Objection.

25 **The Court:** Sustained.

1 By Dr. Faltas:

2 Q. Do you recall ever having made a statement that you want
3 me deported?

4 A. No, ma'am, I don't recall making that statement.

5 **Dr. Faltas:** Your Honor, may I impeach her with her
6 tape, please?

7 **The Court:** You may proceed as you desire.

8 **Dr. Faltas:** Thank you.

9 By Dr. Faltas:

10 Q. Do you recall having given sworn testimony?

11 A. I do. I don't recall that.

12 Q. Well, may I play it and ask if you recognize that's your
13 voice? (Dr. Faltas plays a tape.) Is that your voice?

14 A. Yes.

15 **Dr. Faltas:** Okay. May I put it closer to the jury,
16 Your Honor?

17 **The Court:** Just proceed, ma'am. It sounds plenty loud
18 to me. Just play the tape.

19 (Dr. Faltas plays a tape.)

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

21 **The Court:** The objection is sustained. I'm not just
22 going to let you play a tape and... Turn it off.

23 **Dr. Faltas:** I'm sorry. Do I need to put it forward to
24 another?

25 **The Court:** I don't know. You're just talking about

1 parallel parking in a parking lot. You said you had
2 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 **The Court:** Ma'am, have you ever expressed an interest
10 in having her deported or thinking she should be deported or
11 wanting her to be deported?

12 **Dr. Faltas:** Can you please answer his...

13 **The Court:** Have you ever expressed an interest in
14 having her deported or wanting her to be deported or thinking
15 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 **The Court:** Have you ever expressed an interest in
20 wanting to have her deported, hoping she would be deported,
21 desiring her to be deported?

22 **The Witness:** What we wanted was information, and I.N.S.
23 would not give us any information. And again she -- when she
24 signed the lease, I asked her whether or not she was a United
25 States citizen and she said that she was, and then we looked

1 it up on the internet where she had been, you know, deported.
2 So we called the I.N.S. trying to get information about it
3 because it is unlawful for me to rent to an illegal alien,
4 and, again, you know, if she's been ordered deported and you
5 -- I mean, you can't be a legal citizen...

6 **The Court:** But have you ever expressed either to her or
7 to a police officer or to anyone else your hope or desire
8 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 **The Court:** She doesn't recall it. Even if you play it,
13 she doesn't record it -- she doesn't recall it. Do you have
14 a specific date and time that she told someone that? If so,
15 ask her that specific question. You might refresh her
16 recollection.

17 **Dr. Faltas:** I mean, yes, Your Honor. Part of the tapes
18 says that she -- that they wrote to 16 congressmen and
19 senators...

20 **The Court:** Well, do you have a specific question that
21 you want to ask her that relates to whatever you're trying to
22 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---

1 **The Court:** What is it you want to know or remind her
2 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 **The Court:** What is that? Would you tell her what
7 you're showing her? Do you know -- do you recognize that,
8 ma'am?

9 **The Witness:** Yes.

10 **The Court:** What is it?

11 **The Witness:** It's one of the letters that we sent to
12 Joe Wilson.

13 **The Court:** All right.

14 **The Witness:** And it says that, "I'm writing to you
15 concerning a suspected illegal immigrant, Marie Faltas," and
16 it goes on to stating about the hundreds of thousands of
17 dollars that she's costing in frivolous lawsuits and
18 complaints that's against citizens, mayors, police, zoning,
19 city council, fire department, magistrates, judges, and
20 making numerous false 9-1-1 calls that creates volumes of
21 manpower and countless paperwork. It is my understanding
22 that she presently has 54 or more frivolous actions pending
23 either in magistrate's court, city court, circuit court,
24 creating that havoc in our judicial system. I mean, it just
25 goes on about...

1 By Dr. Faltas:

2 Q. Would you please read the last part?

3 A. Let's see. Let's see here. "I find it ironic that an
4 American born and raised in this country and af" -- this was
5 my husband -- "and after serving proudly," referring to he's
6 retired from the army, "that I am not allowed to know if this
7 person is illegal," and that was talking about the fact that
8 we couldn't get the information from the I.N.S.

9 Q. Ma'am, is it not captioned -- my question is: Why is
10 this person still here? Why do we allow illegals into this
11 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 **The Witness:** Because, again, we were -- we were trying
18 to contact the I.N.S. We had already seen where you had been
19 ordered deported, and our question was to these senators and
20 congressmen is: If she's been ordered deported, why is she
21 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.

1 **Dr. Faltas:** May I move for it to be admitted, please?

2 **Ms. Weiss:** Objection.

3 **The Court:** The objection is sustained. The victim in
4 this case is -- the alleged victim is not this witness but
5 Ingram. Letters that this witness might be writing is not
6 relevant to the harassment charge of the alleged victim
7 Ingram.

8 **Dr. Faltas:** Surely Your Honor cannot be oblivious to
9 the fact that she engaged Ingram in that process.

10 **The Court:** The jury to is to disregard that comment.
11 Next question for the witness.

12 **Dr. Faltas:** So I'm waiting for it to be marked for
13 identification.

14 (Defendant's exhibit 13 was marked for identification.)

15 **Dr. Faltas:** And you claim that you're very concerned
16 about the law and about renting to illegal persons. You did
17 not check before -- you did not check before renting to me,
18 did you?

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

20 **The Court:** The objection is overruled. Did you check
21 before renting to her whether she was a legal---

22 **The Witness:** We did no background check. We had not
23 done any -- I'm new to being a landlord and had not done any
24 background checks. I wish that we had because we would have
25 seen that you had been evicted numerous times from other

1 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 **The Court:** All right. You have four more minutes with
6 this witness.

7 By Dr. Faltas:

8 Q. In fact, did you not request my driver's license and did
9 I not give it to you?

10 A. Yes, you did.

11 Q. Okay.

12 A. That is something that I request.

13 Q. Did you not -- did you not know that in South Carolina
14 an illegal alien cannot get a driver's license?

15 A. No.

16 Q. You just checked after I sued you for the sewer lines.
17 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 Q. All of trying to check my immigration status and my
24 mother's Social Security and all of that after I sued you.

25 Isn't that correct?

1 A. Yes. It was several months. We started Googling your
2 name.

3 Q. Yes.

4 A. First I looked up in Richland Online which showed all
5 the evictions and all of the lawsuits, and then later---

6 Q. Okay.

7 A. ---I just Googled your name and like hundreds of
8 lawsuits kept coming up. It was just like pages and pages,
9 like 20 pages worth on the internet of lawsuits.

10 Q. Did you ever take Teresa Ingram with you to file for a
11 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 Q. Okay. Did you also pretend that there was an Alden
16 Wheeler who tried to rent an apartment from you and I ran him
17 off?

18 A. Did you what now? Say that again.

19 Q. Did you present to Investigator Blanton a letter signed
20 by Rodney Ingram claiming that I signed -- that I sent him
21 off, that I -- that he was -- that he came to see Teresa
22 Ingram and I sent him off---

23 A. Yes.

24 Q. ---away?

25 A. Yes.

1 **Dr. Faltas:** May I?

2 **The Court:** She says yes. No, you may not.

3 **Dr. Faltas:** Could I -- could I pick up one that was
4 admitted?

5 **The Court:** No, she says she did. You can't impeach her
6 with something she acknowledged that she did. Next question.
7 You have two more minutes.

8 **Dr. Faltas:** Your Honor, that's the one where he denied
9 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 By Dr. Faltas:

15 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 By Dr. Faltas:

23 Q. And is this a letter that you also gave Investigator
24 Blanton?

25 A. Yeah, this was by Alden Wheeler.

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 By Dr. Faltas:

7 Q. Was he not, in fact, an employee of Larry Mason's
8 detective agency?

9 A. Not to my knowledge.

10 **The Court:** Last question.

11 By Dr. Faltas:

12 Q. Did you testify in -- not testify but did you speak --
13 do you wish me to be deported and to leave South Carolina or
14 to go to prison?

15 A. I just want you to leave me alone.

16 Q. Okay.

17 **The Court:** Last question, ma'am. Any question by the
18 State?

19 **Ms. Weiss:** Yes, Your Honor, very briefly. May I mark
20 this State's exhibit 123?

21 **The Court:** 123.

22 (State's exhibit 123 was marked for identification
23 only.)

24

25

Cross-Examination

By Ms. Weiss:

Q. I'm going to show you what's been marked as State's exhibit 123. Do you recognize these?

A. 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.

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.

So that next day I put letters at everyone's door and stating it was a security issue, and Marie Faltas was the

1 only one that called me within 30 minutes saying -- trying to
2 come up with hundreds of reasons why the door needed to be
3 left open, and I said, "Absolutely not. It is a security
4 issue," and I did lose my temper with her---

5 **Dr. Faltas:** Objection, Your Honor. This has nothing to
6 do with Teresa Ingram.

7 **The Court:** Objection is sustained.

8 **The Witness:** They have other ones---

9 By Ms. Weiss:

10 Q. Okay. Many of those letters---

11 A. Yes.

12 Q. Many of those letters have to do with harassing and
13 instructing Dr. Faltas to stop harassing tenants?

14 A. Yeah, taking photographs of them, taking photographs of
15 minor children that were coming to visit them.

16 Q. And do these specifically relate to complaints from
17 Teresa Ingram?

18 A. Yes. Yes.

19 Q. As well as other tenants?

20 A. Yes.

21 Q. And they specifically instruct Dr. Faltas to stop this
22 behavior?

23 A. Yeah, and it just increased. It didn't -- it didn't
24 make any difference. She just -- it just escalated.

25 **Ms. Weiss:** Your Honor, at this time I'd like to enter

1 State's exhibit 123 into evidence.

2 **Dr. Faltas:** May I see it?

3 **The Court:** Yes.

4 **Ms. Weiss:** Other than that, I don't have any other
5 questions of this witness.

6 **The Court:** While she's reviewing that, we'll have you
7 step out for just a couple of minutes, and we'll be in recess
8 for couple of minutes while she's reviewing that document.

9 (Whereupon, the jury was excused from open court at 6:02
10 p.m.)

11 **The Court:** All right.

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

13 **The Court:** Yes?

14 **Dr. Faltas:** I object to them being together, and I
15 object to the first one because that's a fabrication. I
16 never received that first one, but I have no objections to
17 the others except that they are self-serving. But in any
18 event, if they are marked separately each one, I would have
19 no objection but not the first one.

20 **The Court:** All right. The entire document is admitted
21 over objection.

22 (State's exhibit 123 was received in evidence.)

23 **The Court:** All right. The State must show notice and
24 that you've been warned, so forth and so on. It's relevant
25 to that issue, and I overrule the objection. If you'll give

1 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 **The Court:** She's not a party to the case. It's not
8 self-serving to the alleged -- to the victim, to the alleged
9 victim. You can bring the jury.

10 **Dr. Faltas:** So may I do redirect?

11 **The Court:** Just ten minutes, no more than ten minutes
12 solely on the issue -- issues contained in the exhibit.

13 (Whereupon, the jury was brought into open court at 6:10
14 p.m.)

15 **The Court:** The exhibit is admitted over objection.
16 Redirect exam.

17 Redirect Examination

18 By Dr. Faltas:

19 Q. Now, the fact that you write those things doesn't mean
20 that they were true. It just means---

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

22 **The Court:** I must hear the entire question.

23 **Dr. Faltas:** Just because someone writes a letter saying
24 that someone did something wrong doesn't mean it's true, does
25 it?

1 **The Court:** Objection is overruled. You may answer.

2 **The Witness:** Can you repeat the question?

3 By Dr. Faltas:

4 Q. Just because someone writes that someone did something
5 wrong does not mean that it is true, does it?

6 A. No.

7 Q. Okay. For example, just because you write me a letter
8 saying that I blocked somebody in doesn't necessarily mean
9 that I blocked somebody in. Isn't that so?

10 A. The fact that you had blocked me in?

11 Q. Okay. But isn't it true that you testified that you
12 were just preferring to use the exit that's---

13 A. No, that's not what I testified to. I testified to the
14 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 A. And, again, I explained that would make me backing out
19 into the traffic, and I had already pulled around so that I
20 could enter that road in a forward direction, and you
21 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 **Dr. Faltas:** I am asking the questions. You could

1 maneuver in the parking lot and go out forward from the other
2 exit. Isn't that correct?

3 **The Court:** The objection is sustained.

4 By Dr. Faltas:

5 Q. All right. The fact that you write on the first one,
6 March 1st, that you hand-delivered it to me doesn't mean that
7 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 By Dr. Faltas:

13 Q. In all those other pages of the exhibit you were asking
14 me to leave the area.

15 A. Yes.

16 Q. Isn't that the case?

17 A. Yes. May not have been in all of them but we did. We
18 asked you to leave---

19 Q. Isn't it---

20 A. That you were -- you were harassing the other tenants
21 that you had been evicted and that we asked that you went
22 ahead and left.

23 Q. Had you written me anything before March 2009?

24 A. Of what?

25 Q. Anything about harassment about anything.

1 A. No. We had personal contact with you about all the
2 harassment. We called you. We did not give you any written
3 notices; no, we did not. But we called you. We called you
4 at least sometimes as often as once a week to two -- once
5 every two weeks about your conduct, and that is also the
6 reason why we didn't renew your lease, Marie. We had
7 personal contact with you. We were calling you saying,
8 "These are the problems that we're having. You need to leave
9 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 A. I distinctly remember having at another court hearing
14 that Mitch was on tape saying, "You have got to stop
15 harassing me." It was on tape.

16 Q. Ma'am, if you please, this is not about Mitch.

17 **Ms. Weiss:** Objection.

18 **The Court:** The objection is sustained to the comment
19 but -- and the comment -- I mean, the answer is not
20 responsive to this case. Next question.

21 By Dr. Faltas:

22 Q. The one dated October 5th you tell me not to park my car
23 in front of the apartment I rent from you. Isn't that
24 correct?

25 A. Yes. That was -- I'm not even going to read that

1 because I remember the letter. Because you were unlawfully
2 detaining people and using your vehicle to commit this
3 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 **The Court:** Objection is overruled. You may answer the
12 question.

13 **Dr. Faltas:** Objection about saying to commit this
14 crime.

15 **The Court:** The objection is sustained as to the use of
16 the word crime, but otherwise continue.

17 **The Witness:** You were using your vehicle to---

18 **Dr. Faltas:** Okay. And I was pulling in in that -- from
19 the exit that's closer to my apartment, and you decided to
20 try to broadside me and then---

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

22 **The Court:** The objection sustained.

23 **Dr. Faltas:** Okay. Did anyone ever support you saying
24 that you can take my money and prevent me from parking---

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

1 **The Court:** Objection is sustained. Improper redirect.

2 By Dr. Faltas:

3 Q. Okay. Does this letter say that I cannot park, park, my
4 car---

5 A. We asked you to remove your vehicles, and that was the
6 reason why was because you were using your vehicles to detain
7 these people. They were trying to leave for work early in
8 the morning, and you would pull your car behind them so that
9 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 **Dr. Faltas:** Did there -- was there any court order
16 making me---

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

18 **The Court:** I have to hear the question. Continue.

19 **Dr. Faltas:** Did you ask for a court order making me not
20 park my car in front of the apartments?

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

22 **The Court:** Overruled. Yes or no.

23 **The Witness:** The court said that we could not -- I
24 don't know exactly how they put it, but they allowed you to
25 keep your car in the parking... You kept saying how you were

1 handicapped.

2 **Dr. Faltas:** Ma'am, you were asking that court, so the
3 answer is yes. You asked a court to make me not park my car
4 in the parking lot, and the court said, no, since I pay
5 rent---

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

7 **The Court:** The objection is sustained. Two more
8 minutes.

9 By Dr. Faltas:

10 Q. And this stuff about you wanting me not to park my car
11 was a way of asking me -- harassing me to the point of making
12 me leave altogether. Isn't that correct?

13 A. No. We were trying to stop you from detaining the other
14 people so that they could come and go. I mean, you know,
15 under South Carolina law---

16 Q. Where did you---

17 **The Court:** Just a moment. Just a moment, ma'am. She's
18 answering the question. Do not interrupt.

19 **The Witness:** It is the obligation of the tenant to
20 conduct themselves in a manner that doesn't deprive the
21 enjoyment of the property of other tenants which is exactly
22 what you were doing. You were harassing them. You were
23 using your vehicle in order to detain them. My God, they
24 couldn't go to work. You were making them late.

25 **Dr. Faltas:** Did you see pictures of a guest of Teresa

1 Ingram grabbing his crotch at me and flipping his fingers at
2 me?

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

4 **The Court:** Objection is sustained. Improper redirect.
5 Final question.

6 By Dr. Faltas:

7 Q. Has Teresa Ingram ever written to me a letter saying
8 anything about harassment?

9 A. I have no idea what Teresa Ingram wrote to you, if she
10 did---

11 Q. Did she ever say---

12 A. I have no idea if she ever did that.

13 Q. Okay.

14 A. Not to my knowledge she didn't -- I don't recall her
15 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 **Dr. Faltas:** Your Honor, could she stay for a second
23 until Larry Mason comes in so she doesn't talk to him?

24 **The Court:** Have a seat here in the courtroom for a
25 moment. Who do you want now? Mr. Mason?

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 **The Court:** Someone make sure that Mr. Mason is coming.

12 Come forward, sir, and be sworn.

13 Larry W. Mason, after being duly sworn, testified
14 as follows:

15 **The Clerk:** Have a seat in the witness stand, please,
16 and give the court reporter your name, please.

17 **The Witness:** My name is Larry Wayne Mason.

18 Direct Examination

19 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 **The Witness:** I recognize it as a statement from a copy
25 of a statement, I believe.

1 By Dr. Faltas:

2 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 **Dr. Faltas:** Your Honor, may we admit it into evidence?

7 May I move that it be admitted?

8 **Ms. Weiss:** Your Honor, I'm not sure what it is, but may
9 I see it?

10 **The Court:** Yes. What is it, Mr. Mason? What is
11 this---

12 **The Witness:** That's a -- looks like a copy of a
13 statement made by a person that is going to -- trying to rent
14 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 By Dr. Faltas:

20 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 A. When he was a teenager, he might have done something for
24 me back when he was a teenager.

25 **Dr. Faltas:** Your Honor, may I mark this for

1 identification, please?

2 **The Court:** What is it?

3 **Dr. Faltas:** It's a list of the employees of Mr. Mason's
4 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 **The Witness:** No, sir. I've never seen this before. I
9 don't know what it is.

10 By Dr. Faltas:

11 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 A. I have a license as a private investigator and I own a
21 private investigative company. That could be the number; I'm
22 not sure.

23 Q. Okay. And on this document where it says Larry Mason,
24 is that you and does it correctly give your license number
25 and the dates of it?

1 A. That is me, yes.

2 Q. Okay. And does it also give the license numbers of
3 other employees of the same agency?

4 A. Well, that's the license number for the detective agency
5 itself. That's the business license number.

6 Q. Okay. And under that same business license number in
7 the bottom are there two dates for licenses for Alden
8 Wheeler?

9 **Ms. Weiss:** Your Honor, may I see what the defendant is
10 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 By Dr. Faltas:

15 Q. The fourth line from the bottom, does it say Alden
16 Wheeler?

17 A. It does. It says Alden Hollis Wheeler.

18 Q. And is it the same name on that other letter that's
19 defendant's exhibit 6 that you witnessed?

20 A. I would say it's the same name, yes. It's the same
21 person.

22 **Dr. Faltas:** Your Honor, at this time may I move that it
23 be admitted?

24 **The Court:** What says the State?

25 **Ms. Weiss:** I object, Your Honor. There's been no

1 authentication made. This was not a turned over in
2 reciprocal discovery, and the defendant -- I mean, the
3 witness is not aware of what this piece of paper is other
4 than the list of names.

5 **The Court:** All right. The objection is sustained as to
6 relevance of this case.

7 **Dr. Faltas:** Your Honor, this is impeachment evidence.

8 **The Court:** The objection is sustained as to relevance
9 in this case.

10 **Dr. Faltas:** May I -- may I---

11 **The Court:** It's a part of the record. It's marked for
12 identification.

13 **Dr. Faltas:** It hasn't been yet.

14 **The Court:** Have it marked for identification and made
15 part of the record.

16 (Defendant's exhibit 14 was marked for identification
17 only.)

18 **Dr. Faltas:** May I? So, in fact, if this Alden Wheeler
19 was your employee, it is not possible that he wanted to rent
20 from you and he just went there and I told him I'm the
21 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 **The Court:** I didn't hear the question. Ask it. Can

1 you just restate the question?

2 **Dr. Faltas:** Yes. So, in fact, if this Alden Wheeler
3 was your employee, it is not possible for him to have wanted
4 to rent an apartment from you and have guns there, and I
5 misrepresented myself as the owner and sent him away. He
6 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 By Dr. Faltas:

11 Q. Did you, in fact, procure false documents against me?

12 A. No, ma'am.

13 Q. Did you not procure a false document from this Alden
14 Wheeler?

15 A. No, ma'am.

16 Q. Did you not procure a false document from somebody who
17 signed Rodney Ingram's signature?

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

19 **The Court:** The objection is overruled.

20 **The Witness:** Absolutely not.

21 By Dr. Faltas:

22 Q. Did you not, in fact, ask the tenants, including Teresa
23 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?

1 A. Absolutely not.

2 Q. Did you not, in fact, at one hearing say that the police
3 is ready to file a felon warrant against me and this can
4 happen any day now?

5 A. I may have.

6 Q. And that was on October 14th, 2009.

7 A. I don't know what day it was on, but I know you asked
8 the question and I think I did say that, to my knowledge,
9 that the police were investigating you and that they were
10 investigating a felony case against you. I didn't know when
11 they were going to arrest you. In fact, I'm not -- I wasn't
12 privy to when they were going to arrest you.

13 Q. Were you not present the day they -- in fact, they
14 arrested me on December 2nd, 2009.

15 A. Yes, I was.

16 Q. Why were you there?

17 A. I was called by Detective Blanton because they could not
18 get into the outer door and they didn't have the code to get
19 in. I gave her the code over the phone, but she still
20 couldn't get in the door, and I said, "Well, I'm in the area.
21 I'll come right there."

22 Q. Why could she not get in the door if you gave her the
23 code over the phone?

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

25 **The Court:** The objection is sustained.

1 By Dr. Faltas:

2 Q. And hasn't there been at least three occasions when you
3 wrote me letters saying that you wanted to come inside my
4 apartment and take photographs of the inside of my apartment?

5 A. No, ma'am. You're misunderstanding what I wrote you the
6 letter about. I actually wrote you 20 some-odd letters.
7 Most of those had to do with harassment.

8 Q. I am asking---

9 A. But---

10 Q. I am asking about three specific letters that you said
11 you wanted to come into the apartment and make photographs of
12 the interior of the apartment.

13 A. No. Based on a complaint that she made to the fire
14 department, I wrote her a letter and told her we wanted to
15 come to the apartment, everybody's apartment. We gave
16 everybody the same letter, told them that we wanted to
17 inspect the apartment and that we had to check the fire
18 extinguishers and that there could be no violations on the
19 balcony. If there were, there would be photographs taken.
20 You have a copy of the letter.

21 Q. And you said the photographs may also be taken of the
22 interior of the apartment.

23 A. Could be, yes, if there were any violations.

24 Q. So you were wanting to come into my apartment and take
25 pictures of the interior of my apartment and that doesn't

1 violate my privacy, but my taking pictures of people outside
2 in plain view flipping fingers at me is a crime?

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

4 **The Court:** Objection is overruled.

5 **The Witness:** Under the landlord and tenant act I have a
6 right to inspect your apartment, but I have to give you
7 notice, and if there is a violation, I can take a photograph
8 of it and ask you to remove it.

9 By Dr. Faltas:

10 Q. Where in the landlord tenant act it says that you can
11 take a photograph?

12 A. It doesn't say that I can take a photograph, but I can.

13 Q. Yes. Exactly.

14 A. If there was a violation and I wanted to take a
15 photograph, I could do that. I did not come into your
16 apartment because you refused to let us in and we did not
17 make any effort to come in.

18 Q. In fact---

19 A. We went into everybody else's apartment but yours and
20 did an inspection.

21 Q. In fact, didn't you go into my apartment several times
22 after I was arrested?

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

24 **The Court:** Objection is sustained.

25 **The Witness:** I can answer that.

1 **Dr. Faltas:** Did you go to my apartment several times
2 after I was arrested and---

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

4 **The Court:** I have to hear the question. What's the
5 rest of the question?

6 **Dr. Faltas:** Did you go into my apartment several -- did
7 you go into my apartment after I was arrested and taken to
8 prison and a condition of my bond was that I do not return to
9 the apartment except with police escort?

10 **The Court:** The objection is sustained.

11 By Dr. Faltas:

12 Q. Did you at least one time tell me that you will put my
13 property in the parking lot?

14 A. I told you if you were evicted, if you didn't take your
15 property from your apartment, I would put it in the parking
16 lot.

17 Q. And did you at one time tell me, court or no court, that
18 you were going to put my property in the parking lot?

19 A. No, ma'am.

20 Q. Okay.

21 A. Everything we've done with you has been through the
22 court system.

23 Q. And in fact---

24 A. We have not violated any rules of the court.

25 Q. And, in fact, didn't the court system rule that you

1 were -- you were doing things to harass me?

2 A. No.

3 Q. All right.

4 **Ms. Weiss:** Objection to relevance.

5 **Dr. Faltas:** Your Honor, this is impeachment, and he's a
6 hostile witness.

7 By Dr. Faltas:

8 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 A. I have been made aware of the existence of the order not
12 to go in your apartment. We have not done that.

13 Q. Were you ever made aware of this particular order for a
14 preliminary injunction?

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

16 **The Court:** The objection is sustained.

17 **Dr. Faltas:** Could you please read the last -- those
18 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 **Dr. Faltas:** On December 1st, 2009, did you come to this
25 building in another courtroom and testify before the

1 Honorable Judge Lee?

2 **Ms. Weiss:** Objection.

3 **The Court:** Objection is sustained.

4 By Dr. Faltas:

5 Q. Did you write to congressmen and senators requesting
6 that I be deported?

7 A. No, ma'am. I wrote to several congressmen and senators
8 - and I've told you this several times - to find out why you
9 were in this country, that you've been ordered out of this
10 country three times, and I wrote to them to ask them why you
11 were still here. That is my right as an American citizen to
12 do so, and I did so because you lied to us, told us you were
13 a citizen---

14 Q. Your Honor---

15 A. ---and you were not.

16 **Dr. Faltas:** Your Honor, please ask the jury to
17 disregard that. I did not lie to anybody and---

18 **The Court:** The objection is overruled.

19 By Dr. Faltas:

20 Q. Did you, in fact, in one hearing say that I can never
21 become a citizen and you guarantee that?

22 A. No, I did not make any kind of statement like that in a
23 courtroom, and I would not make any kind of statement like
24 that. If you applied and became a citizen legal, I got no
25 control over that. I have no objection to you being a

1 citizen.

2 Q. Did you -- did you have any knowledge of immigration
3 law?

4 A. Do I have any knowledge? I have some knowledge of
5 immigration law.

6 Q. Okay. Do you understand that one becomes a lawful
7 permanent resident and then becomes a citizen?

8 A. My question was how you got a green card. Yes, I have a
9 question concerning how you got one since you are not
10 employed. I believe to own a green card in this country you
11 must be employed and paying taxes. I don't believe you're
12 doing either.

13 Q. So you knew that I have a valid green card and yet you
14 were accusing me of being an illegal alien.

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

16 **The Court:** The objection is sustained.

17 By Dr. Faltas:

18 Q. When did you first find out that mother and I bought the
19 land that's adjacent to Dinah Steele's buildings?

20 A. Dinah Steele is Dinah Steele-Mason and is my wife, and
21 we own the property together even though it's in her name.
22 However, I found out that you bought the property; I believe
23 it was on March the 14th.

24 Q. And did you try to have me arrested that day?

25 A. No.

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 **The Witness:** I did not try to have you arrested. I
5 told you that the sign that was on the property that she had
6 purchased belonged to us and if she did not return that sign
7 I would have her arrested.

8 By Dr. Faltas:

9 Q. In fact, wasn't that -- did I not call 9-1-1 and you
10 were, while I was on the phone, trying to get my cell phone
11 from me?

12 A. You called 9-1-1 screaming and hollering in the cell
13 phone, and then you started screaming that I was going to
14 assault you and all kinds of things and I told you that
15 wasn't true, and I reached out my hand and asked you if I
16 could talk to the 9-1-1 operator. I told you this was not a
17 9-1-1 call.

18 Q. You were trying to get me arrested. You said that, "I
19 will get you arrested," didn't you?

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

21 **The Court:** The objection is sustained.

22 **Dr. Faltas:** Well, Your Honor, may I -- may I play the
23 tape of that 9-1-1 call?

24 **The Court:** No.

25 **Dr. Faltas:** No?

1 **The Court:** No.

2 By Dr. Faltas:

3 Q. Wasn't there, in fact, an investigation that determined
4 that I did not steal anything and that I will not be arrested
5 for the alleged stealing of the sign?

6 A. No, ma'am. There was no investigation concerning the
7 sign. You tried to take out a harassment complaint against
8 me through the magistrate's court, and you had an
9 investigator testify at the magistrate's court about the
10 sign. He felt that it was a civil matter.

11 Q. Did he---

12 A. So he asked us to work it as a civil matter and which we
13 did. We filed a claim and delivery on the sign.

14 Q. Did he not testify that he investigated and found there
15 was no larceny, meaning no stealing?

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

17 **The Court:** Sustained.

18 **Dr. Faltas:** Your Honor, may I use that record that Mr.
19 Truitt brought, please? Do you recall having been at the
20 court hearing when this transcript which is marked for that
21 hearing as Plaintiff's Exhibit 1 has been introduced?

22 **Ms. Weiss:** May I see what she is producing to the
23 witness?

24 (Dr. Faltas shows the transcript to Ms. Weiss.)

25 **Ms. Weiss:** Your Honor, I object to this line of

1 questioning.

2 **The Court:** Basis for the objection?

3 **Ms. Weiss:** Relevance to this case.

4 **Dr. Faltas:** May I explain the relevance, Your Honor?

5 The relevance is that they are trying to get me arrested for
6 any reason, and first they try to get me falsely arrested for
7 alleged stealing. When that didn't work, they found a
8 nebulous and (unintelligible words spoken) which is the
9 harassment allegations.

10 **The Court:** Let me see the document.

11 (The court looks at the document.)

12 **The Court:** The objection is sustained. Not relevant to
13 this matter. Proceed with your next question.

14 **Dr. Faltas:** Can I put...

15 **The Court:** I'll tend to that.

16 **Dr. Faltas:** Thank you, Your Honor. Did you ever come
17 to my door and take signs from it?

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

19 **The Court:** Objection is sustained.

20 By Dr. Faltas:

21 Q. Did you ever talk to Investigator Blanton about my
22 mother?

23 A. I was interviewed by Investigator Blanton and there was
24 a question concerning your mother. I told her I had never
25 seen your mother. I don't know anybody that has ever seen

1 your mother, and I don't know anything about your mother
2 except that I don't believe she really exists. She may. I
3 don't know.

4 Q. So, in fact, you suggested to her that my mother does
5 not exist and I am getting her Social Security checks
6 fraudulently?

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

8 **The Court:** The objection is sustained.

9 **Dr. Faltas:** Did you also claim that I represented
10 myself as the owner of the property and caused trees to be
11 cut where when the trees are really -- the trees really
12 belong to the City of Columbia?

13 **Ms. Weiss:** Objection.

14 **The Court:** Objection is sustained.

15 **Dr. Faltas:** Was there a time when I was seeing raccoons
16 around the building and I asked animal control to come and
17 put cage and you said, no, they cannot put cage on the
18 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 **Dr. Faltas:** Did your son live in the apartment that I
25 rent?

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

2 **The Court:** It's overruled.

3 **The Witness:** Yes, I have a son that lived in your
4 apartment at one time.

5 **Dr. Faltas:** How long?

6 **Ms. Weiss:** Objection.

7 **The Court:** Overruled.

8 **The Witness:** He probably lived there about three
9 months.

10 By Dr. Faltas:

11 Q. When?

12 A. Prior to you moving in. Maybe three months prior to you
13 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 A. I don't charge my son rent. He was doing work for me at
18 the time.

19 Q. So before I moved in, no one was paying anything for
20 that apartment, let alone \$550.

21 A. From the time that we owned the apartment building until
22 the time that you moved in, there had been two other tenants
23 in that apartment before my son. Both of those tenants paid
24 rent.

25 Q. What -- in fact, didn't the first tenant -- was his name

1 Renard Walker?

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

3 **The Court:** Sustained.

4 **Dr. Faltas:** In fact, didn't that tenant not pay any
5 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 **The Court:** Next question. Next question that is
12 relevant to this case.

13 By Dr. Faltas:

14 Q. Aren't you, in fact, using Teresa Ingram to get me
15 arrested and imprisoned and hopefully deported so I do not
16 build on my land and so you can keep using my land for the
17 sewer system and to drain the water from Dinah Steele's
18 building on my land?

19 A. That's a lot of question, but I'll try to answer it. I
20 have never talked to Teresa Ingram about having her arrested.
21 I've talked to Teresa Ingram about being harassed by you on
22 numerous and numerous occasions. I have asked you many times
23 to leave her alone, not only her but all the residents in the
24 apartment building, both buildings. I've asked you; I've
25 pleaded with you to leave them alone. You wouldn't do it.

1 You could still be living there right now on a month-to-month
2 basis, but you would not listen. You would not leave people
3 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 A. I may have; I don't know. I've only called you one time
8 I think in a year at that apartment.

9 **Dr. Faltas:** May I show two exhibits, Your Honor, from
10 this again?

11 **The Court:** Do you deny calling her on March the --
12 2009?

13 **The Witness:** No, sir, I don't -- I don't deny calling
14 her on March 12th, but I've only called her one time that I
15 know of.

16 **The Court:** He does not deny calling you on that date,
17 ma'am.

18 By Dr. Faltas:

19 Q. Did you also call me on March 15th, 2009 -- March 14th,
20 2009?

21 A. No, ma'am, I believe you called me along with your
22 attorney and I think you called me probably ten times that
23 night.

24 **Dr. Faltas:** All right, Your Honor. So now may I
25 impeach him? He said he called me only once, and this is a

1 picture of my caller I.D. showing that he calls -- he called
2 me.

3 **The Court:** Show it to Ms. Weiss.

4 (Dr. Faltas complies.)

5 **Ms. Weiss:** Your Honor, I object. I don't believe he
6 can authenticate these pictures at all. I'm not sure who
7 this person is or the people on here nor am I sure who is on
8 the other end of the line. I don't know what the relevance
9 is.

10 **The Court:** Show them to the witness.

11 (Dr. Faltas complies.)

12 **The Witness:** I have no idea what they are, Your Honor.

13 By Dr. Faltas:

14 Q. Is your cell number 331-1000?

15 A. It is.

16 Q. And do these pictures show the caller I.D. unit showing
17 your number on two different dates?

18 A. It does reflect that, yes, but I think that on 3/14 was
19 a call when you called me and I called you back. I don't
20 know which one...

21 Q. And what are the times? Can you -- can you give the
22 jury the dates and times?

23 A. On 3/12 at 6:29 for 55 -- 56 -- I don't know if that's
24 56 minutes or 56 seconds or a call number 56. Call number
25 56. And on 3/14 at 3:26, call number 59.

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 **Dr. Faltas:** Well, Your Honor, may this be copied and
7 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 By Dr. Faltas:

13 Q. So why did you call me on March 12th, 2009?

14 A. I believe it was a call concerning you harassing my wife
15 in the parking lot when she was trying to rent the apartment
16 and you called her out and called the police on her because
17 she was trying to show the apartment. You didn't want her to
18 rent that apartment because you wanted to rent it for a
19 hundred dollars.

20 Q. In fact, isn't it true that you had just discovered that
21 I bought the land and you called me and told me that you'll
22 get me evicted for having bought that land?

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

24 **The Court:** Objection is sustained.

25 By Dr. Faltas:

1 Q. And then why did you call me again on the 14th of March?

2 A. On the 14th of March, that phone call was to you to find
3 out about the sign that was in front of that lot. That's
4 when I learned about the lot next door. You did not answer
5 the phone. You drove up in the parking lot, and I was there
6 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 By Dr. Faltas:

11 Q. Were you aware that guests of Teresa Ingram were
12 flipping fingers at me and making lewd gestures at me?

13 A. No, ma'am, but I would not be surprised. As much as
14 you're harassing that lady, I could understand why anybody
15 would be flipping a finger at you. If you harassed her -- I
16 know you harassed her more than you did me and my wife, and
17 you've harassed us constantly.

18 Q. Were you aware that she came to my car on October 2nd,
19 2009?

20 A. That she did what now?

21 Q. She came to my car on October 2nd, 2009, and spoke to me
22 for 45 minutes.

23 A. I was not aware that she came to your car. I don't know
24 anything about that.

25 Q. Okay. And did you -- did your wife continue to get rent

1 from me even though I cannot go to my apartment?

2 A. I think you were ordered by the court to pay rent, and
3 you were ordered by the court not to return to that
4 apartment.

5 Q. Different courts. Isn't that correct?

6 A. That's correct, different courts.

7 Q. And the order to not return to my apartment is part of
8 the bond for the harassment charges that were brought against
9 me. Isn't that correct?

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

11 **The Court:** Objection is sustained.

12 **Dr. Faltas:** Mr. Mason, did you ever work as a limousine
13 driver?

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

15 **The Court:** Sustained.

16 **Dr. Faltas:** Were you ever asked about your employment
17 history and not include the limousine driving in it?

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

19 **The Court:** Sustained.

20 **Dr. Faltas:** Mr. Mason, were you ever tried for mis-
21 appropriation of funds from the military?

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

23 **The Court:** Sustained.

24 By Dr. Faltas:

25 Q. Can you tell us about your education and employment

1 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 A. Do you mind if I look at my notes? Primarily I joined
9 the army in 1964. At the time I joined I did not have a high
10 school education. I finished my high school education in the
11 military. I finished my college degrees in the military.

12 Q. When you say college degrees, what do you mean?

13 A. Armed Forces Institute of Technology, two-year degree,
14 and University of Maryland, four-year degree, Business
15 Administration. After that I went to the U.S. Army Military
16 Police School, United States Army Military Police
17 Investigator School.

18 Q. What years were those? When were---

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

20 **The Court:** Sustained.

21 **The Witness:** United States Air Force Vascar School.
22 United States Army Criminal Investigation School, Department
23 of Defense. United States Army Logistics Fraud School,
24 Department of Defense. Drug Enforcement Administration
25 School, D.E.A. Drug Enforcement Commander School, D.E.A.

1 Drug Enforcement Mid-Level Management School, D.E.A. Drug
2 Enforcement Conspiracy School, D.E.A. Bureau of Narcotics
3 and Dangerous Drugs, Department of Justice. Public Safety
4 Division, Becton, Dickinson Narcotics Identification School.

5 By Dr. Faltas:

6 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 **The Witness:** State of South Carolina S.L.E.D. Detective
12 Investigator School. Cessna Pilot School in Germany. Death
13 Investigation School, Indiana University. National Armed
14 Robbery School, Baton Rouge, Louisiana. Interview and
15 Interrogation School in Florida. Advanced Criminal Law in
16 Scotland Yard. Forensic Science, Scotland Yard. Computer
17 Programming investigations, University of Chicago. Hostage
18 Negotiations, F.B.I., and Firearm and Explosive School,
19 Department of Treasury.

20 By Dr. Faltas:

21 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 **Dr. Faltas:** And tell us your employment history,

1 please.

2 **Ms. Weiss:** Objection.

3 **The Court:** Sustained.

4 **Dr. Faltas:** That's all I have of this witness, Your
5 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 **The Court:** You may be excused. Your next witness,
12 please.

13 **Dr. Faltas:** Your Honor, I'd like to call Corey Curry.

14 **The Court:** He's not here. He'll be here in the
15 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 **The Court:** All right. Mr. Jones you may call. Do you
22 want Mr. Jones to be a witness?

23 **Dr. Faltas:** Yes.

24 **The Court:** All right. Mr. Jones will be your next
25 witness.

1 John M. Jones, after being duly sworn, testified as
2 follows:

3 **Dr. Faltas:** Your Honor, may I ask that Mr. Mason be
4 excused.

5 **The Court:** This is a public courtroom. He can stay if
6 he'd like.

7 **The Clerk:** Please state your name for the record.

8 **The Witness:** John M. Jones.

9 Direct Examination

10 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.

1 **The Court:** Objection is overruled.

2 By Dr. Faltas:

3 Q. Do you often smoke or did you often smoke under my
4 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 Q. And did I ask you several times to smoke at a different
9 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 Q. And did you call my asking you to smoke away from my
12 area harassment?

13 A. Pardon me?

14 Q. You consider it harassment by me of you that I asked you
15 to not smoke under my balcony?

16 A. That and several other things because it was constant.
17 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 By Dr. Faltas:

23 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?

1 A. If it bothered you so much, why would you come out on
2 the patio to take pictures of me back there the whole time?

3 **Dr. Faltas:** Your Honor, could you please admonish the
4 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 **Dr. Faltas:** So you would be -- it's not as if you quit
9 smoking and I kept telling you not to smoke. I only asked
10 you not to smoke when you were smoking. Isn't that correct?

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

12 **The Witness:** You did not have the right to ask me not
13 to smoke in the backyard where I pay rent as you did.

14 **The Court:** The objection is sustained.

15 By Dr. Faltas:

16 Q. And then there were only three times that I asked you or
17 suggested that you can park in a different way. Isn't that
18 correct?

19 A. No, it was many more times than two or three times.
20 Many, many more.

21 Q. I'm talking about the parking.

22 A. Correct.

23 Q. Didn't you testify at another hearing that it was only
24 two times?

25 A. No, ma'am. I said it was many times.

1 Q. Did you testify at another hearing that you called me
2 the B. Word and you called me a crazy ass bitch?

3 A. Yes, ma'am.

4 Q. And you have, in fact, called me that. Isn't that
5 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 A. I said it would be nice if you were, with all the havoc
11 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 A. If that would keep you from harassing people like you
18 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 By Dr. Faltas:

25 Q. So what is the harassment?

1 A. Do I get to say everything I want to?

2 **The Court:** Yes. Yes.

3 **The Witness:** Okay. You constantly taking photos. I
4 would come home from work, walk into security -- into our
5 security part of the building. You would come out of your
6 door and take pictures. If I go to the mailbox, you're
7 constantly taking pictures. If I have company over, you're
8 constantly taking pictures. No matter where I went or what I
9 did, you were constantly taking pictures.

10 I'd be out in the backyard with company over. You'd
11 stand there and you'd take pictures and take pictures and
12 record every conversation that's going on. You've actually
13 blocked the driveway where we couldn't get in and out. You'd
14 sit at the mailbox for 30 and 45 minutes at a time with your
15 car. I mean, you just -- you wouldn't leave us alone. No
16 matter how much I begged you to just stop harassing me, you
17 kept on. You just would not stop, and that's all I ever
18 asked you to do was to leave me alone.

19 By Dr. Faltas:

20 Q. Isn't it true that I took a picture of you coming in
21 only once and---

22 A. No, you took more than -- more than once. Maybe in your
23 mind once. I don't think you realize what you do and how
24 much you do it.

25 Q. Isn't it true that you testified and admitted that there

1 was only one time when I took picture of you inside the
2 hallway and that was---

3 A. No, ma'am, I did not say that. No, ma'am.

4 **The Court:** Do you have any questions relating to this
5 victim, alleged victim?

6 **Dr. Faltas:** Yes.

7 **The Court:** All right.

8 By Dr. Faltas:

9 Q. Was there a time when you were talking to Teresa Ingram
10 when she was in her balcony and you were talking to her about
11 me and I heard and came out?

12 A. No, ma'am, we were not actually talking about you at
13 that point. You came out and started taking pictures and
14 saying -- just saying things. I don't even know what you
15 were saying because you were mumbling, but you had your
16 recorder and you took pictures the whole time that Teresa and
17 I were talking. And then, yes, some things were said about
18 you, and the recording - I don't know if you have it with you
19 - but it states in there me asking you and begging you to
20 leave us alone, continuously, and you would not stop.

21 Q. Okay. Were you at that time talking and claiming that I
22 was not a real doctor?

23 A. Do what now?

24 Q. That time when I was recording, you were talking and
25 claiming that I was not a real doctor?

1 A. Yeah. I said there's no way you could have been a
2 doctor the way you act. Exactly.

3 Q. And did you also say that I applied to come to this
4 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 A. Yes, ma'am. That's also on the Internet with -- it's
8 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 **The Court:** The objection is sustained as to the
18 question.

19 **Dr. Faltas:** Your Honor, now that he answered falsely,
20 may I impeach him with his criminal record?

21 **The Court:** No.

22 **Dr. Faltas:** May I offer his criminal record for the
23 record, please?

24 **The Court:** You can hand it to me if you have it. While
25 she's reviewing -- looking at that, we'll have you go to the

1 jury room for a short -- for a break.

2 (Whereupon, the jury was excused from open court at 7:10
3 p.m.)

4 **The Court:** In the discovery produced did you produce
5 discovery that the witness had a record for shoplifting?

6 **Ms. Weiss:** Yes, Your Honor, and we discussed that in
7 the suppression -- I mean in the settling the record and it
8 was determined in 1991 that he had a conviction but maybe he
9 didn't, but you said that the defendant could not get into
10 that. I would ask that she be held in contempt for getting
11 into it anyway.

12 **The Court:** All right. Yes, ma'am?

13 **Dr. Faltas:** Your Honor, it wasn't -- it wasn't ever
14 said that I cannot get into that. I asked him a question.

15 **The Court:** The court ruled that records in excess of
16 ten years under the ten-year rule cannot be used for
17 impeachment.

18 **Dr. Faltas:** That's a different question from my having
19 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 **The Witness:** Yeah, because I don't have any idea what
25 you're talking about.

1 (Ms. Weiss shows a document to the witness.)

2 **The Court:** Sir, is this your record? John Mitchell

3 Jones---

4 **The Witness:** Yes, sir.

5 **The Court:** ---Orangeburg P.D.? A conviction from

6 8/24/91?

7 **The Witness:** Yeah, that was something -- I mean, I

8 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 **The Court:** All right. Rule 609(a) -- 609(b) says,

12 "Evidence of a conviction under this rule is not admissible

13 if the period of more than ten years has elapsed since the

14 date of conviction."

15 **Dr. Faltas:** However---

16 **The Court:** "Unless the Court determines in the interest

17 of justice that the probative value outweighs its prejudicial

18 effect." Yes?

19 **Dr. Faltas:** In addition, Your Honor, this is a direct

20 denial by him---

21 **The Court:** Yes. He testified incorrectly, and you

22 violated the court's rule in that it wasn't impeachment, and

23 over Ms. Weiss's objection and while she's attempting to

24 enter an objection, you persisted in talking over her

25 objection, extracting a response from the witness. So I have

1 a dilemma of his false testimony and your contemptuous
2 conduct.

3 **Dr. Faltas:** I apologize.

4 **The Court:** I don't need an apology. I'm not here for
5 that.

6 **Dr. Faltas:** I don't---

7 **The Court:** We'll take a break of about three or four
8 minutes.

9 (Whereupon, a short break was taken.)

10 **The Court:** I will address the issue of the witness's
11 criminal conviction with the witness. Dr. Faltas will not be
12 allowed to ask him any questions concerning that criminal
13 history, and I'll take the matter of Dr. Faltas's contempt in
14 asking the question under advisement. Bring the jury back.

15 **Dr. Faltas:** Your Honor, may I say that I did not hear
16 Ms. Weiss' object and I did not understand the ruling?

17 **Bailiff:** Your Honor, they need a couple more minutes.

18 **The Court:** Very good. Whenever they're ready. Dr.
19 Faltas, do you have any other witnesses here today or do you
20 want to testify tonight?

21 **Dr. Faltas:** Well, Your Honor, I don't know how long you
22 would like me to go, but I mean, in -- I'm sorry. Is someone
23 -- has someone been smoking?

24 **The Court:** Pardon me?

25 **Dr. Faltas:** Has someone been smoking? I can smell

1 smoke. It's making me cough. I smell smoke, and I'm about
2 to cough.

3 **The Court:** Okay. We just fed the jury. We're going to
4 go as long as we can.

5 **Dr. Faltas:** I'm asking: If I start testifying, can we
6 take the other -- can I interrupt and take the witnesses --
7 the other witnesses tomorrow morning?

8 **The Court:** How long do you plan to testify? Do you
9 want to testify?

10 **Dr. Faltas:** Oh, of course, I do.

11 **The Court:** I said: How long do you want to testify?

12 **Dr. Faltas:** I do not know, Your Honor. I'm sorry. I
13 don't have a good estimate of those things.

14 **The Court:** Do you need 45 minutes? Half an hour? An
15 hour?

16 **Dr. Faltas:** Oh, I think it's going to be longer than
17 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 **The Court:** You won't be able to repeat anything. You
23 can't -- you won't be able to start afresh as if you didn't
24 testify.

25 **Dr. Faltas:** No, I understand. I understand.

1 **The Court:** All right. Ms. Weiss?

2 **Ms. Weiss:** Your Honor, may I just -- other than Dr.
3 Faltas, may I have a list of who else... I know she said she
4 needs Corey Curry, Bob Cooper, and Dana Turner. Is there
5 anybody else that I need to have here for the defense's
6 testimony in the defense's case?

7 **Dr. Faltas:** Yes. J. Andrew Delaney.

8 **The Court:** All right. He needs to show up for a motion
9 to quash at 9:30 in the morning. Who is Bob Cooper?

10 **Ms. Weiss:** Bob Cooper is the city attorney over
11 criminal. I don't know---

12 **The Court:** He was here yesterday for a motion to quash.
13 He'll be here tomorrow morning at 9:30 concerning that as
14 well.

15 **Ms. Weiss:** Your Honor, I would object to Dana Turner.
16 She's the chief admin judge, and I don't know what relevance
17 she would have to this case.

18 **The Court:** What's the relevance of that witness being
19 called?

20 **Dr. Faltas:** Your Honor, first I wasn't served with a
21 motion to quash by Bob Cooper.

22 **The Court:** He doesn't have to serve you a motion to
23 quash. He can appear and seek to have that quashed. You
24 were here in court when he stood up and said that's why he
25 was here. I told him we'd have him come back at another

1 time, that we were busy and could not entertain at the time
2 he came, and he indicated he had just received notice and
3 came over here.

4 **Dr. Faltas:** Yeah. If I recall correctly, he said he
5 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 **The Court:** All right. Well, he'll -- that's why he's
9 coming here tomorrow. Whether he files a motion or not,
10 that's what he intends to do.

11 **Dr. Faltas:** Thank you. If Judge Turner doesn't want to
12 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 **Dr. Faltas:** Oh. Nor do I, as a matter of fact. So the
17 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 **The Court:** Let me see what it is. I have elected not
21 to admit it. It's not relevant to the case before us. It
22 will be marked for identification purposes.

23 (Defendant's exhibits 15 through 17 were marked for
24 identification only.)

25 **The Court:** The jury can come in.

1 (Whereupon, the jury was brought into open court at 7:29
2 p.m.)

3 **Bailiff:** All the jurors are present, Your Honor.

4 **Court Reporter:** Just a minute, Judge.

5 **Dr. Faltas:** Oh, I'm sorry, Your Honor. I remembered
6 another witness---

7 **Court Reporter:** Can you hold on just a minute? Please
8 excuse me.

9 **The Court:** This is off the record. Yes, ma'am. Go
10 ahead.

11 (Whereupon, a bench conference was held.)

12 **The Court:** Mr. Jones, as we were breaking, over the
13 State's objection Dr. Faltas asked you whether asked you a
14 question concerning ever being convicted of shoplifting.
15 What is your response?

16 **The Witness:** What was that, sir?

17 **The Court:** What is your response to that question
18 again?

19 **The Witness:** Yes, but that was like thousands of years
20 ago. I even forgot about it, but I mean, I was just with
21 someone else and I was in -- mixed up with it.

22 **The Court:** And you were convicted of shoplifting in
23 1991 in Orangeburg county.

24 **The Witness:** Yeah.

25 **The Court:** All right. And you forgot about it.

1 **The Witness:** I did.

2 **The Court:** All right. You may proceed.

3 **Dr. Faltas:** Thank you.

4 By Dr. Faltas:

5 Q. Thank you. Did you tell me that you and Ms. Ingram
6 never spoke to each other unless you started -- until you
7 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 Q. Were you speaking to her more regularly after Ms. Steele
20 tried to evict me?

21 A. I don't even recall when Ms. Steele was trying to evict
22 you.

23 Q. Okay. Did the frequency of your conversations with Ms.
24 Ingram start or increase around September 2009?

25 A. I don't recall the date. I'm not sure.

1 Q. Did you speak to Ms. Ingram -- in your conversations
2 with Ms. Ingram, how much percentage would you say was about
3 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 Q. And did you testify -- did you also testify that part of
8 my harassment of you is asking you to not drink beer in the
9 outside?

10 A. What's that?

11 Q. Did you also testify that part of my harassment of you
12 was asking you not to drink beer on the outside?

13 A. I don't recall that at all.

14 Q. Do you -- do you also drink beer and smoke at the same
15 time under my balcony?

16 **Ms. Weiss:** Objection.

17 **The Witness:** What does it matter?

18 **The Court:** The objection is sustained.

19 By Dr. Faltas:

20 Q. Did I ever comment on your drinking?

21 A. You commented on everything that anyone does around
22 there, period. Everything.

23 Q. Did that include your drinking?

24 A. That included everything: The way we park, everything.

25 Q. Did you -- did you have at one time a make-shift table

1 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 By Dr. Faltas:

6 Q. A make-shift table in the backyard that someone would
7 think is unsafe?

8 A. A make-shift table? No.

9 Q. Okay. Is there a tree stump in the backyard over which
10 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 **The Court:** Do you have any other questions relating to
15 the matter we're on trial concerning?

16 **Dr. Faltas:** Yes, Your Honor. And did you have an
17 extension cord that the fire department said should be
18 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?

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
5 not swear.

6 **The Court:** All right.

7 Dr. Marie Assa'ad-Faltas, after affirming to tell
8 the truth, testified as follows:

9 **Dr. Faltas:** Good afternoon or good evening. I am Marie
10 Assa'ad-Faltas. I was born in Egypt in 1953. I went to
11 school in Egypt. First I learned French and Arabic in
12 elementary school, and then I transferred to an American
13 school that was in Cairo, Egypt, where I learned English, and
14 during that period I also learned German in that institute
15 and I also speak Arabic, so I speak four languages. And upon
16 graduation from high school, thank God my score was very
17 high, so I entered medical school. Egypt now has a Muslim
18 majority, but I'm part of the Coptic Christian minority.

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

20 **The Court:** The objection is overruled.

21 **Dr. Faltas:** The Coptic Orthodox Church is the oldest
22 continuing church in the world. The Gospel -- the four
23 Gospels - Matthew, Mark, Luke, John - historically the Gospel
24 of St. Mark was the one written first around, and St. Mark
25 preached his Gospel in Egypt and he was martyred in Egypt,

1 and his martyrdom formed the foundation of the Coptic
2 Orthodox Church. And the Pope in Rome is the successor to
3 St. Peter. The Pope of Alexandria, Egypt, is the successor
4 to St. Mark, and that is older than the church in Rome and
5 also a continuous unbroken line.

6 And my father was an engineer. My mother is a clothes
7 designer and seamstress. I am the oldest of three daughters
8 to them. My two other sisters: One is a year and a half
9 younger than I am, and the other is 16 years younger than I
10 am, so she's my baby sister. And both of my two sisters are
11 physicians in Ohio, and they are also married to physicians
12 in Ohio and very recently - thank God - we graduated the next
13 generation of physicians. One of my nieces graduated from
14 medical school last year.

15 I came to this country in 1979 on an expedited set of
16 the Fulbright Scholarships. After the signing of the Peace
17 Treaty between Egypt and Israel, President Carter requested
18 an expedited subset of the Fulbright Scholarships that were
19 handled by the Fulbright Commission but called the Peace
20 Fellowships. And I applied in about June or July 1979, and I
21 was selected. It was very competitive, and I first came to
22 this country in August 1979. That was in what they call --
23 on what they call a J-1 Visa meaning an Exchange Visitor Visa
24 and that was -- I had by that time -- I'm sorry. I forgot to
25 tell you something.

1 I graduated from medical school with honors in 1977. In
2 my later years of medical school I became interested in
3 environmental issues. I got admitted to medical school
4 because I proved that I was superbly qualified to be an
5 engineer. The admission exam to medical school was very
6 heavy on math, mathematics and physics, chemistry, which are
7 engineering subjects, but for some reason at my time the
8 score on those is what determines whether someone gets to
9 medical school. So I graduated from medical school in Cairo,
10 Egypt, with honors in 1977, July 1977.

11 I did one year of rotating internship and one year of
12 being the community physician. So that takes us -- the one
13 year of rotating internship takes us to '78, and the
14 community physician takes us to '79, and that's when I was
15 selected for the Fulbright Scholarship. I came to this
16 country to do a Master's of Public Health Degree, and I went
17 to Chapel Hill, North Carolina, on that scholarship.

18 While I was in Chapel Hill, I had operation for my
19 thyroid gland which was enlarged and... (Long pause.) Your
20 Honor, may I say that I'm sorry -- the lady juror in the
21 second row just made a gesture. I do not know at whom or to
22 whom, but it seems that she's annoyed with my testimony.

23 **The Court:** Pardon me?

24 **Dr. Faltas:** It seems that she is annoyed with my
25 testimony.

1 **The Court:** Proceed with your testimony.

2 **Dr. Faltas:** So I had this surgery in February 1980, and
3 after the surgery or during the surgery my laryngeal nerves
4 and my parathyroid glands were---

5 **Court Reporter:** I'm sorry, Doctor. I apologize. Even
6 though you're talking into the microphone, you're speaking
7 softly. It's late and I'm tired. You're going to have to
8 speak more loudly.

9 **Dr. Faltas:** My laryngeal nerves and my parathyroid
10 glands were damaged in the surgery. So I had laryngeal nerve
11 paralysis for more than two months, and I had to have a
12 tracheostomy tube. And since then I've also had low calcium
13 and low thyroid hormone, so I have to take replacement
14 thyroid hormone. I -- thank God part of my larynx recovered,
15 but that's why I cannot project my voice, and after the
16 surgery I began developing asthma and other things.

17 So I finished -- because of the delay from the surgery,
18 I finished my M.P.H., the Master's of Public Health Degree,
19 in Chapel Hill in December 1982. The degree is in
20 epidemiology and vital statistics and then -- can you hear
21 me? In January 1983 I took the equivalency examination. At
22 that time it was called the E.C.F.M.G., the Educational
23 Commission For Foreign Medical Graduates, which is like a
24 test that - huge test - that is given to foreign medical
25 graduates to make sure that they know the same amount of

1 medicine as graduates of the United States medical schools,
2 and thank God I passed it in 1983.

3 After that, there was an additional examination called
4 the V.Q.E. which I also---

5 **Court Reporter:** I'm sorry. The what?

6 **Dr. Faltas:** The V.Q.E. and there is -- there was at
7 that time also an additional exam called the FLEX, the
8 Federal Licensing Examination, FLEX.

9 **Court Reporter:** You're going to have to sit back a
10 little bit and just project your voice.

11 **Dr. Faltas:** The FLEX -- the FLEX, the Federal Licensing
12 Examination, and I passed all of those and I was licensed
13 to -- and still am licensed to practice medicine and surgery
14 in Virginia. I was licensed in 1988 and continued to be
15 licensed since then. And while I was -- after I was
16 discharged from the hospital in Chapel Hill and the funding
17 for my scholarship because I had been delayed by the
18 hospitalization, my mother came to this country to be with me
19 and her parents as a clothes designer and seamstress -- were
20 noticed by an establishment. And there is a provision in
21 U.S. Immigration Law that if certain foreigners have skills
22 that are needed in this country, they can apply if an
23 employer can prove that their skills are needed and that
24 they -- they cannot find enough Americans to fill those jobs.

25 So they did that process for my mother, and she became

1 an immigrant and my father and my baby sister at the time
2 because she was a minor at that time. And so my parents and
3 my baby sister immigrated to the United States in 1984, and
4 they became citizens in 1990 and they have been citizens
5 since then. My father died in 2002. I love my father very
6 much and always---

7 **Ms. Weiss:** Objection.

8 **The Court:** Objection sustained.

9 **Dr. Faltas:** So after I worked some time in Virginia, I
10 also worked some time in North Carolina and I was offered a
11 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 **Dr. Faltas:** At the University of South Carolina School
17 of Medicine and I accepted it in January 1992. In about
18 April or so, 1993, there were issues about an article I had
19 written, the Kinsey report, that claimed that ten percent of
20 Americans are born gay. It's a statistical fallacy meaning
21 it's false. My opinion was that the correct statistics would
22 show that only about a fraction of one percent, if that, are
23 born gay, and my opinion was and still continues to be that
24 homosexuality is a choice and a behavior, not something that
25 one is born with, and I had written that opinion---

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

2 **The Court:** The objection is sustained.

3 **Dr. Faltas:** So in any event, I had at that time applied
4 for a green card, and for some reason the I.N.S. kept on
5 losing my applications, and for reasons related to the
6 article that I had written, some people wanted me deported
7 back then. And I appealed that, and it was almost a 15-year
8 litigation between the I.N.S. and me, and in 2005 I got my
9 green card which I should have gotten since 1993. So that --
10 that has been a -- an extreme unfairness. And between the
11 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 **Dr. Faltas:** So between 1993 and 2005 I could not work
15 because I had no employment authorization, but I continued to
16 study engineering on my own and to study other things on my
17 own but also continued to keep up with medicine in attending
18 seminars and continuing medical education and things like
19 that. And my appealing what I.N.S. was doing to me was
20 almost like---

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

22 **The Court:** Objection is sustained.

23 **Dr. Faltas:** So in 2008 I saw this apartment, this sign
24 for rent at 304 Byron Road, and I had seen it before when it
25 had different owners and I think at that time the rent was

1 maybe 345 or \$395, but I was not interested in moving in it.
2 And then in 2008 I needed to move to that place not because I
3 had done anything bad anywhere else but because the landlady
4 of the house I was renting---

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

6 **The Court:** The basis for the objection?

7 **Ms. Weiss:** Relevance of her prior residence with the
8 harassment going on at 304 Byron Road.

9 **Dr. Faltas:** Your Honor, may I say there is no
10 harassment except inflicted on me? The second thing is that
11 Larry Mason pretended that I was evicted before for
12 harassment.

13 **The Court:** The objection is overruled.

14 **Dr. Faltas:** Thank you. The landlady from whom I was
15 renting a house actually down the road on 436 Byron Road
16 needed or said she needed to move into the house herself. So
17 I rented there in 2008. They never asked me if I were a
18 citizen or not, but in 2008 I had had my green card for three
19 years, so definitely I was a documented person and I... I
20 was basically miserable in that apartment, and I thought that
21 since I have always been interested in environmental issues
22 and that it's always been my dream since I came to this
23 country -- in fact, in my application for the Fulbright
24 Scholarship I had written that I wanted to come here to study
25 solar energy except back then no one was doing anything on

1 solar energy and still very -- there is very little.

2 I needed to invent it myself and to build my own house,
3 and it turned out that I had found right next to this 304
4 building there is -- Byron Road and Veterans Road go like
5 this. They diverge from a point and then... So on the other
6 side of Veterans Road, there is a store for a wildlife
7 exterminator, and his land is like a flagpole where -- as if
8 the flag is on Veterans Road and the pole goes all the way to
9 Byron Road. And that pole part was not being used and it was
10 overgrown and it had -- it wasn't clean. It had vegetation
11 on it. And so I started to inquire: This seems to be a
12 useless piece of land or a piece of land that's not being
13 used. So maybe I can -- it can be affordable and I can
14 develop it and buy it.

15 So I asked to whom it belonged and because I knew that
16 few -- many yards down there were new condominiums that had
17 been built. Could I draw? Could I draw on this? Could I
18 draw on this?

19 **The Court:** Thank you.

20 **Dr. Faltas:** Thank you. May I borrow a pen from the
21 State, please?

22 **The Court:** Ladies and gentlemen, I'll have you go to
23 the jury room for a few minutes.

24 (Whereupon, the jury was excused from the courtroom at
25 7:58 p.m.)

1 **The Court:** We'll take a few minutes' break.

2 (Whereupon, a short break was taken.)

3 **The Court:** Ms. Weiss, concerning that witness, I want
4 to be sure that that guy is here tomorrow. What's his name
5 again?

6 **Ms. Weiss:** Corey Curry.

7 **The Court:** And do you have someone who can serve him a
8 subpoena tonight to make sure he shows?

9 **Ms. Weiss:** Your Honor, my paralegal talked to him and
10 he said he'd be here in the morning.

11 **The Court:** Okay. You don't have -- you don't doubt
12 that? You think he'll be here?

13 **Ms. Weiss:** I have no reason to. I mean, he was served
14 with a State -- do you want him served with a different
15 subpoena?

16 **The Court:** No, I just want to be sure he's here. If
17 he's been given a subpoena, that should be -- if that's
18 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 **The Court:** Okay. And he said he'll be here first thing
23 in the morning?

24 **Ms. Weiss:** He said that he'd be here at 9:30 in the
25 morning. Yeah, Cynthia -- she spoke to him again after Your

1 Honor had asked---

2 **The Court:** Okay.

3 **Ms. Weiss:** ---because I spoke to him once and he said
4 he'd be here, and then you asked me to call him again, and
5 she called him again and he said he'd be here.

6 **The Court:** All right. Very good.

7 **Dr. Faltas:** And, Your Honor, I had forgotten to also
8 mention that I need Chief Carter.

9 **The Court:** Okay. All right.

10 **Ms. Weiss:** Your Honor, we were just trying to get a
11 couple of drinks. I think we should have -- here they are.
12 Sorry.

13 **The Court:** Okay. If we could get someone to bring the
14 jury in.

15 (Whereupon, the jury was brought into open court at 8:10
16 p.m.)

17 **The Court:** All right. The jury is back. You may
18 continue. Thank you.

19 **Dr. Faltas:** I made a mistake, so ignore this part.

20 **Court Reporter:** I'm sorry. You made a mistake but
21 what?

22 **Dr. Faltas:** So ignore this part. So if this is the
23 V.A. hospital, this would be Byron Road and this would be
24 Veterans Road and then the triangle a bit at the beginning,
25 and then this is the South Carolina Department of

1 Transportation irrigation ditch which they made and widened
2 after they built up---

3 **Court Reporter:** I'm sorry. They made them widen what?

4 **Dr. Faltas:** They made and widened after they built or
5 extended I-77. So this used to be a much narrower ditch and
6 now it's relatively wide. And so this gentleman, Mr. Dave
7 Winn, has a wildlife exterminating store right here, perhaps
8 bats and -- that get into attics, and his property, as I
9 said, is like a flagpole. So he works in this store, and
10 this part which is across the ditch -- because he can't get
11 through the ditch, only through Byron Road -- he didn't care
12 about it. So it's -- he had left it like he wasn't mowing
13 it, and it was very overgrown and wild. So I inquired into
14 it and I asked if I could buy that portion, and we agreed
15 that if I can get the required permit - because it is zoned
16 commercial, too - if I can get a special exception to put a
17 residence on it, then I will buy it.

18 I made him the offer contingent on that, and he accepted
19 the offer. And then I asked how do I go about getting a
20 permit to get a residential place here, and they said I have
21 to go through many steps and one of them is to get a whole
22 lot of pictures of the neighborhood to show that what I plan
23 to build is not dissonant, is in harmony with the rest of the
24 place.

25 So that was -- from November 2008 until January 2009 I

1 was gathering this information and filling the application
2 and also finalizing the plans because -- because of the
3 irrigation ditch, this whole area is in a floodplain. So I
4 also had to figure out a way which I also invented and which
5 I got a patent -- no, I didn't quite get the patent, but I
6 filed an application for a patent and I had the -- which the
7 priority date and of -- the patent itself takes a few years.

8 So I -- I did that, and I appeared before the Board of
9 Zoning and Appeals of the City of Columbia on 10 February
10 2009 to get my special exception, and they - thank God -
11 approved it that day and I was very happy, but I needed to
12 wait until I get the letter signed by the whole board. So I
13 got it around the 1st of March 2009, and then on the 3rd of
14 March 2009 -- so this property I was able to buy for \$4,000,
15 but I paid the closing costs and the surveying and all of
16 that. And it also -- I also had to get permission for it to
17 be subdivided from this because it was all one property. I
18 needed to also get permission for it to be subdivided, and I
19 also needed to have an egress assigned to it before I can get
20 an actual permit. It has now become 324 Byron Road.

21 So -- so on March 3rd, 2009, we did the closing, and
22 that was a Tuesday and---

23 **Court Reporter:** I'm sorry. What?

24 **Dr. Faltas:** That was a Tuesday and on... So on
25 March 4th, 2009, I went to Labor Ready and asked them if

1 there's somebody who can come and help me clean this part. I
2 think on Friday, 6 march 2009, we registered. I went
3 downstairs to the Register of Conveyances to register there
4 to get it recorded, get the deed recorded.

5 So when the -- when someone from Labor Ready came and
6 they started working on it and they left, they said it wasn't
7 the work that can be done by one person. It needed somebody
8 with a backhoe. So the next week, the week of---

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

10 **The Court:** Objection is sustained.

11 **Dr. Faltas:** I'm sorry, Your Honor. What is it that I
12 shouldn't be saying?

13 **The Court:** I cannot give you advice, ma'am.

14 **Dr. Faltas:** On -- I was looking for pricing break to
15 build---

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

17 **The Court:** What's the relevance of this, ma'am?

18 **Dr. Faltas:** The relevance is that it gets us to 12
19 March 2009 when Dinah Steele and Larry Mason discovered that
20 I bought that land.

21 **The Court:** All right. All right. I overrule the
22 objection.

23 **Dr. Faltas:** Pardon? Overruled?

24 **The Court:** Yes, ma'am.

25 **Dr. Faltas:** Thank you. So while I -- I got somebody

1 who has a backhoe and they were working on the land there to
2 clear it, and Mitch Jones who was here, he saw it and asked
3 me what---

4 **Ms. Weiss:** Objection.

5 **The Court:** Objection is sustained. Hearsay.

6 **Dr. Faltas:** So Dinah Steele showed up and asked me
7 what---

8 **Ms. Weiss:** Objection.

9 **The Court:** Objection is overruled.

10 **Dr. Faltas:** Thank you. So Dinah Steele showed up and
11 asked me, "What's going on?" I said, "I bought this land."
12 She said, "You bought this land? I will---

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

14 **The Court:** Objection is overruled.

15 **Dr. Faltas:** "I will protest and you'll never build on
16 it." And later -- in fact, I went upstairs because I was
17 down there with the men who were doing the work with the
18 backhoe. So she started yelling at me and frightening me so
19 much I went upstairs, and as soon as I went upstairs I got
20 that call on the caller I.D. from Larry Mason, and he told
21 me, "I'll get you evicted tonight, and I saw your things out.
22 Why don't you go back where you came from?" And I said, "I
23 want to build a solar house, and President Obama is
24 interested in solar energy."

25 He said, "Obama is a big piece of shit like you," and I

1 was so terrified I called the police that day, and they came
2 and told Ms. Steele not to bother the men who were working---

3 **Court Reporter:** I'm sorry. Told Ms. Steele not to?

4 **Dr. Faltas:** Not to bother the men who were working on
5 my land to clear it because one of them came and said he
6 can't work because his backhoe got broken. I thought he
7 might have been intimidated by her.

8 So on 13 March 2009, that was a Friday, and one of the
9 things I said when Larry Mason called me -- I said, "What did
10 I do to you? Why -- why -- I mean, why are you upset that I
11 bought land next door? It will only increase the value of
12 your property, and I'm not going to put a rental building in
13 it, so it will not be in competition with you." He said,
14 "Oh, I was going to get that land myself and you interfered
15 with my business."

16 So I called Dave Winn - and that's also on the caller
17 I.D. - and he told me that. I said, "Is it true that Larry
18 Mason wanted to get that land from you?" He said---

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

20 **The Court:** Objection is overruled.

21 **Dr. Faltas:** Thank you. So he said, "No, he never gave
22 me a deposit, never anything, and the land is yours." That
23 Friday I was told that Larry Mason and Dinah Steele went to
24 the city to look at the special exception, and then on
25 Saturday, 14 march 2009, I had been out to recycle some

1 things at Staples and came back and found the truck parked
2 here next to the condominiums, and there are new condominiums
3 there.

4 And while the men were cleaning this area, we found an
5 old rusted sign, and I said, "Could you please lift it?" And
6 it's very, very heavy. It took all three men, and they did
7 lift it and put it on this side, this -- yeah, this side of
8 the property, and I bought new letters for it that reads,
9 "324 Byron Road," so this sign here.

10 So on Saturday, march 14 -- March 2009, when I came back
11 I found Larry Mason and Dinah Steele's truck parked in front
12 of the condominiums there, and as soon as he saw me, he came
13 over and said, "Hey, Marie. Give me that sign back or I'll
14 have you arrested." I said, "Why will you have me arrested?"
15 He said, "You stole it." I said, "I didn't steal anything.
16 That was on my land, and it says that everything on the land
17 is mine. Besides, it's an old and rusty sign that had been
18 dumped there."

19 So I was very terrified by it and called the police. He
20 said, "I'll have you arrested." I said, "I didn't do
21 anything wrong, and to prove it I'll call the police. When
22 the police come, you can tell them. You can make the claim
23 that I stole it, and they'll investigate it." So they were
24 not helpful when they came and I was very frightened, and he
25 told me that they were there getting petitions from the other

1 neighbors so that -- to revoke the special exception that I
2 got to build. And I kept on asking Dinah what---

3 **Court Reporter:** I'm sorry. To?

4 **Dr. Faltas:** To revoke the special exception that I was
5 given on that date. And I kept on saying, "Guys, why is it
6 that you don't want me to build on that land?" And he kept
7 on giving me reasons that didn't make sense. And then in
8 April -- and he said they have to -- they will -- because
9 from -- from that date, March 1st, anyone can appeal the fact
10 that this special exception was granted to me. So they said,
11 "We will appeal it and we will get it reversed so you cannot
12 build on this land."

13 **Court Reporter:** I'm sorry. We will get it what?

14 **Dr. Faltas:** "Reversed so you cannot build on this land.
15 And we were here collecting petitions from the people in the
16 condominiums and from the neighbors, and we have 50 petitions
17 against you so you won't build." And when he called me again
18 on March 14th, 2009, he said that he had gone to the city
19 development and seen my plans, and so I know that's what they
20 were doing on Friday.

21 So I was, you know, terrified by that, and I had
22 discovered that they were renting my apartment -- they have
23 two buildings. Every building has four apartments, two
24 downstairs and two upstairs, and so there are eight
25 apartments. And I had discovered that they were renting the

1 other apartments to the other tenants much cheaper than they
2 are renting them to me. And I had talked to them about that
3 because the apartment next to mine had become vacant in
4 January 2009, and I had told them, "Because you're renting to
5 me higher and have rented to me higher, how about we make a
6 new deal? I get the two upstairs apartments as a package for
7 \$700---

8 **Ms. Weiss:** Objection.

9 **The Court:** Objection is overruled.

10 **Dr. Faltas:** Because I wanted this -- this is closer to
11 the land that I bought, so I wanted the apartment from which
12 to be looking at it in order to supervise it. I wasn't
13 planning to get a contractor or anything but to do it myself
14 with just manual labor but my supervising everything. So I
15 offered them that, and that apartment stayed vacant from the
16 end of January until -- until May 2009.

17 So I was telling them since you have the vacant -- a
18 vacant apartment, why don't you make a deal for me? But that
19 was before they had discovered on Thursday, 12 March 2009,
20 that I had bought that land. So they kept on not wanting to
21 tell me why they didn't want me to build, and they kept on
22 saying that they hired a lawyer to make my special exception
23 -- to reverse my special exception. And they even gave me
24 the name of that lawyer, and I called him and tried to, you
25 know, ask him, "Why is it that they don't want me to build?

1 Tell me how I could accommodate them." And he wouldn't tell
2 me, and after that he said he wasn't going to represent them.

3 So I was afraid that before that they were still going
4 to file something to -- to get my special exception revoked.
5 So I filed the civil lawsuit against them for mainly two
6 reasons. One was that they were charging me more rent than
7 the others based on my national origin, and the other is that
8 they were interfering with my building plans. I would have
9 asked in the lawsuit that the Court stop them from
10 interfering with my business plans.

11 So in April 2009 I discovered that the reason they
12 didn't want me to build is that the sewer lines from their
13 buildings -- this is what is called a clean-out.

14 **Court Reporter:** I'm sorry. A what?

15 **Dr. Faltas:** A clean-out. It's like a ten-inch round
16 thing that you bury deep and---

17 **Court Reporter:** Dr. Faltas?

18 **Dr. Faltas:** I'm sorry.

19 **Court Reporter:** If you could sit on the witness stand
20 maybe and angle that way so your back is not completely to
21 me. It's very difficult...

22 **Dr. Faltas:** A clean-out is a -- a clean-out is where
23 the sewer lines get angled. Every place that you turn on the
24 sewer lines, it has to be an angle -- an angle and a clean-
25 out. So the clean-out from those---

1 **Ms. Weiss:** Objection.

2 **Dr. Faltas:** ---are here and here.

3 **The Court:** The objection is overruled.

4 **Dr. Faltas:** Thank you. And these are called the
5 service lines, and I didn't know all of that until I got into
6 this -- into the building. And then they connect -- they
7 connect here to two other clean-outs, and then from there
8 they connect to the main sewer. So this part doesn't belong
9 to the city nor this part. Only this part belongs -- belongs
10 to the city, and from it it goes to the drainage. And the
11 reason I found that out is that I had also to submit plans of
12 how the building I'm planning to build -- how it will have
13 sewer drainage, and that's in the process. I found out that
14 those are here and that in Columbia the -- in Columbia the
15 sewage is not metered separately.

16 **Court Reporter:** I'm sorry. The sewage is not what?

17 **Dr. Faltas:** Metered separately. It is -- the water
18 usage is metered, and the sewer is a multiplier of the water
19 usage. So in the process of getting approval from the city
20 for how I will put sewer lines, we discovered that this is
21 how the sewer lines from the two buildings that Dinah Steele
22 has are and they are across my land and that's illegal, and
23 they have never paid a tap fee and they were not paying the
24 sewer fee.

25 So I asked the city -- I told them, "Well, if this is

1 not appropriate for it to be on my land, can you ask them to
2 move them?" And the city wrote them a letter. May I step
3 down, Your Honor, and get the letter from that package?

4 **The Court:** Yes.

5 **Dr. Faltas:** Thank you. Again, it's the package of
6 exhibits that was presented to the court in with Judge Lee...

7 **The Court:** Let's stand for a moment. (Pause.) All
8 right.

9 **Dr. Faltas:** Your Honor, may I put them back like this
10 so it wouldn't---

11 **The Court:** Yes, ma'am.

12 **Dr. Faltas:** In their place. And then we can get a copy
13 of them later if Your Honor---

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

15 **Dr. Faltas:** ---agrees to admit them. So because this
16 is the originals, they'll not be marked until they are
17 copied?

18 **The Court:** Yes, ma'am.

19 **Dr. Faltas:** Thank you. So these are the letters that
20 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.

1 **Dr. Faltas:** Oh, show them to her did you say?

2 **The Court:** Are you familiar with what they are, Ms.
3 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 **The Court:** The objection is sustained. It's a
11 collateral issue.

12 **Dr. Faltas:** I'm sorry?

13 **The Court:** It's a collateral issue. The objection is
14 sustained, not relevant to this case. It will be marked for
15 identification purposes at a later time. You may proceed.

16 **Dr. Faltas:** Thank you. So the city wrote to her that
17 she can either negotiate an easement with me or the city will
18 put -- will put new clean-outs in her own property -- on her
19 own property about here and here so her sewer lines can go
20 like so, but the city will put the new clean-outs at its own
21 expense to connect with the main like this, but she would
22 have to hire a plumber at her own expense. So this part will
23 be at Ms. Steele's expense, and this part will be at the
24 city's expense.

25 And she refused to do that, and instead she continued to

1 say that instead they will have me deported and have me
2 arrested and all of that. And since that day, Saturday, 14
3 March 2009, when he had falsely accused me of having stolen
4 the sign, I had to document everything because he pretended
5 that the sign was behind that building and I had moved it,
6 and I had explained to everybody it's impossible for me to
7 have done that. And it so happened that from the time when I
8 was taking pictures of the neighborhood to present them to
9 the Board of Zoning and Appeals I had a picture that showed
10 part of the sign here, so that could prove -- was helpful to
11 prove my innocence that I had not stolen his sign.

12 So since then it was important for me to document things
13 as much as possible. So then this is the parking lot that --
14 it has room for about 15 cars. They aren't marked. There's
15 no like assigned -- and the parking lot is very broken. So
16 -- and then there is this island which is really on the
17 right-of-way, and it has -- the mailboxes for all the
18 buildings are here on -- on the side of the 300 Byron Road.
19 So to get to my mailbox I need to be close to this 300 Byron
20 Road. I'm sorry. The scale isn't -- the scale isn't exact.

21 So starting in April 2009 in -- sometime late in
22 February 2009 or in the middle of February 2009 Larry Mason
23 and Dinah Steele were out here working and it was a Saturday,
24 and I said hello to them. And they were dressed well, and I
25 said, "You all look sharp." They said, "We're going to the

1 boat show." I said, "Why did you come here before the boat
2 show?" They said, "We're changing the security door on this
3 building because Teresa Ingram has given her code to the
4 boyfriend, and she doesn't want him to come back. So we need
5 to change it." So they changed it.

6 And after that, sometime between here and here, I was at
7 my window and I heard her yelling really and castigating the
8 tenant who lives in the apartment---

9 **Court Reporter:** I'm sorry. You heard her?

10 **Dr. Faltas:** Yelling and castigating. And I felt very,
11 very sorry for the tenant there to have been yelled at and
12 abused like that, and I didn't know what to do. On another
13 day Ms. Ingram -- I was -- because my apartment is very small
14 and it don't get much sun, I like to sit in my car and get
15 sun. And Ms. Ingram was there and she -- she was washing her
16 car at home at her -- she came towards me, and I told her,
17 "That lady whom you were so abusing verbally across the
18 street, do you want someone to talk to you like this? That
19 was very unkind." And she said, "Well, she was asking about
20 things that aren't my business."

21 I said, "I'm not judging you. I'm just saying that that
22 was very unkind and try to apologize to her." And I told
23 her, "When I say something unkind to somebody, I would go
24 back and apologize to them." And she said, "You would?" And
25 I said, "Yes." She said, "Then you must be a good person,

1 but in life one has to take care of oneself," and I said,
2 "You don't take care of yourself by yelling and abusing
3 somebody else. Why don't you do me a favor? When you're
4 angry with somebody, before saying angry words to them say
5 the Lord's prayer and let's say the Lord's prayer together,"
6 and she said, "Okay." And I was impressed with that.

7 And then sometime late in March 2009 I was sitting in my
8 car, and I saw somebody pull there and keep on knocking on
9 the door, on her door, for about maybe 15 minutes, and he was
10 standing there and I hadn't seen him before. And it
11 wasn't -- it wasn't this man here. It was a different man.
12 The man who came up said he's Rodney Ingram. It was a
13 different man. I had not seen him before, so I didn't know
14 if that was the boyfriend that she did not want to come back
15 and I didn't know if he was coming back to hurt her or to
16 hurt anybody.

17 So I said, "Why are you waiting so long?" I honked and
18 he came to my car and he said, "I'm her cousin," and he even
19 showed me his driver's license. And I said, "Okay," but --
20 and he said he has been calling her and there is no answer on
21 her cell phone and her home phone had been turned off. I
22 said, "Well, you know, maybe she doesn't want you to come in,
23 and she has previously filed a police report on her
24 boyfriend. So maybe she doesn't want to get any visitors."

25 And so -- but he had taken his dog to get -- to relieve

1 itself on my land, and I said, "Okay. You did it this time,
2 but this part is my land and I don't want dogs relieving
3 themselves there." I never ever told him that I owned this,
4 and that would have been ridiculous. If he's her cousin, he
5 knows who her landlady is. So I just told him that I didn't
6 want his dog relieving itself and...

7 So after that I got a letter from them claiming that I
8 present myself as the landlady there, and I didn't do that.
9 And then they filed an eviction proceeding against me and a
10 that was -- that was initially going to be tried in July
11 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 **The Court:** We'll have the jury go to the jury room for
15 a few minutes.

16 (Whereupon, the jury was excused from open court at 8:49
17 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 (Whereupon, the jury was brought into open court at 8:52
24 p.m.)

25 **The Court:** Ladies and gentlemen, we're going to quit

1 now. I need you back at 10 tomorrow morning. Thank you very
2 much for your endurance and patience and all. I need you
3 back at 10 tomorrow morning. Have a good evening.

4 (Whereupon, the jury was excused from open court for the
5 day at 8:52 p.m.)

6 **The Court:** And we'll be in recess 'til 9:30 tomorrow
7 morning, 'til 9:30.

8 **Ms. Weiss:** Your Honor? Your Honor, do you want me to
9 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 **The Court:** Did you want to interrupt your testimony,
13 Dr. Faltas?

14 **Dr. Faltas:** Since I have come this far, I do not know
15 how long the State would cross-examine me, but since I've
16 gone this far, I might as well break it.

17 **The Court:** She'll continue then and we'll have others
18 to come, perhaps to be here by 10:30 or so. Anyone who is
19 five minutes away, they don't have to sit...

20 **Ms. Weiss:** I guess your office is dealing with Mr.
21 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 **Law Clerk:** They've both been notified to be here at
25 9:30.

1 **Ms. Weiss:** Okay. Then I'm not going to worry about
2 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 (Defendant's exhibits 18 through 23 were marked for
8 identification. Whereupon, the trial concluded for the day
9 at 8:55 p.m. and resumed the following day, February 26, 2010
10 as follows.)

11 **The Court:** All right. Good morning. I'll deal with
12 motion number -- a motion to quash number one. Who is number
13 one?

14 **Mr. Boineau:** Your Honor, that may be Mr. Delaney. I'm
15 Trippett Boineau. I'm here for Mr. Delaney.

16 **The Court:** All right.

17 **Mr. Boineau:** Thank you, Your Honor. This being our
18 motion due to a subpoena that was served upon Mr. Delaney
19 regarding the production of documents, Your Honor, it's my
20 understanding that the subpoena was served on Mr. Delaney.
21 It's dated -- the subpoena itself is dated Wednesday,
22 February 24th, or, excuse me, he was supposed to appear
23 Wednesday, February 24th, 2010. It's my understanding he was
24 there at some point -- he was here, and at some point the
25 motion was continued.

1 Your Honor, the subpoena itself requests that Mr.
2 Delaney produce the following documents: Any and all
3 documents his office received from the defendant in this case
4 who is the plaintiff in case number 2009-CP-40-02219; the
5 original of any and all documents he or his office submitted
6 in that case, whether it's a pleading, motion or in response
7 to discovery as well as all documents he and his law firm
8 sent concerning Dr. Faltas to any person and/or entity
9 whatsoever.

10 Your Honor, the basis for the motion to quash is the
11 subpoena itself requesting the production of documents asked
12 for documents sent by Mr. Delaney, his paralegals, others
13 concerning the civil action and, Your Honor, those documents,
14 of course, will be protected by the attorney/client privilege
15 as well as the attorney work product doctrine. Many of those
16 documents contain confidential communications between
17 attorney and client and, therefore, they'd be protected.
18 We'd ask that the Court rule that those are not to be
19 produced by Mr. Delaney.

20 Your Honor, also we would state that with regards to any
21 pleadings, motions, or anything of that matter that was filed
22 with the court, all of those documents are, of course, public
23 record. They're on file here, and they were also provided to
24 Dr. Faltas.

25 Your Honor, lastly, with respect to the discovery that

1 was sent out, of course the rules require us to keep the
2 original discovery for purposes of motions and, Your Honor,
3 my understanding is in the civil case there's been two
4 previous motions to compel already. So asking for the
5 originals of those, Your Honor, we'd ask that you quash the
6 subpoena with respect to those documents.

7 Your Honor, lastly, any documents that were sent
8 originals by Mr. Delaney, he would have sent the originals
9 and, therefore, he doesn't have any of the originals that he
10 sent. He would have copies of those originals. Any
11 documents that weren't attorney/client privilege would have
12 been provided to Dr. Faltas pursuant to the rules. In other
13 words, there's no communications that took place that Dr.
14 Faltas was not provided except those which are
15 attorney/client privilege or those that she was not required
16 to be copied on.

17 Your Honor, based upon that I would ask the Court to
18 please quash the subpoena and, of course, if the Court orders
19 the documents be produced, we'd seek some sort of a
20 protective order and ask the Court to look at them in camera
21 first to make sure that we're not producing anything that's
22 attorney/client privilege or work product.

23 **The Court:** All right. Let me hear motion number two.
24 I'm going to hear all the motions. Then you'll respond to
25 all of them.

1 **Mr. Cooper:** Your Honor, I'm Bob Cooper from the Office
2 of the City Attorney for the City of Columbia.

3 **The Court:** Yes, sir.

4 **Mr. Cooper:** I received a subpoena at 1:30 the day
5 before yesterday asking for all of the correspondence, notes,
6 and other similar documents to or from our office concerning
7 the defendant in this case. I have moved to quash that
8 subpoena on several grounds, some that overlap with the ones
9 that were pointed out by Mr. Boineau.

10 The first and primary ground for my motion is that I'm
11 not the custodian of those records. It's my understanding
12 that on Wednesday Dr. Faltas attempted to have another
13 attorney in our office served, and he did at one time have
14 custody of some of the records that she seeks. He is no
15 longer with our office. Those files were not transferred to
16 me. I'm not the general custodian of the records of the
17 Office of the City Attorney.

18 I have handled one matter involving Dr. Faltas that I
19 can recall of -- or recall. I'm sorry. In 2000 -- it began
20 in 2004 and ended in 2005. It was a civil matter; it is
21 resolved. Those records could not possibly be relevant to
22 this action and they're archived.

23 I would also assert that the requirements of the
24 subpoena are unduly burdensome and unlikely to yield relevant
25 material, and they would be covered in many cases by work

1 product or attorney/client privilege. I'd ask you to quash
2 the subpoena in its entirety, but if that is not what Your
3 Honor thinks would be the appropriate thing to do, then to
4 have the appropriate people bring the documents to Your Honor
5 to have an in camera review, and only those documents that
6 are both relevant and not privileged be turned over to Dr.
7 Faltas.

8 **The Court:** All right. Motion to quash number three.
9 Something related to the city judge or, Ms. Weiss, you had
10 mentioned something about Judge Turner or someone.

11 **Ms. Weiss:** No, Your Honor. I had objected to Judge
12 Turner being called in this case because she is the sitting
13 judge. The only understanding I could have would be that
14 she's a sitting judge in her official capacity and that it
15 would be inappropriate to call her. She's had nothing to do
16 with this case, and she testified to that in the hearing that
17 we had I guess it was yesterday morning or -- yesterday
18 morning. And then Dr. Faltas said, "Never mind. If she
19 doesn't want to be here, she doesn't need to be." So I
20 just -- I didn't think that was going -- anything going to be
21 heard.

22 **The Court:** All right. And, Dr. Faltas, any response to
23 those three things?

24 **Dr. Faltas:** Good morning, Your Honor.

25 **The Court:** First let me ask you: Is the -- the other

1 guy, is he here? What's his name? Curry?

2 **Dr. Faltas:** It seems that he is, Your Honor.

3 **The Court:** Okay. Go ahead.

4 **Dr. Faltas:** Thank you, Your Honor. Your Honor, good
5 morning.

6 **The Court:** Good morning.

7 **Dr. Faltas:** And first of all, both subpoenas weren't
8 just duces tecum. They were for the person to come and
9 testify, and this is an important -- the crucial issue in my
10 defense is that all of this is a conspiracy to frame me in
11 retaliation, and we have the testimony from Investigator
12 Blanton that she received documents from Andrew Delaney who
13 is the lawyer for the defendants in the civil case. And
14 incidentally, Your Honor -- and I know you're not -- and I'm
15 not asking for legal advice, but there needs to be -- and the
16 Fourth Circuit U.S. Court of Appeals in the case of somebody
17 versus Leake (phonetic) and Boday (phonetic) from South
18 Carolina and then the U.S. Supreme Court in Canes versus
19 Herner, I think, said that courts have to give some
20 liberality to pro se persons, and I'm not playing dumb.

21 I'm not saying I should be held to a different standard.
22 I'm not saying all that. I'm saying just there needs to be
23 some -- just the level of leniency and assistance that is
24 required in published cases to pro se persons. For example,
25 yesterday---

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.

10 **Dr. Faltas:** The third one is moot. I agree that I said
11 we're not calling Executive Judge Turner again. So that
12 third one is moot. The first two are not moot at all.
13 Blanton, Amanda Blanton, testified that she received
14 documents from J. Andrew Delaney. We need him under oath
15 with the documents he sent her. Especially if he had faxed
16 them to her, he would have the originals and, yes, it's not
17 pitting witnesses, but it is finding out because credibility
18 is a clear issue here when there is nothing concrete, no
19 corpus delicti, so to speak. It's just somebody saying she
20 looked at me or she flipped me the finger or she called me
21 the B. Word, and the bigger issue is the conspiracy to frame
22 me.

23 Mr. Cooper in person, in person, had -- has an interest
24 in this because he is afraid that I might have taped him
25 which I didn't. He was once talking to somebody about the

1 Wal-Mart case, and he said and I heard him with my own ears
2 saying that they had dummed up the picture. So he knew that
3 fabricated evidence was used in a case and he did nothing
4 about it, and instead he has this horrible vendetta against
5 me, which even though he claims to be a Christian and even
6 though the first time I ever met him he said that he will be
7 praying for me or something like that, he -- I think it has
8 become clear to me that those people do not mind if I die.

9 In fact, that may have been the purpose of all of this,
10 to -- in fact, my false accuser from the witness stand said
11 if I could avenge myself on you without getting into trouble
12 I would do it. This is one what they are doing. So the
13 testimony of Mr. Cooper is essential. I don't know why they
14 didn't transfer the records from Gary Johnson to him because
15 Chief Carter said that Bob Cooper is the lawyer whom they
16 consulted. He said that to me. I don't recall if I asked
17 him when he testified in the absence of the jury.

18 And then even in Amanda Blanton's sworn testimony in the
19 preliminary hearing when I asked her about the subpoena, she
20 said she initially called Bob Cooper and he referred her to
21 Gary Johnson. So Bob Cooper has responsibility for that.
22 Apparently Gary Johnson was like assisting him or something
23 when Gary Johnson was with the City Attorney's Office. So
24 it's Bob Cooper's responsibility.

25 And then with both of them, with both of them -- of

1 course, we're not -- I will not be asking for attorney/client
2 privilege documents but -- and it will be very limited
3 because I am aware of that, but there is a crime tort and
4 fraud exception to the attorney/client privilege. And so
5 it's not anything that someone says to a client cannot be
6 discovered. If they were assisting the client in a crime
7 tort or fraud, the privilege was away, and I think that
8 happened here, especially, for example, that you saw Mason
9 initially deny that this Alden Wheeler guy is one of his
10 employees, and then when confronted with the list, he said,
11 "Yes, that name is on the list."

12 Now, that document from Alden Wheeler -- or Alden
13 Wheeler has been listed as a witness in the civil case by
14 Andrew Delaney. So I'm trying because the -- for the jury,
15 it is a matter of who is telling truth and who is fabricating
16 things and what incentive they have to fabricate things. So
17 the testimony should not be quashed. The subpoenas for
18 testimony should not be quashed. Lawyers can be subpoenaed
19 just like everybody else. There is no reason for those
20 lawyers to hide behind whatever and not tell the truth,
21 especially when my life is at stake. And I don't say my life
22 hyperbolically. I say it because it has become clear to me
23 now that it's conspiracy at the highest level, and they don't
24 really believe I was harassing anyone.

25 They were trying to get me any possible way they can

1 including -- and this is very crucial. You heard testimony
2 from Larry Mason that he says my mother does not exist, and
3 you heard Amanda Blanton who is supposed to be a police
4 officer protecting people. She called the Social Security
5 office trying to get my mother's Social Security. Now, what
6 did my mother do?

7 It's a big, big conspiracy, and I'm hoping the Court
8 will protect me. Certainly I will not ask for anything
9 that's genuinely attorney/client privilege, but anything
10 that's fraud, tort, or crime cannot be hidden behind.

11 **The Court:** All right.

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

13 **The Court:** Thank you. All right. The motion of Mr.
14 Cooper to quash the indictment served on him is granted. The
15 motion of Attorney Delaney to quash the subpoena given to him
16 is denied. I find that the matters sought from Mr. Cooper
17 are not -- those matters are not relevant to these
18 proceedings but involve extraneous and collateral matters
19 that, based on the testimony of Investigator Blanton, the
20 matters sought and/or testimony from Mr. Delaney would be
21 proper under the facts of this case, and I deny the motion to
22 quash that subpoena.

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

24 **Mr. Boineau:** Can I just briefly -- the motion is just
25 for the production -- I mean, the subpoena is just for the

1 production of documents, if you'll look at the subpoena, Your
2 Honor.

3 **The Court:** Well, I haven't seen the subpoena, but I
4 know she expressed an interest in subpoenaing him to be a
5 witness in the case, so...

6 **Mr. Boineau:** And, Your Honor, if he gets that subpoena,
7 I know this one, Your Honor, just states for him to -- it's
8 checked: You are commanded to appear or, excuse me, you are
9 commanded to bring with you the following documents, and the
10 first one "you are commanded to appear" is not checked.

11 **The Court:** All right.

12 **Mr. Boineau:** I can hand up a copy, Your Honor, if the
13 Court would like.

14 **The Court:** Well, to the extent that Dr. Faltas has
15 raised the question of the obligation of the Court to not
16 give advice but to provide some minimal assistance, I have
17 informed her to tell me who she wanted to subpoena. We'd
18 have them subpoenaed. The documents were not prepared by
19 her. She prepared some handwritten document reflecting who
20 she wanted to subpoena and -- and included in that was Mr.
21 Delaney.

22 The clerk then prepared the -- and her stand-by counsel
23 prepared them. Mr. Delaney is subpoenaed personally and --
24 and through the subpoena duces tecum. So if you'll let him
25 know he needs to come.

1 **Mr. Boineau:** Yes, sir, Your Honor. Is there a
2 particular time?

3 **The Court:** Well, just later this morning, I guess; I'm
4 not sure. Dr. Faltas is testifying, and we have another
5 witness testifying, other people around somewhere. I guess
6 when he's free, maybe 11:00.

7 **Mr. Boineau:** Your Honor, at that time I'll just have
8 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 **The Court:** All right. Thank you. We're at 10 'til 10.
12 The jury is coming at 10. We're ahead of schedule.

13 **Dr. Faltas:** Yes, Your Honor. So may I -- may I say two
14 things? The sequestration, I hope it applies, but I am
15 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 **The Court:** Do you want him to hold that spot that he
19 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?

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 **The Court:** Corey Curry. All right. Mr. Curry, yeah,
7 we'll need you to stay right there if you would.

8 **Dr. Faltas:** I'm sorry. Or another idea may be if he
9 can stay up in the Sheriff's office or something so we know
10 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 **The Court:** He can stay there. He can stand outside.
14 Just be here when she wants to ask you some questions.

15 **Dr. Faltas:** Your Honor, additionally today I brought
16 the small bag and I was wondering if I -- before the jury
17 comes if I may show them the camera that I used, show them my
18 green card, my medical license without putting them in
19 evidence, just showing them to the jury and showing them also
20 some documents from yesterday's file.

21 **The Court:** Well, you've made a number of requests, and
22 I have to hear from Ms. Weiss on...

23 **Dr. Faltas:** And also I needed to show them the patent
24 documents that I have and---

25 **The Court:** All right. Any objection to that, Ms.

1 Weiss?

2 **Ms. Weiss:** Your Honor, if she's going to be showing
3 things to the jury for them to consider as far as evidence,
4 then I would submit that she ought to be entering them into
5 evidence. She has already admitted photos of all of these
6 items into evidence, and anything else I would think would be
7 irrelevant.

8 **The Court:** All right. We'll have to just take the
9 matters up. Certainly an original of a green card and an
10 original of various documents that you would need to retain
11 would not have to be put into evidence.

12 **Dr. Faltas:** Thank you, Your Honor. And because the
13 patent documents are also intellectual property, it may be
14 shown to them and not kept as a---

15 **The Court:** Well---

16 **Dr. Faltas:** As an exhibit.

17 **The Court:** Well, you can't show -- you can't publish
18 anything that doesn't go to the jury. As far as passing them
19 around and, you know, if you just hold something in your hand
20 is one thing.

21 **Dr. Faltas:** Okay. Okay.

22 **The Court:** If you present them to the jury to review,
23 then that's something else.

24 **Dr. Faltas:** All right. So---

25 **The Court:** The fact that I might show -- look at my

1 watch and say, "Tell the jury, according to my watch, that
2 it's 5 'til 10," doesn't mean that my watch will go into
3 evidence.

4 **Dr. Faltas:** That's great. So, I mean, could I -- so I
5 don't risk anything, could I just show them that the camera
6 goes like this, that it has a very big---

7 **The Court:** Well, you can -- I'm not micromanaging the
8 trial to that extent. You can do whatever you want to, and
9 then Ms. Weiss will---

10 **Dr. Faltas:** Okay.

11 **The Court:** ---have her opportunity to state her
12 position regarding whatever it is you have done.

13 **Dr. Faltas:** Thank you.

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

15 **Dr. Faltas:** One other matter very, very quickly. I'm
16 sorry. I don't know whom the Court is recognizing.

17 **The Court:** All right. Ms. Weiss?

18 **Ms. Weiss:** Thank you, Your Honor. It's come to my
19 attention that Judge Davis is here from the Lykesland
20 Magisterial District, and I don't know if he was -- I believe
21 he's here under subpoena from Dr. Faltas. I have not spoken
22 to him. But just to save time later, I'm going to object to
23 the relevance or object to his being called as a witness,
24 being that the only -- my understanding is the only part he's
25 played in this is as serving as a judge, a sitting judge,

1 trial judge, in the restraining order hearing, and I think
2 that that would be asking him to testify in his official
3 duties, in his official capacity as a judge.

4 **The Court:** All right. All right. Judge Davis, you're
5 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 **Dr. Faltas:** Your Honor, that also relates to the -- I
11 had mentioned that there is a transcript in the file, in the
12 case file, and Your Honor said that you will look and see if
13 it has anything to do with Ingram. Actually it has many
14 pages to do with Ingram, and so I had also given a copy of
15 that transcript to His Honor and he reviewed it. So he --
16 other than that -- and he also had administrative duties
17 receiving -- receiving the application. So, of course, I'll
18 not be asking him why he ruled on anything or anything like
19 that.

20 And in addition, Your Honor -- and I don't know the
21 basis and I'm not arguing with the Court, but it seems that
22 Your Honor made a general ruling that anything that has to do
23 with Ingram is admissible. So the Honorable Judge Lee's
24 order has a part not only about Ingram but about the
25 landlords encouraging the tenants to taunt me in the same

1 way. So I hope at least that part can be -- can be read into
2 evidence. And so Judge Davis is here mainly to authenticate
3 that part of the transcript that is in the file and that has
4 Ingram's testimony in it which I had technical difficulty
5 getting the part on the tape, but I move that that transcript
6 or that part of her in the transcript be admitted into
7 evidence.

8 **The Court:** Well, court transcripts are self-
9 authentications or self-authenticated, so there's no need to
10 have a witness authenticate a court transcript once the
11 transcript is prepared in the---

12 **Dr. Faltas:** Except that this was---

13 **The Court:** ---regular manner.

14 **Dr. Faltas:** Sorry.

15 **The Court:** There's no dispute, that I'm aware of, as to
16 the authenticity of the transcript. That does not
17 necessarily mean the entire contents or any portion of the
18 content is admissible as evidence. The case that was
19 submitted in the -- by the State in the suppression hearing
20 regarding the sitting judge being called as a witness did not
21 apply, in my opinion, to a magistrate being -- an issuing
22 magistrate being required to testify in a search warrant
23 hearing, but it does apply to a sitting judge being required
24 to testify in a trial such as this. I am, therefore,
25 granting the motion to exclude him as a witness. Any matters

1 relating to that hearing that might otherwise be admissible
2 can be admitted without him being a witness.

3 **Dr. Faltas:** I needed to bring to Your Honor's attention
4 that that transcript was unusual in that I handwrote it. I
5 myself prepared that transcript by hand from the tapes, and
6 the judge reviewed it against the tapes. So that's why it's
7 not a regular transcript and that's why the judge is here
8 to---

9 **The Court:** Well, if it's something you wrote, it may
10 not be self-authenticating, if it's not done by a court
11 reporter or submitted by the court. But I am not going to
12 require him to authenticate a transcript that you wrote or
13 otherwise sit as a witness in this case.

14 **Dr. Faltas:** He's already reviewed it and authenticated
15 it.

16 **The Court:** Okay.

17 **Dr. Faltas:** So if he can tell that to the court---

18 **The Court:** It doesn't matter. I'm not -- he doesn't
19 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 **Dr. Faltas:** Thank you, Your Honor. And I know Your

1 Honor still has that under advisement and I genuinely
2 apologize, but what has happened is that the -- I understood
3 Your Honor's ruling on Cooper's forged checks convictions is
4 that - that's Richard Cooper now, not Bob Cooper - is that
5 any crime evidencing dishonesty doesn't have the ten-year
6 limitation. That's what I understood to be the case for
7 Mitch Jones's shoplifting conviction. I'm saying that's how
8 I understood it, and I hope the Court trusts me. I did not
9 hear Ms. Weiss object. I hope the Court trusts me.

10 **The Court:** If the offense involves dishonesty, the
11 amount or the penalty does not apply. The ten-year limit
12 applies to any criminal offenses unless I've ruled otherwise.
13 As it relates to this particular one, I don't recall the
14 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 **Dr. Faltas:** No. Your Honor, I'm talking about my
24 having inadvertently asked Mitch Jones about his shoplifting.

25 **The Court:** I thought -- well, that's -- yeah, you're

1 trying to -- you're still worrying about the contempt I have
2 under advisement.

3 **Dr. Faltas:** Yes.

4 **The Court:** Okay. I thought you were talking about some
5 future witness.

6 **Dr. Faltas:** No, no, and I was explaining that when we
7 were talking about the various witnesses' conviction there is
8 -- there was a potential witness by the name of Richard
9 Cooper, and he had an older forged check conviction. But I
10 understood Your Honor to have ruled that any crime involving
11 dishonesty doesn't have the ten-year limit, and I
12 extrapolated that that applied to the shoplifting.

13 **The Court:** I understand.

14 **Dr. Faltas:** And also, as I said, I didn't hear Ms.
15 Weiss -- I even checked with Mr. Sawyer, and he said he heard
16 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 **Ms. Weiss:** In relationship to Corey Curry, just in case
22 there is any misunderstanding by the defense, the only
23 conviction that we have discussed that may be gotten into for
24 any reason is the burglary third from the year 2000.

25 **The Court:** All right. Which I have ruled is

1 impeachable -- is an impeachable offense.

2 **Ms. Weiss:** Yes, Your Honor.

3 **The Court:** All right.

4 **Dr. Faltas:** I think -- well, I don't know if the record
5 can be read back. I think that the marijuana possessions are
6 within ten years. Two marijuana possessions recently.

7 **The Court:** It's not impeachable.

8 **Dr. Faltas:** Well, am I---

9 **The Court:** Unless otherwise made relevant through
10 something---

11 **Dr. Faltas:** Okay. All right.

12 **The Court:** Something else.

13 **Dr. Faltas:** All right. Thank you.

14 **The Court:** Not based on itself. In and of itself it's
15 not.

16 **Ms. Weiss:** But, Your Honor, I just want it to be clear.
17 It cannot be brought up by the defendant in order to somehow
18 in her mind make it relevant.

19 **Dr. Faltas:** Well, no. I mean, I can -- I can -- I
20 can -- Your Honor, I need to have a full -- a full defense.
21 If the man is a drug dealer and comes around and threatens
22 people and I'm not allowed to take his picture and if I take
23 his picture, I'm a criminal? I mean...

24 **The Court:** Well, at the time that you took his picture
25 were you aware of that fact?

1 **Dr. Faltas:** I was aware of many other facts.

2 **The Court:** No. No. Were you aware that he had a
3 marijuana conviction?

4 **Dr. Faltas:** Well, no, no, but may I just say something,
5 Your Honor?

6 **The Court:** Yes.

7 **Dr. Faltas:** Okay. Even from this distance, looking at
8 him from his eyes, the redness in his eyes, I think he's
9 under the influence of something now. So, I mean, this is
10 not stereotype. This is not anything. There are things
11 physicians can tell from a distance.

12 **The Court:** All right. All right. Well, if you didn't
13 have that information at the time you took his pictures, then
14 it's not admissible. It's not going to be admitted because
15 the courts have ruled that -- rule that drug offenses such as
16 possession of marijuana is not probative for truth and
17 veracity.

18 **Dr. Faltas:** Okay. Thank you.

19 **The Court:** It's not generally... Yes, ma'am?

20 **Ms. Weiss:** Your Honor, she can -- I would ask that Your
21 Honor rule that she cannot make statements, such as the one
22 she just made, while Mr. Curry is on the stand.

23 **The Court:** Well, I'm not going to prescreen the
24 testimony.

25 **Ms. Weiss:** Thank you, Your Honor.

1 **The Court:** All right. All right. We'll be at ease for
2 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 **The Court:** All right. Come on in. Dr. Faltas, you're
7 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 **Dr. Faltas:** Would the State consent to my circling the
14 clean-out on the pictures?

15 **The Court:** Pardon?

16 **Dr. Faltas:** Would the State consent to my circling the
17 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 **Dr. Faltas:** Yes, but may I use -- find another of them
23 because...

24 **The Court:** Yes, you can do that.

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

1 (Whereupon, the jury was brought into open court at
2 10:23 a.m.)

3 **The Court:** Ladies and gentlemen, Dr. Faltas is still
4 testifying. You may continue.

5 **Dr. Faltas:** Thank you, Your Honor. Good morning,
6 friends. While we were talking about the sewer clean-out, I
7 wanted to show you what the clean-out from building 300 is on
8 those two pictures. Here and here. And also the reason I
9 was taking those pictures from the outside have nothing to do
10 with Ingram's car or house or anything. It has to do with --
11 you see it -- I mean, they're trying to make the case that
12 the rerouting of the sewer service lines is feasible. So if
13 you would please look those---

14 **Court Reporter:** I'm sorry. Can you speak up, please,
15 Dr. Faltas?

16 **Dr. Faltas:** I said if you could please look at those
17 and also from the street because the sewer lines... I also
18 wanted to show you the little camera that I use, and it has
19 three levels of telephoto. So while I'm here, I can get a
20 very close look or a very close picture of someone without
21 being in their face or anything, and I wasn't trying to be in
22 anyone's face.

23 In addition, it has the date stamp, and you can see that
24 it's correct, that when they took it from me the date stamp
25 was correct. May I just pass it for the jurors to see, Your

1 Honor?

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

3 **The Court:** Objection is sustained.

4 **Dr. Faltas:** Okay.

5 **The Court:** Unless it's admitted into evidence.

6 **Dr. Faltas:** All right. Thank you, Your Honor. I also
7 wanted to show you my green card and my medical license.

8 **Ms. Weiss:** Your Honor?

9 **The Court:** Yes.

10 **Ms. Weiss:** I object to the showing of it. The State
11 takes -- well, we submit that the defendant has a green card
12 and she has a medical license.

13 **The Court:** All right. The State stipulates that you
14 have those two things.

15 **Dr. Faltas:** Thank you, Your Honor, and I thank the
16 State for stipulating that. I also wanted to show you from a
17 distance the building plans that I drew---

18 **Ms. Weiss:** Your Honor, I object to the showing of the
19 building plans. The State stipulates that there are building
20 plans that Dr. Faltas has created and submitted for a patent.

21 **The Court:** You can accept the State's stipulation or
22 you can offer them into evidence.

23 **Dr. Faltas:** I accept the State's stipulation. Could I
24 just show them from a distance like this?

25 **The Court:** What says the State?

1 **Ms. Weiss:** Your Honor, I object. I object to the
2 relevance. The State is stipulating there are plans and
3 they've been submitted for a patent.

4 **Dr. Faltas:** May I respond that the intricacy of them is
5 relevant to the fact that I barely had time and I could not
6 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 **Dr. Faltas:** Yeah. May I also out of pride show them to
13 Your Honor from the witness chair as well?

14 (Dr. Faltas shows the plans.)

15 **Dr. Faltas:** And they are all to scale and they are very
16 meticulous because this is a narrow area and it has to be
17 planned in such a way as to have stability without it
18 being... (Dr. Faltas displays another document.) And part
19 of the invention of this is that this being in a floodplain
20 area, whenever water rises, it gets caught. So this is my --
21 a downside view of the foundation, and instead of it being a
22 square foundation---

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

24 **The Court:** The basis for the objection?

25 **Ms. Weiss:** The ruling prior was that she could show

1 them from the witness stand. They have not been admitted
2 into evidence. She's now using them, showing them to the
3 jury and trying to explain them. If she wishes to enter them
4 into evidence, the State is not going to object. However,
5 the State would ask it be one way or the other.

6 **The Court:** All right. The objection is sustained.

7 **Dr. Faltas:** All right. Certainly. So I'll just show
8 them without explaining. (Dr. Faltas displays two more
9 documents.) On the State's exhibit 117 this is a Super 8
10 millimeter camera that I got when I was in Japan in 1976, and
11 they don't even make film for it, but for some reason the
12 State took it, and I had kept it for sentimental reasons.

13 And this is a picture of my mother that I've got -- had
14 on the opposite side of the bed. And this is that side
15 stand. One of -- I'm only interested in prevention in
16 medicine, and there is the -- a joke that I had seen, a
17 cartoon, where the nurse is telling a patient, "This doctor
18 specializes in preventive medicine. So if you're already
19 sick, he's not interested." I'm almost like that. I'm only
20 interested in the prevention.

21 And a lot of back injuries happen from people moving
22 heavy things around, and I looked at things like furniture
23 and I find that they are heavier than they need to be. So
24 one of the things I set out to do while in the years -- the
25 many, many years from 1994 until 2005 when I did not have

1 employment authorization but needed to stay in the country
2 and appeal the I.N.S.'s wrongful delay of my green card was
3 working on inventions on my own.

4 And, for example, this bed stand is so light that even I
5 can lift it with one hand, but you can see it supports a
6 television, a recorder, many books, the telephone, and the --
7 one of the secrets of doing that is having what is called a
8 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 **Dr. Faltas:** All right. Now, here Investigator Blanton
15 claimed that I'm crazy and she proved it when she found that
16 there were telephones in my refrigerator. I had -- when I
17 rented in the beginning, I had told them that I don't use the
18 refrigerator at all for three reasons. First of all, when we
19 say the Lord's prayer, give us today our daily bread, and I'm
20 committed to that. I don't store food.

21 Second, because of my low thyroid gland, I have no
22 metabolism and I need to control my diet. So some people go
23 and have stomach stapling. I think one needs to have will
24 power, and part of the way I control my diet is not keeping
25 food at home at all so I don't have any temptation to eat

1 more than my low metabolism -- because of my low thyroid
2 would require. So I told them when they rented to me they
3 can even take the refrigerator out. They said, "No, you can
4 keep it." I said, "I'll keep it unplugged then." Since
5 there is very little space, I used it for storage.

6 I used to live in bigger places and I had telephones
7 connected, and I don't believe in just throwing things away.
8 So I was using the refrigerator as storage, and I think we
9 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 **Dr. Faltas:** There are no books in it or anything. Even
13 though -- once again, these are bookstands that are very
14 stable. They're very light, which I designed myself and made
15 with my own hands using the mechanical advantage. Obviously,
16 even though they are stable and mechanical and sound, when
17 you get them---

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

19 **The Court:** Objection is sustained.

20 **Dr. Faltas:** These are other shelves that I had built,
21 designed and built. When ten people come in at once and walk
22 into this apartment, things fall off them. And then
23 yesterday Ingram was saying that she can see my scrolls
24 through the window. These are the scrolls, and the reason I
25 have scrolls is to build the miniature model of the solar

1 house I wanted to build. I have this piece of foam that I
2 got when---

3 **Court Reporter:** I'm sorry. You're going to have to
4 repeat.

5 **Dr. Faltas:** Piece of foam that I got from the packaging
6 of something, and just to represent the columns, I just put
7 scrolls into it. Exhibit 115 is the big bag that I started
8 carrying around which is heavy because I was afraid that
9 Mason and Steele would come into my apartment in my absence.
10 So I had things that I didn't want them to see in the bag,
11 and it was real -- a real difficulty for me to keep carrying
12 it up and down, but one of the things that you can see in the
13 picture is the top of this little orange book which I had
14 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 **Dr. Faltas:** Thank you. It's five-figure logarithmic
19 and other tables.

20 **Court Reporter:** I'm sorry. Repeat that.

21 **Dr. Faltas:** And it has signs, cosigns, square roots,
22 cube roots, inverses of numbers, all things that a
23 mathematician needs in designing things. So I -- and that,
24 among other things -- the idea that someone can come into my
25 private residence and get into all of this...

1 State's 105, this here in the corner is also a moving
2 file cabinet that I designed myself and built myself, and as
3 you can see, they are ransacking it. This is also part of
4 one other thing, and one of the inventions about it is how it
5 hangs. It doesn't have four corners. It just hangs in two
6 places, but it stays still. And they have chosen not to show
7 you the rest of the pictures from this, and this is a very
8 bad copy and very itty-bitty, but this is the only thing they
9 gave you, and it shows how invasive of my house everything
10 was.

11 And on this one you can see that the tapes that they
12 took had handwriting on them and they knew what tapes they
13 were. They were recordings of original court proceedings.
14 Some of them were music of Chopin, Rachmaninoff and
15 Mendelssohn and Tchaikovsky.

16 Now, about the State's exhibit 1, 2, and 3, I never
17 received this March 1st letter, and this is something they
18 did after the fact. This is the March 12th letter when they
19 found out that I bought the land. And then they started --
20 well, after -- on March 14th they found out that they could
21 not arrest me on the false charges of having stolen the sign.
22 They started to invent the harassment charges because they
23 were, you know, easy to make: If someone says, okay, she
24 said the B. Word to me or she flipped me a finger or this and
25 that. And what was specifically frightening to me is on the

1 October 6th letter where they said for me not to park my car
2 in front of my own apartment.

3 And then on Defendant's Exhibit 12, this is not at all
4 what she claims happened. What happened is that I was
5 pulling -- I like to park face out and I wasn't turning, and
6 she had been parked there in front of building 300 which...
7 This basically is Garners Ferry Road. So anyone getting out
8 of 300 Byron Road, unless they are going down Byron Road --
9 which most people don't need to. The way most people would
10 go out Garners Ferry Road and to the rest would be going this
11 way, and she was -- she was parked here.

12 So even if she had backed in, she could have maneuvered
13 like this and then turned around and gone back. But I was
14 pulling in and backing in and instead -- this is the front of
15 her car. Instead of her going that way, she came this way
16 and tried to broadside me. So I stopped my car and took out
17 my little camera. So she backed and hightailed it out the
18 other exit because I could prove that she was trying to
19 broadside me and that the other exit was fully open to her,
20 and this is part of the lies that they have been telling
21 about me that I was blocking them.

22 And I think yesterday or the day before you read my
23 letter to Ingram, and the prosecution ran very quickly and
24 tore the page off because I pointed out and she from this
25 witness stand admitted that she came and took 20 or 45

1 minutes. Because she had thrown rocks at me, I was afraid to
2 get out of my car and -- but even -- even then, out of
3 politeness, because one doesn't know -- the thieves who were
4 crucified along with Jesus Christ on his right and his left
5 were at the beginning taunting him, both of them, but then
6 one of them---

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

8 **The Court:** Objection is sustained. Improper testimony.

9 **Dr. Faltas:** All right. So I said to myself: She and
10 Charlene, which is another neighbor -- for the record, Ingram
11 is black. Charlene crouch is white. Mitch Jones who was
12 here is white. Larry Mason and Dinah Steele are white. And
13 before they started conspiring against me, I never saw any of
14 the white neighbors talk to Ingram, and even Jones yesterday
15 said that. So they weren't friends together before that, and
16 they started conspiring against me.

17 When I moved in, I introduced myself to whomever I saw
18 in the parking lot, and actually it was -- the man who was
19 sitting here and who was saying, "You ain't even a real
20 doctor. I work with crazy people," all of that, he was the
21 one I thought was the tenant, and when I introduced to him,
22 he said he's the tenant. He lives here. His name is Ricky
23 Ingram. And I said, "Do you live alone?" He said, "No, I
24 live with my sister." And I said, "What's your sister's
25 name?" He said, "Nikki." I said, "Oh, Ricky and Nikki.

1 That rhymes." And I don't think I saw Ingram, Teresa Ingram
2 -- many more times whenever I saw her I would wave to her.

3 After I got the letter of March 12th that's trying to
4 evict me when they found out that I bought the land, sometime
5 afterwards, before the incident or maybe -- maybe after it, I
6 was crying when I got it and I showed it to her, and I said,
7 "Have I been harassing you?" She said, "No, ma'am. You've
8 always been very nice because you always wave to me."

9 And I asked her is her rent less than \$400. She said,
10 "Yes, ma'am." I said, "I hope if they take me to court to
11 try to evict me I hope I can count on you to tell the truth."
12 That is all I said to her, and I thought she would. It was
13 only later when I found out that they falsified the document
14 about my having sent somebody away and threatened to call the
15 police and all that I realized she had decided to sell her
16 soul to them, so I wouldn't speak to her. The only -- so I
17 wouldn't even -- we didn't speak.

18 One time this man in the back of the courtroom, Corey
19 Curry - I didn't know his name then - he would -- he would
20 come to see her and drive across my land, and there are four
21 stakes that show the property limit -- that show the property
22 limit. So I'm always afraid that someone would knock the
23 stakes with the pink ribbons on them. So one time he was
24 driving like this, and I said, "Could you please ask your
25 guests not to drive on my land?" And she said, "Okay," and

1 then she looked and said, "No, he wasn't on your land. He
2 was on the right-of-way."

3 So this man, Corey Curry, whose name I did not know at
4 the time, about April or so I saw a big -- he was driving a
5 big Aaron's Furniture truck and used to come very often and
6 park along the mailboxes here. And I one time from a
7 distance asked Ingram, "Are you moving in or getting new --
8 moving out or getting new furniture?" She said, "Getting new
9 furniture."

10 And after that I used to see him very often come in the
11 Aaron's Rent-A-Truck and - I'm sorry - Aaron's Furniture
12 truck and park there, and I didn't know what the story was.
13 And after that people from Aaron's would come and knock on
14 her building door and they would sometimes -- if I would be
15 in the parking lot, they would say, "Can you help us get in
16 building 300? Because she has our furniture and she has not
17 paid for it, and we want either our furniture back or our
18 money back." And I would tell them that I don't have the
19 code to that place.

20 But that continued like from June to as late as the end
21 of October where the Aaron furniture people would come and
22 try to get into her building, and sometimes her car would be
23 there. And at one time I told them, "Just call the police so
24 this can end," because they would park and block. And then
25 after -- Defendant's Exhibit 9, he would stand under my

1 balcony, as you see, in his new truck which he began coming
2 in after he no longer was with Aaron's Furniture, and he
3 would just park in the middle of the parking lot day and
4 night. I mean, not whole day and whole night but different
5 times of the day and night.

6 And I have recently gotten a 1994 Camry which was handed
7 down initially. It was bought new by one of my sisters in
8 Ohio, and it made the rounds of the family members in Ohio
9 and finally they handed it down to me and brought it to South
10 Carolina, so this is what I drive now. But before this, I
11 still have a 1987 Toyota pickup truck which has 242,000 miles
12 on it and I'm trying to push it to a quarter of a million
13 miles because I maintained it very well, but now that I drive
14 the Camry, I need to every now and then run the pickup truck
15 so the battery on it doesn't die. So what I would do is
16 every now and then circle around this to run the battery and
17 not to be way on the highway where if the battery dies I
18 would need to be -- to be towed back.

19 So that day I was running my truck to avoid the battery
20 dying, and he was in the middle and I said, "Could you please
21 excuse me?" She said, "No," and she put -- she tried to put
22 her foot in the way of my truck, and she said, "This bitch is
23 getting beaten today if she runs over my foot." I said,
24 "Ma'am, I'm not going to run over your foot. I will back."
25 And I kept trying to back, and she would try to then put her

1 foot behind the rear wheel of the truck. And I said, "Well,
2 if you're going to keep doing this, I'll have to take a
3 photograph of you."

4 She -- then Corey Curry said, "I'll snatch your camera
5 from you," and that was in September 2004. In June and July
6 2004 I had -- I'm sorry. Your Honor, may I interrupt for a
7 second and approach?

8 **The Court:** Okay.

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

10 **The Court:** Let's stand for a moment, ladies and
11 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 **Dr. Faltas:** So I began to be afraid of him, and I
18 wanted to know who he is because when I kept trying to call
19 the police and tell them he had threatened to snatch my
20 camera from me, they say, "Well, you need to know who he is
21 before we can do something."

22 **Court Reporter:** I'm sorry. You need to do what?

23 **Dr. Faltas:** To know who he is before we can do
24 anything. And so that day he came, and you can see he's
25 parked like this blocking two other people. And I tried to

1 write down his license tag number so I could at least tell
2 the police so they can find out who he is. So he started
3 grabbing his crotch and telling me, "I'll make you suck this
4 and take pictures of you sucking it." And so I took a
5 picture of him, and after that he stood apparently in an
6 aroused state.

7 And then after that he was flipping the finger at me
8 while she was standing leaning on his truck and calling the
9 police, falsely pretending that I threw rocks at her. She
10 had taken rocks and thrown them at my car, and she's standing
11 here perfectly healthy and happy.

12 I'm trying to call the police. I had after that --
13 because I heard her talk to them and I had absolutely no
14 interest in the child who was there, the child and that woman
15 who testified that -- it just happened. Here is the rest.
16 In this set of pictures I was trying to back in, and this man
17 who was here yesterday wanted to pull out and he had a clear
18 exit here, but instead, that's what they decided to do,
19 thinking they would irritate me or something. They would try
20 to go this way. If I'm trying to back in, they would stop
21 and honk at me. If I'm parked already or either in my house,
22 they would yell obscenities at me and flip me the finger.

23 That time I stopped my car. I said, "I'm not backing.
24 You have the other exit." So he got out of his car, even
25 though he sat here and pretended he needed to go to work. He

1 got out of his car, and you can see I'm on this side. His --
2 I'm on this side and he's, "I am Deputy Ingram. I am Officer
3 -- Deputy Ingram. My officers will come and beat your ass
4 and put you in jail tonight."

5 Now, what Ingram would do is flip me the finger and
6 convert it to a bye-bye gesture by the time I focused camera,
7 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 **Ms. Weiss:** She's going into evidence of a witness that
11 has not been -- I mean, going into testimony that is not in
12 her personal knowledge and going into what she perceives to
13 be a record that doesn't exist.

14 **The Court:** All right.

15 **Dr. Faltas:** Your Honor, yesterday -- not yesterday,
16 maybe the day before, when Ingram was testifying, she
17 testified that Wendy Ceo is the one in this picture, these
18 pictures, and I think when we were discussing it, Your Honor
19 said if she was one of the co-defendants or Ingram I may
20 speak about it.

21 **The Court:** The objection is sustained.

22 **Dr. Faltas:** Okay. Thank you, Your Honor, but in any
23 event I may...

24 **The Court:** You may proceed.

25 **Dr. Faltas:** Yeah. Thank you. So she was also -- she

1 started taking my pictures and abusing me. And that day in
2 Ingram's balcony when she was talking to Mitch Jones about me
3 and saying that I'm not a real doctor and they will deport me
4 and all of that, Wendy Ceo was -- was out -- was with her and
5 she would come out to the balcony and literally moon me, and
6 by the time I get my camera to take a picture, she would go
7 in and they were having great fun in doing that.

8 Now, in this set of pictures -- and this is a coat
9 hanger, the wire coat hanger that she has in her hands. I
10 had never seen that car there before, and I had come home
11 through this exit and found them doing that, and because
12 Mason, Larry Mason, and Dinah Steele had written me several
13 letters which you have seen that said that they will tow my
14 car if I park it in my own parking lot -- and when I called
15 the police, Sergeant Sanders who was here testifying for the
16 State would say, "Well, I don't see a tow truck there." I
17 would tell him, "They have a truck with a trailer. They can
18 hook my car to it." And so when I came home and found them
19 doing this with a coat hanger, I was afraid that my car would
20 be next, that they would use the coat hanger to open my car,
21 put it in neutral and hook it to that truck and...

22 Now, again, these are taken from my window, and this is
23 the Toyota pickup truck that I drive every -- or used to when
24 before -- and you can see this wide exit that's closer to the
25 building that Ingram lives in, and that was always open to

1 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 **Dr. Faltas:** All right. Those pictures show those cars.

8 Instead of going this way, they would go this way. They
9 would go this way and honk and annoy me. And this is the
10 building Teresa Ingram lives in, and this is the one I live
11 in. And one day when she was -- I was out circling with the
12 pickup truck. She came and started out and started insulting
13 me, and he pulled her back.

14 And the reason I took those pictures is that I believe
15 this is Larry Mason's car and he came and took Ingram with
16 him or had him (sic) follow -- follow him. Once again, she
17 would stand in the parking lot (unintelligible words spoken),
18 and you can see the exit is completely open for her, but she
19 would call the police within my hearing to make false charges
20 against me. And these pictures have not -- I took these
21 pictures just to document the conditions of the buildings
22 because there were many other issues.

23 And then she would have people come and work in the
24 parking lot, and these are two more times where the blue
25 truck of Corey Curry and not -- this is taken from the

1 street, and he would just park in the middle of the parking
2 lot. And here he's flipping me the finger again.

3 (Dr. Faltas shows a picture to Ms. Weiss.)

4 **Dr. Faltas:** May I mark -- may this be marked, Your
5 Honor?

6 **The Court:** What is it?

7 **Dr. Faltas:** It's a picture of my -- between my two cars
8 in front of my building.

9 **The Court:** You can testify to it if you would like.

10 **Dr. Faltas:** Thank you, Your Honor. And then mark it
11 and then show it to the jury?

12 **The Court:** You can mark that as an exhibit. You're
13 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 **Dr. Faltas:** This is a picture of me between my two
20 cars. Same thing, Your Honor?

21 **The Court:** All right. Ladies and gentlemen, I'm going
22 to give you a chance to go to the jury room so that whatever
23 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.

1 **Dr. Faltas:** Thank you, Your Honor.

2 **The Court:** We'll be in recess for a few moments.

3 (Whereupon, the jury was excused from open court at
4 11:19 a.m.)

5 **The Court:** If you'll look through there and find
6 everything that you want the jury to see, they can be marked
7 and we'll agree on them or disagree on them and you can see
8 them. But this prancing back and forth, taking 30 seconds or
9 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 **Dr. Faltas:** May the Court take judicial notice that
15 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 **Dr. Faltas:** In fairness to me, Your Honor, Ms. Weiss is
21 still deciding whether to call a friend or make a decision on
22 whether she objects or not.

23 **Ms. Weiss:** Your Honor, these are irrelevant. I've gone
24 through the photos that she's gone through already. I mean,
25 really I'm not sure what her point is with all of these.

1 We're going to be here until next week if we go through each
2 and every one of these photos, and they're not relevant to
3 this case. I don't know how you want to handle this.

4 These involve the Masons. They're photos of the Masons,
5 Larry Mason. I mean, there's no dispute he and his wife own
6 and run these buildings. He's around these buildings. She
7 has cars; she has land. There are two buildings. She has
8 legs. She stands in front of her building and smiles. I
9 just don't understand the relevance to this, Your Honor.

10 **Dr. Faltas:** Your Honor, the relevance -- oh, I'm sorry.
11 Am I recognized yet?

12 **The Court:** Yes, ma'am.

13 **Dr. Faltas:** Thank you. The relevance are two things.
14 She had witnesses portray me as a crazy person. The second
15 thing is that her main case is that I block people in to take
16 photographs. Many of these photographs show that they have a
17 clear exit.

18 The other thing is they show their harassment of me
19 which is, for example, Mason coming and stealing signs from
20 my door and all of that. So -- and I'm going through them as
21 a group. They had been arranged in a very nice way before
22 and, of course, when the State took all of this from me I had
23 no way of---

24 **The Court:** How much longer do you plan to talk to the
25 jury or would you like to -- last night you said two hours

1 and that was before -- and you talked for an hour and a half
2 last night.

3 **Dr. Faltas:** Oh, my God, it's 11:30.

4 **The Court:** Right.

5 **Dr. Faltas:** Your Honor, I'll try to finish, if it
6 pleases the Court, by 12:30.

7 **The Court:** Well, you just have a stack of a hundred or
8 so pictures you want the jury to see?

9 **Dr. Faltas:** I don't think they are quite a hundred, but
10 they'll be grouped together. I'm trying to find also the
11 best picture that has the sign and the clean-outs on the side
12 of my property. And I thought I located it yesterday, but
13 then I had to turn -- to turn the -- and the ones that she
14 said Dr. Faltas smiles and has legs, this has nothing to do
15 with my having legs or arms. It has to do, Your Honor, with
16 the fact, if it pleases the court, that they refuse to fix my
17 screen door, and I was having mosquitos come in and bite me
18 all over my arms and legs, and these are pictures documenting
19 them. So it goes to the---

20 **The Court:** Let me see the various stacks of pictures.

21 **Ms. Weiss:** Your Honor, this is the stack that's been
22 prepared.

23 **Court Reporter:** Not marked yet though.

24 **Ms. Weiss:** No. He's just reviewing the stacks.

25 **The Clerk:** Don't get those mixed up, please.

1 **Dr. Faltas:** Okay. Could I do it?

2 **The Clerk:** No. These need to stay right here. These
3 go back in this...

4 **Dr. Faltas:** No, these are photos of me.

5 **The Clerk:** All right. I don't want them to get mixed
6 up with all these over here.

7 **Dr. Faltas:** This is the one I was looking for.

8 **The Court:** All right. I've seen this stack. What's
9 the next stack?

10 **Dr. Faltas:** That's it. This is the other stack. This
11 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 **The Court:** Let's leave the civil case file and come to
15 your paper -- your pictures, other than the one with your
16 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 **Ms. Weiss:** The pictures of the bug bites I think were
20 also in that stack.

21 **Dr. Faltas:** It's my...

22 **The Court:** Well, at least three pictures. What other
23 stack do you want them to see?

24 **Dr. Faltas:** And on this picture, Your Honor, there was
25 this one that has the sign on my land, and then this is Larry

1 Mason taking signs from my door. This is all. This is all.
2 It's all... It's all...

3 **Ms. Weiss:** This is---

4 **Dr. Faltas:** Yes, ma'am.

5 **Ms. Weiss:** That is one picture that I will not object
6 to.

7 **Dr. Faltas:** But this one doesn't show the clean-out.

8 **The Court:** What other pictures do you have, ma'am, that
9 you want the jury to see?

10 **Dr. Faltas:** Nothing. Nothing.

11 **The Court:** You want them to see this stack, this
12 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 **Court Reporter:** How would you like for me to mark those
18 exhibits?

19 **The Court:** Stack one, stack two, stack three.

20 **Court Reporter:** She had told me she wanted them marked
21 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 (Defendant's Exhibits 25 through 27 were received in

1 evidence. The jury was brought into open court at 11:38
2 a.m.)

3 **Dr. Faltas:** This first picture shows the sign that I
4 have on my land that says 324 Byron Road, and these two are
5 the clean-outs that are on my land and this is the main sewer
6 that -- that goes there. This is -- because they didn't fix
7 the screen door, it was loose and I was also in the summer
8 getting mosquito bites on my arms and legs. So I -- and this
9 is Larry Mason. I had signs on my door saying, "Do not enter
10 in my absence," and he would regularly come and take them
11 from my door, and the police would not help.

12 And this is another view of my land, and this is the
13 sign that he falsely accused me, tried to falsely accuse me
14 of stealing. And this is the stake, the wooden stake with
15 the pink ribbon, that marks the property on it, and that's
16 why I had once asked Ingram to not have her company drive
17 over it.

18 So these are other views of my land and how quickly it
19 gets overgrown, but it was a total wilderness before I got
20 it. And these are the signs on my land that I can put or I
21 had put them up, and Larry Mason would come and take them
22 down.

23 **Court Reporter:** Your Honor, we need to be able to keep
24 the exhibits separate. I won't know which group went with
25 which group if we don't.

1 **The Court:** Pass all of those black-and-white photos
2 back.

3 **Court Reporter:** They have already been mixed in with
4 the others.

5 (Dr. Faltas hands the photographs to the Court.)

6 **Dr. Faltas:** These are what the jury has seen, and these
7 have not been seen.

8 **The Court:** Pardon me?

9 **Dr. Faltas:** The jury has seen or was seeing those and
10 has not seen these yet.

11 **The Court:** All right. Proceed to something else.
12 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 **Dr. Faltas:** So after -- in March after -- in March he
16 tried to have me falsely arrested and I tried -- I filed the
17 lawsuit so that they don't harass me and they don't -- and
18 asking that they leave my -- the sewer lines from my land,
19 and I found out that I won't get a hearing quickly in this
20 court which is a higher court than the magistrate's court.

21 So I filed for a restraining order against Larry Mason
22 and Dinah Steele I think on 27 March 2009, and on 14 April
23 2009 there was a hearing in the magistrate's court, and the
24 investigator from the City of Columbia said that he
25 investigated and determined that I had not stolen that sign.

1 So on 17 April 2009 when they we found out that they cannot
2 get me for falsely stealing, they sent me another letter
3 which is in the pack claiming that I'm falsely harassing
4 them. And then as you -- from April to September the State
5 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 **Dr. Faltas:** Sorry. So in June 2009 my mother was in
10 Cincinnati.

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

12 **The Court:** Objection is sustained.

13 **Dr. Faltas:** The -- they brought an eviction action
14 against me which is what they did on -- stopped it on
15 March 12th, and it was supposed to be in July 2009, but it
16 was continued to 29 September 2009. That's when the week
17 before they started doing all kinds of things to me.

18 The man, Mitch Jones, who was here after I had worked
19 out with him that if he wants to smoke he can -- he can go to
20 the other side where it doesn't rise to my balcony. And
21 yesterday he -- I'm trying to beware, Madam Court Reporter,
22 so the jury and everybody can hear me. So why don't I do
23 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?

1 **Ms. Weiss:** She is -- hearsay from Mitch Jones.

2 **Dr. Faltas:** I'm repeating his testimony, Your Honor.

3 **The Court:** The objection is overruled.

4 **Dr. Faltas:** Thank you. He said, "Well, if the smoke
5 bothers you, why do you come out and speak to me when I'm
6 smoking?" Well, the answer is very easy. My apartment is
7 like this. There is the balcony here and just the window on
8 the other side. So when the smoke from him downstairs in the
9 backyard -- and, of course, smoke rises; it doesn't stay. So
10 when he smokes, most of the smoke doesn't stay around him.
11 It rises to my apartment, and because I don't use air
12 conditioning and I don't use heating, when it's summer I just
13 leave the screen open, the windows open, and there are two
14 ceiling fans. So this is what I do. So the smoke gets into
15 the apartment and gets accumulated. But when I'm talking to
16 him outside, it's totally diffused in a big area, and all I
17 would say -- I would say, "Please go somewhere else to smoke.
18 You don't need to be doing this."

19 And even when he and I tried to work it out where he
20 would sit further, then Larry Mason and Dinah Steele would
21 come back and say, "No, no. Come under her balcony and
22 smoke." And I have heard them and I've seen them do this.

23 And then also before that trial which was from 29
24 September until 1 October 2009, Larry Mason would come and
25 take the signs from my door that say do not -- "Do not enter

1 in my absence." Six times he did that, six times, and he
2 would -- and he admitted when he was on the stand he would
3 send me notes saying, "We're going to come and inspect your
4 apartment and take photographs of it," and all kind of
5 harassment.

6 So they had this eviction trial, and before I got to
7 present my side of the case, the judge ruled for them. But
8 on 2 October 2009 I filed an appeal which makes them not be
9 able to evict me, not be able to put me out on the street and
10 put my things out in the parking lot as he continued to
11 threaten.

12 That day, after I came back from finding all those
13 things and I was very tired -- and Teresa Ingram was in the
14 trial three days, and remember I asked her father if he was
15 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.

20 **Dr. Faltas:** Thank you. At the beginning of that 29
21 September trial, Dinah Mason who was here, she said she
22 wanted Ingram to testify and leave quickly because her father
23 was in the Intensive Care Unit in Richland Memorial Hospital.
24 I asked him yesterday if he was ever in the Intensive Care.
25 He said, "No." And I could see that they were telling lies

1 to the Court because she stayed all three days. If she had
2 her father really in the hospital, she would have given her
3 testimony and left, but she didn't do that and this is how
4 you see they tell lies.

5 So that day I was so tired from having had to file that
6 appeal and having to make sure that everything is stayed and
7 all of that and I came back, and this is my car and I'm --
8 this is the driver's side, and suddenly Teresa Ingram and
9 Charlene Crouch who was waiting here, they come here and
10 stand, and I didn't know what to do. I didn't know -- if I
11 should drive away, then they will get in my way and maybe put
12 their foot in front of my tires and so I -- as she said, I
13 did roll the window down but not completely down because I
14 was afraid.

15 I'm sorry. Let me go back here. She stayed on 29
16 September, and on 30 September she also stayed. And that day
17 the court ended early, and as I pulled in and tried to get my
18 mail from the mailbox, she came and threw rocks at my car and
19 said, "You won't get your mail, bitch." So I drove to the
20 police substation, and Sergeant Sanders who was here
21 yesterday testified that I wouldn't tell him that -- because
22 I was terrified. She's standing there having thrown rocks at
23 me. I couldn't get out of my car because the rocks might hit
24 me personally, and I wanted him to follow me so I can at
25 least get my mail and get out of my car and get out of my

1 home.

2 So on October 2nd she came and stood here and started
3 talking to me, and I cracked the window and started listening
4 to her, and she kept on saying, "Well, give me some money.
5 Give me a pill," all kinds of things, that she said that she
6 was so impressed with my legal presentation that she wanted
7 to go back to college and study law. And because I am so
8 Christian, I am committed to loving my enemy and to giving
9 everyone a chance who wants to go back on what they did wrong
10 that they should be forgiven.

11 So I was talking to her and then she was -- we even
12 started joking about the prostitute thing. She said, "Wasn't
13 I dressed nicely in court?" I said, "No, you were dressed
14 exactly as a prostitute would dress," and she laughed. And
15 then she said -- she was telling me that she's taking
16 psycholeptic drug, and she's saying, "What makes you think
17 I'm a prostitute? I'm broke." And I told her, "Oh, most
18 prostitutes are broke because most prostitutes are on drugs."

19 And then later in the conversation she said, "Since
20 you're a doctor, give me a pill. I'm taking psycholeptic
21 drugs, but they aren't enough." So we laughed again, and I
22 told her also, "Now you're a prostitute on drugs," and it was
23 initial -- I mean, it ended up being a normal conversation,
24 but I didn't know what to make of it, whether she really
25 wanted to be my friend or she was -- now that they have seen

1 that they could not get me evicted just like that, that there
2 are court procedures and there are appeal procedures, whether
3 she was their agent in trying to get me to leave anyway
4 because remember when she was here she was saying, "Why don't
5 you leave and go somewhere else?" They did tell me that.

6 So the next day I said, "Well, the Bible says, 'Cast
7 your bread upon the water.'" I will offer her an olive
8 branch, but I needed to say that she cannot come and ask me
9 to give her pills or to give her money because she's a
10 witness, and it's totally inappropriate to do that. So I
11 wrote her that letter, but I was still afraid of her. So the
12 only -- the only way I could -- I could get out is when our
13 other neighbor, Mr. Johnson, pulled in and I said, "Mr.
14 Johnson, please stay around so I can open my car and -- and
15 run to my door."

16 And then her harassment of me continued, and on 21
17 October 2009 she -- that was the day when this Corey Curry
18 grabbed his crotch at me. And when she saw that, she came
19 out and threw more rocks at me. In fact, she grabbed them
20 and came close to me and winked and said, "You know, the car
21 can be eaten up very quickly with those," and then she stood
22 and called the police and told them that I had thrown rocks
23 at her.

24 So I had to stay and wait for the police and document
25 that she's -- and she had picked other rocks and she was like

1 -- almost like wanting a test of wits between me and her if
2 she can throw the rocks without my being able to photograph
3 her in the act. And I -- of course, she's quicker than the
4 camera because I had to put the camera down, fearing that she
5 will throw rocks at the camera and break it. And when she
6 started throwing rocks, of course I couldn't quickly
7 photograph her in the act, but as you can see in one of the
8 pictures, her fingers are like this. After she had thrown
9 them, that's how her fingers are separated, and you saw that
10 in the picture because that's what I could document.

11 And then on -- then that -- that day that I saw the
12 pictures of her following the red Corvette which belongs to
13 Mason, they had gone and filed a restraining order against
14 me, and that was on heard on 10 November 2009. During that
15 hearing I showed her the very pictures that the State showed
16 her, and she recognized them here in front of this jury as
17 pictures of her family and friends and whatnot. Every time I
18 asked her, "Do you know those people?" She would say no, and
19 she was under oath then. So she has absolutely, absolutely
20 no conscience about lying under oath.

21 And so that day the magistrate - and that's also on
22 appeal - he said that I cannot photograph them, but I can
23 park my car in front of my apartment. And I said, "Fine.
24 Whatever you tell me to do I will do. So long as they cannot
25 keep threatening to tow my cars from in front of my

1 apartment, I'm okay." And he said, "Yes, you can. Since you
2 pay rent there, you can park your cars in front of your
3 apartment." And I said, "I could also drive to the
4 mailboxes?" He said, "Yes." So that -- that was a court
5 order and that was against what Larry Mason and Dinah Steele
6 were trying to limit me to.

7 And between November 11th and the day on December 2nd I
8 got arrested, it was such an eerie calm. No one spoke to
9 anyone. No one did anything to anyone except that Mitch
10 Jones continued to smoke and, of course, because we were told
11 not to speak to each other, I couldn't come out and tell him
12 to stop smoking. And I even told my mother and told the
13 lawyer who is in the opposite side who, God willing, will
14 come and testify before you later -- I told him, "I don't
15 know whether by now they have seen that they've done the most
16 they can do to me or they are cooking something -- something
17 massive." It turned out that they had been cooking something
18 massive.

19 Between 2 October and 21 October several things
20 happened. Number one, I got a letter from the Department of
21 Motor Vehicles telling me that they will cancel my driver's
22 license. And it turned out that that was because Larry Mason
23 and Dinah Steele had written to Senator Lindsey Graham that I
24 am an illegal alien, and Senator Lindsey Graham had written
25 them that he was forwarding the letter to the Department of

1 Motor Vehicles and when he gets the response, he will tell
2 them.

3 And I got the letter and I was very upset by it, but I
4 did what I needed to do. I faxed them a copy of my green
5 card, and they were very nice. They faxed me back, they
6 meaning the Department of Motor Vehicles. They said finally
7 -- determined that your green card is authentic, that you're
8 documented, and we will not cancel your driver's license.

9 And then I got a letter addressed to my mother from the
10 Social Security Administration saying that she needs to come
11 at a certain date or otherwise they will discontinue her
12 Social Security checks. So I went to the Social Security
13 office and told them, "Why are you doing this?" They said,
14 "Well, it came from above." The person who wrote the letter
15 and who said that my mother is supposed to go see her, I went
16 and met her. I asked for her and met her before the date of
17 the appointment, and I said, "This is totally inappropriate.
18 How do you threaten to cut off the Social Security retirement
19 check---

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

21 **The Court:** The objection is sustained.

22 **Dr. Faltas:** So I showed that I have power of attorney
23 for my mother and proved that my mother was not dead, and my
24 mother's Social Security retirement checks were not
25 discontinued. And I was very suspicious that it's Larry

1 Mason and Dinah Steele who had done that, and Amanda Blanton,
2 Investigator Blanton, admitted that she is the one who had
3 called the Social Security Administration, and I asked her,
4 "How did you even get my mother's Social Security---

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

6 **The Court:** The objection is sustained.

7 **Dr. Faltas:** I'm referring not to something outside but
8 to the testimony that---

9 **The Court:** It's not relevant.

10 **Dr. Faltas:** Okay. So -- so basically then finally on
11 1 December 2009 we had that hearing before the Honorable
12 Judge Lee who is another judge, a colleague of His Honor, but
13 that was the civil case. Your Honor, may I read the part of
14 the order that relates to Ingram?

15 **The Court:** No.

16 **Dr. Faltas:** May I at this point offer the order into
17 evidence?

18 **The Court:** For identification purposes only, a copy of
19 it.

20 **Dr. Faltas:** Sorry?

21 **The Court:** A copy will be marked for identification
22 purposes only.

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

24 **The Court:** You can proceed, and that will be taken care
25 of.

1 **Dr. Faltas:** All right. Thank you. And then -- and
2 that hearing lasted from 11 in the morning until 7 in the
3 evening, and Larry Mason was there and his lawyer who
4 testified here was there and a lawyer from the City of
5 Columbia was also there. And at the end of the hearing,
6 because it was after we were leaving and it was dark and I
7 saw them talk together -- Larry Mason, his lawyer, and the
8 lawyer from the City of Columbia.

9 And the next day, on 2 December 2009, I woke up early
10 and went to the breast cancer conference that they have every
11 Wednesday in Richland Memorial Hospital from 7:00 'til 8:00
12 in the morning and went back home and was reviewing medical
13 things, and my mother had called me and wanted to ask me
14 about something. And to get light I opened the window and
15 pulled the blinds, and I saw maybe three or four police cars
16 and Larry Mason standing there and even a crime scene car or
17 maybe a canine car, and I was -- I didn't know what was going
18 on, and then I heard heavy footsteps on the door and someone
19 knocked and said, "Open the door or we'll open it," and they
20 came in and said, "Marie Faltas, you're under arrest."

21 They didn't show me a warrant. They didn't do anything.
22 And they put my hands behind my back and put handcuffs in
23 them inside the apartment and people kept coming in and I
24 kept on telling them I didn't do anything, and they said,
25 "We're taking you to prison now." And I wanted to take my

1 green card with me because, having seen Larry Mason there, I
2 understood that because he has been trying to deport me since
3 he found out that mother and I had bought that land that
4 that's what they were going to do. They were going to take
5 me to prison and destroy my green card.

6 So I asked them to let me take it with me. They
7 wouldn't, but they said, "We'll photograph it next to you,"
8 and you've seen it on those many things. And then I was
9 taken to prison, and they came and said many false things
10 about me in the bond hearing.

11 **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.

1 **Dr. Faltas:** Thank you. I was made to stay in jail for
2 two nights and three days until a mental health evaluation of
3 me is done, and I had ---it could have been much, much longer
4 than that. It could have been up to ten days or two weeks,
5 and thank God whenever -- whenever I am in extreme trouble,
6 God always sends a guardian angel to look out for me, and in
7 that case the guardian angel was the physician in the jail.

8 He examined me, and I have high blood pressure. And he
9 looked at the fundi of my eyes and found out that I have
10 papilledema when the high blood pressure---

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

12 **The Court:** The objection is overruled.

13 **Dr. Faltas:** Thank you. When the blood pressure rises
14 very high, it can cause the effect, putting it simply, that
15 the serum from the capillaries exudes, and so the retina
16 becomes like swollen and the optic disc becomes swollen and
17 fuzzy. And when you look at the fundus of the eye in the
18 ophthalmoscope, you can see that the blood vessels are dull
19 and blunted.

20 So that physician was very concerned about me and, of
21 course, the anxiety of it -- the anxiety of it, of my being
22 in prison not knowing what will happen to me and when and why
23 am I there. And so he wrote a report and he asked that the
24 mental health examination be done quickly, and it was
25 preliminary in the prison and, of course, you have heard them

1 try -- trying to portray me as a crazy person.

2 I had one mental health evaluation in the prison by a
3 prison psychologist, and then I was told to go to the mental
4 health clinic of Richland Memorial Hospital on Monday. So I
5 was released on Friday, 2 December 2009, and I was told to go
6 on Monday, 7 December 2009. That day, Friday night, I spent
7 in the emergency room because from 2 December to 4
8 December---

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

10 **The Court:** The objection is sustained.

11 **Dr. Faltas:** So I had more examinations and it was found
12 that---

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

14 **The Court:** Objection is sustained.

15 **Dr. Faltas:** I'm sorry, Your Honor. What is the part
16 that I shouldn't be saying?

17 **The Court:** Next -- continue.

18 **Dr. Faltas:** Thank you. So on Monday, December 7, 2009,
19 I went and did as told, and there were two more examinations,
20 one by a psychologist and one by an M.D. psychiatrist and
21 they all found that I---

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

23 **The Court:** Objection is sustained.

24 **Dr. Faltas:** So after that I began to find more and more
25 evidence that that was done to make me lose the civil lawsuit

1 because I found out what they took from my apartment which is
2 the proof that I have against them in the civil lawsuit. At
3 this point, Your Honor, has -- may I show them very quickly
4 the other pictures?

5 **The Court:** Yes, ma'am.

6 **Dr. Faltas:** Thank you.

7 **The Court:** All these from exhibit 25, just give them an
8 alphabet behind them.

9 **Dr. Faltas:** Thank you, Your Honor. I think some of you
10 may have seen these pictures and some may not. So if some
11 already have, then---

12 **The Court:** Ladies and gentlemen, all exhibits will be
13 in the jury room when you deliberate.

14 **Dr. Faltas:** This one shows this man who was here
15 yesterday, Mitch Jones. He -- when I once asked him to stop
16 smoking, he would -- he would douse me with a water hose
17 and---

18 **Ms. Weiss:** Objection.

19 **The Court:** The objection is sustained.

20 **Dr. Faltas:** And then these pictures -- these are
21 examples of the reasons one takes pictures. This is on the
22 other side of my land, and the neighbor there has a tree that
23 has rotten branches and they keep on falling and they could
24 have -- that huge branch could have fallen on someone's head
25 and could hurt someone. So I have to document that it's

1 there, and when I called the city to come---

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

3 **The Court:** Objection is sustained.

4 **Dr. Faltas:** This is the one single time I photographed
5 Mitch Jones who was here, and there was a reason for it.

6 **Court Reporter:** I'm sorry. And what?

7 **Dr. Faltas:** There was a reason for it. The reason is
8 that they were falsely accusing me---

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

10 **The Court:** Objection is overruled.

11 **Dr. Faltas:** Thank you. They were falsely accusing me
12 of opening their mailboxes, and that day -- you'll see this
13 is inside of the security door, and that's the hallway. And
14 that day the post lady had a certified letter for me and she
15 also had a package for him. So I said since she doesn't have
16 the code to the door I said I'll let her in and she can leave
17 it in front of his door, to be nice to him, so he doesn't
18 have to go to the post office to get it and doesn't have to
19 miss it.

20 And then after I did that, because my instinct is to do
21 the nice thing, he -- I said, "Gee whiz. If they are falsely
22 accusing me of opening their mailboxes, maybe they will
23 falsely accuse me of having stolen that package that was
24 left." So I had to take his picture coming in and picking
25 his package, and then these pictures show him blocking me.

1 I'm not blocking anyone. And these other pictures also show
2 the different exits.

3 And these sets of pictures show Larry Mason coming to my
4 door and taking -- these were the signs that were on the
5 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 And this is Mitch Jones. He would sit under my balcony
8 and smoke, and then sometimes he would have a mirror and a
9 torch and a flashlight and use the mirror and the flashlight
10 to shine it up against my balcony. And this is the garden
11 hose with which he doused me.

12 These are more benches that I had built myself. They
13 are very light and very stable, but the apartment itself has
14 the floor tilting. So it doesn't -- they don't stay still
15 because I didn't get time to stabilize them based on the
16 apartment. And you see these other trucks. They are the
17 ones blocking me. I am not the one blocking them.

18 That day when Larry Mason and Dinah Steele came with the
19 truck and a trailer -- and that was after they had given me
20 the letter saying that they will take my cars from my own
21 home. I was afraid that they would unhook that trailer and
22 instead hook my car to it and tow it, and I called the police
23 and they wouldn't help me. And you saw Sergeant Sanders was
24 here. This is the garden hose with which he doused me, and
25 then this is a view showing they pretended that they can't

1 fix the violations of which I complained to the fire
2 department, but, in fact -- in fact, they were perfectly
3 able, and this is the garden hose with which he doused me.

4 This is my computer which they took from me when they
5 did the search warrant, and once again the computer stand is
6 something I invented and designed myself and made with my two
7 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 **Dr. Faltas:** Very well. And I think this was one
12 photograph of me that goes along with the ones that show my
13 arms and legs with mosquito bites on them. And this is once
14 again my sign that you can see very, very heavy. I could
15 not possibly have moved it myself. And this is the other
16 stake for the property line, and these are the two clean-outs
17 that are on my land.

18 And these were taken to document in the summer why I got
19 my land mowed and kept maintained. The other neighbor who
20 has some vacant land wasn't mowing his grass, and it -- and
21 it got so full and... This is again Larry Mason after he had
22 come to my apartment and taken my signs and walking away with
23 them.

24 And this is part of Larry Mason's car, and as you can
25 see, this is the exit that's close to the 300 building and

1 this is the exit that's close to the 304 building. And if
2 you put these two pictures together, you can see that there
3 is absolutely no reason for anyone to park there, to come
4 through here and pretend that they were blocked. They could
5 just as easily have backed like this and go this way.

6 And, Your Honor, I will be glad to answer any questions
7 Ms. Weiss has for me.

8 **The Court:** Any cross-examination?

9 **Ms. Weiss:** No cross-examination for this witness, Your
10 Honor.

11 **The Court:** You may step down.

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

13 **The Court:** Call your next witness. Your next witness,
14 please.

15 **Dr. Faltas:** Yes. Yes, Your Honor. I call Corey Curry.

16 **The Court:** Mr. Curry, if you would come forward. Let's
17 stand for just a moment before we start on this witness.

18 Corey Curry, after being duly sworn, testified as
19 follows:

20 **The Clerk:** Have a seat in the witness stand, please.
21 Give the court reporter your name.

22 **Court Reporter:** And spell your name as well.

23 **The Witness:** C-o-r-e-y.

24 **Court Reporter:** C-o-r-e-y?

25 **The Witness:** Yes. C-u-r-r-y.

Direct Examination

By Dr. Faltas:

Q. Can you give us your age and education, please?

A. Say what?

Q. Can you give us your age and education, please?

A. Graduated.

Q. What?

A. Graduated.

Q. Graduated from what?

A. High school.

Q. And what's your age?

A. Twenty-nine.

Q. And when did you graduate from high school?

A. 1999.

Q. And which high school was that?

A. Lower Richland High School.

Q. And what have you done since then?

A. As far as in what?

Q. What have you done since then?

A. Done what? As far as in what? Done what?

Q. Did you study something else? Did you work?

A. Oh, I have a job now.

Q. What do you do?

A. Fix computers. Computer technology.

Q. Really?

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 Q. Did you grab your crotch and say that you will make me
9 suck this?

10 A. No.

11 **Ms. Weiss:** Your Honor, I object. That was a compound
12 question, and I don't know -- if she can break it up, perhaps
13 we could clarify it and she wouldn't need to get a picture.

14 By Dr. Faltas:

15 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 Q. Did you ever sell music and music videos and movie
20 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.

1 Q. Okay. Why do you -- do you come often to or did you in
2 2009 often go to the 300 and 304 Byron Road addresses?

3 A. Say what?

4 Q. Did you in 2009 often go to the 300 and 304 Byron Road
5 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 By Dr. Faltas:

13 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 Q. Did you ever do mechanic's work for free for Teresa
18 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 By Dr. Faltas:

1 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 Q. And the first time you ever saw me I was taking
6 pictures?

7 A. Yes, you was.

8 Q. Uh-huh. So when was that?

9 A. I don't recall.

10 Q. Did you ever tell me that you would snatch my camera
11 from me?

12 A. No, I haven't.

13 **Dr. Faltas:** I'm sorry, Your Honor. Did I ask about his
14 burglary conviction?

15 **The Court:** Yes.

16 **Dr. Faltas:** And what was his answer?

17 **The Court:** Yes.

18 **Dr. Faltas:** Okay.

19 By Dr. Faltas:

20 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 By Dr. Faltas:

25 Q. Did I ever do anything bad to you?

1 A. Yes.

2 Q. What?

3 A. Take pictures.

4 Q. Okay. Why were you afraid of your pictures being taken?

5 A. That's privacy. You don't have to take nobody's picture
6 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 A. Yes, but they don't take your picture unless permission
15 is given.

16 Q. Really?

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

18 **The Court:** Objection is sustained.

19 By Dr. Faltas:

20 Q. Did you ever give Wal -- Did you ever give Wal-Mart or
21 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.

1 **Dr. Faltas:** That's all I have of this witness, Your
2 Honor.

3 **The Court:** All right. Thank you. From the State?

4 **Ms. Weiss:** No cross for this witness, Your Honor. May
5 Mr. Curry be excused?

6 **The Court:** Thank you, sir. You're excused. Thanks for
7 coming. Your next witness.

8 **Dr. Faltas:** Your Honor, I call Andrew Delaney.

9 **The Court:** Andrew Delaney. We have to call him to
10 come. We told him we would give him half an hour notice or
11 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 **The Court:** Please come forward. You have been called
16 as a witness.

17 J. Andrew Delaney, after being duly sworn,
18 testified as follows:

19 **The Clerk:** Have a seat in the witness stand, please,
20 and give the court reporter your name.

21 **The Witness:** John Andrew Delaney.

22 Direct Examination

23 By Dr. Faltas:

24 Q. Can you give us your age, occupation, and education,
25 please?

1 A. I'm 36. I'm an attorney with McAngus, Goudelock and
2 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 A. Just that I'm an attorney with McAngus, Goudelock, and
7 Courie here in town.

8 Q. And your education?

9 A. I graduated from the University of South Carolina and
10 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 A. Shortly after you filed suit against Larry Mason and
15 Dinah Steele and Steele Enterprises and other defendants.
16 That would have been sometime in maybe March or April of this
17 past year.

18 Q. And do you recall that you made an appointment for me to
19 come and speak to you?

20 A. I don't recall if I made an appointment with you or if
21 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 Q. The first time that we met, had I come to your office,
25 according to that appointment?

1 A. I suppose so. I don't recall exactly. That's been
2 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 Q. And during that meeting did I tell you, among other
8 things, that your clients are trying to spray my apartment
9 and that I have asthma and if they---

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

11 **The Court:** Sustained.

12 By Dr. Faltas:

13 Q. Do you recall our discussing my asthma during that
14 meeting?

15 A. During that meeting specifically I do not. I do recall
16 you discussing asthma during the many times that you have
17 come to my office.

18 Q. And during those discussions did I several times tell
19 you that, please, I need your clients---

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

21 **The Court:** I need to hear the full question.

22 **Dr. Faltas:** Thank you, Your Honor. That I need your
23 clients to make the neighbor stop smoking to where the smoke
24 rises to my apartment and it aggravates my asthma and, number
25 two, they cannot come in my apartment without my permission

1 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 **The Court:** Because it's not relevant to the case that
5 you're on trial for.

6 **Dr. Faltas:** I'm sorry. Thank you.

7 By Dr. Faltas:

8 Q. And did there come a time when I told you that your
9 clients are defaming me and telling the other tenants to
10 harass me?

11 A. Can you repeat that?

12 Q. Did there come a time when I told you that your clients
13 are defaming me and telling the other tenants to harass me?

14 A. You have told me many times that you allege that my
15 clients have defamed you. In fact, you've brought a cause of
16 -- a complaint against them included amongst about 22
17 allegations, and one of those is defamation.

18 Q. And do you recall your having asked me whether I have
19 heard them say such things?

20 A. I think probably so. We sent you discovery requests,
21 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 By Dr. Faltas:

1 Q. Have you become aware that I have tapes of your clients
2 saying such things to me in the presence of others?

3 A. I know that you have a lot of tapes. I'm not sure what
4 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 A. I mean, it depends on what's on those tapes. I mean, I
9 don't just want tapes that you have.

10 Q. Okay. Did there also come a time when I told you that
11 my mother---

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

13 **The Court:** The objection is sustained.

14 By Dr. Faltas:

15 Q. Did there come a time when you knew there was a criminal
16 investigation against me?

17 A. I found out, yes, that there was a criminal
18 investigation against you.

19 Q. When?

20 A. I believe that I found out there was a criminal
21 investigation against you -- I believe it would have been
22 shortly after you were arrested which I think was on December
23 the -- whatever a Wednesday -- like December 2nd or December
24 3rd.

25 Q. That was the first time you found out---

1 A. Are you referring to the investigation or an arrest?

2 Q. I think my question was clear. I asked about an
3 investigation.

4 A. Well, if you could define what you mean by
5 investigation.

6 Q. You're a lawyer and you don't know what investigation
7 means?

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

9 **The Court:** Objection is sustained.

10 By Dr. Faltas:

11 Q. No, I cannot define investigation for you because I'm
12 not testifying. You tell the jury when was the first time
13 you knew there was an investigation against me.

14 A. I couldn't tell you. It would have been sometime prior
15 to you being arrested. It would have been maybe -- maybe
16 September, October, November of '09. I can't -- not with any
17 specificity I can't tell you. I mean, I'm involved in a
18 civil matter that you have, not a criminal matter.

19 Q. And you had no contact with the criminal investigation?

20 A. I recall in sometime, like I said, September or October
21 November -- I don't have a specific date that I can recall.
22 I believe that Investigator Blanton called my office. She
23 left me a voice mail and identified herself as a City of
24 Columbia police officer. Because of that and my respect for
25 the police, I called her back, and she inquired that she was

1 asking about you. And I said, "I don't want to talk to you
2 anything about that," because I didn't want to put myself in
3 jeopardy of being accused of being involved in the criminal
4 investigation and said, "I'm happy to help you with any
5 information that you need if you subpoena me or get an order
6 from the court."

7 Q. Did she do either of those things?

8 A. That was the extent of our conversation. I take that
9 back. She asked me could she ask me one question, and I
10 said, "Well, ask the question and I'll tell you if I can
11 answer it." She asked did I receive pictures from you, and I
12 believe that was pictures sometime that week. I think she
13 may have called on Wednesday or Thursday, and it would have
14 been pictures that you brought to my office I believe on a
15 Monday or Tuesday that week. Again, I do not recall the
16 specific time. And I said, yes, I received pictures from
17 you. That was it. That's all that I recall.

18 Q. You did not later fax her the letter where I requested a
19 continuance of the restraining order hearing of November 10,
20 2009?

21 A. Well, I'm not sure what you're referring to. If you
22 could show me the document, I can at least have some idea
23 what you're referring to and asking me about.

24 Q. Was that the only contact you ever had with her?

25 A. That is the only contact I recall ever having with

1 Investigator Faltas (sic) until earlier this week when I was
2 subpoenaed to be here and I met Investigator -- I said --
3 Blanton for the first time right there behind the solicitor's
4 chair and I met -- because the door was locked, I met the
5 solicitor at that door for the first time. That's the first
6 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 A. I'm not sure when the solicitor graduated. I graduated
11 law school in 2004.

12 Q. 2004?

13 A. I believe it was May the 7th of 2004.

14 Q. Not 2001?

15 A. No, ma'am. 2001 is when I began going to law school
16 because I distinctly remember I began my law school career at
17 Cumberland School of Law, and I remember that because of the
18 September 11th events of my first year and missing class that
19 year. So, no, not September 2001.

20 Q. Okay. So when you saw Investigator Blanton outside, did
21 you talk about this case?

22 A. I didn't see Investigator Blanton inside. I saw her
23 right there behind the -- where the solicitor is sitting, and
24 we exchanged pleasantries and that was it.

25 Q. How did you know she was Investigator Blanton?

1 A. Because we shook hands and I said, "I'm Andy Delaney,"
2 and she says, "I'm Investigator Blanton."

3 Q. And that was the first time you ever met her.

4 A. That's the first -- that is the first time I ever recall
5 meeting Investigator Blanton.

6 Q. So you could have met her before, and you're saying you
7 just don't recall other...

8 A. You know, I'm 36 years old. I've met a lot of people
9 over my 36 years. I can't say with 100 percent certainty I
10 haven't met Investigator Blanton in my 36 years of life, but
11 that is the first time that I ever recall meeting
12 Investigator Blanton.

13 Q. So how did you send her the pictures?

14 A. I don't recall sending Investigator Blanton any
15 pictures.

16 Q. And do you -- do you recall my having challenged you
17 when I saw in the file that the State provided to me a fax
18 with your law firm's letterhead on it and you said, "No, I
19 never sent that fax to Investigator Blanton"?

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

21 **The Court:** Objection is sustained.

22 **Dr. Faltas:** Well, I'll find the document, if it pleases
23 the Court, but I hadn't brought the rest of the -- sorry.
24 I'm sorry. Do you recall several times I told you that we
25 need to resolve this matter and I need for them to either

1 remove their sewer lines from my land or negotiate an
2 easement with me?

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

4 **The Court:** Sustained. We're not here concerning the
5 sewer matter.

6 **Dr. Faltas:** Sorry.

7 By Dr. Faltas:

8 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 Q. For example, can you -- I'm sorry. I shouldn't testify.

13 Is it to your clients' advantage -- and I'll come at this
14 another way, Your Honor. Do you recall you and I and Larry
15 Mason and others were at a hearing before the Honorable Judge
16 Lee on December 1st, 2009?

17 A. If it was -- it was either December 1st or December 2nd.
18 Yes, I recall being at a hearing with a number of folks
19 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 Q. Do you recall your client, Larry Mason, testifying in
25 that hearing ?

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

2 **The Court:** The objection is sustained.

3 **Dr. Faltas:** Sorry.

4 By Dr. Faltas:

5 Q. After I was arrested, didn't you, in fact, tell me
6 something to the effect that now that I have been arrested
7 and have criminal charges against me I should lower my
8 settlement demands from your clients?

9 A. Absolutely not. What I said to you -- you wanted to
10 address the criminal case in the context of the civil case
11 which I said was absolutely impermissible.

12 Q. Uh-huh. And yet it was permissible for you to assist in
13 the criminal investigation.

14 A. I have nothing to do with the criminal investigation.

15 Q. Who did you think Investigator Blanton was?

16 A. I think she's an officer with the police. I didn't
17 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
24 there is a criminal investigation?

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

1 **The Court:** Sustained.

2 **Dr. Faltas:** So you knew as early as September 2009 that
3 there is a criminal investigation.

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

5 **The Court:** Sustained. He's talked about that already.

6 **Dr. Faltas:** Did there come a time in the civil case
7 that you produced information about the rent rates for the
8 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 **Dr. Faltas:** Did you change your answer to my discovery
17 request about the rental rates?

18 **Ms. Weiss:** Objection.

19 **The Court:** Sustained. It's irrelevant.

20 By Dr. Faltas:

21 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 A. Well, she would be a witness that is a witness to the
25 events of the lawsuit that you filed.

1 Q. Yeah. So she is listed as a witness for your clients.

2 A. You don't necessarily list witnesses in that way as to
3 who is a witness for who. The actual witnesses are anybody
4 who has any information regarding the case. In fact, you are
5 listed as a witness to the responses as are some of the co-
6 defendants who presumably wouldn't have anything to do with
7 your allegations against my clients.

8 Q. The pictures that you sent Investigator Blanton, did you
9 think they proved the crime?

10 A. I've already answered---

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

12 **The Court:** Objection is sustained. It doesn't matter
13 what he thinks about that.

14 By Dr. Faltas:

15 Q. Did you send them to her with the intent of helping her
16 prove that I committed a crime?

17 A. I've already responded that I do not recall sending
18 Investigator Blanton any photos. You came to me, brought me
19 photos. They were anywhere -- you've brought me numerous
20 things, probably 50 to 75 photos. As I do with my clients, I
21 turned them over and gave them, because they're part of their
22 case, to Larry and Dinah. That is the only people I recall
23 giving the photos to.

24 Q. And why would I be bringing you pictures?

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

1 **The Court:** Sustained.

2 **Dr. Faltas:** Isn't it true that you asked me for those
3 pictures in discovery in the civil lawsuit?

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

5 **The Court:** Sustained.

6 **Dr. Faltas:** Were those pictures part of my evidence
7 against your clients in the civil lawsuit?

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

9 **The Court:** Sustained.

10 **Dr. Faltas:** Have you ever told anyone that I'm mentally
11 ill?

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

13 **The Court:** Sustained.

14 **Dr. Faltas:** Have you ever discussed what should happen
15 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 **Dr. Faltas:** Well, I have -- did you bring the originals
23 that we asked for?

24 **The Witness:** Your Honor, is this something we want to
25 take up now or...

1 **The Court:** Ask him a specific question.

2 **Dr. Faltas:** Okay. Were parts of your clients' tax
3 records---

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

5 **Dr. Faltas:** I haven't finished.

6 **The Court:** Let me hear the question.

7 **Dr. Faltas:** Thank you. Were parts of your clients' tax
8 returns produced in discovery in the civil case?

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

10 **The Court:** Sustained.

11 **Dr. Faltas:** Were copies of rent receipts from building
12 300 and 304 produced by your clients in discovery?

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

14 **The Court:** Sustained.

15 **Dr. Faltas:** Do you recall my having made an issue that
16 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 **Dr. Faltas:** Well, I don't think I can ask him more
22 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.

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.

7 Orin G. Briggs, after being duly sworn, testified
8 as follows:

9 **The Clerk:** Have a seat in the witness stand, please,
10 and give the court reporter your name.

11 **Dr. Faltas:** Your Honor, while Mr. Briggs testifies is
12 it possible for Chief Carter and the other stand-by witness
13 to be called?

14 **The Court:** We'll have them here after lunch.

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

16 **Ms. Weiss:** I'm sorry. Who is the other stand-by
17 witness?

18 **The Court:** Chief Carter and who?

19 **Dr. Faltas:** To tell Your Honor the honest truth, I
20 think there is another witness, but I can't remember...

21 **The Court:** I don't know. I don't know who you're
22 referring to.

23 **Dr. Faltas:** Then Chief Carter.

24 **The Court:** All right. Chief Carter? He'll be here
25 after lunch.

1 **Dr. Faltas:** And, Your Honor, he was -- he was
2 subpoenaed to produce the videos of my arrests, and I think
3 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 Direct Examination

7 By Dr. Faltas:

8 Q. Good afternoon, Mr. Briggs. Can you give us your age,
9 occupation, and education, please?

10 A. Well, first my full name is Orin G. Briggs. I'm an
11 attorney. I've been practicing law in South Carolina for 42
12 years, graduated from the University Law School -- South
13 Carolina Law School in 1967 and have a Master's degree in law
14 from the George Washington University in Washington, D.C.

15 Q. Mr. Briggs, when did you first meet me?

16 A. I'd have to look at the file, but it's been at least 15
17 years, Dr. Faltas, when I first started helping you with the
18 immigration matter that we're familiar with.

19 Q. And did that immigration matter take about 15 years or
20 so to be resolved?

21 A. Well, actually, as I recall, your status was adjusted
22 five years ago. So it took eight or nine years.

23 Q. Twelve -- twelve years.

24 A. Yeah.

25 Q. And ultimately was it found that what I.N.S. had done to

1 me should not stand, that if they were trying to deport me
2 that that should not happen?

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

4 **The Court:** Objection is sustained.

5 **Dr. Faltas:** All right. Mr. Briggs, have you met my
6 mother?

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

8 **The Court:** Sustained.

9 By Dr. Faltas:

10 Q. Have you been inside my apartment or a house that I rent
11 many times?

12 A. At least two -- three apartments and the one house you
13 lived in in the same area where your apartment is now.

14 Q. Have you inside my house seen shelves and things that I
15 built myself?

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

17 **The Court:** That's overruled.

18 **The Witness:** Yes, Dr. Faltas, including the shelf thing
19 that you have your computer on, and I'm aware that your
20 father was a well-known engineer in Egypt and that you
21 probably inherited some of his genes as far as having that
22 ability.

23 By Dr. Faltas:

24 Q. Were you always impressed with the things I invent and
25 make myself?

1 A. Actually I was because my background is in math and
2 science, and I'm always impressed with folks who have let's
3 say that intellectual ability to invent things.

4 Q. And did there come a time early last year when you
5 became aware that I was trying to buy land and build on it?

6 A. Yes. I would just answer that question by saying that
7 during the last 15 years I guess I have represented you in at
8 least seven or eight different matters and for awhile, and so
9 I've always stayed in touch with you and so I was aware of
10 that, but I -- I was not aware of all these things that was
11 going on at the apartment.

12 Q. And had you seen the plans that I drew myself and were
13 you aware that I applied for a patent for them?

14 A. I was aware of that and I was aware that you got a plat
15 drawn by an engineering firm also.

16 Q. A surveying firm you mean.

17 A. Okay. Surveying firm.

18 Q. I'm sorry. And so you were aware that I was very busy
19 with that?

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

21 **The Court:** The objection is sustained.

22 **Dr. Faltas:** Sorry. Have you also seen the plans for
23 the buildings and were impressed with them?

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

25 **The Court:** Objection is sustained.

1 **Dr. Faltas:** Sorry. Okay. Did you -- were you also
2 aware of a matter where I was falsely accused of shoplifting
3 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 By Dr. Faltas:

8 Q. Did you try to go to my apartment the day I was
9 arrested?

10 A. I don't remember whether I went that day, but I did go
11 with you and the police the first time you went back to the
12 apartment and I think the second time you went back to the
13 apartment.

14 Q. And the first time, did we find that things were strewn
15 all over the floor?

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

17 **Dr. Faltas:** He saw it. He saw it. He saw them
18 himself, Your Honor.

19 **The Court:** What's the objection?

20 **Ms. Weiss:** She is asking a question involving herself:
21 Did we find... Did we... She needs to ask the witness a
22 question. I ask that she ask the witness a question.

23 By Dr. Faltas:

24 Q. Did you see the apartment at that time?

25 A. I did see the apartment and it did have the appearance

1 of having been rifled somewhat, not everything out of place,
2 but I would say 15 or 20 percent displacement from the
3 search.

4 Q. And after that did you come with me as I tried to get
5 some of my property back from the City of Columbia?

6 **Ms. Weiss:** Objection.

7 **The Court:** The objection is sustained.

8 By Dr. Faltas:

9 Q. Did you see that my computer was missing from my
10 apartment?

11 A. Yes, that was obvious, and actually we got a list from
12 the police department of some 20 items that they had taken
13 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.

18 **Dr. Faltas:** Your Honor, may I call the victims'
19 advocate? I don't know her name, but she has...

20 **The Court:** Who do you want to call?

21 **Dr. Faltas:** This lady. I don't know her name, but I
22 think she's the victim advocate.

23 **The Court:** Okay. Ms. Weiss?

24 **Ms. Weiss:** Your Honor, I object. This is -- the
25 victims' advocate from my office did not become involved in

1 this case until well after Dr. Faltas was arrested, has no
2 knowledge of any relevant information to the actual case
3 itself. I think it would be highly improper for her to be
4 called.

5 **Dr. Faltas:** Your Honor, I want to ask if the victims'
6 advocate gave the victims money in support of their case and,
7 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 Frances Reynolds, after being duly sworn, testified
11 as follows:

12 **The Court:** Please be seated and state your full name,
13 spelling your last name.

14 **The Witness:** Frances Reynolds. R-e-y-n-o-l-d-s.

15 Direct Examination

16 By Dr. Faltas:

17 Q. And what is your age, occupation, and education?

18 A. I'm 50 years old. I'm a high school graduate with a
19 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.

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 Q. Okay. So how many times did you go to court with Ms.
8 Ingram?

9 A. I believe it's been, the best that I can recall, twice.

10 Q. And what do you do? Like do you give the victims money
11 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 A. I keep them informed of their court dates, any hearings
17 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.

1 **The Court:** Anything by the State?

2 **Ms. Weiss:** No, Your Honor. May this witness be
3 excused?

4 **The Court:** Yes. Thank you.

5 **Dr. Faltas:** Your Honor, I think a juror had his hand
6 up.

7 **The Court:** All right. We're going to break for lunch
8 now for 50 minutes for lunch, 50 minutes. You can go first.

9 (Whereupon, the jury was excused from open court to go
10 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 **The Court:** Okay. Just Chief Carter. We'll need him
14 here at 1:50.

15 **Ms. Weiss:** 1:50.

16 **The Court:** Yeah. She said she -- the subpoena says for
17 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?

1 **Dr. Faltas:** I have no idea. I wasn't there.

2 **The Court:** All right. 1:50.

3 **Ms. Weiss:** Your Honor, the disk exists. It's just not
4 playable. That's the problem. I can get it to her. I mean,
5 I can make a copy for her now. I just -- there's no way of
6 playing it.

7 **The Court:** No way to play it?

8 **Dr. Faltas:** Well, Your Honor, I don't want to be
9 critical, but this seems incredible. I mean, anything that's
10 taken with an instrument can be played. I mean, if a tape
11 record can---

12 **The Court:** All right. What's wrong with it? Why can't
13 it be played?

14 **Ms. Weiss:** I don't know. I mean, I couldn't play it.
15 I couldn't play it. I can't view. It has something to do
16 with software.

17 **The Court:** All right.

18 **Ms. Weiss:** It's on some special software so...

19 **The Court:** All right.

20 **Dr. Faltas:** Well, maybe the city has the special
21 software. I'm sure they make -- they make those videos for a
22 reason and---

23 **The Court:** All right. Well, you can ask the chief
24 about all of that---

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

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
7 present in the courtroom when the proceedings resumed.)

8 **The Court:** All right. We're on the record now. Ms.
9 Weiss?

10 **Ms. Weiss:** Thank you, Your Honor. Regarding the C.D.'s
11 that were discussed just before the break that I stated that
12 Chief Carter would not have in his possession, that the
13 investigator did, I have a couple of different arguments. As
14 it turned out, I went back to my office and one of the
15 paralegals in our office was able to play them on a T.V. that
16 had a D.V.D. player. They are playable.

17 However, Your Honor, I would argue: Turn them over.
18 She can have them. They were not playable on my computer, as
19 I stated, and I was told that was a software glitch, so I
20 didn't look into it. But they are playable. However, I
21 would argue they are not discoverable because they were not
22 made for the purpose of this case. They were not made for
23 the purpose of the investigation.

24 All relevant photos were turned over to the defendant.
25 The search warrant was fully disclosed to the defendant.

1 Everything was disclosed to the defendant that was testified
2 to. These are made for internal work-product purposes only.
3 And so, Your Honor, I would argue that they are not
4 admissible in the case itself.

5 **The Court:** Okay.

6 **Ms. Weiss:** It would be merely cumulative, and they are
7 eleven hours worth of video. Your Honor, at this time I
8 request a bench warrant for Dr. Marie Assa'ad-Faltas.

9 **The Court:** All right.

10 **Mr. Sawyer:** Let me try, Your Honor, if I may and give
11 her a phone call right quick.

12 **The Court:** Do you think she's absconded?

13 **Mr. Sawyer:** She's very intense on this case, Your
14 Honor, since it is...

15 **The Court:** Okay. Well, I'll take that into
16 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.

21 **The Court:** All right. Bring the jury.

22 (Whereupon, the jury was brought into open court at 2:13
23 p.m.)

24 **The Court:** Your next witness, please.

25 **Dr. Faltas:** May I call Chief Carter?

1 **The Court:** Chief Carter?

2 Tandy Carter, after being duly sworn, testified as
3 follows:

4 **The Clerk:** Have a seat in the witness box, please, and
5 give the court reporter your name.

6 **The Witness:** My name is Tandy Carter. Spelling of the
7 first name is T-a-n-d-y.

8 Direct Examination

9 By Dr. Faltas:

10 Q. Sir, could you please give us your age, education, and
11 occupation?

12 A. I am 55 years of age. I have a Master's degree, and I'm
13 a police officer.

14 Q. And what is your current position?

15 A. I am the chief of Columbia P.D. or Columbia Police
16 Department.

17 Q. Thank you. And in that capacity, do you try to
18 encourage community involvement?

19 A. Yes.

20 Q. Okay. And would it be a deterrent to community
21 involvement if one were suspecting something and one reported
22 it to the police and instead got arrested?

23 A. I'm not sure that I understand your question. One more
24 time?

25 Q. Okay. Does prostitution occur in Columbia, in your

1 experience?

2 A. It does.

3 Q. And if, for example, someone that -- does drug dealing
4 occur in Columbia?

5 A. Yes.

6 Q. Does burglary occur in Columbia?

7 A. Yes, it does.

8 Q. Okay. So if one were suspecting someone of being a drug
9 dealer or a prostitute or a burglar or something, do you
10 encourage them to report that to the police?

11 A. Yes, we do.

12 Q. And if instead of the police helping them the police
13 comes and arrests them for having reported that, would that
14 encourage community involvement?

15 A. No.

16 Q. Okay. And have there been incidents where your very
17 department let out or did not prosecute a solicitation case
18 because---

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

20 **The Court:** I have to hear the question.

21 **Dr. Faltas:** Thank you.

22 By Dr. Faltas:

23 Q. Was there a recent case where the Columbia police
24 department apprehended someone for solicitation of
25 prostitution but let him go because his secretary is the wife

1 of the arresting officer?

2 A. I have no knowledge of that.

3 Q. Really?

4 **Ms. Weiss:** Objection.

5 **The Court:** Sustained.

6 By Dr. Faltas:

7 Q. And has the Columbia Police Department been criticized
8 recently for police brutality?

9 A. It has.

10 Q. And has the Columbia -- are you -- as you sit here as
11 the chief of police, are you aware of some state law about
12 the police authority to arrest or prohibition against the
13 arresting?

14 A. I'm not sure that I understand that question.

15 Q. For example, if someone were walking in the street or
16 sitting in their home doing nothing wrong, do you give your
17 police force discretion to just go arrest them?

18 A. We have to have a reason to arrest somebody. That means
19 that they have to have committed a crime or a violation of
20 some sort.

21 Q. And isn't there a difference between felonies and
22 misdemeanors or do you know?

23 A. Yes.

24 Q. Okay. And did you train your force that they cannot
25 arrest for a misdemeanor except if it is committed in the

1 officer's presence?

2 A. I don't particularly train them. South Carolina trains
3 them, and we do in-service training.

4 Q. Did you in this very case outside the presence of the
5 jury testify that you just give your police officers
6 discretion to arrest?

7 A. Officers always have discretion no matter what
8 jurisdiction they're in.

9 Q. Really?

10 A. Uh-huh.

11 Q. So they have discretion to just arrest someone walking
12 down the street if they have done nothing wrong?

13 A. Officers have the discretion to arrest anybody if they
14 have done something wrong.

15 Q. Did you ever read the law in South Carolina that
16 officers have no right to arrest for misdemeanors unless it
17 is committed in the officer's presence?

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

19 **The Court:** Basis for the objection?

20 **Ms. Weiss:** That would be an incorrect reading of the
21 law, and that's the defendant's opinion testifying as to her
22 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.

1 By Dr. Faltas:

2 Q. What is the difference between a felony and a
3 misdemeanor?

4 A. One carries -- a felony will put you in jail for a year
5 or more in some cases in South Carolina. Misdemeanors are a
6 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 By Dr. Faltas:

12 Q. Do the police officers in Columbia, do they have liberty
13 to arrest for misdemeanors not committed in their presence?

14 A. They have the discretion to arrest or -- arrest
15 somebody, custodial arrest, or also do courtesy arrests or
16 field book them. Which arrest are you talking about? Field
17 booking?

18 Q. Do they have discretion to put somebody's arms behind
19 them and put them in handcuffs for an alleged misdemeanor
20 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 By Dr. Faltas:

25 Q. Please answer.

1 A. You know, police officers can put you in handcuffs a lot
2 of times, perhaps that your behavior is such that it's
3 threatening to the officer. For the officer's safety, they
4 can put you in handcuffs.

5 Q. But my question wasn't -- was for something not observed
6 by the police officer.

7 A. Generally speaking, not. If it's not in the presence of
8 the officer, then certainly.

9 Q. Okay. And then did you sometime in November 2009 attend
10 a meeting where you all discussed that you were going to
11 arrest me for misdemeanor harassment?

12 A. I did attend a meeting. I'm not exactly sure of the
13 month that it was in.

14 Q. And it was discussed that you were going to arrest me
15 for misdemeanor harassment.

16 A. They had an arrest warrant, and I attended the meeting,
17 number one, because we had a meeting prior.

18 Q. We had what?

19 A. You and I had a meeting. You had came forth, and it was
20 not a scheduled meeting. It was a very impromptu meeting. I
21 was coming out the door, and you said, "I wanted to talk to
22 you," and I'm not sure that I could refuse not to talk to
23 you, so I did. But I did attend a meeting because I had
24 heard that they were going to arrest you, and I attended the
25 meeting for two reasons. One is I wanted to find out whether

1 or not it meets the element of the crime and, secondly, had
2 they coordinated that action through the solicitor's office?

3 Q. Objection, Your Honor. Objection. Objection.

4 Objection.

5 **The Court:** The objection is overruled. You may answer.

6 You may continue.

7 By Dr. Faltas:

8 Q. All right. And when I first had an impromptu meeting
9 with you, did I complain to you that things were being done
10 to me and your department wasn't protecting me in any way?

11 A. Well, let me tell you that both of our meetings were
12 very impromptu. They were not scheduled. I just happened to
13 be coming out the door, and you said, "You're Chief," and you
14 wanted to talk to me. Now, you said a lot of things and I
15 can't recollect the specifics of what you said, but when I
16 left after talking to you, I know you were very unhappy with
17 police service and that's why I was concerned. Any citizen
18 that comes to the police department to talk to the police
19 chief and they're unhappy with police service, it has my
20 undivided attention and that's why I talked to you.

21 Now, I didn't talk to you specifically because I always
22 tell every citizen if they have a complaint that they have to
23 make about a police officer there is a process. There is an
24 internal affairs process. I have to give the officers their
25 due process. I have to give you your due process, and your

1 due process is when you sit down and you make a statement
2 that gives us some reason to investigate. And I think --
3 whatever I said, I said over and over again that I can't talk
4 specifically about what an officer had done. If you've got a
5 complaint about an officer, I don't want to listen to it
6 because I cannot be the judge, jury, and the executioner
7 because the only thing that -- the only time something can
8 happen to an officer is when I initiate it.

9 So, generally speaking, I try not to listen to
10 individual complaints. All I know by your disposition was
11 that you were angry and that you were upset with whatever
12 happened to you.

13 Q. And that was the first time or the second time?

14 A. It was the first time.

15 Q. And wasn't I asking that they be more responsive when
16 I'm calling for protection?

17 A. You know, you were all over the map then. You were
18 angry the first time we met because you were unhappy with
19 police services. So I sat with you and I will tell you --
20 you said so many things; I can't recollect specifically what
21 you said. The only thing I knew is when it was all over with
22 is that you were unhappy with the Columbia Police Department
23 and your experience.

24 Q. And so in retaliation you had me arrested.

25 A. You know, I want to be honest with you. You're not even

1 a blip on my radar screen. The only reason I'm here is
2 because I was subpoenaed to be here. I was concerned about
3 you because you're a citizen only, because you are a citizen
4 of this city, and I think that a police chief should be
5 considered -- be concerned about all citizens. I wanted to
6 make sure that you were treated fairly and constitutionally
7 and also compassionately.

8 Q. And even though I'm not even a blip on your radar
9 screen, you had a meeting knowing that I was planning to be
10 arrested and you were just trying to, excuse the term, cover
11 your behind about it, didn't you?

12 A. No. What I was concerned about -- you and I had a
13 conversation that I knew that you were unhappy with. When I
14 heard your name, I wanted to know the specifics of that, that
15 you were unhappy with the cops. What I want to know is the
16 elements of the proof there to have an arrest warrant and,
17 secondly, have we coordinated that action with our legal
18 counterparts, whether it's solicitors or the city prosecutor?
19 And that's about the extent of it. And when I say a blip on
20 my radar screen, I don't mean to be ugly. I just want you to
21 know we had a conversation, and I have no personal vendetta
22 against you or anybody else. I want to make sure that you're
23 treated constitutionally by law.

24 Q. Okay. So you were never told that the law forbids
25 arrests for misdemeanors and the constitution---

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

2 **Dr. Faltas:** He said constitution and bylaws, so I'm
3 challenging him on what he said.

4 **The Court:** Objection is sustained.

5 By Dr. Faltas:

6 Q. And you are aware that I was arrested not once but
7 twice, aren't you?

8 A. I am aware that you've been arrested, but I'm not sure
9 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 **Dr. Faltas:** Are you aware that the second time I was
14 arrested---

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

16 **The Court:** Objection is sustained.

17 By Dr. Faltas:

18 Q. Did you see a complaint from me about handcuffs having
19 caused bruises on my wrists?

20 A. Yes.

21 Q. Okay. And were you involved in the processing of that
22 complaint?

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

24 **The Court:** Sustained.

25 **Dr. Faltas:** Did you tell me that all you had to do was

1 write unfounded on it?

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

3 **The Court:** The objection is sustained.

4 By Dr. Faltas:

5 Q. Did you bring the videos of my arrest and the search of
6 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 A. You know, what happened after the search warrant I have
10 no idea and I have not looked at any piece of video or
11 information that pertains to that arrest, so I'm the wrong
12 person to ask that question.

13 Q. During that meeting when you claim you wanted to have --
14 to know that you had proof, did you ask anyone in the meeting
15 if they have personally seen me do anything wrong?

16 A. You know, what I asked is what's the element of the
17 crime and what's the definition, and that was about the
18 extent of it.

19 Q. Whom did you ask?

20 A. I think Officer Blanton.

21 Q. Did Officer Blanton tell you that she never
22 personally---

23 **Ms. Weiss:** Objection.

24 **Dr. Faltas:** ---saw me do anything wrong?

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

1 **The Court:** Objection sustained.

2 **Dr. Faltas:** Well, Your Honor, if he can -- at this time
3 can we try to play the video or the C.D.?

4 **The Court:** You're asking the witness questions.
5 Proceed.

6 By Dr. Faltas:

7 Q. Did you give the tapes of my arrest and the search to
8 anyone?

9 A. I'm absolutely clueless about whatever you're talking
10 about tapes. I have no idea what it is.

11 Q. C.D.'s. I'm sorry.

12 A. C.D.'s. I'm absolutely clueless. I have not seen
13 anything.

14 Q. Did you receive a subpoena that requested you to bring
15 all videos and C.D.'s and tapes of my arrest and the search
16 of my apartment?

17 A. I did.

18 Q. Did you bring them?

19 A. My department brought all the stuff. You subpoenaed
20 everybody in here and all the information. I didn't have to
21 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.

1 **The Court:** Solicitor?

2 **Ms. Weiss:** Objection. The question has been asked and
3 answered.

4 **The Court:** He said he doesn't know what it is.

5 **Dr. Faltas:** Well, Your Honor, may we try to play them
6 and see if he recognizes them?

7 **The Court:** You can -- you can proceed. You have a
8 witness on the stand.

9 **Dr. Faltas:** May I ask -- may I use this, please?

10 **Ms. Weiss:** You can use it, but that's not going to play
11 anything.

12 **Dr. Faltas:** You try?

13 **Ms. Weiss:** Your Honor, can she finish with this
14 witness?

15 **Dr. Faltas:** That's the -- that's part of the
16 examination of this witness, the display of this.

17 **The Witness:** Well, I can attest to you that I have not
18 seen a C.D. of any kind as it pertains specifically to you.
19 So whatever you show today will be the first time I've ever
20 seen anything.

21 By Dr. Faltas:

22 Q. Well, you might recognize me, the police---

23 A. Well, I can't recollect that happening because I never
24 saw it. You know, I just swore and took an oath to tell the
25 truth, and I want to tell you that I have not seen a

1 videotape of you being arrested, not prior to this. I have
2 not seen anything as it pertains specifically to you on a
3 tape, a video, a C.D. or whatever.

4 Q. Did you ask what happened after -- what happened after I
5 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 **Dr. Faltas:** Your Honor, I would want to recall myself
14 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 **The Court:** You're presenting your defense. You may
18 proceed.

19 **Dr. Faltas:** Thank you. I mean, I don't want to -- may
20 I?

21 **Ms. Weiss:** No.

22 **Dr. Faltas:** No? Okay. All right. She said she -- I
23 can't play them. So then may I -- may I recall myself for --
24 for two more points?

25 **The Court:** For two more points?

1 **Dr. Faltas:** Uh-huh.

2 **The Court:** What says the State?

3 **Ms. Weiss:** I object. The defendant has had full
4 examination. She did direct examination.

5 **The Court:** All right. Sir?

6 **Mr. Briggs:** I was trying to make a point.

7 **The Court:** Sir, order in court. You've testified.
8 There was no cross-examination of you, and you want to
9 testify some more concerning what point?

10 **Dr. Faltas:** Your Honor, concerning Mr. Jones' testimony
11 where he claimed that I steal things that -- concerning Mr.
12 Jones' testimony where he claimed that I steal things and
13 said that was on the internet that I had previously had a
14 conviction with fabricated evidence that was eventually
15 overturned when I proved that the evidence was fabricated,
16 and the other thing is that one of the reasons Mr. Jones
17 is -- says that he wishes for me to be deported is that I
18 have complained of his having doused me with a garden hose
19 and I have -- I was -- just received the letter saying that I
20 need to go and testify against him on March 11th. So these
21 are what I wanted to testify is proof of the incentives of
22 the people to be telling untruths about me.

23 **The Court:** All right. You have just explained that.
24 Do you need to explain it more? You've just said it. Is
25 that sufficient?

1 **Dr. Faltas:** Yes, Your Honor, and I want to say that I
2 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 (This concludes the testimonial phase of the trial.
7 Defendant's exhibits 24 and 28 through 32 were received in
8 evidence and Defendant's exhibit 33 was marked for
9 identification only after the close of testimony as well as
10 Court's exhibits 6 and 7 were marked for identification only
11 after the close of testimony.)
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In *State of South Carolina v. Marie Assa'ad-Faltas, MD, MPH*, indictments 2010-GS-40-11980 and 2010-GS-40-11987

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 22 - 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 2]

INDEX**WITNESS**

Teresa Ingram	Direct Examination by Ms. Weiss.....15
<u>Amanda Blanton (in camera)</u>	Direct Examination by Ms. Weiss.....58
	Cross-Examination by Dr. Faltas.....96
	Redirect Examination by Ms. Weiss.....151
	Recross Examination by Dr. Faltas.....152
<u>Angela Ladson (In camera)</u>	Direct Examination by Dr. Faltas.....157
	Cross-Examination by Ms. Weiss.....172
	Redirect Examination by Dr. Faltas.....174
	Recross Examination by Ms. Weiss.....176
<u>Tandy Carter (in camera)</u>	Direct Examination by Dr. Faltas.....181
Dana Turner (in camera)	Direct Examination by Dr. Faltas.....195
<u>Dr. Marie Assa'ad-Faltas (in camera)</u>	Examination.....198

[PAGE 3] **Teresa Ingram** (testimony resumed before the jury)

	Direct Examination by Ms. Weiss.....205
	Cross-Examination by Dr. Faltas.....232
<u>Rodney Ingram</u>	Direct Examination by Ms. Weiss.....379
	Cross-Examination by Dr. Faltas.....386
<u>Curtis Ingram</u>	Direct Examination by Ms. Weiss.....408
	Cross-Examination by Dr. Faltas.....413
<u>Amanda Blanton</u>	Direct Examination by Ms. Weiss.....430
	Cross-Examination by Dr. Faltas.....450
<u>Tiffany Lurke</u>	Direct Examination by Ms. Weiss.....490
	Cross-Examination by Dr. Faltas.....497
<u>Derek El Dada</u>	Direct Examination by Mr. Campbell.....512
	Cross-Examination by Dr. Faltas.....518

[page 4]

<u>Taurus D. Sanders</u>	Direct Examination by Ms. Weiss.....534
	Cross-Examination by Dr. Faltas.....540
<u>Dinah Steele-Mason</u>	Direct Examination by Dr. Faltas.....556
	Cross-Examination by Ms. Weiss.....581
	Redirect Examination by Dr. Faltas.....584
<u>Larry W. Mason</u>	Direct Examination by Dr. Faltas.....592
<u>John M. Jones</u>	Direct Examination by Dr. Faltas.....619
<u>Dr. Marie Assa'ad-Faltas</u>	Testimony presented.....636
<u>Corey Curry</u>	Direct Examination by Dr. Faltas.....732
<u>J. Andrew Delaney</u>	Direct Examination by Dr. Faltas.....737

[page 5]

<u>Orin G. Briggs</u>	Direct Examination by Dr. Faltas.....753
<u>Frances Reynolds</u>	Direct Examination by Dr. Faltas.....758
<u>Tandy Carter</u>	Direct Examination by Dr. Faltas.....764

[page 6]

EXHIBITS

No	Description	Id.	Evd.
S-1	Photograph	204	207
S-2	Photograph	204	207
S-3	Photograph	204	207
S-4	Photograph	204	207
S-5	Photograph	204	207
S-6	Photograph	204	209
S-7	Photograph	209	211
S-8	Photograph	209	211
S-9	Photograph	209	211
S-10	Photograph	209	211
S-11	Photograph	209	211
S-12	Photograph	209	211
S-13	Photograph	209	211
S-14	Photograph	209	211
S-15	Photograph	209	211
S-16	Photograph	209	211
S-17	Photograph	209	211
S-18	Photograph	209	211
S-19	Photograph	209	211
S-20	Photograph	209	211
S-21	Photograph	209	211
S-22	Photograph	209	211
S-23	Photograph	209	211
S-24	Photograph	209	211
S-25	Photograph	209	211
S-26	Photograph	209	211
S-27	Photograph	209	211
S-28	Photograph	209	211
S-29	Photograph	209	211
S-30	Photograph	209	211
S-31	Photograph	209	211
S-32	Photograph	209	211
S-33	Photograph	209	211
S-34	Photograph	209	211
S-35	Photograph	209	211
S-36	Photograph	209	211
S-37	Photograph	209	211
S-38	Photograph	209	211
S-39	Photograph	209	211
S-40	Photograph	209	211
S-41	Photograph	209	211
S-42	Photograph	209	211
S-43	Photograph	209	211
S-44	Photograph	209	211
S-45	Photograph	209	211
S-46	Photograph	209	211
S-47	Photograph	209	211
S-48	Photograph	209	211
S-49	Photograph	209	211
S-50	Photograph	209	211
S-51	Photograph	209	211
S-52	Photograph	209	211
S-53	Photograph	209	211
S-54	Photograph	209	211
S-55	Photograph	209	211
S-56	Photograph	209	211
S-57	Photograph	209	211
S-58	Photograph	209	211
S-59	Photograph	209	211
S-60	Photograph	209	211
S-61	Photograph	209	211
S-62	Photograph	209	211
S-63	Photograph	209	211

In *State of South Carolina v. Marie Assa'ad-Faltas, MD, MPH*, indictments 2010-GS-40-11980 and 2010-GS-40-11987

	S-64 Photograph	209	211
	S-65 Photograph	209	211
	S-66 Photograph	209	211
	S-67 Photograph	209	211
	S-68 Photograph	209	211
	S-69 Photograph	209	211
	S-70 Photograph	209	211
	S-71 Photograph	209	211
	S-72 Photograph	209	211
	S-73 Photograph	209	211
	S-74 Photograph	209	211
	S-75 Photograph	209	211
	S-76 Photograph	209	211
	S-77 Photograph	209	211
	S-78 Photograph	209	211
	S-78 Photograph	209	211
	S-79 Photograph	209	211
[page 10]	S-80 Photograph	209	211
	S-81 Photograph	209	211
	S-82 Photograph	209	211
	S-83 Photograph	209	211
	S-84 Photograph	209	211
	S-85 Photograph	209	211
	S-86 Photograph	209	211
	S-87 Photograph	209	211
	S-88 Photograph	209	211
	S-89 Photograph	209	211
	S-90 Photograph	209	211
	S-91 Photograph	209	211
	S-92 Photograph	209	211
	S-93 Photograph	209	211
	S-94 Photograph	209	211
	S-95 Photograph	209	211
	S-96 Photograph	209	211
	S-97 Photograph	209	211
	S-98 Photograph	209	211
	S-99 Photograph	209	211
[page 11]	S-100 Photograph		444
	S-101 Photograph		444
	S-102 Photograph		444
	S-103 Photograph		444
	S-104 Photograph		444
	S-105 Photograph		444
	S-106 Photograph		444
	S-107 Photograph		444
	S-108 Photograph		444
	S-109 Photograph		444
	S-110 Photograph		444
	S-111 Photograph		444
	S-112 Photograph		444
	S-113 C.D. - 9-1-1 recording	228	230
	S-114 Photograph	443	444
	S-115 Photograph	443	444
	S-116 Photograph	443	444
	S-117 Photograph	443	444
	S-118 Audio cassettes	446	
	S-119 Bag of photographs	446	
[page 12]	S-120 Bag of photographs	446	
	S-121 Bag of photographs	446	
	S-122 Crate of photographs	446	
	S-123 Letters to Dr. Faltas from Mason and Steele	580	583
	D-1 Letter to Teresa Ingram from Dr. Faltas		294
	D-2 Statement of Teresa Ingram, 10/6/09	308	

	D-3	Statement of Teresa Ingram, 11/3/09	308	
	D-4	Letter of Rodney Ingram, 4/24/09	407	
	D-5	Preliminary hearing transcript	473	
	D-6	Statement of Alden Wheeler	475	
	D-7	Case summary	484	
	D-8	Search warrant photographs	484	485
	D-9	Photograph	520	
	D-10	Photograph	533	
	D-11	Photograph	533	
	D-12	Photograph		567
[page 13]	D-13	Letter to Senator Joe Wilson	576	
	D-14	Security guard internet print-out	596	
	D-15	Photograph	631	
	D-16	Photograph	631	
	D-17	Photograph	631	
	D-18	Letter to Michelle Garner from Dinah Steele	664	
	D-19	Copy of certified mail document	664	
	D-20	Letter to Dinah Steele from Michelle Garner	664	
	D-21	Letter to Michelle Garner from Dinah Steele	664	
	D-22	Letter to Dr. Faltas from Gary Johnson	664	
	D-23	Letter to Dr. Faltas from Michelle Garner	664	
	D-24	Photograph	705	779
	D-25	Photographs		710
	D-26	Photographs		710
	D-27	Photographs		710
	D-28	Photograph		779
	D-29	Photograph		779
[page 14]	D-30	Photograph		779
	D-31	Photograph		779
	D-32	Photograph		779
	D-33	Order for preliminary injunction	779	
	C-1	Arrest warrant	66	
	C-2	Arrest warrant	66	
	C-3	Search warrant	66	
	C-4	Search warrant	66	
	C-5	Letter to Teresa Ingram from Dr. Faltas	147	
	C-6	Jury note	779	
	C-7	Jury note	779	

Complete extracted transcript of the 24 February 2010, between 10:00 am and 1:30 pm,
in camera testimony of Angela Ladson, Ministerial Recorder for the City of Columbia, SC,
In State of South Carolina vs. Dr. Marie Assa'ad Faltas, indictments 2010-GS-40-11980 and 2010-GS-40-11987

page 1 of 9

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 *State 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---

[10] **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:

Complete extracted transcript of the 24 February 2010, between 10:00 am and 1:30 pm, page 2 of 9
in camera testimony of Angela Ladson, Ministerial Recorder for the City of Columbia, SC,
In State of South Carolina vs. Dr. Marie Assa'ad Faltas, indictments 2010-GS-40-11980 and 2010-GS-40-11987

[3-7] Q. And, Your Honor -- and, Your Honor, if it pleases the court, I have a two-part challenge that under Coolidge ver-
sus 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.

Complete extracted transcript of the 24 February 2010, between 10:00 am and 1:30 pm, in camera testimony of Angela Ladson, Ministerial Recorder for the City of Columbia, SC, In State of South Carolina vs. Dr. Marie Assa'ad Faltas, indictments 2010-GS-40-11980 and 2010-GS-40-11987

page 3 of 9

[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?

[41] **Ms. Weiss:** Objection.

[51] **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 ---

Complete extracted transcript of the 24 February 2010, between 10:00 am and 1:30 pm, page 4 of 9
in camera testimony of Angela Ladson, Ministerial Recorder for the City of Columbia, SC,
In State of South Carolina vs. Dr. Marie Assa'ad Faltas, indictments 2010-GS-40-11980 and 2010-GS-40-11987

[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?

[2] **Q. Uh-huh.**

[3] **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.**

Complete extracted transcript of the 24 February 2010, between 10:00 am and 1:30 pm, in camera testimony of Angela Ladson, Ministerial Recorder for the City of Columbia, SC, In State of South Carolina vs. Dr. Marie Assa'ad Faltas, indictments 2010-GS-40-11980 and 2010-GS-40-11987 page 5 of 9

[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.**

Complete extracted transcript of the 24 February 2010, between 10:00 am and 1:30 pm, in camera testimony of Angela Ladson, Ministerial Recorder for the City of Columbia, SC, In State of South Carolina vs. Dr. Marie Assa'ad Faltas, indictments 2010-GS-40-11980 and 2010-GS-40-11987 page 6 of 9

[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.

[18-10] 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. Weiss: 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. Weiss: Objection, Your Honor.

[7] Dr. Faltas: Okay.

Complete extracted transcript of the 24 February 2010, between 10:00 am and 1:30 pm,
in camera testimony of Angela Ladson, Ministerial Recorder for the City of Columbia, SC,
In State of South Carolina vs. Dr. Marie Assa'ad Faltas, indictments 2010-GS-40-11980 and 2010-GS-40-11987

page 7 of 9

[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. 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?*

Complete extracted transcript of the 24 February 2010, between 10:00 am and 1:30 pm, in camera testimony of Angela Ladson, Ministerial Recorder for the City of Columbia, SC, In State of South Carolina vs. Dr. Marie Assa'ad Faltas, indictments 2010-GS-40-11980 and 2010-GS-40-11987 page 8 of 9

[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.

[15] **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 178, 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

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in camera testimony of Angela Ladson, Ministerial Recorder for the City of Columbia, SC,
In State of South Carolina vs. Dr. Marie Assa'ad Faltas, indictments 2010-GS-40-11980 and 2010-GS-40-11987

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.

[11] **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.**

[2-3] **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. [¶] 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.

Dr. Marie Assa'ad Faltas

:

:

:

PARTIAL TRANSCRIPT OF RECORD

February 26, 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

Ms. Weiss: Teresa, I'm going to ask you to look at what's marked as exhibits -- State's exhibits---

Dr. Faltas: Objection, Your Honor. At this point I'd like the suppression hearing.

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

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

The Court: And you may step down, ma'am. Are you ready to proceed with the suppression hearing?

Ms. Weiss: Your Honor, I can proceed with my investigating officer as far as the suppression hearing. If Your Honor desires to hear from Angela Ladson who is the ministerial recorder, she is gone for the day, but I can have her here in the morning for the second part if you would like to further flesh out for the means of the suppression hearing, but I can go forward with this. [] I know we had talked about Dr. Faltas going back to her apartment this evening. I don't know how long it will take. [] If we want to just put everything off 'til the morning, I [colloquy 57] could be prepared to do a full presentation at 9:30 or 10, whenever Your Honor wishes.

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

Ms. Weiss: I do, Your Honor.

The Court: And do you have witnesses here who were affiants to the search warrant?

Ms. Weiss: I have the affiant to the search warrant, yes, Your Honor.

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

Ms. Weiss: Thank you, Your Honor. At this time the State calls Investigator Amanda Blanton.

Dr. Faltas: Sorry. May I -- may I---

The Court: Just a moment before you swear the witness. Yes, ma'am.

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

The Court: You can do that. Yes, you can.

Dr. Faltas: Yes. Thank you.

[page 58] **The Court:** We'll proceed with swearing the witness.

Amanda Blanton, after being duly sworn, testified as follows in camera:

The Clerk: Have a seat in the witness stand, please, and give the court reporter your name.

Dr. Faltas: May I approach?

The Court: Hand it up.

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

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

The Court: Here you go. If you'll hand this to Dr. Faltas.

Dr. Faltas: May I -- may I -- may I give it as exhibit number 1?

The Court: You will get your opportunity. Now I'm recognizing Ms. Weiss. Proceed, Ms. Weiss.

Ms. Weiss: Thank you, Your Honor.

The Court: Proceed, Ms. Weiss.

Direct Examination By Ms. Weiss:

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

A. Yes.

Q. How many search warrants did you obtain for that search?

[page 59] A. For that day we obtained two search warrants.

Q. And what were they for?

A. One was for Dr. Faltas's vehicle as well as another for her residence.

Ms. Weiss: Your Honor, at this time may I ask if Your Honor will ask the defendant if there is a specific issue in the search warrant that she is objecting to or if it is the search warrant as a whole?

The Court: She's filed a motion to suppress claiming that the search was illegal and based on a general warrant.

Dr. Faltas: Yes, Your Honor. In addition, I have filed a long supplement that says the specific direct misrepresentations and omissions for the issuing ministerial recorder which, if it had been truthfully told, there would have never been a warrant, either arrest or search.

The Court: All right.

Ms. Weiss: Your Honor, it is my understanding that she is objecting to the affidavit as well as the description of property to be searched for? Is that the Court's understanding, Your Honor? Your Honor, just as a matter of procedure, may the victim be excused at this time for the evening?

The Court: Yes.

Ms. Weiss: Thank you.

The Court: The -- on page 4 and 5 of a document filed [colloquy 60] -- captioned "Defendant's Summary Of Facts And Offers Of Proof In Further Support" of her motions, one, to quash the indictment and, two, for an immediate Franks hearing on the last paragraph of that page, the last one or two sentences contends that the search warrants also violated constitutional prohibitions against general warrants as unanimously explained by the U.S. Supreme Court in *Sanford versus Texas*. There the warrant authorized the seizure of all books in Sanford's home under the pretext of looking for Communist writings -- what was seized including books of John Paul the -- is that the 23rd? And Justice Black. Here under false pretenses of seeking evidence of harassment of any person by Marie Assa'ad-Faltas from her apartment and her car were taking all tapes including Chopin music, devotions, and recordings of her baby sister's first words and her late father's last recorded words. Nothing seized were illegal or irrelevant or relevant. [] That's my understanding as to what is being contested as the basis for the search warrant and in addition to any supplement that Dr. Faltas says that she's made to that.

Ms. Weiss: Okay. Still, my understanding I guess would be the description of property to be seized in the affidavit.

The Court: Yes, and the Court construes the motion for an examination of whether the warrant was based on probable cause and an adequate description of the property to be [colloquy 61] seized whether a proper return was made to the search warrant and all other constitutional issues regarding the search warrant.

Ms. Weiss: Thank you, Your Honor.

Dr. Faltas: May it please the court, Your Honor?

The Court: Yes.

Dr. Faltas: First, I would like to to reiterate that I was not given Ms. Blanton's disciplinary record. Second, it's -- and, of course, it's totally in Your Honor's discretion how you manage the court, but it's after 5:30 and if I am to go and do more work as far as taking things out, I hope Your Honor has compassion on my physical condition.

Court Reporter: I'm sorry. You need to speak up. I apologize.

Dr. Faltas: The two issues are that I wasn't given Ms. Blanton's disciplinary record which Your Honor instructed the prosecution to provide to me before a witness takes the stand, and the second

thing is that it being 5:30 and my need to go and essentially work for two more hours, given my physical condition, and I am just praying the Court to---

The Court: All right. You may proceed.

Ms. Weiss: Okay. Your Honor, I will proceed, but I would ask Your Honor if we could reconvene in the morning. [] If we could go through all the supplements, I think it may make for more continuity of testimony because we have a lot [colloquy 62] to cover.

The Court: We'll be in recess 'til 9:30.

Ms. Weiss: Thank you, Your Honor.

Dr. Faltas: The issue of the -- of the disciplinary record? I still don't -- I'm sorry. Am I not allowed to ask about it again?

The Court: Will you have those disciplinary records by 9:30 tomorrow morning, Ms. Weiss?

Ms. Weiss: Yes, sir, Your Honor.

The Court: All right.

Dr. Faltas: Your Honor, may I leave the transcript either with Your Honor? I hope I can leave it with Your Honor.

The Court: All right.

Dr. Faltas: I'll give it to Your Honor, if Your Honor would like to review it.

The Court: All right.

Dr. Faltas: Thank you, Your Honor.

The Court: I'm not going to review it, but I'll keep it.

Dr. Faltas: Thank you.

The Court: Or it can be kept by the court reporter. All right. And, Ms. Weiss, you have to call the police about these two hours?

Ms. Weiss: Yes, Your Honor.

[colloquy 63] **The Court:** All right. All right. 9:30 it is.

Ms. Weiss: Thank you, Your Honor.

Dr. Faltas: Once again, I thank Your Honor for everything, and I hope I haven't offended Your Honor---

The Court: Not at all.

Dr. Faltas: If I did, it's not intentional.

The Court: Not a problem.

(Whereupon, the trial concluded for the day at 5:40 p.m. and resumed the following day, February 24, 2010 as follows.)

The Court: I understand a motion to quash the search warrant has been filed by J. Andrew Delaney, Esquire.

Mr. Delaney: Yes, sir, Your Honor. That should be a motion to quash the subpoena.

The Court: Quash the subpoena, correct. All right. I'm not able to address that issue at this time. We're in the midst of other things, but I'll be happy to give you a call and set up a time we can talk about it.

Mr. Delaney: Your Honor, do I need to stay around the courthouse then?

The Court: You can leave and we'll give you a call and set a time when we can -- the issue can be addressed.

Mr. Delaney: Thank you, Your Honor.

The Court: Okay. Thanks. Ready to proceed?

Ms. Weiss: The State's ready, Your Honor.

Dr. Faltas: Your Honor, I'm not ready because she did [colloquy 64] not give me, as Your Honor ordered yesterday, Amanda Blanton's disciplinary record. She did not give it to me and, Your Honor, I am -- it may see childish, but it is -- and I need to put this on the record, if it pleases the court.

The Court: Everything that you state is on the record.

Dr. Faltas: Yeah, I'm saying I'm not trying to argue with the Court, but everything the Court tells Ms. Weiss to do she doesn't do, and I have to complain twice or thrice before she...

The Court: Proceed, ma'am.

Dr. Faltas: Thank you, Your Honor. So---

The Court: All this movement and chatter and -- proceed.

Dr. Faltas: I apologize. I have no control over any of this. I have gotten all of this done to me, and so, for example, she didn't give me the record -- the disciplinary record of Amanda Blanton or of any people who are going to testify, even though Your Honor has specifically ordered her to do so by 9:30. [] Yesterday she made arrangements for me to go to my apartment. They were not honored in the way that she had in writing instructed they would be. This is sandbagging me all the time, all the time, and that's in addition to many other things. [] **I also wanted to say something to also put it on the record.** Your Honor, the U.S. Supreme Court said that a statute may be given a limiting construction by the Court by way of jury instructions. So I wanted to add to my objection, even though made in the presence of the jury yesterday, that it was -- it may be grounds for a mistrial that the prosecutor gave her version of the law without opportunity for the Court to put at least a limiting or a narrowing construction on the statute, especially that Your Honor had taken under advisement my argument that it is unconstitutional. So there was no opportunity for a limiting construction. So I'm just making at the earliest possible opportunity a motion for a mistrial.

The Court: All right. The motion is noted. The motion is denied.

Dr. Faltas: Thank you.

The Court: Anything further, Ms. Weiss?

Ms. Weiss: No, Your Honor. The disciplinary records were brought to me at 9:30. I just got the copies and handed them over. I'm sorry I was handing over things this morning. [] I just forgot to hand that over, but I just got it as well and it's been handed over at this point.

The Court: All right. Are you ready to proceed with your witness's search warrant?

Ms. Weiss: Yes, Your Honor.

[page 66] **The Court:** All right. We'll proceed.

Ms. Weiss: The State calls Investigator Amanda Blanton.

The Clerk: Do you want her re-sworn?

The Court: No. She is still under oath. You're still under oath.

Amanda Blanton, having been previously sworn and remaining under oath, testified as follows in camera:

Ms. Weiss: Investigator Blanton, do you have the original - thank you - original search warrants? If I may mark each of these documents as Court's exhibits for identification.

(Court's exhibits 1 through 4 were marked for identification only.)

Ms. Weiss: Investigator Blanton, will you please identify Court's exhibits 3 and 4 and identify them each individually by number?

Dr. Faltas: Your Honor, I'm just asking the question: At what point do I get to see them?

The Court: If you'll show them to Ms. -- Dr. Faltas.

Dr. Faltas: Thank you, Your Honor.

(Dr. Faltas looks at the exhibits.)

Direct Examination By Ms. Weiss:

Q. Investigator Blanton, will you please identify Court's exhibits 3 and 4 each by their number?

[page 67] A. Number 3 is the original search warrant, search warrant S-09-311. It's a search warrant for 304 Byron Road, apartment 3, Columbia, South Carolina, 29209.

Q. Okay. And is this the original search warrant in the same form that you signed it?

A. Yes.

Ms. Weiss: Your Honor, at this time I would move to admit Court's exhibit 3 for Court's -- as a Court's exhibit only.

The Court: They're admitted as Court's exhibits.

The Witness: Number 4 is another original search warrant, search warrant S-09-312. It's a search warrant for a 1994 Toyota Camry, gray in color, South Carolina tag A-Z-E 5-9-2 which the V.I.N. is also listed. Do you want me to read that out?

By Ms. Weiss:

Q. That's not necessary. That vehicle is -- can you identify what that vehicle is?

A. Correct. It's a registered to Dr. Marie Assa'ad-Faltas.

Q. Okay. Now, is that also in the form in which you originally signed it?

A. Yes.

Q. Included with both of those -- Your Honor, at this time I move Court's exhibit 4 in as well.

The Court: All the exhibits are in as Court's exhibits.

[page 68] **Ms. Weiss:** Thank you, Your Honor.

By Ms. Weiss:

Q. Investigator Blanton, do those search warrants also include the returns?

A. Yes.

Q. And are they in the same form in which they were returned to the ministerial recorder?

A. Yes.

Q. Thank you. Investigator Blanton, how long have you been with the City of Columbia Police Department?

A. Seven years.

Q. And during that time have you been trained to write your own search warrants?

A. Yes.

Q. And did you write these search warrants?

A. I did.

Q. Were you the lead investigator on the case involving Marie Faltas?

A. Yes.

Q. During that investigation, did you have the opportunity to talk to witnesses and victims and -- later to be determined victims in this case?

A. Yes.

Q. And approximately how many different witnesses did you talk to prior to seeking---

[page 69] **Dr. Faltas:** Objection.

The Court: I haven't heard a question.

Dr. Faltas: Sorry. I was---

The Court: I have to hear a question before I can entertain an objection to a question. I cannot entertain an objection in the midst of a question being asked.

Dr. Faltas: I apologize.

Ms. Weiss: Approximately how many witnesses did you speak to prior to seeking the search warrants and arrest warrants in this case?

Dr. Faltas: Objection.

The Court: The objection is overruled.

Dr. Faltas: May I state the basis, Your Honor?

The Court: No, it's not necessary.

By Ms. Weiss:

Q. Please answer that.

A. Five.

Q. Five. And who were those witnesses?

A. Teresa Ingram, Larry and Dinah Mason, Charlene Crouch, Mitch Jones. That's five.

Q. Okay. And did you also receive written statements from other witnesses that were given to you?

A. I did.

Q. Okay. In an accumulation of those statements from each of those witnesses, what did you determine to be the issues [page 70] you were investigating in this case?

A. That there was a harassment issue, that it was in violation of that statute.

Q. And what were the specific allegations you were investigating concerning the harassment?

A. The constant photo-taking of the victims as well as the witnesses---

Dr. Faltas: Constant what? I can't hear.

The Witness: Constant photo-taking of the victim as well as the witnesses---

Dr. Faltas: Your Honor, may I sit there so I---

The Court: Yeah, you can sit there---

Dr. Faltas: Thank you.

The Court: ---if you would like to.

Dr. Faltas: Thank you, Your Honor.

The Witness: And the victims.

Dr. Faltas: Here?

The Court: Yes.

Dr. Faltas: Thank you, Your Honor.

By Ms. Weiss:

Q. Please continue.

A. The photo-taking, the blocking of the vehicles in by way of Dr. Faltas's -- the green Camry that was mentioned, listed in the search warrant, profanity that was used as well as other little small things like that.

[page 71] Q. Okay. Did you become aware -- did you have the opportunity to investigate where Marie Assa'ad-Faltas was residing at the time?

A. Yes.

Q. And what was that?

A. At 304 Byron Road, apartment 3.

Q. And were you aware if any of this activity originated in that apartment?

A. Yes.

Q. Did you also become aware of whether or not after the activity took place the defendant then returned to that apartment?

A. Correct.

Q. Did any of this activity occur in the vehicle that you've described?

A. Right. The blocking in and the -- some of the photos were alleged to be taken from the vehicle while her car was blocking in the victim as well as other family members and friends and other witnesses.

Q. Okay. And each of these five witnesses that you talked to, did some of them reside at 304 or close to 304 Byron Road?

A. 300 and 304.

Q. Okay. And what are those two addresses?

A. It's 300 Byron Road and 304 Byron Road. It's a [page 72] multiplex right beside each other.

Q. And is that in the City of Columbia?

A. Yes.

Q. Is that in Richland County?

A. Yes.

Q. And do you know who owns those two quadruplexes?

A. From my understanding, Ms. Dinah Steele-Mason.

Q. Okay. And was she later developed to be a victim---

A. Yes.

Q. ---on your cases?

A. Yes.

Q. And does she reside at those addresses?

A. No.

Q. Okay. Does she reside in the City of Columbia?

A. No.

Q. Did any of the allegations involve the following of Dinah Steele-Mason?

A. Yes.

Q. And in what vehicle was Dinah Steele-Mason followed?

A. Which vehicle was Ms. Mason---

Q. Was she followed by.

A. It was identified as Dr. Faltas's green Toyota Camry.

Q. Did you receive any information about items that may be found in the green Camry?

A. Yes.

[page 73] Q. And what information would that be?

A. That there may be documents as well as some photos due to the fact that some of the photos were taken from inside of the vehicle.

Q. Okay. And did you have -- can you please tell the Court any reason you had to believe that there may be photos in apartment 3 at 304 Byron Road?

A. Seeing that that was where Dr. Faltas resided, the cameras that were used to take the photos, obviously herself, she was in that apartment since that's where she lived. Everything we thought would be

there as far as photos, all documents, everything, videotapes, audiotapes, what we thought of should be either in her vehicle or in the apartment which she resided.

Q. Did you have any information that she had a place of work that she went to on a regular basis?

A. No, not that I was aware of.

Q. So did you have any information that Dr. Faltas had any place that was her own other than apartment 3 at 304 Byron Road or her vehicle?

A. Other than a vacant piece of land, no.

Q. Okay. And was there another vehicle also that was somehow tied to Dr. Faltas?

A. Yes, but it's not registered to her.

Q. Okay. And was there any indication that she drove it on [page 74] a regular basis?

A. Not that I was ever told.

Q. Okay. What information, if any, did you have about audio recordings?

A. Ms. Ingram, as well as Mr. And Mrs. Mason, stated that at numerous court appearances as well as other times that they had been recorded or Dr. Faltas had stated that she had recorded them. One tape was used in a separate court appearance.

Q. Okay. And did any of the witnesses indicate their knowledge as to whether there may possibly be video recordings?

A. They did.

Q. And what was that?

A. Just that they thought that there might be due to the fact that they weren't sure if the camera was a digital camera, if it would allow some sort of video on it. They knew there was a camera. They just weren't exactly sure what kind.

Q. And, Investigator Blanton, do you have any sort of post high school degree?

A. Yes.

Q. And what is that?

A. And I have an Associates Degree in Criminal Justice.

Q. Okay. And do you have any training -- direct law [page 75] enforcement training?

A. Yes.

Q. And what is that?

A. I graduated from the Criminal Justice Academy. Then I went through numerous classes as far as how to write search warrants, how to execute search warrants, how to do undercover operations.

Q. And you stated you've been in law enforcement for how many years now?

A. Since 2003 I've worked with the City.

Q. Okay.

A. So seven years.

Q. And since 2003 what different positions have you held?

A. I was a street officer for two years. Then I was elected to go to the C.R.T. which is Community Response Team. We deal directly with community concerns, complaints. If they complain about a possible drug house down the street, we do surveillance. We do what we call tear-offs for vehicles and people walking or leaving that residence. Community concerns such as speeding on a specific area...

Q. And after C.R.T., were you promoted?

A. Yes.

Q. And promoted to what?

A. Special Victims Unit **investigator.**

Q. And when was that?

[page 76] A. I was promoted a few weeks before the promotional ceremony which happened in June.

Q. Okay.

Dr. Faltas: June which year?

The Witness: Last year. I'm sorry.

By Ms. Weiss:

Q. June 2009.

A. Yes.

Q. Okay. And prior to being promoted to investigator, have you received any special recognitions or awards?

A. Yes, I received Police Officer Of The Year.

Q. And what year was that?

A. The plaque says 2008, but I got it in January of 2009.

Q. Okay. And in your training and experience, in what forms can photos be found on?

A. Oh, wow. You have a 35 millimeter camera or just a standard camera that would require film to be developed. You have the digital camera with a memory card or without, and they can be put on disks. They can be put on little – I call them thumb drives. I think they're actually called zip drives. They can be downloaded to computers, iPods, notebooks, all sorts of electronic media like that.

Q. Other than cameras, are there any other things that can be used or are there any other devices that have cameras in them that could be used for taking photos?

[page 77] A. Cell phones, iPods, obviously video cameras.

Q. And as far as audio recordings, are you aware of what forms those can be found in?

A. Again, cell phones, any sort of audio recording devices that you could put a cassette in. Some now you can put C.D.'s in and they record. Obviously a video camera has a microphone in it.

Q. And the recordings themselves, what forms can those be found in?

A. The audio or video?

Q. Audio.

A. Disks, cassettes, V.H.S., again those little zip drives. Cellular phones have microphones in them. Audio recorders.

Q. And in your training and experience, what forms have you found to be able to show that a pattern of events...

A. I'm sorry? I don't understand.

Q. Other than multiple pictures or multiple audios, are there any other forms that perhaps defendants may provide a pattern of events, a pattern or diary of their events?

A. That's just what it would be would be a diary, whether it's a handwritten journal or a log or a daily dissertation of what was going on, what was happening.

Q. And in your training and experience, could each of the things you have just mentioned be used to prove harassment?

A. Yes.

[page 78] Q. Could it be evidence of the crime of harassment?

A. Yes.

Q. And/or stalking?

A. Yes.

Q. And did you have reason to believe, prior to seeking the search warrants, that this information may be found in Dr. Faltas's apartment?

A. Yes.

Q. Okay. And based on your investigation, did you specifically have reason to believe that these items may be found in the apartment?

A. Yes.

Q. Or the car?

A. Yes.

Q. Okay. Now, moving to December 1st of 2009, is that the date that is on these search warrants?

A. Yes.

Q. You said you typed the search warrants.

A. Correct.

Q. Is that correct?

A. Uh-huh.

Q. Okay. What is your procedure? Once you type the search warrant, what do you do with it?

A. It's either taken over to our warrant division or faxed over or printed out because our printers are connected, [page 79] seeing that we're in the building adjacent to them, and then from there we go in, speak with a warrant clerk...

Q. When you say a warrant clerk, is that also known as a ministerial recorder?

A. Yes. Sorry.

Q. Okay. And you speak with the ministerial recorder. Now, the ministerial recorder in this case is Angela Ladson?

A. Yes, ma'am.

Q. And do you have any relationship with her other than law enforcement officer and ministerial recorder?

A. No.

Q. Do you have any social relationship with her?

A. No.

Q. Any personal relationship with her?

A. No.

Q. Have you ever shared a business?

A. No.

Q. Ever shared a residence?

A. No.

Q. Nothing. Have you ever had any conversation with her outside of a professional conversation?

A. Not that I can recall, no.

Q. Have you seen her on any regular basis outside of work?

A. No.

Q. So -- but you have met her before as far as being a [page 80] ministerial recorder.

A. Right.

Q. And over the years that you've been seeking warrants and search warrants, she is someone you know just on that professional basis.

A. Correct.

Q. So once you send this over there and print it out -- this warrant in particular, do you know if you printed this out or if you sent this over to their office to be printed out?

A. More than likely I---

Q. No, just do you remember one way or the other---

A. No.

Q. ---for sure? Okay. So on December 1st, do you recall going over to the ministerial recorder's office with -- to deal with these search warrants?

A. Yes.

Q. Okay. And when you went over there, did Angela Ladson physically take these search warrants and read them?

A. Yes.

Q. All right. In addition to the search warrants, the arrest warrants that are marked as Court's exhibits 1 and 2, those are the arrest warrants...

A. I don't have arrest warrants. I have two search warrants.

[page 81] Q. Okay. Court's exhibits already been admitted as 1 and 2, are these your arrest warrants?

A. Yes.

Q. What is the date that the arrest warrants were signed?

A. 12/1/2009.

Q. Okay. Is that the same day that the search warrant was signed?

A. Yes.

Q. Was it at the same time that the search warrant was signed?

A. Yes.

Q. And who was ministerial recorder that signed the search warrants?

A. Ms. Angie or Ms. Angela Ladson.

Q. Okay. And are you the affiant on both of these search warrants -- I mean arrest warrants?

A. Yes.

Q. So when you went to talk to Angela Ladson about the search warrants, did you also at the same time talk to her about the arrest warrants?

A. Yes.

Q. And when you went down there, do you remember in what order you discussed each of these warrants?

A. No.

Q. But did Angela Ladson have the opportunity and hold in [page 82] her hands and have the opportunity to read both of the arrest warrants?

A. Yes.

Q. And for the record, as it applies to this case, if I may read the arrest warrant into the record? It says, "Between February 2009 and November 2009 in the City of Columbia, County of Richland, victim, Teresa Ingram, has been harassed by defendant. Defendant has shown a pattern of intentional and unreasonable intrusion into the life of Teresa Ingram by way of, but not limited to, the following acts: Following victim from her residence, assaulting victim, and blocking victim in the parking lot by use of defendant's vehicle. Defendant's continued behavior of this type is causing undue mental stress to victim, Teresa Ingram, and intruding on her day-to-day routine as well as the emotional discomfort of family and friends not wanting to visit Ms. Ingram. The defendant in this case is Marie Assa'ad-Faltas." Is that the arrest warrant -- one of the two arrest warrants that was signed by Angela Ladson?

A. Yes.

Q. So, in addition to the search warrant, Ms. Ladson also had this arrest warrant.

A. Right.

Q. Prior to Angela Ladson signing the arrest warrants, were you placed under oath?

A. Yes.

Q. And were you asked to swear to the veracity of these arrest warrants?

A. Yes.

Q. And did you swear to the best of your knowledge under oath that the information on these arrest warrants were true?

A. Yes.

Q. Was true. As far as the search warrants -- and I'm taking them both together, Your Honor, because they basically describe the same material and we've covered why each of the two places was mentioned. So because they're the same verbiage, I'm just taking them both together. [] The affidavit as far as why -- the reason for belief that the property sought was on the subject's premises states that, "Between February 2009 to November 2009, Columbia Police Department has received numerous reports and complaints from the residents---

Court Reporter: I'm sorry. Can you slow down?

Ms. Weiss: I'm sorry.

By Ms. Weiss:

Q. "Has received numerous reports and complaints from the residents and landlords of 300 to 304 Byron Road in reference to Marie Assa'ad-Faltas's harassing behavior, disrupting the day-to-day lives of other people. It is this writer's belief that a search of the apartment may reveal evidence that may [page 84] further the investigation." The second search warrant states basically the same, but the last sentence states that a search of the vehicle may reveal evidence that may further the investigation. Are those your affidavits?

A. Yes.

Q. And when you stated harassing behavior, was that use of the legal term of harassing behavior for the arrest warrants: Harassment?

A. Correct.

Q. So did you mean by that to encompass the elements of the harassment statute?

A. Right.

Q. In addition to that, did Angela Ladson ask you to provide further information---

A. Yes.

Q. ---about this case?

A. Yes.

Q. And what information, in addition to this, did you provide to Angela Ladson?

A. Things that are listed in the arrest warrants as far as -- I elaborated on the following of the victim as well as the simple assault as well as the numerous photos, the blocking in of the vehicles, the unwanted contact.

Q. And at some point during your conversation with Angela [page 85] Ladson, were you put under oath as it pertained to the search warrants?

A. Yes.

Q. And were you asked to swear that the information both in the search warrants and the information that you have stated you added was true?

A. Yes.

Q. And did you so swear?

A. Yes.

Q. And, in fact, was all that information true?

A. To my knowledge, yes.

Q. In addition to this information and the information you've stated you received during the investigation, did you have an opportunity to actually view some pictures purportedly taken by the defendant?

A. Yes.

Q. And where did those photos come from?

A. Andrew Delaney's office.

Q. And in what way were they sent to you?

A. I don't remember.

Q. Okay.

A. I know they're black-and-white copies.

Q. Okay. And did any of those -- excuse me, Your Honor. If I could ask the defendant to stop making noises. It's very disruptive?

[page 86] **Dr. Faltas:** Did I make noise, Your Honor?

The Court: I heard someone saying, "Ah," or something similar. That might have been you. I don't know who it might have been.

Dr. Faltas: Yes, Your Honor. My -- my breath was taken away because I have been trying to say all along---

The Court: Okay. Just hold your point.

Dr. Faltas: I'm not---

The Court: Hold your point just a moment, Dr. Faltas. Investigator Blanton, would you step down for a moment and would you take a seat over here? Dr. Faltas -- would you bring the jury in, please? And I'll hear from you in a moment, Dr. Faltas. (Whereupon, the jury was brought into open court at 10:24 a.m.)

The Court: Welcome back. Good morning, ladies and gentlemen. Thank you for coming at the time I requested that you come. You'll discover during the process of a trial there are instances when matters must be taken up outside of the presence of the jury, so we'll have situations where you'll be waiting in the jury room for us to discuss matters outside of your presence. That's what we are now doing. I do not know how long this will take, but rather than have you wait in the jury room, I'm going to excuse you to leave and to come back at noon, at 12 noon, and we'll see you then. [page 87] Some of you -- one of you sent a note requesting or asking whether jurors can take notes while court is in session. You can take notes if you like. The notes will have to -- or your notebooks will be given by the -- given to you by the bailiffs when you come in. They will be collected from you when you leave the courtroom. They'll be given to you at the time of jury deliberations. [] There are two schools of thoughts on - perhaps more than two - but the main two schools of thoughts are that when jurors focus on taking notes they're often misfocusing on the witnesses and using what people typically use in assessing and evaluating the credibility of witnesses, that is, observations and all, as opposed to focusing on what you might have written, the written word. [] Other -- but, on the other hand, many people are able to focus better when they are able to make notes while they are observing. So whatever your preference, it's certainly fine with me. If you would like to take notes, you can. The one thing -- and a word of caution regarding note-taking is that it is not to be a substitute the -- fact that you might make a note on something is not to be a substitute for your obligation to deliberate with

other jurors on any and all matters relating to this case. [] So with that, we're going to let you go. And I hesitate when I say -- did I say 12:00? Yeah. I'm hesitating on that [page 88] time because I really don't know what time we'll need you back. I think I'm going to change that time, however. Let's say... All right. 1:45. 1:45. I hope you all have something -- I usually -- I have court in Kingstree quite often. We have a lot to do in Kingstree when court breaks down, so hopefully you can find something to do in Columbia. We'll see you at 1:45.

(Whereupon, the jury was excused from open court at 10:29 a.m.)

The Court: Yes. Yes, Dr. Faltas, you were saying something?

Dr. Faltas: Your Honor, I have been trying to say for quite awhile that this whole thing was driven by an attempt for Larry Mason and Dinah Steele to gain unfair advantage in the civil litigation, and everyone was telling me that either I'm crazy, paranoid, or casting unfounded aspersions on the lawyer. In fact -- in fact, Your Honor, one document had the stamp of McAngus, Goudelock, and Courie, the law firm of J. Andrew Delaney who was here, who was subpoenaed and filed a motion to quash the subpoena, and he pretended that it wasn't--

The Court: Now, Dr. Faltas, is all this in response to the -- Ms. Weiss's request that you not make noises?

Dr. Faltas: Your Honor, I respectfully say that I did not make noise. That revelation caused me physical heart [page 89] palpitation, and I had to be taking my breaths so that I don't go into physical damage from the palpitations.

The Court: All right. Well, I'll accept that as being the reason for the noises, and we will proceed with this witness. If you'll come back on the stand, Investigator Blanton.

Dr. Faltas: Thank you, Your Honor.

Ms. Weiss: Your Honor, if I may, the jury is not coming back 'til 1:45. May the victim be excused until that 1:45?

The Court: Yes.

Ms. Weiss: Okay. Thank you, Your Honor.

The Court: Any and everyone who wants to be excused can be excused -- who can be excused can be excused 'til 1:45.

Ms. Weiss: Thank you, Your Honor.

By Ms. Weiss:

Q. So, Investigator Blanton, you received photos that purportedly came from Dr. Faltas?

A. Correct.

Q. And did those photos corroborate information you had received from the witnesses?

A. Yes.

Q. And were they photos that described circumstances that had been described by the witnesses?

A. Yes.

Q. And was there anything else that you received that [page 90] corroborated or was there anything else that helped corroborate the information that you had gotten from the witnesses?

A. Just those photos.

Q. The photos. And did the statements of the witnesses each corroborate each other?

A. Yes.

Q. Did you have any information that led you to believe that any of these witnesses was lying to you?

A. No.

Q. Did you have any personal knowledge or have you come upon any personal knowledge that any of the information involving the harassment of Teresa Ingram or Dinah Steele, any of the allegations provided to you were lies?

A. No, not that I am aware of.

Dr. Faltas: I'm sorry. I couldn't hear. Even sitting this close I couldn't hear. Can you lean towards the microphone.

The Court: If you'll move forward. Dr. Faltas, you should address your comments to the court, not to the witnesses.

Dr. Faltas: I apologize, Your Honor, and I'm sorry. I do confess of -- not anger, not anything, but I am very dissolutioned with this person based on what she just revealed and I hope the honor will

keep -- Your Honor will [page 91] keep an open mind when I cross-examine her what else will be revealed, but I confess I am not -- I am indignant at her and it was so wrong of me to address her as opposed to Your Honor. I apologize for that.

The Court: All right. Proceed.

Ms. Weiss: Thank you, Your Honor.

The Court: If you'll come forward to the mic or pull the mic towards you. I'm having difficulty hearing as well.

The Witness: Is that better?

Ms. Weiss: Pull it towards you.

The Witness: If I'm any closer, it's going to be in my mouth.

Ms. Weiss: Okay.

Dr. Faltas: Okay. Your Honor, may I ask that she repeat her last answer or that it be read back? Because I didn't hear it.

The Court: Restate last question, please.

Dr. Faltas: Thank you.

By Ms. Weiss:

Q. Did you receive any information that the allegations made against Dr. Faltas involving Dinah Steele or Teresa Ingram and the harassment of each of those victims was false?

A. No, not that I'm aware of.

Q. In fact, in your investigation were you able to get incident reports relating to these incidents?

[page 92] A. Yes, some of them.

Q. Some of them. And the incident reports you were able to gather, did those corroborate as well the information that was given to you in the statement?

A. Yes.

Q. Were you also able to get 9-1-1 recordings?

A. Yes.

Q. Were you able to get those incidents reports from 9-1-1 for tapes that had been erased?

A. Yes, I got the paper documents, the transcripts.

Dr. Faltas: Objection.

The Court: Overruled.

Ms. Weiss: Thank you.

By Ms. Weiss:

Q. And were those -- were those reports and those tapes -- were they able to corroborate the information that you had -- for your investigation?

A. Yes.

Q. So, in addition to your affidavit, the search -- the arrest warrants and the oral testimony, was there anything in that that you swore to that you now know to be untrue or false?

A. Not that I'm aware of.

Q. Did you actually execute the search warrants personally?

A. I was on the scene when they were being done.

Q. Okay. Who executed the search warrants -- the search warrants physically?

A. My other team members, other investigators.

Q. Okay. And did you supervise that search?

A. Yes.

Q. And did you actually see the returns that were made as a response to the search -- to each of the searches of the car and the apartment?

A. Yes.

Q. And did you file those returns with the ministerial recorder?

A. Right.

Q. Okay. And did you check each of the returns and the items that were gathered to see that those items matched what was sought in the search warrant?

A. Yes.

Q. Were you able to on December 2nd, 2009, when the search warrants were actually executed, able to listen to each of the tapes, view each of the disks, look at the computers, or go through all of the pictures?

A. Oh, Lord, not that day, no.

Q. Okay. Approximately how long did the search take?

A. I can't even round it off. We were there all day though.

Q. Okay. And after being there all day, you left with [page 94] approximately 26 items from the home or 26 items to list from the home that had several items within them?

A. Yes.

Q. Okay. And approximately -- I guess approximately one large item from the vehicle.

A. Correct.

Q. And what was the reason that it took the majority of the day for you to find these items?

A. Because there was a lot of stuff in her apartment and we wanted to go through what we could to make sure that we weren't taking things that were not included in the warrant.

Q. Okay. And did you personally supervise that fact?

A. Yes.

Q. Okay. And just in addition to that, did you -- how soon after the search did you begin going through each of these items to try to determine whether or not it was relevant to the case that you were investigating?

A. The next couple of days.

Q. And within the next week, couple of weeks and months, did you attempt to return items as you discovered they were not relevant?

A. Yes.

Q. Beg the Court's indulgence. Finally, Investigator Blanton, did Angela Ladson swear you in?

A. Yes.

[page 95] Q. And did she ask you if everything that you had said, including the additional information, was true?

A. Yes.

Q. And did she acknowledge to you that she believed there was probable cause?

A. Yes.

Q. And how did she acknowledge that?

A. Because she signed the warrants.

Q. And did she sign each of the search warrants?

A. Yes.

Q. And did she sign each of the arrest warrants?

A. Yes.

Q. And were those search warrants executed the next day?

A. Yes.

Q. And was the return made promptly?

A. Yes.

Q. When was the return made?

A. That day, December 2nd, 2009. Yes on both of them.

Ms. Weiss: Thank you, Your Honor. No further questions at this time.

The Court: Cross-examination.

Dr. Faltas: Thank you, Your Honor. What's best for the -- with the Court's permission, what's best for the court reporter? Is from here okay?

Court Reporter: (Nodded head up and down.)

[page 96] **Dr. Faltas:** Thank you.

Cross-Examination By Dr. Faltas:

Q. Did you write a case summary about this on November -- on or about November 17th?

A. I did write a case summary. I can't tell you exactly what date it is without looking at it.

Dr. Faltas: All right. Your Honor, may I beg the Court's indulgence -- indulgence for a second? I could pick it up, please?

The Court: Yes.

Dr. Faltas: Thank you.

The Court: We'll be at ease for a few minutes.

Dr. Faltas: Thank you, Your Honor.

(Whereupon, a short break was taken.)

Ms. Weiss: Your Honor, I'm not sure if the break was for Dr. Faltas to find the case summary. The investigator has got a copy of her case summary in the case jacket.

The Court: All right.

Dr. Faltas: Thank you, Your Honor very much, and I do appreciate Ms. Weiss helping us this way.

The Court: Proceed, Dr. Faltas.

Dr. Faltas: Pardon?

The Court: Proceed.

Dr. Faltas: Yes. Yes. I'm sorry.

[page 97]

By Dr. Faltas:

Q. On the last page of the case summary -- first of all, what is the date of that case summary?

A. November 17th, 2009.

Q. Why did you write it?

A. To prepare myself as well as to let my supervisor know. He asked me to prepare a case summary.

Q. Who is your supervisor?

A. Sergeant G. Drafts.

Q. Did he read it?

A. He said he did.

Q. Pardon?

A. He said he did.

Q. Okay. And did you show it to somebody else or did you or he show it to somebody else?

A. I e-mailed a copy to Assistant Solicitor Heather Weiss. I also had it in hand for a briefing with the Chief.

Q. Chief Carter?

A. Yes, ma'am.

Q. Chief Carter saw it.

A. He did not see it. I had it in my hand when we went into a briefing. He did not see it.

Q. You went into a general briefing or a briefing about this case?

A. It was a briefing about this case.

Q. I'm sorry, Your Honor. And when did it take place?

A. I couldn't tell you what day it was; I'm sorry. I don't know what day it was. It was before the search warrants and the arrest warrants were even signed.

Q. Who was present in that briefing?

A. Myself, my sergeant, Sergeant Drafts, and the Chief. I don't recall -- Captain Dodson was also in there.

Q. Was Heather Weiss in the meeting by phone or by e-mail or by video conference or anything?

A. No, ma'am, she was not there. She was not present.

Q. When was the first time you had any contact with Heather Weiss about this case?

A. As we have to do with---

Ms. Weiss: Objection, Your Honor.

The Witness: I'm sorry.

Ms. Weiss: Relevance to the search warrant.

The Court: The objection is sustained.

Dr. Faltas: I'm only asking the question, Your Honor. May I offer the answer for the record for appellate purposes?

The Court: No.

Dr. Faltas: No? I cannot offer that?

The Court: No.

Dr. Faltas: *Okay. Was there any attorney from the City of Columbia advised of this case before the search warrant or the arrest warrants were issued?*

[page 99] Ms. Weiss: *Objection.*

The Court: *Overruled. Yes or no.*

The Witness: *Yes.*

By Dr. Faltas:

Q. Who and when?

A. I can't tell you the exact date. I don't know. I know it was done before I signed the search warrant as well as the arrest warrant, but Bob Cooper was aware that we were going after seeking warrants. He does not -- did not know anything about the case nor does he now. I have not discussed any details whatsoever with Mr. Cooper. He was just advised that we were seeking warrants.

Q. Okay. Was Gary Johnson also advised that you were seeking warrants?

A. Yes, because he was dealing with another matter and I had to contact him about the other matter.

Q. To your knowledge as we sit here today, is Gary Johnson still with the City of Columbia attorney's office?

A. I don't believe so.

Q. Is it usual for a misdemeanor case to be briefed to the Chief of Police or was this handled differently?

A. It was handled a bit differently.

Q. How so?

A. Just due to me doing up the case summary for it. Typically our unit, our entire team, as well as my sergeant [page 100] brief before we seek warrants for just about every charge because the subject matter in the cases that our team deals with -- because we are Special Victims investigators, typically we all discuss it before any warrants are sought -- are sought after. This happened to be one. **Because of the pending lawsuits and previous lawsuits, it was handled a bit differently.**

Q. Did you show that case summary to Angela Ladson---

A. No.

Q. ---at any point?

A. No, ma'am.

Q. Did you speak from that case summary when you were talking to Angela Ladson at any point?

A. I don't recall giving Ms. Ladson any dates specifically, and that's what's written in the case summary.

Q. So you gave her no dates whatsoever.

A. I don't recall giving her specific dates other than what was listed in my affidavit in order to obtain a warrant.

Q. Okay. You claim that you gave her further oral supplement?

A. Correct.

Q. There were no dates in the oral supplement.

A. I said I don't recall.

Q. Okay. This summary would indicate the knowledge that you had at least up to that date; correct? [page 101] A. Yes.

Q. Okay. And do you have a record of when you received the pictures from Andrew Delaney?

A. No, I don't think so.

Q. Is anything in the summary -- does anything in the summary reference your having received pictures from Andrew Delaney?

A. I can read the entire seven-page case summary, if you'll give me a few minutes.

Q. Sure.

A. Because I'm not a hundred percent sure.

Dr. Faltas: Thank you. Your Honor, while she does that, may I ask if the solicitor as a matter of courtesy can have an extra copy -- it's actually attached to several -- to at least one submission to the

Court, so it's of record in the case, but I just physically maybe didn't -- wasn't able to carry everything upstairs.

Ms. Weiss: I'll go make a copy, Your Honor, if you would like.

The Court: All right.

Dr. Faltas: Thank you, Your Honor.

The Court: In the interim, you can proceed with your questions.

Dr. Faltas: Yes. Thank you, Your Honor. She said that she's going to read this, and I'll be asking her from memory [page 102] as to---

The Court: Just proceed.

Dr. Faltas: Yes. Yes, Your Honor.

The Court: We're not taking a break to get a copy.

Dr. Faltas: No, no. I understand.

The Court: Next question.

Dr. Faltas: She asked to look at her summary first.

(Pause in proceedings while the witness reads the summary.)

By Dr. Faltas:

Q. So there is nothing in there about your having received documents from J. Andrew Delaney?

A. Not at the time the summary was written.

Q. And you had received other documents from J. Andrew Delaney before the summary was written. Isn't that correct?

A. No.

Q. Didn't you testify that you received pictures from him?

A. I did.

Q. And when did you receive those?

A. I've already told you I don't know.

Q. So your answer just now that the pictures were not received before the summary is not correct. The correct answer should have been that you don't know. Right?

A. If I had received the photos before the case summary was done, then I would have put it in the case summary.

[page 103] **Q.** That's not entirely true, is it, because you are trying to, number one, conceal that your---

Ms. Weiss: Objection, Your Honor.

Dr. Faltas: I apologize.

The Court: The objection is sustained. The question is argumentative.

Dr. Faltas: Your Honor is absolutely correct.

The Court: I know that I'm correct and I don't need any acknowledgement of my ruling, just the next question, please.

Dr. Faltas: Thank you. I meant to say I apologize.

The Court: I don't need any apologies either. Just proceed.

Dr. Faltas: Thank you.

By Dr. Faltas:

Q. Looking back at the last page...

A. Okay.

Q. Does it not reference my going to the Social Security office?

A. It does.

Q. How did you even know about it?

A. Because I'm the one who called the Social Security office.

Ms. Weiss: Your Honor, may we continue?

The Court: Is there a response to the last question?

Ms. Weiss: Yes, there was, Your Honor.

[page 104] **The Court:** Next question.

By Dr. Faltas:

Q. Why?

A. Because the question of whether or not the person receiving Social Security benefits at your address actually resided at your address.

Q. Who was -- who raised that question?

A. One or two of my witnesses.

Q. How does this have anything to do with harassment?

A. It was part of my investigation.

Q. And how did you get my mother's Social Security number?

A. I'm privileged to several websites that allow me peoples' personal information as an investigator.

Q. So you invaded my mother's---

Ms. Weiss: Objection, Your Honor.

The Court: I haven't heard a question. What's your question before I can entertain an objection?

Dr. Faltas: Thank you, Your Honor. So you invaded my mother's Social Security records.

Ms. Weiss: Objection, Your Honor.

The Witness: No, ma'am.

Dr. Faltas: Pardon?

The Court: The objection is overruled.

Dr. Faltas: You invaded my mother's Social Security informa---

The Court: Just a moment. The objection is overruled. What is the response to the question?

The Witness: No, not her Social Security records.

By Dr. Faltas:

Q. What did you invade about?

A. I'm sorry? What?

Q. How did you go about finding her Social Security number?

A. There is a website called Accurant, A-C-C-U-R-I-N-T. It's a law-enforcement-related website that allows a secured access, allows secured access to law enforcement officers to allow us to find addresses, current addresses where mail would be received from. It also gives Social Security numbers.

Q. Did you find that my mother has any criminal record?

A. No.

Q. Were you looking for any criminal record for my mother?

A. No.

Q. Using the Social Security number, you could have found that my mother was, in fact---

Ms. Weiss: Objection, Your Honor.

The Court: The basis for the objection?

Ms. Weiss: Relevance to the search warrant, Your Honor.

The Court: The objection is sustained.

Ms. Weiss: Thank you.

By Dr. Faltas:

[page 106] Q. Did you have information that my mother at that time was, thank God, still alive?

A. Before I contacted the Social Security office?

Q. Yes, ma'am.

A. No.

Q. Using her Social Security number, could you have not called the Social Security Administration and found out that she was still alive?

Ms. Weiss: Objection, Your Honor.

The Court: Objection is sustained.

Ms. Weiss: Thank you.

Dr. Faltas: Do you have access to something that would show the address under the Social Security number?

Ms. Weiss: Objection, Your Honor.

The Court: The objection is sustained as to this entire line of questions.

Ms. Weiss: Thank you.

The Court: That is not relevant to the search warrant issue.

Dr. Faltas: Your Honor, I am trying to -- may I state on the record for appellate purposes, if need be, that I am trying to prove that this was a general search warrant way beyond the scope of anything

and totally related to a request to interfere with my civil lawsuit as evidenced by someone contacting the Social Security office about my mother and [page 107] causing a rumor that my mother is dead and I'm taking -- fraudulently taking her Social Security checks which is exactly what I told the jury yesterday? And here it is: Admission under oath.

The Court: The objection is sustained. You've stated your basis on the record. Your next question for the witness, please.

Dr. Faltas: Whom did you contact in the Social Security office?

Ms. Weiss: Objection, Your Honor.

The Court: Sustained. Objection sustained as to any further questions concerning the Social Security matter.

Dr. Faltas: Thank you. I'm going to ask one question for the record, if I may. May I? Did you have any knowledge by law that someone has to reside at a certain place to get Social Security retirement checks?

Ms. Weiss: Objection, Your Honor.

The Court: Overruled.

Dr. Faltas: Thank you, Your Honor.

The Court: Yes or no.

The Witness: No.

By Dr. Faltas:

Q. By the time you executed the search warrant, you knew that my mother was alive.

A. I knew that she had been in a medical facility in [page 108] another state back during the Summer of 2009. That's what I knew.

Q. And, in fact, in answer to Ms. Weiss's questions, you said that you supervised to make sure that you didn't take things that weren't in the scope of the search warrant. Isn't that correct? That was your answer?

A. To the best of my ability, yes.

Q. But, in fact, you took many things that were outside the scope of the search warrant.

Ms. Weiss: Objection, Your Honor.

By Dr. Faltas:

Q. Did you take things that were definitely not in the scope of the search warrant?

A. Not that I'm aware of.

Q. Did you not take my mother's bank card from my shirt pocket?

A. We did because it did not have your name on it.

Q. Hadn't you received follow-up that I had shown the Social Security office power of attorney for my mother?

A. That would be hearsay.

Dr. Faltas: Your Honor, may I ask that she answer?

The Court: What's the answer to the question?

The Witness: Can you ask it again?

By Dr. Faltas:

Q. Did you receive information before you executed the [page 109] search warrant from the Social Security office that I had shown them my power of attorney for my mother?

A. Via telephone, the investigator from the Social Security office advised me that you showed him a document that appeared to be a power of attorney.

Q. Did you have any reason to believe that -- did you -- did he in any way share the document with you? Did he fax it to you or e-mail it to you or anything?

A. No, ma'am.

Q. Did he give you any reason to believe that the document was false in any way?

A. I don't think he and I discussed that.

Q. And, again, that was before the date of the search warrant and before the time you took my mother's credit cards.

A. That was before the search warrant, correct.

Q. So you knew at that time that my mother was alive and that I had power of attorney for her, and yet you took her bank cards from my shirt pocket which was hanging in the closet. Right?

A. Again, I had not seen---

Q. Yes or no. Yes or no.

A. Ask the question again.

Dr. Faltas: May I ask that the question be read to her again, please?

[page 110] **The Court:** Restate the question, please.

Dr. Faltas: I apologize.

By Dr. Faltas:

Q. All right. On the date of the search warrant you knew that my mother was alive and that I had shown a federal official a power of attorney that I have for her. You knew those two facts, and yet you took her bank card from my shirt pocket, and that was not covered in the search warrant. Yes or no? And that is a compound question.

A. No, I did not know if your mother was alive or not because I had not physically seen her.

Q. Okay. Did you know that I had shown power of attorney for her to a federal official?

A. I was advised by the official that you had a document that looked like a power of attorney.

Q. Were you advised by that same federal official that her Social Security retirement benefits will not be discontinued?

A. Yes.

Q. And had you, when you had called, asked them to threaten to discontinue her Social Security retirement benefits?

A. No.

Q. Did you get a copy of the letter they wrote to her?

A. No.

Q. Did you get a copy of the letter they wrote to me?

A. No.

[page 111] Q. You just called and left it at that?

A. I called and made an inquiry.

Q. And then what happened?

A. They did their inquiry. I don't know what their procedure is.

Q. And then they called you back or you called them?

A. The investigator at the Social Security Administration office and I went back and forth via telephone numerous times.

Q. Numerous times.

A. That means more than two, so, yes.

Q. Did you take notes of any of those?

A. If they're not listed in the summary, then no.

Q. Why would you not take notes of your calls?

A. If it wasn't pertinent information, then I didn't feel like I needed to write it down. I remember speaking with the man.

Q. So you did take this summary to Chief Carter.

A. I had it in hand.

Q. Okay. And yet by that time you did not see fit to add. You only put in there information calculated to make me look bad.

A. I wrote a summary of my findings, if that's what you were asking.

Q. All right. On December 17th, 2009, on page 7, the last [page 112] sentence of the first paragraph, could you please read it?

A. It doesn't say December 17th. I'm not sure where that date came from.

Q. From page 1.

A. That says November 17th.

Q. I'm sorry. I apologize.

A. The very last line of the...

The Court: Just a moment. Do you want her to read something just to -- for what purpose? Do you have a question?

Dr. Faltas: Yes, Your Honor.

The Court: Is the document in evidence?

Dr. Faltas: Yes, Your Honor.

The Court: You may ask questions based on the document.

By Dr. Faltas:

Q. The Social Security office in Columbia, South Carolina, is currently investigating this matter. Isn't that a lie on November 17th, 2009, because by that time they had finished their investigation and found that I had done nothing improper? Isn't that -- wasn't that a lie?

A. No. I don't remember what date it was, but at the time the summary was written apparently I didn't know the complete findings of their inquiry and investigation.

Q. Even though you had numerous calls back and forth.

A. Which could not be a complete investigation until the [page 113] very end of the investigation.

Q. Okay. Do you have anything to dispute that the investigation ended on November 14th?

A. I'm not sure.

Q. All right.

A. I'm not sure what date it would have ended.

Q. All right. On the first page of that summary, the paragraph before September 2008---

A. Okay.

Q. ---you claim Ms. Crouch was hesitant about giving any further information in regard to Faltas victimizing her by way of following her by vehicle and declined to file report for such. You pretended that Charlene Crouch was afraid of me; right?

A. That was what I was told.

Q. In fact, you knew that the reason Charlene Crouch would not testify is that she has a very bad criminal record.

A. I was not aware because I did not pull her rap sheet before this was written.

Q. You had pulled her driving record though.

A. Okay.

Q. Did you pull her driving record on November 14th?

A. I pulled it, but I can't tell you what---

Q. On November 4th, 2009. I'm sorry. November 4th, 2009. Charlene Crouch's driving record, did you pull it on [page 114] November 4th, 2009?

A. I don't know what date I pulled it.

Q. Well, all right. Let me show you. And I apologize. I said November 4th, but it's November 11th. May I approach the witness, Your Honor?

The Court: Yes.

Dr. Faltas: Thank you.

By Dr. Faltas:

Q. (Dr. Faltas hands a document to the witness.)

A. Correct. D.M.V. says 11/11/2009.

Q. Was that the record that you pulled?

A. Right.

Q. And even though it's obvious but for the record that you would have pulled it before having written this case summary and at least three weeks before having written -- having obtained the arrest warrant and the search warrants; right?

A. I don't understand the question.

Q. I'm stating the obvious and hoping that you would agree with me. November 11th, 2009, is three weeks before you got the arrest warrant and the search warrant. Yes?

A. Is that a question?

Q. Yes.

A. I'm not looking at a calendar, so I can't tell you exactly if that was three weeks or not.

Q. I'm sure the court can take judicial notice that [page 115] November 11th is three weeks before December 2nd. But in any event, so does this woman, Charlene Crouch, whom you portray as a victim

of me, have a very bad driving record including convictions for driving under the influence and suspension of license and speeding and negligent driving but specifically at least two convictions of driving under the influence?

A. I'm sorry? If I can look at it again, I can say yes or no.

Ms. Weiss: Objection, Your Honor.

The Court: Basis for the objection?

Ms. Weiss: Relevance to the search warrant.

The Court: Objection sustained.

Ms. Weiss: Thank you.

Dr. Faltas: May I for the record, Your Honor, state the basis of the -- of the question? Generally, Your Honor, the affiant is required to give the issuing magistrate basis for doubting the informant's veracity, and I am trying to establish that Blanton, Amanda Blanton, had a whole lot of basis to doubt what she calls her witness. In fact, Ms. Weiss went into asking her, "Did you have any reason to doubt the veracity?" And she said, "No." And I'm trying to show that she had plenty of reason, compelling reason, to doubt the veracity, and she still not only suppressed that but lied about it, gave different reasons for them not testifying.

The Court: Okay. Next question.

[page 116] Dr. Faltas: Thank you. Did you see in this record that Charlene Crouch has two -- at least two---

Ms. Weiss: Objection.

The Court: I'm overruling the objection and reversing my previous ruling.

Dr. Faltas: Thank you, Your Honor. Thank you very much.

The Court: And for all parties concerned, when I rule I don't need a "Thank you" or "Appreciate it, Your Honor" or "I apologize, Your Honor." Those extraneous comments are unwarranted and inappropriate. Let's just proceed to the next question.

By Dr. Faltas:

Q. So a careful investigator would have pulled the criminal record of someone who has two driving-under-the-influence convictions; right?

A. If she was my suspect.

Q. But if she is a witness whose reliability -- on whose reliability you're supposed to depend, you don't do that, do you? Just because you were -- okay. I'm going to ask the question pointblank. You were trying to frame me, were you not?

A. No.

Q. After seeing that record, did the thought cross your mind that Charlene Crouch may not be a truthful person?

[page 117] A. No.

Q. Did you even try to pull her other criminal record?

A. I had no reason to.

Q. Okay. Because of what? Anyone who says something bad about Marie Assa'ad-Faltas must be truthful?

A. No.

Q. Then what?

A. Because I have a signed sworn statement from Ms. Crouch.

Q. And people do not tell lies under oath?

A. I didn't say that.

Q. So just because she signed and swore a statement doesn't mean -- means you don't investigate it.

A. She corroborated stories that I had heard from other victims.

Q. Did the thought cross your mind that she was paid or somehow influenced to tell the same story?

A. I had no knowledge that that was taking place, if that took place.

Q. Even though you had been prompted to start this whole thing by the lawyer for the defendants in a civil case.

A. I had no knowledge of a civil case when I received the original report stating Teresa Ingram being a victim.

Q. So when did you -- you just received things from J. Andrew Delaney and didn't -- didn't know who he was?

A. After I received a phone call that there were photos [page 118] that were taken to Mr. Delaney by you, I called Mr. Delaney and asked if I could get copies of those photos.

Q. And who told you that I had taken photos to Mr. Delaney?

A. Mr. Mason.

Q. Did he tell you who Mr. Delaney is?

A. He said that was his attorney.

Q. His attorney for what?

A. I did not know and I didn't ask.

Q. At any point did you know that J. Andrew Delaney was Mason's attorney in the civil lawsuit where Mason is a defendant?

A. I didn't know the specifics of that, no.

Q. All right. On page 7 of that 17 November, 2009, summary, the middle paragraph, does it acknowledge that I have had a green card since September 2005?

A. Correct. That was the information I received.

Q. Received from where?

A. The D.R.O. which the Deportation and Removal Office down in Charleston.

Q. And you had contacted them about me as well?

A. I did.

Q. Okay. And did you have, before you signed the arrest and search warrants, documents later written by your informant, Larry Mason, to the effect that I'm an illegal alien?

[page 119] A. That question was brought up early in the investigation before the warrants were signed.

Q. You had letters from him to many people asserting that I am an illegal alien, even though you obtained information directly from the federal offices concerned that I have had a green card in good standing since 2005. Yes or no.

A. That information was received way before I found out from the D.R.O. that you had a green card.

Q. That did not make you question the veracity of Mason that he was writing to all kinds of people that I have been an illegal alien and that I had lied to them before renting the apartment by pretending that I'm a well-documented alien, whereas I was an illegal alien? That didn't tell you that he was telling lies about me?

A. No. That was under his portion of what investigation he did. Previously, before I ever contacted the Masons, that was the information given to me, and I investigated it through the D.R.O.

Q. But you did not investigate whether he was telling lies to people to decide whether that was a truthful person.

A. Okay. I contacted the D.R.O. to prove whether or not that was true.

Q. And then you didn't go back and say, "Well, this Larry Mason has been writing about Dr. Assa'ad-Faltas to other people things that aren't true. Maybe he's telling me things [page 120] that aren't true."

A. The information that Mr. Mason had was the original deportation order which, if you Google your name, it pops up.

Q. In fact, there was no actual deportation order.

A. I was told by D.R.O. that there was a deportation order issued on January 7th, 2002. During the appeals process, you received a green card on September 13th, 2005.

Q. So---

A. That was told to me by the D.R.O. people.

Q. So -- so that order was reversed.

A. During an appeal you received a green card.

Q. Which means what?

A. I don't know. I don't work for their agency.

Q. And then in -- do you recall testifying under oath in the preliminary hearing?

A. I did.

Q. Okay. And do you recall saying that a person by the name of Alden Wheeler signed the statement, a sworn statement that you received, claiming that he was trying to rent an apartment from Dinah Steele and that I pretended to be the owner and stopped him from renting it?

A. I'm not looking at the document from it, but I did receive a document that was done by Mr. Wheeler.

Q. Did you notice that it was notarized by Larry Mason himself?

[page 121] A. I did see that.

Q. Did you also know that Alden Wheeler was an employee of Larry Mason's detective agency?

A. No, I wasn't even aware that Mr. Mason had a detective agency.

Q. Does it make sense to you that someone would know to go back and give somebody a sworn statement that I pretended to be the owner and not tell them, "Well, since you're the owner, go ahead and rent apartment to me"?

A. I'm sorry. I don't understand that question.

Q. Okay.

Dr. Faltas: Your Honor, may I approach the witness with the---

The Court: Yes.

Dr. Faltas: ---transcript?

By Dr. Faltas:

Q. On page 40, lines 18 to 23, please.

A. Which line? I'm sorry.

Q. 18 to 23. Do you recall -- first of all, do you recall you being the witness?

A. If it was a preliminary hearing, then, yes, I was the witness.

Q. Yes. And could you please read lines 18 to 23?

A. The witness: "Telling the potential tenant that there were no vacant apartments and that they had to leave the [page 122] premises. Alden Wheeler was one of these individuals who potentially was going to rent the vacant apartment. I have a signed sworn statement from Mr. Wheeler."

Q. Thank you. Did you -- I'm sorry. I think I asked this question, and if I did ask, then please forgive me for asking it again. You did notice that it was notarized by Larry Mason himself?

A. I did see that.

Q. Yes. And so didn't it seem strange to you that if he knew to go back to Larry Mason and complain that someone told him that -- that there were no vacant apartments and that I, Marie Faltas, am the owner, not Larry Mason, then he would know to tell to Larry Mason, "I know you're the owner. Rent the apartment to me"?

A. I don't know what their conversation was about. I wasn't there for their conversation.

Q. Okay. Did Larry Mason and Dinah Steele tell you that they are married?

A. Yes.

Q. Did you check any marriage license for them?

A. No. Ms. Mason does have an issued card, an identification card, that has her married name.

Q. What card is that?

A. It's a military I.D.

Q. Did you pull her driver's license?

[page 123] A. I did.

Q. Did she ever change her name on the driver's license?

A. On the D.M.V. records, no.

Q. Did she ever -- did she ever show you any change of name on anything?

A. I didn't ask for it.

Q. Okay.

A. Other than the military I.D. but that's all.

Q. She just showed you a military I.D.

A. I asked specifically if she had one with her husband's last name. She said, "Yes." She produced the military I.D.

Q. Which she could have gotten by fraud.

A. That's your opinion.

Q. Hasn't, in fact, Larry Mason been tried for 145 counts of embezzlement from the military?

A. I have no earthly idea.

Q. You have no earthly idea.

A. No.

Q. Okay. You said you were trained to be an investigator. Can you give us a brief description of your training, please?

A. Do you want to start from college or just the trainings I've received since being on at the police department?

Q. Whichever way you want.

A. Okay. In college I studied criminal justice. I have a Criminal Justice degree.

[page 124] Q. Did you graduate with any distinction, with honors or anything, or just average?

A. As you would say it, I guess just average.

Q. Okay. And then?

A. Through the Columbia Police Department, through the Criminal Justice Academy as well as numerous other trainings that I've been to, I've gone to a narcotics undercover techniques class which I have also helped teach after I was trained in the class. I've been through the basic detective classes at the South Carolina Criminal Justice Academy. I've had several years' experience doing undercover -- I guess undercover surveillance of possible narcotics, possible prostitution. I've been in charge of numerous operations undercover. That would be signed documented numerous search warrants to those things.

Q. So there is prostitution in Columbia, South Carolina?

A. Yes.

Q. A lot?

A. I wouldn't say a lot.

Q. Does it take several forms?

Ms. Weiss: Objection, Your Honor.

The Court: Sustained.

Ms. Weiss: Thank you.

By Dr. Faltas:

Q. You said you were the lead investigator. Who else was **[page 125]** the investigator on this?

A. No. With our agency, if you're the lead investigator, you are the investigator in charge, and then as I stated before, before we attempt to get search warrants, arrest warrants, whatnot, we have a round-table meeting is what our team calls it, and they were all involved.

Q. Who were in the round team?

A. Everybody on my team which would include Sergeant Drafts, Investigators Charlie, Merrill, Montgomery, Brown, Coleman, Sloan, Narewski, and Bailey. That would be everyone in my team as well as me.

Q. Okay. When was the first time you contacted Ms. Weiss about this case?

A. It's our procedure any time we are going to seek warrants for general sessions charges, which is what harassment and stalking are are general sessions -- it's our protocol to call -- to contact the assistant solicitor's office to run our probable cause by then to make sure that it's enough for the warrants. So I couldn't specify a date. I'm sorry.

Q. You had previous contacts with Ms. Weiss about other cases?

A. Yeah. In the past about other cases, yes, ma'am.

Q. Uh-huh. Have you ever prosecuted harassment cases?

A. I have never been the investigator in charge of those **[page 126]** cases.

Q. So you have never investigated harassment cases before.

A. I've investigated some similar things but not specifically harassment.

Q. And in answer to Ms. Weiss's question, you said you spoke to approximately five witnesses, but it was only five people to whom you spoke face to face. Right?

A. Face to face would be Mr. And Mrs. Mason, Ms. Crouch, Mr. Jones, and Ms. Ingram. Face to face those five.

Dr. Faltas: Would the court, if it pleases, instruct her to refer to Dinah Steele as Dinah Steele as opposed to Ms. Mason? Because I am challenging that.

The Court: Request denied.

Dr. Faltas: Thank you. I'm sorry.

By Dr. Faltas:

Q. Did you pull the driving record of Ms. Jones?

A. I'm sure I did because before I see someone face to face I like to know what they look like to make sure that they're not attempting to defraud.

Q. Why was that not produced to me?

A. Then I must not have it for some reason.

Q. Did you also have a claimed written statement from one Rodney Ingram?

A. I do have a written statement or a typed statement from Mr. Ingram.

[page 127] Q. Did you ever see Ingram -- a Rodney Ingram face to face?

A. No, ma'am.

Q. Did you ever pull his driving record?

A. I don't believe I did, but I'm not sure.

Q. Did that statement make sense?

A. I understood what it was trying to say.

Q. But wasn't it self-contradictory?

A. I don't know. If you have a copy, I could read it.

Q. Constant photo-taking. You claim that that -- that that was an element of harassment. Right?

A. I'm sorry? What?

Q. In answer to Ms. Weiss's questions, you claimed that constant photo-taking was an element of harassment.

A. Constant photo-taking?

Q. Uh-huh.

A. Is that right?

Q. Yes.

A. The victims thought that that would be something that was violating them, so we took that into consideration.

Q. Did you sit here and hear Ingram testify that the police told her that I have---

Ms. Weiss: Objection, Your Honor.

Dr. Faltas: You were here yesterday---

The Court: The objection is sustained.

By Dr. Faltas:

[page 128] Q. Did you have any allegation that any picture was taken other than in a public place?

A. Not that I recall. I'm sorry. I was trying to think. Not that I recall. The photos were mainly taken in the parking lot at the apartments.

Q. Did you see me block someone in?

A. I did not physically witness that, no.

Q. Did you -- you said that you are experienced in covert surveilling.

A. Yes, ma'am.

Q. Did you all surveil me covertly?

A. No.

Q. And you also said that the third element was the profanity.

A. That was an allegation; yes, ma'am.

Q. Okay. What -- were you told any profane words that I used -- I am supposed to have used?

A. The B. Word.

Q. Okay. How often is the B. Word spoken to your experience as someone living in society?

A. That all depends on how you were brought up, how you were raised.

Q. Uh-huh. So would you say that maybe at least 80 percent of people in society have used the B. Word?

A. I don't want to speculate.

[page 129] **Ms. Weiss:** Objection, Your Honor.

The Court: The objection is overruled.

The Witness: I don't want to speculate and say that the number would be 80 percent.

By Dr. Faltas:

Q. Pardon?

A. I don't want to speculate and say that that would be an accurate number.

Q. Have you heard the B. Word spoken by someone other than myself?

A. Yes.

Q. Often?

A. Not on a daily basis.

Q. By how many people in your lifetime have you heard it spoken?

Ms. Weiss: Objection, Your Honor.

The Court: Objection is sustained.

Dr. Faltas: Have you ever arrested somebody or gotten a warrant on somebody or known somebody to get a warrant for somebody for having used the B. Word at anyone?

Ms. Weiss: Objection.

The Court: The objection sustained.

By Dr. Faltas:

Q. You claim that my crime originated in the apartment and that I returned in the apartment after blocking people in. [page 130] Is that correct?

A. Right.

Q. But you haven't seen any of it.

A. I have not physically seen it.

Q. You had gone to the location and found that there are two wide exits. Yes or no?

A. There are two exits.

Q. Is each exit enough to let two cars out side by side?

A. Again, I wouldn't want to speculate without knowing the exact measurements.

Q. And you have never seen fit to take measurements.

A. No.

Q. And you claim that Steele developed to be a victim?

A. I'm sorry. What?

Q. In answer to Ms. Weiss's questions, you claim that Steele developed to be a victim.

A. Who is Steele?

Q. Dinah Steele.

A. Oh, okay. Yes, she has claimed a victim.

Q. And did she say that I followed her how many times?

A. A few.

Q. She said that.

A. I believe it's in my case summary.

Q. Where in the case summary is it?

A. (The witness looks at a document.)

[page 131] Q. Page 3.

A. Okay. The first woman that we have a date for would be March 26, 2009.

Q. Okay. Do you know that that was the date Dinah Steele was served with the summons and complaint in the civil case?

A. No.

Q. You did not know that. Did you even ask? Did you even ask whether someone either served her with a complaint or did anything that would show that there is a legitimate purpose for someone to be there?

A. No, I would have no reason to ask her a question like that.

Q. Okay. The next -- on that same page, the third sentence, it says, "The next day on the 27th of March, Mr. Mason reports that he observed Ms. Faltas in her vehicle at the Shell gas station across from his home address in Elgin, South Carolina."

A. That's what it says.

Q. Did you even check if there is a Shell station across from his home in Elgin, South Carolina?

A. There is a gas station there.

Q. How did you know that?

A. Because I know other people that live on his street.

Q. Did you swear those people?

A. They have nothing to do with this case.

A. They have nothing to do with this case. I just happen [page 132] to know people that live there.

Q. Who are they?

A. None of your business.

Ms. Weiss: Objection, Your Honor.

Dr. Faltas: No, ma'am. No, ma'am.

The Court: The objection is sustained.

Dr. Faltas: Your Honor, may I -- may I for the record---

The Court: No.

Dr. Faltas: ---say -- okay. Sorry.

The Court: The objection is sustained. Next question.

By Dr. Faltas:

Q. Do you have friends in common with Larry Mason?

A. No, not that I'm aware of anyway.

Q. Do those people who live on the same street as he know him?

A. I have never asked them. They're not in law enforcement. The relevance of this case is obviously not discussed with them.

Q. Is there in your whole summary any other incident of alleged following of Steele? Following. I'm talking about following.

A. Okay. And I'm -- give me a second and let me read through it. Okay?

Q. Sure.

[page 133] A. (The witness reads a document.) Page 4, April 20th, 2009. It's the third paragraph down. April 20th, 2009.

Q. Okay.

A. This would be where Ms. Mason stated that Dr. Faltas was sitting in front of her place of employment, the parking lot specifically, just sitting in the vehicle. It doesn't state that it was -- that she was followed.

Q. So there was only one allegation of following, only one date, one alleged incident of following.

A. There are actually more in Ms. Mason's statement, but I don't think we could pinpoint a date. That's why they were not documented in my summary.

Q. And there is only one allegation of following by Ingram. Right?

A. That I'm aware of, yes.

Q. And yet you said repeatedly both in your search warrant, your arrest warrant, and to the grand jury -- you said repeatedly -- you swore that I did it repeatedly.

A. No, ma'am. That's not correct.

Q. In the indictment you said repeatedly following the victim. Yes or no?

A. I have not seen the indictment.

Q. What did you go and tell the grand jury?

A. Facts of the case.

Ms. Weiss: Objection, Your Honor.

[page 134] The Court: The objection is sustained.

By Dr. Faltas:

Q. And you said that you received information that during numerous court appearances I stated that I have photographs and have tapes.

A. During court appearances, correct.

Q. Yes. So wouldn't that tell you that the tapes and the photographs were not illegal?

A. No, that doesn't tell me that.

Q. What kind of photograph is illegal, according to your training?

A. I'm not sure that photographs are illegal.

Q. Okay. So photographs are not illegal, but you went -- you wanted to get a search to take from my apartment and my car all photographs.

A. Because they were evidence that corroborated the stories of the victims and other witnesses.

Q. Did I ever deny that I took pictures of people doing things wrong to me?

A. I don't think you've ever denied taking photos.

Q. Did some of the pictures that you received from J. Andrew Delaney's office show people flipping the finger at me?

A. I'm not sure if that picture was included in the few that Mr. Delaney gave me. I'm not sure. Obviously I would [page 135] have to look through them.

Q. Well, since I don't know what Delaney gave you, where did you keep them?

A. In my case jacket, in my file folder.

Q. Did you bring it with you?

A. Yes.

Q. Could you look, please?

Ms. Weiss: Objection, Your Honor.

The Court: What's the basis for the objection?

Ms. Weiss: Relevance to the search warrant. The investigator has already testified the relevance that the pictures have to her probable cause for the search warrant. At this point any testimony is cumulative and is not relevant to the actual probable cause for the search warrant.

The Court: The objection is sustained.

Dr. Faltas: May I respond?

The Court: No. I've ruled already.

Dr. Faltas: May I ask for reconsideration to please preserve the issue?

The Court: That's not necessary. It's preserved already.

By Dr. Faltas:

Q. Did any of the pictures Andrew Delaney sent you show somebody drinking beer with a little child close by?

A. There's one photo that has a child, but I'm not sure if [page 136] there is alcohol being drank. Like I said, they're black-and-white printed cop -- they're copies and they're in black and white, so I'm not sure if there was a beer or not.

Q. When -- was there a letter accompanying those pictures that was given to Chief Carter?

A. Not that I'm aware of.

Q. Okay. So Chief Carter never knew that I met with Lieutenant Burke and showed him some of the---

Ms. Weiss: Objection, Your Honor.

Dr. Faltas: In the meeting -- I'll rephrase.

The Court: Just a moment.

Dr. Faltas: I'll rephrase.

The Court: Just a moment. Yes?

Ms. Weiss: Your Honor, Dr. Faltas has gone into meetings she had with the command staff of the City of Columbia, and I am objecting to the relevance as it pertains to the search warrant, probable cause, affidavit, and the items sought.

The Court: All right. This officer did not issue a search warrant. The question of validity of the search warrant is not based on what's in this officer's head. It's based on the information provided to the issuing officer. I sustain the objection, and I'm not going to allow this to turn into a full trial on the case. This is solely whether or not probable cause existed for the issuance of the arrest [page 137] warrant, not everything in this officer's file or everything in this officer's head or everything in this officer's investigation. The question is what was given to -- what was placed in the search warrant and whether looking at the four corners of the search warrant the issuing officer had probable cause to issue it. I sustain the objection.

By Dr. Faltas:

Q. Would a reasonable officer think that pictures that were submitted to a court would not be illegal pictures, that someone in her right mind would not go to a court of law and say, "Here, these pictures ---

Ms. Weiss: Objection, Your Honor.

The Court: The objection is sustained.

By Dr. Faltas:

Q. You were told that I gave the magistrate one tape, right, of people insulting me? Right?

A. I don't know if you gave it to the judge or not. I was just told that there was a cassette -- an audio-tape that was produced.

Q. Did you ask?

A. I don't believe so, but I'm not sure.

Q. Did you even know which magistrate?

A. No.

Q. You didn't ask. You said you kept handwritten journal or you thought I might keep a handwritten journal?

[page 138] A. In my experience, that has been a possibility of a journal or log.

Q. By me? You have experience with me keeping journals?

A. No, ma'am, not with you. With people in general.

Q. And what would that journal say?

A. Different things for different defendants.

Q. Okay. And you've never told that people should not be compelled to be witnesses against themselves?

A. I'm sorry. I don't understand.

Q. So even if I had written in a journal I'm going to harass somebody someday, wouldn't that be compelling for your taking the journal? Wouldn't it have been compelling me to testify against myself?

A. Again, I don't understand what you're asking.

Q. Let's say people write journals, and you said you have no experience with harassment. You said this was your first harassment case.

A. This is my first investigation into a harassment case.

Q. So you had no experience before that somebody who harasses somebody keeps a journal and saying, "I am going to go out today and harass somebody," or comes back and writes in a journal "how I harassed somebody today."

A. When I was in college I took a class or actually a couple of classes that pertained to criminal minds, criminology, and discovering specific acts that would happen, [page 139] and that would be -- it would go along with that.

Q. But you had no probable cause to believe, number one, I am a criminal. Number two, I actually kept a diary that said, "I am going to harass somebody today."

Ms. Weiss: Objection, Your Honor.

Dr. Faltas: And came back -- Your Honor, it has to be articulable probable cause that a particularized item exists. Did you have any---

Ms. Weiss: Objection, Your Honor.

The Court: Let me hear the question.

Ms. Weiss: Your Honor, may I state my objection?

The Court: I haven't heard the question.

Dr. Faltas: Oh, my question was---

The Court: I heard a part of a question, then a part of an argument, then another objection, and I haven't heard a question.

Dr. Faltas: Okay. May I give the question?

The Court: And don't answer the question once it's asked until I rule. Go ahead.

The Witness: Yes, sir.

Dr. Faltas: Did you have probable cause to believe that I, Marie Assa'ad-Faltas, kept a journal somewhere in my apartment or my car that said on a certain date I plan to harass somebody or that on a certain date I harassed somebody?

[page 140] The Court: Basis for the objection?

Ms. Weiss: Thank you, Your Honor. That is actually a different question. My objection---

The Court: Well, there was no question. You objected as the question was being asked, but go ahead.

Ms. Weiss: Your Honor, there was a compound question that was asked before that was continuing; that was my objection. I think at this point it would just be to do one question at a time, but I think when she rephrased it. It was just one question. Withdrawn.

The Court: Response?

The Witness: It's my experience and basic knowledge that a journal does not necessarily have to be your day-to-day writings of what you do but could possibly be a photo journal.

By Dr. Faltas:

Q. Is possibly being different from probable in your mind and in your training -- because possible may mean anything, but was there a reasonable probability that I kept a journal? Did you have -- sorry. Did you have a particularized reasonable probability that I kept a journal?

A. I was under the impression there could possibly be a photo journal. So, yes.

Q. How did you get that impression? And you said possibly. What about probably?

[page 141] A. Okay. Probably there would be a photo journal because of the numerous photos that were alleged to be taken of the victims and witnesses. That was my probable cause or part of it.

Q. Okay. But you requested search for all diaries.

A. Correct.

Q. All diaries without any basis for thinking that I kept a diary. I. Not everyone in the world. I, particularized to me. I.

A. Is that a question?

Q. Yes. What is your probable cause, if any, for thinking that I kept a diary---

A. Because---

Q. ---of harassment? I, not---

Ms. Weiss: Objection.

Dr. Faltas: ---anybody else. I. Did anyone tell you that they saw me keep a diary of harassment?

The Court: And the basis for the objection?

Ms. Weiss: Objection. That the question has been asked and answered. The investigator has answered her probable cause for believing that someone accused of harassment may keep diaries, journals, et cetera. That is the basis required in the search warrant, and that question has been asked and answered numerous times.

The Court: The objection is sustained.

[page 142] **Ms. Weiss:** Thank you, Your Honor.

By Dr. Faltas:

Q. Going to the computer, did any of the witnesses allege that they have a computer?

A. I didn't ask any witness if they had a computer.

Q. Did any of them allege that they were receiving harassing e-mails from me?

A. No.

Q. Did any of them allege that they were receiving harassing letters from me that were written on the computers?

A. I recall something about a letter, but I can't remember if that was specifically -- if that would be specific. So, no.

Q. In fact, didn't Teresa Ingram show you a letter I had written to her after she blocked me and I asked her to please not do that again?

A. No.

Q. No?

A. No.

Q. That's in the discovery file, too, but I'll -- I'll move very quickly. Did any of the alleged victims claim to you that I was taking pictures with cell phone?

A. I'm not sure that I asked specifically if it was a cell phone, but because cell phones can take photos, that's why it was included in the warrant.

[page 143] Q. Did any -- when were you first aware that Teresa Ingram had a boyfriend who had threatened to kill her?

The Court: All right. That's not relevant to this issue.

By Dr. Faltas:

Q. At the time you had the search warrants and arrest warrants against me, were you aware that Teresa Ingram had had issues with other people totally unrelated to me?

A. Issues meaning?

Q. Meaning reporting harassment by other people.

Ms. Weiss: Objection.

The Court: Objection is sustained.

Dr. Faltas: Is harassment---

The Court: We'll be at ease for about two or three minutes.

Dr. Faltas: Thank you, Your Honor.

(Whereupon, a short break was taken.)

The Court: How many more questions do you have of this witness?

Dr. Faltas: I pray the court's indulgence just for 10 minutes.

The Court: Okay.

Dr. Faltas: Thank you, Your Honor.

By Dr. Faltas:

Q. Very quickly. And I showed this to Ms. Weiss. You [page 144] wrote those, and these are -- these have your signature; right?

A. Yes, they have my signature.

Q. Okay. And one of them says when she came to see you she told you that the alleged rock had struck her in the left leg, but the police report you noted said that -- had struck her feet.

A. Correct. The officer did not correctly write the report.

Q. The officer did not correctly write the report. Well, you were not there; right?

A. I spoke with the officer.

Q. Uh-huh. And the officer told you that she told him that it struck her left leg, but he told you---

A. What he said was that the lower extremities between the legs and -- between the bottom of the knee and the feet. He said but he just put in there that.

Q. And when you spoke to him, did he say that he saw any bruises?

A. No, he didn't say he saw anything.

Q. Okay. Then on the other one---

A. Uh-huh.

Q. ---you claim that part of the harassment is that I allegedly told Ingram that she looks like Marilyn Monroe or Janis Joplin?

[page 145] A. That was according to her statement. Correct.

Q. And you stated that I said that to insult Ingram?

A. Again, that was her statement, yes.

Q. Okay. Is that reasonable to you?

A. I wouldn't be insulted if you called me either one of them, but that's me. Everybody has their own opinion.

Q. Okay. But you were claiming -- you got me arrested for thinking or for allegedly saying that someone looks like one of the most beautiful women in the world.

A. That's not even an issue as to that---

Q. It's not---

A. She took it as an insult though.

Q. She took it as an insult; right? And that's enough for me to be arrested.

Ms. Weiss: Objection.

The Court: The basis for the objection?

Ms. Weiss: Relevance to the search warrant.

The Court: All right. The objection is sustained.

By Dr. Faltas:

Q. In -- do you recall seeing that letter? And may I approach you and take back the other two?

A. I'm sorry. What letter?

Q. (Dr. Faltas hands documents to the witness, and the witness reads the documents.)

A. I have read this before.

[page 146] Q. When?

A. I can't tell you what date.

Q. Okay.

A. But I did your case for thoroughly three months, so I'm not sure.

Q. Would that letter not indicate to you that she came to my car and I am writing to her to please not do it again?

A. I'm looking for something that says anything about going to the car.

Q. The last sentence before the signature, does it not say, "But please do not come uninvited near my car again, as when you did it yesterday it made me very uncomfortable and blocked access to my home"? And then, "Thank you for your attention and God bless," signed Marie Assa'ad-Faltas, M.D., M.P.H.?

A. It does say that.

Q. Okay. And you didn't ask her if she had come to my car.

A. I don't think so.

Q. And you claim to have investigated this thoroughly.

A. I feel like I did. My boss feels like I did.

Q. So she's the one coming to my car blocking me and I am writing to her politely to not do it again, and you claim to have investigated it thoroughly and you don't contact me. Are these two sets in Ingram's handwriting and sworn before you?

[page 147] A. (No response.)

Dr. Faltas: Your Honor, may I enter this letter as a Court's exhibit?

The Court: Yes.

Dr. Faltas: Thank you.

(Court's exhibit 5 was marked for identification only.)

The Witness: Dr. Faltas, I think your question was: Are these two statements in Teresa Ingram's handwriting?

By Dr. Faltas:

Q. Yes, ma'am.

A. Okay. On this set of statements -- there are two separate ones. Page 1 through 4 is in Teresa's handwriting. Page 5 and 6 are in mine and Teresa's where I questioned and she answered in her own handwriting. The second statement, yes, page 1 through 5 is in her handwriting.

Q. And in one of them she records an incident where she was -- she, not I, was having a loud verbal argument with another neighbor which I overheard through my window. Isn't that correct?

A. It is.

Q. And does it not say that I later told her that if she loved God she should go apologize to that neighbor?

A. You're saying that should be in this statement that it says that?

Q. I'm saying it is, but if you don't recall, even though [page 148] you investigated me thoroughly for three months, then I'm wondering about thoroughly.

Ms. Weiss: Objection, Your Honor.

The Court: Sustained. Question?

By Dr. Faltas:

Q. Is there a statement to that effect in Ingram's sworn handwriting?

A. Give me just a second to read over it. Do you recall exactly which statement it's in of the two that were six pages long apiece?

Q. There is...

A. So it must be in this one. Okay. Okay. Page 3 and 4 starts where Ms. Ingram is -- in her statement is talking about the verbal altercation between her and someone across the street.

Q. Could you read it, please? Could you read it for the court, please?

A. From the beginning?

Ms. Weiss: Objection.

Dr. Faltas: That part. Just that part.

The Court: Objection sustained.

By Dr. Faltas:

Q. I was charged with misdemeanors; right?

A. I don't know if they're misdemeanors or not. Actually I think they carry more than one year, so technically they're [page 149] seen a little differently.

Q. What was I indicted for?

A. Harassment first, two counts.

Q. What was it classed at?

A. Again, I haven't seen the indictments.

Ms. Weiss: Objection, Your Honor.

Dr. Faltas: Did you know that officers cannot arrest for misdemeanors except if committed in their presence?

The Court: The objection is sustained as to both questions. Next question?

Dr. Faltas: That's---

The Court: As to the first one and to the second question, the objections are sustained. Not relevant to the issue of the search warrant.

Dr. Faltas: I'm sorry. Did you sustain the objection as to whether she knows that officers are not to---

The Court: Yes.

Dr. Faltas: Okay.

By Dr. Faltas:

Q. Did you ever attempt to speak to me and find out what my purpose for doing any -- if I did any of the alleged things or if -- if I had a legitimate purpose for them, if I did them?

A. No.

Q. Why didn't you?

[page 150] **Ms. Weiss:** Objection.

The Court: Repeat the question, please.

Dr. Faltas: I asked why didn't she---

The Court: Why didn't she what?

Dr. Faltas: She admitted that she neither spoke to me to find out if I did the alleged things or even if I did them whether I had a legitimate purpose for doing them because that is the definition - is without legitimate purpose - and I mean, I didn't say that in the question, but I'm explaining why I asked this question, that she should have asked me if I had a legitimate purpose without pretending - before pretending that she had probable cause because the definition is without legitimate purpose.

The Court: Ms. Weiss?

Ms. Weiss: Your Honor, this does not go to the relevance of the search warrant whether or not the defendant feels that she has probable cause certainly or has a legitimate purpose. It's certainly an issue for the jury, but the investigator's probable cause for the search warrant is separate and distinct and has been answered.

The Court: The objection is sustained.

By Dr. Faltas:

Q. And you said you do not recall what you told Angela Ladson before she signed the search warrants and the arrest warrants; right?

[page 151] A. I told her basic facts that I had -- that I had an understanding of.

Q. You never told her that you had any doubt about the veracity of any of your alleged informants.

A. No.

Q. Despite the driving record, despite the criminal records, despite everything, you never told her that you had any doubt about the veracity.

A. I didn't pull Ms. Charlene Crouch's rap sheet, her - the rap sheet, so I can't say anything about that.

Q. Had you pulled Ingram's rap sheet?

A. No.

Q. Okay. Do you think it would have made a difference that she had two felony convictions?

A. Not really.

Dr. Faltas: I hope I haven't exceeded the 10 minutes the court gave me.

The Court: All right. Any redirect by the State?

Ms. Weiss: Just briefly, Your Honor.

Redirect Examination

By Ms. Weiss:

Q. Investigator Blanton, when you were on the street did you have the opportunity to do initial investigations into any harassment cases or stalking cases?

A. Yes.

[page 152] Q. And your training and experience did involve harassment and stalking cases?

A. Yes.

Q. And was there anything in your investigation that led you to challenge -- to be concerned about the credibility or veracity of the witnesses that you interviewed prior to seeking the search warrant?

A. No.

Ms. Weiss: Thank you, Your Honor. No further questions.

The Court: Any further questions by the defense as it relates to the three questions asked by the State?

Dr. Faltas: One question.

Recross Examination

By Dr. Faltas:

Q. I'm totally confused. You said my case was your first harassment investigation, but then when Ms. Weiss asked you, you said, no, you've had others. So which is it?

A. You asked what was I the lead investigator on? This was my first harassment case that I was the lead investigator on. As a police officer, when we respond to a 9-1-1 call or any complaint by citizens, we take an initial investigation, i.e. a police report, and document what's being stated. That would be an initial investigation.

Q. So what you have had experience with is just writing [page 153] down what somebody told you and give it to someone else, if it goes that far.

A. As -- that, as well as the training and discussions that we had in the -- in my undercover class and the basic detective school, all of those trainings.

Q. But -- so to be clear, that's -- but this is the first investigation that you did as a harassment.

A. This is the first harassment case that I have been the lead investigator on.

Q. And you had a lot of incentives to make it stick; right?

A. No, not that I know of other than the duties to do my job.

Q. Uh-huh. And you viewed your job as never asking me whether I---

Ms. Weiss: Objection.

Dr. Faltas: All right. Yes.

The Court: Step down, ma'am. Any other witness -- witnesses on this issue by the State?

Ms. Weiss: No, Your Honor. I do have one issue about a witness though, if this would be the appropriate time.

The Court: One witness about what?

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 [colloquy 154] 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.

The Court: All right. Any witnesses by the defense?

Dr. Faltas: Yes, Your Honor, Angela Ladson and, in fact, it is classic, classic inference 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---

The Court: Is she a witness that you want to now call?

Dr. Faltas: Yes.

The Court: All right. What case do you have?

Ms. Weiss: Your Honor, I have State 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 [colloquy 155] 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---

Court Reporter: I'm sorry. Can you slow down?

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.

Dr. Faltas: May I reply briefly, Your Honor?

The Court: Yes.

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), *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 [colloquy 156] 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 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 because this is a case for calling a trial judge, not a ministerial recorder issuing a magistrate -- issuing the order.

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.

Dr. Faltas: I call Angela Ladson, please. Angela Ladson, after being duly sworn, testified as follows in camera:

The Clerk: Have a seat in the witness stand, please, and give the court reporter your name.

The Witness: Angela Ladson.

Court Reporter: L-a-d-s-o-n?

The Witness: Yes, ma'am.

[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 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.
Mark Sawyer, Esquire Daphne D. Helms, Circuit Court Reporter

Also present:
[page 429, lines 16-17] (Whereupon, the jury was brought into open court at 1:30 p.m.)

[18] **The Court:** All right. Next witness, please.

[19-20] **Ms. Weiss:** Thank you, Your Honor. The State calls Investigator Amanda Blanton.

[21] **Dr. Faltas:** And, Your Honor, may I again sit...

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

[23-24]

Amanda Blanton, after being duly sworn, testified as follows:

[25 – page 430, line 1] **The Clerk:** Have a seat in the witness box, and give the court reporter your name.

[2] **The Witness:** Amanda Blanton.

[3-4] **Direct Examination By Ms. Weiss:**

[5] Q. Good afternoon, Investigator Blanton.

[6] A. Good afternoon.

[7] Q. Where are you currently employed?

[8] A. Columbia Police Department.

[9-10] Q. And how long have you been employed with the Columbia Police Department?

[11] A. Seven years.

[12] Q. Was this your first job in law enforcement?

[13] A. Yes.

[14-15] Q. And that would be 1993 when you first came to work there?

[16] A. No.

[17] Q. Oh, I'm sorry. 2003?

[18] A. Right.

[19-20] Q. Sorry. Prior to the Columbia Police Department -- well, I guess -- where are you from?

[21] A. Spartanburg.

[22] **Dr. Faltas:** Sorry?

[23] **The Witness:** Spartanburg County.

[24-25] By Ms. Weiss: Q. And after high school, did you attend college?

[page 431, line 1] A. I did.

[2] Q. And where was that?

[3] A. Spartanburg Methodist.

[4] Q. Did you graduate from Spartanburg Methodist?

[5] A. I did.

[6] Q. And with what degree?

[7] A. An Associate's in Criminal Justice.

[8-9] Q. And after you got your Associate's -- what year was that?

[10] A. 2001.

[11] Q. Where did you work?

[12-13] A. When I graduated college, I moved to Columbia and I worked at Best Buy.

[14] Q. What position did you have there?

[15-18] A. Originally I just started as a baseline level employee. Then I was promoted to supervisor over the home theater department, and then I started the manager program and was promoted from there.

[19-20] Q. And did you leave there to go to the Columbia Police Department?

[21] A. I did.

[22-23] Q. What positions have you held with the Columbia Police Department?

[24 – page 432, line 3] A. I got hired, finished the police academy. Started out as a street officer, a patrol officer. From there I was selected to go to the C.R.T. which is the Community Response Team, and then from there I was promoted last year to investigator.

[4-5] Q. Okay. Before you were put out on patrol, you said you went to the academy. What academy is that?

[6] A. The South Carolina Criminal Justice Academy.

[7] Q. And how long is that program?

[8] A. Nine weeks when I went through.

[9-10] Q. And when you moved to C.R.T., during your time of patrol in C.R.T., did you receive any training during that time?

[11] A. Yes.

[12] Q. What kind of training was that?

[13-17] A. Several things. Narcotics Undercover Techniques class which I completed and assist in teaching it over the past couple of years now, once I completed it. I've been through the Basic Detective school through the Criminal Justice Academy.

[18] Q. And do you receive updates on training each year?

[19] A. Yes.

[20] Q. Okay. When were you promoted to investigator?

[21-22] A. I was promoted a few weeks before everybody else, but it was around June of last year.

[23] Q. June of 2009?

[24] A. Right.

[25] Q. And what unit were you assigned to?

[page 433, line 1] A. Special Victims.

[2-3] Q. Prior to being promoted to investigator, did you receive any awards or recognitions at the Columbia Police Department?

[4-5] A. I've got a few accolades. I did receive the Police Officer Of The Year for the year of 2008.

[6-7] Q. So you've been with the Special Victim unit since June of 2009?

[8] A. Yes, ma'am.

[9] Q. What types of cases does that unit handle?

[10-13] A. Well, we handle child death investigations, sexual assaults, rapes, any sort of pornography, child porn, harassment, stalking, C.D.V. or criminal domestic violence, harassment, harassing phone calls, unlawful communications.

[14-15] Q. Okay. And approximately how many cases have you been assigned since June of 2009?

[16-17] A. I can give you a roundabout number. I couldn't tell you exactly.

[18] Q. That's fine.

[19] A. About 40.

[20-21] Q. Okay. And those cases cover many of the different topics that you just discussed?

[22] A. Correct.

[23-24] Q. And how many of those have been harassment and/or stalking cases?

[24 - page 434, line 3] A. When we started trial this week, I have one - well, [page 434] actually two harassment cases that I have investigated, signed warrants, and put someone in jail for. I have several other pending that warrants have not been sought yet.

[4-5] Q. So approximately cases have you been working on involving harassment or stalking?

[6] A. I don't know. I'd say six or seven.

[7-9] Q. Okay. And prior to being an investigator when you were on patrol with C.R.T., how many cases did you preliminarily investigate involving harassment or stalking?

[10] A. Several. Again, I couldn't pinpoint an exact number.

[11] Q. Around about?

[12-15] A. I don't know. People would call dispatch. Then we would go to their -- wherever to meet them, and then I'd start a preliminary investigation. So that -- maybe a dozen or so. I'm not sure.

[16] Q. And what is the procedure for you to receive a case?

[17-23] A. [17-18] The street officer or patrol officer responds to an incident location per a victim, per the victim's request. [19-23] They take the initial incident report and the initial statement from the victim, and from there it's signed off by that officer's supervisor. Then it's forwarded to investigations and then my sergeant who then assigns it to whichever one of us he feels like assigning it to.

[24] Q. And how many of you are in the unit?

[25] A. Let me count. I want to say there are eight of us---

[page 435, line 1] Q. Okay.

[2] A. ---but I'm not sure.

[3] Q. So about eight of you in the unit.

[4] A. Yeah.

[5-6] Q. And is that the same procedure that ended up getting you assigned to a case involving Dr. Marie Assa'ad Faltas?

[7] A. Yes.

[8-9] Q. And prior to an incident report coming to your desk, did you have any knowledge of Marie Faltas?

[10] A. No.

[11] Q. Did you know who she was?

[12] A. No.

[13] Q. Had you ever even heard the name before?

[14] A. No.

[15-16] Q. Okay. And what was the initial case that came to your desk?

[17-19] A. The initial one was -- I believe it was a -- harassment slash stalking was how it was titled, and that would put Teresa Ingram being the victim.

[20] Q. Okay. And what did you do with that case?

[21-24] A. Initially I did what I do with every other case. I called the -- contacted the victim to find out what happened, to see when they could come in and write a statement, a sworn statement.

[25] Q. Okay. And did you talk to Teresa Ingram?

[page 436, line 1] A. I did.

[2] Q. And did she come in and do a statement?

[3] A. She did.

[4-5] Q. *Was she able to stay with you as long as you wanted the initial time she came in?*

[6-7] A. *Not the first time. She had to pick somebody up at school.*

[8] Q. *Okay. And do you have any idea who that was?*

[9] A. *I don't.*

[10] Q. *Okay.*

[11] A. *I didn't ask.*

[12] Q. *She was picking a child up at school?*

[13] A. *Yeah.*

[14] Dr. Faltas: *Your Honor, that's leading.*

[15] The Court: *Was there an objection?*

[16] Dr. Faltas: *Yeah. I'm sorry. Objection.*

[17] The Court: *Basis for the objection?*

[18] Dr. Faltas: *She asked her if she was picking---*

[19-20] The Court: *I heard the question. The basis for the objection?*

[21] Dr. Faltas: *Leading.*

[22-23] The Court: *Objection sustained. Don't lead the witness.*

[24 - page 437, line 1] By Ms. Weiss: Q. Did Teresa Ingram come in a different time to give another statement?

[2-3] A. Yes, after a second report was made. I believe it was after a simple assault involving rocks.

[4] Q. And how did that report end up on your desk?

[5-8] A. My sergeant actually assigned it to someone else in my unit, and because we had already had a unit discussion involving names of victims as well as suspects, so it was then turned over to me as part of my entire case.

[9] Q. And what did you do after you got the second statement?

[10-11] A. I called Teresa again to have her come in and do another statement.

[12] Q. And---

[13] A. I'm sorry. Did I answer that?

[14] Q. Yeah, that's fine.

[15] A. Okay.

[16] Q. Did she do that?

[17] A. She did.

[18] Q. What did you do next in the investigation?

[19-22] A. I would have contacted our records department within our agency to find out how many reports -- due to the allegations against the defendant, I pulled all reports involving her name as a victim and/or suspect.

[23] Q. Her name being?

[24] A. Dr. Faltas.

[25] Q. Okay. And what did you do next?

[page 438, lines 1-11] A. Contacted victims. If those were pending cases and if they hadn't been assigned to an investigator, I originally found out whether or not they were assigned, if they would fall under the parameters of our unit, and then I asked my supervisor if that was okay if I did it that way which he agreed with the way I was thinking. And then I went from there, contacted Ms. Dinah Steele-Mason who was also a victim in another incident report because it was the same defendant, also the same allegations, contacted her, had her come in for a statement, then found out about people that lived in the apartment had similar complaints.

[12-13] Q. So approximately -- were you able to interview other witnesses?

[14] A. Yes.

[15-16] Q. Approximately how many witnesses were you able to interview?

[17] A. I can name five.

[18] Q. Okay. And who are those witnesses---

[19-20] A. Or four. I'm sorry. Four, and then five including Ms. Ingram.

[21] Q. Five including Ms. Ingram.

[22] A. Yes, ma'am.

[23] Q. Okay. And did you get statements from---

[24-25] Dr. Faltas: I'm sorry. Would you ask her who were those individuals? She didn't give the names.

[page 439, lines 1-2] By Ms. Weiss: Q. Were able to get statements from those witnesses?

[3] A. Yes.

[4] Q. Okay. Did they come in and meet with you?

[5] A. Yes.

[6-9] Q. Okay. After talking to the different witnesses in this case, did -- were you able to come to a conclusion from that -- from your investigation at that point to a preliminary conclusion in the case?

[10] A. Yes.

[11] Q. And what was that?

[12-20] A. Which was after reading the statute for harassment first, I went to my supervisor, explained everything I had, and then we did what we call a round-table discussion. Everybody in our unit, before we go out and get warrants or search warrants or things like that, we discuss our cases in a meeting, just all the investigators in my unit specifically to include my supervisor. Everybody's opinion was the same as mine. So after that, I would have contacted the solicitor's office to make sure there was probable cause.

[21] Q. Okay. And who did you talk to about probable cause?

[22] A. You.

[23-25] Q. Okay. And then did you receive anything other than statements to corroborate the information that you had received about Dr. Faltas?

[page 440, line 1] A. Yeah, I got other stuff.

[2] Q. What else did you get?

[3-7] A. Obviously the incident reports, witnesses to include those five. I received photos from an attorney that he alleged that Dr. Faltas had dropped off at his office. Let's see. Numerous copies of notices that were sent to Dr. Faltas via certified mail.

[8-9] Q. Did those photos depict some of the same statements that were given to you from the witnesses?

[10] A. Yes.

[11-12] Q. And what was your opinion about how those photos related to those statements?

[13-14] A. I was disturbed, but it just made me feel more at ease about the -- my decision as far as the harassment went.

[15] Q. And what did you do next?

[16-18] A. I believe the next thing I would have done would have been to have typed up a case summary because I had to present it to our higher-ups.

[19-21] Q. And once you completed your investigation or were at a point where I guess -- did you reach a point at some point where you felt that you had sufficient probable cause?

[22] A. Yes.

[23] Q. And what did you do at that point?

[24 - page 441, line 1] A. That's when -- when I thought I would have had probable cause, I would have contacted the solicitor's office to run that by just to double-check.

[2-3] Q. Okay. After you had finished with your meetings, what did you do?

[4-5] A. Signed two search warrants and executed them as well as two arrest warrants and executed those.

[6] Q. And what were those two search warrants for?

[7] A. Dr. Faltas's residence as well as one for her vehicle.

[8] Q. And where is that residence?

[9] A. 304 Byron Road, apartment 3, I believe is what it is.

[10-11] Q. And would that be the same general location where the incidents allegedly occurred?

[12] A. Yes.

[13] Q. And is that in the city of Columbia?

[14] A. Yes.

[15] Q. Is that in Richland county?

[16] A. Yes.

[17] Q. And had you been to that apartment before?

[18] A. No.

[19] Q. Did you know where it was?

[20] A. After I Google mapped it.

[21] **Dr. Faltas:** I'm sorry. I didn't hear that.

[22] **The Witness:** Using Google maps on the internet.

[23-25] By Ms. Weiss: Q. What were you searching for in that -- in those search warrants?

[page 442, lines 1-10] A. Photos that had been alleged by the victims and witnesses that may have been taken, cameras, video recordings, audio recordings because again witnesses, victims alleged that there were

audio recordings, maybe video recordings, a cell phone that could possibly hold video or audio recordings, any sort of computer thumb drive, zip drive, any sort of database like that. We're in a technological age, so people often use computers to hold their information. I'm trying to think of everything that was in the warrant; I'm sorry.

[11-12] Q. Okay. And when you went to execute the search warrant, did you go by yourself?

[13] A. No.

[14] Q. Who went with you?

[15-16] A. Just about every investigator in my unit as well as a uniformed officer.

[17] Q. And is that typical in executing a search warrant?

[18] A. It's typical to have more than two or three people, yes.

[19] Q. And why is that?

[20-24] A. Well, number one, you have to have several people searching, depending on how big the location is and what you're looking for. You also want uniforms there, so that way there's no doubt in anybody's mind who you are because typically we're dressed like I am.

[25 - page 443, line 1] Q. Okay. Did you take photos while you were executing the search warrant?

[2] A. We---

[3-4] Q. Or did someone take photos while you were executing the search warrant?

[5] A. Yes, an officer did.

[6-9] Q. Okay. I'm going to ask you to look at State's exhibits 112, 111, 110, 109, 108, 107, 106, 105, 104, 103, 102, 101, and 100, and I'm going to ask that these four photos be marked as well, State's exhibits.

[10] **Dr. Faltas:** Objection, Your Honor.

[11] **The Court:** Basis for the objection?

[12] **Dr. Faltas:** The completeness rule.

[13] **The Court:** Objection is overruled.

[14-15] **(State's exhibits 114 through 117 were marked for identification only.)**

[17-18] By Ms. Weiss: Q. And also if you can look at State's exhibits 116, 117, 115, and 114.

[19] A. (The witness complies.)

[20-21] Q. Do these pictures -- are these pictures that were taken during the search warrant?

[22] A. Right.

[23-24] Q. Do they accurately depict items that were collected during the search warrant?

[25] A. Yes.

[page 444, lines 1-3] **Ms. Weiss:** Okay. Your Honor, at this time I move State's exhibits 104, 100, 101, 103, 102, 112, 111, 110, 109, 108, 107, 106, 105, 117, 116, 115, and 114 into evidence.

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

[5] **The Court:** Admitted over objection.

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

[7-8] (State's exhibits 100 through 112 and 114 through 117 were received in evidence.)

[9-11] By Ms. Weiss: Q. If you would, could you identify 117, 114, 115, and 116 for the jury?

[12-14] A. Those would be the cameras that we -- that were within the search warrant that we removed from Dr. Faltas's apartment during the search warrant.

[15-16] Q. And one of those was being pulled out of a purse? Is that...

[17] A. The one coming out of the brownish or goldish purse?

[18] Q. Yes.

[19] A. Yes.

[20-21] Q. Okay. Okay. And can you tell what's being photographed in exhibits 105, 102, 103, 101, and 104?

[22] A. A whole bunch of pictures.

[23] Q. And 110 and 111?

[24] A. A bunch of cassettes.

[25 - page 445, line 1] Q. And in 109, 106, 107, and 108, is there one item that is in all four of these photos?

[2-3] A. Yes, there's some sort of audio recording device in each photo.

[4] Q. And these were where they were found in the residence?

[5] A. Right, before we took them.

[6] Q. And did you take the recording devices?

[7] A. No, we didn't.

[8] Q. Okay.

[9-10] A. We made sure that there weren't anything in them as far as cassettes: Audio, video, or whatever.

[11] Q. And what is in State's exhibit 100?

[12] A. Numerous rolls of film or boxes.

[13] Q. And, finally, what is depicted in State's exhibit 112?

[14-15] A. A window from a bedroom overlooking the parking lot in the apartment of Dr. Faltas.

[16-17] Q. What types of evidence did you remove from the apartment of Dr. Faltas?

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

[19] **The Court:** Objection is overruled.

[20-22] **The Witness:** The stuff you just picked up right there is what's left. That's audio cassettes, video cassette – or there are no video cassettes left but...

[23-24] By Ms. Weiss: Q. Just in general what did you remove?

[25 - page 446, line 4] A. Okay. Cameras, a laptop computer, a freestanding computer I guess you would call it, numerous cassettes, numerous video cassettes, a lot of pictures, the cameras, a cellular phone that had a camera on it, negatives of photos. Without looking at the return, I'm not exactly sure but---

[5] Q. But that's the general description of what was removed?

[6] A. Yes, ma'am.

[7-8] **Ms. Weiss:** Okay. If I may mark just for identification only...

[9-10] (State's exhibits 118 through 122 were marked for identification only.)

[11-13] By Ms. Weiss: Q. State's exhibit for identification only 118, what are these?

[14] A. Cassettes.

[15] **Dr. Faltas:** I didn't see them. You said that's 118?

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

[17-19] By Ms. Weiss: Q. State's exhibits 119 for I.D. only, do you know what's in this bag?

[20-21] A. I know what's in there. It's going to be numerous photographs.

[22] Q. Okay.

[23] **Dr. Faltas:** I didn't see them. Could I see in there?

[24 - page 447, line 1] By Ms. Weiss: Q. These would be the same photographs that you were saying...

[2] A. Yes, ma'am.

[3] Q. State's exhibit 120 for identification only?

[4] A. It's more photos.

[5] **Dr. Faltas:** What did she say?

[6] **Ms. Weiss:** More photos.

[7-8] By Ms. Weiss: Q. State's 121 for identification?

[9] A. That's going to be more pictures.

[10] Q. Finally a green crate?

[11] A. Has photos, cassettes as well as disks of photos.

[12] Q. Actually, still remaining if you want to look...

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

[14] **The Witness:** Disks of photos, yes, ma'am.

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

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

[17] **Dr. Faltas:** Could we approach for a second, please?

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

[19] (Whereupon, a bench conference was held.)

[20-23] By Ms. Weiss: Q. State's exhibits for identification that were just shown to you, Investigator Blanton, is that all of the evidence that you collected?

[24] A. No.

[25] Q. Okay. What happened to the rest of the evidence?

[page 448, lines 1-5] A. After we started going through it, I determined that it wasn't needed or necessary. Even though it was under the big scope of the search, search warrant, it involved other people that are not involved in this case specifically or in the Masons' case.

[6-7] Q. And some of the tapes -- were some of the tapes completely irrelevant?

[8] A. Yes.

[9-10] Q. Did you have any way of knowing that while collecting it?

[11-12] A. No, they weren't marked or labeled, not that we could see anyway.

[13-14] Q. And once you figured out they were not relevant to this case, what did you do with them?

[15-18] A. After I listened to them or viewed them, whether it was audio or video, I had to take them back to our property room and sign for each individual thing so that they could be returned.

[19-20] Q. Okay. And the computers, were you able to look at those yourself?

[21-24] A. I was with S.L.E.D. -- two S.L.E.D. technicians because we don't do that at our department. What we do is separate search warrants for -- I did separate ones for both computers.

[25 - page 449, line 1] Q. And were you able to in that investigation determine whether those were relevant?

[2] A. They were not.

[3] Q. And what was done with those computers?

[4-5] A. They were taken back to our agency property room by me and then signed back over.

[6-8] Q. Okay. And after the search warrant and arrest warrants were done, other than reviewing the evidence, have you done anything else relevant to this case?

[9] A. I'm sorry. I don't understand.

[10-13] Q. Have you -- I mean, is that where your involvement in this case, other than testifying here in court today -- I mean, there's nothing else that has happened that you have investigated regarding this case.

[14] A. No.

[15-16] Q. Beg the court's indulgence one moment. Were you able to identify who Dr. Marie Assa'ad Faltas was?

[17] A. Yes.

[18] Q. And were your witnesses able to identify her?

[19] A. Yes. They all knew her by name.

[20-21] Q. And were you able to identify by photo who it was? Were you able to figure out exactly who they were talking about?

[22] A. Oh, yes. Yes.

[23-24] Q. And did you do any background information to try to identify who that person was?

[25] A. Basic background info, yes, ma'am.

[page 450, lines 1-2] **Ms. Weiss:** Okay. Thank you. No further questions. Please answer any questions Dr. Faltas may have for you.

[3] **The Court:** Cross-examination.

[4-5] Cross-Examination By Dr. Faltas:

[6-7] Q. Ma'am, you arrested me and took me out of my apartment. Isn't that correct?

[8] A. Yes, ma'am. I was there while it happened.

[9-12] Q. While you were in my apartment in home clothes and you came and put handcuffs on my hands, isn't that correct, and put my hands behind my back and put handcuffs behind on my -- on my hands? Isn't that correct?

[13-14] A. I am not the one who put handcuffs on you, but I was there while that was going on. Yes, ma'am.

[15] Q. What I was in the process of doing when you did that?

[16] A. I don't know what you were doing before we got there.

[17] Q. The moment I was there, what was I doing?

[18-19] A. Telling us that we couldn't arrest you and that we were going to kill your mother.

[20-22] Q. Yes. And were you ever trained that police officers cannot arrest for a misdemeanor except if it is committed in their presence?

[23] A. I have not been trained that way, no.

[24 - page 451, line 2] Q. All right. Were you -- did you observe me at that time in the act of allegedly harassing anybody when you or your entire team -- you said just about everybody in your unit came down on me.

[3-4] A. I don't understand the question because we didn't come down on anybody.

[5-6] Q. You said just about everybody in your unit came to my apartment. Isn't that correct?

[7] A. Yes, ma'am.

[8-9] Q. And I'm saying: Did you find me in the process of doing anything illegal?

[10-12] A. You must have been at your window because you were making comments and demanding to know why there were officers in front of your building.

[13] Q. And it's illegal to be at one's window?

[14] A. I did not say that.

[15] Q. I asked a question. Yes or no, is it illegal?

[16] A. No.

[17-18] Q. All right. And then you took me away before doing the search. Isn't that correct?

[19] A. I did not, no. A uniformed patrol officer did.

[20-21] Q. You did not even serve me with the arrest warrant or the search warrant before taking me away. Isn't that correct?

[22-24] A. Because I'm the one that signed the arrest warrants, I did not serve them. I was standing there when the officer served them to you though as well as gave you your copies.

[25 - page 452, line 1] Q. Actually, isn't it true that the copies were left in my apartment?

[2] A. Copies of the search warrant, yes, were left.

[3] Q. But the search warrant wasn't given to me.

[4] A. I didn't say the search warrant was given to you.

[5-6] Q. Okay. So there was no search warrant given to me, and there were no arrest warrants given to me.

[7-8] A. Yes, ma'am. The arrest warrants -- the copies were given to you.

[9-10] Q. Before the police officer entered my house, he did not give me an arrest warrant, did he, or two arrest warrants?

[11] A. You wouldn't open the door for us.

[12-13] Q. Didn't he say, "Either you open the door or we break the door"?

[14] A. I don't recall what that officer said.

[15] Q. Did you take a video?

[16] A. We did.

[17-18] Q. And you never produced it to me even though I asked for it.

[19-20] A. I'm not sure. I never received a Brady motion, so I'm not sure.

[21] Q. Does that video still exist?

[22] A. As far as I know.

[23-24] Q. And you know that Chief Carter has been subpoenaed to come and bring it?

A. I didn't know he was subpoenaed to bring that, no.

[page 453, lines 1-2] Q. And you basically ransacked my apartment in my absence, didn't you?

[3] A. Ransacked is your opinion.

[4] Q. Did you take things and throw them all over the place?

[5] A. No, ma'am, we did not throw any of your belongings.

[6] Q. Did you put everything back where it was?

[7] A. Probably not but it was attempted to.

[8] Q. It was attempted to.

[9] A. Your apartment was extremely messy when we got there.

[10] Q. No, ma'am.

[11] A. It was very hard to put that stuff back.

[12] Q. These pictures are after you did that---

[13] A. No, ma'am.

[14-15] Q. ---and you're trying to show -- to pretend to the jury that---

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

[17-18] **The Court:** The objection is sustained. It's argumentative. Let's ask questions.

[19-21] By Dr. Faltas: Q. State's exhibit 109, explain to the jury what's messy about that.

[22] A. My house doesn't look like this, so to me that's messy.

[23] Q. Really?

[24 - page 454, line] A. Yes, ma'am. There's a furnace right here inside this closet or some sort of heating device. So I assume it's a furnace; I'm sorry if I'm wrong in that. But there are books, magazines, papers, all kinds of stuff here. These would be clothes all lining the wall here to include the window and then more clothes on this side right here which is visible and then a closet full of clothes which is typical.

[6] Q. And isn't the apartment a real small one?

[7] A. Again, that's a matter of opinion what small would be.

[8-9] Q. Do you have any idea, according to your experience, what the square footage of that apartment is?

[10-11] A. I have no idea what the square footage of your apartment is; no, ma'am.

[12] Q. No idea.

[13] A. No, ma'am. I've never asked. I had no reason to.

[14-16] Q. Police officers are not trained to estimate distances? If I asked you how far apart you and I are now, you would have no idea?

[17] A. I would take a wild guess but that's---

[18-19] Q. All right. Take the wild guess. Let's see how good you are.

[20] A. It's not going to be accurate.

[21] Q. Well, just tell me how far apart we are.

[22-23] A. I would guesstimate 25 foot, 20, 25, somewhere around there.

[24] Q. What?

[25] A. I said 20 or 25 foot as a guess.

[page 455, line 1] Q. And you couldn't estimate the size of my apartment?

[2] A. Not square footage, no, ma'am.

[3] Q. Okay. Have you ever seen anything like this?

[4-5] A. I'm sorry. Can you bring it closer? I can't see that far.

[6] Q. Have you ever seen anything like this?

[7-8] A. I have seen a V.C.R. before as well as a television before but not---

[9] Q. No, the stand right...

[10] A. No.

[11-12] Q. Okay. Were you aware that this is a stand that I had invented?

[13-14] A. I had no reason to question whether or not you invented something.

[15-16] Q. What right did you have to come in and look at my inventions?

[17] A. Again, I wasn't there looking at your inventions.

[18-21] Q. Okay. For its purpose, does it function well? Does it hold a T.V., a telephone, a tape recorder, a Caller I.D. unit, lots of books in a reasonable, compact, and stable manner?

[22-23] A. Your opinion would be reasonable and stable. I wouldn't sit on it, so, no, I wouldn't say it's stable.

[24] Q. Was it wobbly?

[25 - page 456, line 1] A. I don't remember trying to move that around. It wasn't part of our warrant.

[2-3] Q. Okay. And these were files neatly arranged in that closet; right?

[4] A. Neatly would be your opinion.

[5-6] Q. And then because you -- you went inside my clothes closet and searched it as well, didn't you?

[7-8] A. Because the items we were seeking may possibly be there, yes, ma'am, we did go in your closet.

[9] Q. And the closet was full.

[10] A. It had a lot of stuff in it; yes, ma'am.

[11-12] Q. And this is an ingenious way of putting the overflow clothes, isn't it?

[13] A. Again, your opinion.

[14-15] Q. Had you ever been told before the search that I never used the heating or the air conditioning in my apartment?

[16-17] A. I wasn't aware of that. I know the window was open when we got there.

[18] Q. What?

[19] A. I know the window was open when we got there.

[20] Q. The blinds?

[21] A. I don't recall.

[22] Q. Exhibit 100, did you say these are rolls of film?

[23-25] A. I said those are boxes that could contain rolls of film. There's also a portion of your kitchen which would include your refrigerator door being open with telephones in it.

[page 457, line 1] Q. Were there books in the refrigerator?

[2-4] A. It was photographed before we ever searched, so I would have to look at the photos. I do remember telephones being in there and the refrigerator not being on.

[5] Q. Were you told that I never used the refrigerator either?

[6] A. I don't recall that.

[7-8] Q. Did you look at the expiration dates of those rolls of film, of those boxes of rolls of film?

[9] A. No.

[10-11] Q. Okay. Did you consider that I had bought them before and they had expired?

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

[13] **The Court:** Objection is sustained.

[14-16] By Dr. Faltas: Q. Is it illegal to have as many boxes or rolls of film as one wants to?

[17] A. Not to my knowledge.

[18-19] Q. Okay. Is it illegal to use a refrigerator that's not being used to put food in it for storage?

[20-21] A. I'm sorry. Your question was: Is it illegal to do that?

[22] Q. Uh-huh.

[23] A. Not to my knowledge.

[24] Q. And you think you are not invading my privacy.

[25] A. My opinion, no.

[page 458, lines 1-2] Q. Your opinion, no. Did you cause these items to fall in State's exhibit 106?

[3-4] A. No, ma'am. That would have been before we touched anything. Part of--

[5] Q. What is behind them?

[6-8] A. I'm sorry. Behind what? This is a pile of stuff. I'm not exactly sure what you're asking. If you want to point it out...

[9-11] Q. Yeah. Isn't this an encyclopedia that is neatly arranged also on a shelf that you've never seen before because I invented it?

[12-13] A. There are books. I couldn't tell you whether or not they're encyclopedias looking at this photo.

[14] Q. But they are neatly arranged, aren't they?

[15] A. They're sitting upright.

[16-18] Q. And on State's exhibit 112, these are clothes on this side. Some of my underwear are neatly arranged, aren't they, even by color? Sorted by color?

[19-21] A. There are clothes across the sides of the walls. Again, neatly arranged would be your opinion. My house doesn't look like that.

[22] Q. Yes, ma'am, because you can't invent anything.

[23] A. Again, your opinion.

[24 - page 459, line 1] Q. State's exhibit 101, does this show one of the people who descended and also having pulled something and are looking at it?

[2] A. Can you ask the question again?

[3] Q. I think you heard it.

[4-5] A. No, ma'am. You were holding the picture back there; I couldn't see it.

[6-7] Q. Is this one of the people who descended with you on my apartment?

[8] A. This is an investigator within my office; yes, ma'am.

[9] Q. And what is he doing?

[10-11] A. He's conducting the search within the scope of the search warrant -- search warrant.

[12-13] Q. I didn't ask for a legal conclusion. I asked what is he physically doing.

[14] A. Holding a box full of stuff.

[15] Q. Do you know what that stuff is?

[16-17] A. That stuff appears to be photos, a shoebox full of photos.

[18-19] Q. Did you know how old I am before you did the search warrant?

[20-21] A. Because I looked at your driver's photo, so obviously I knew when your birthday was.

[22] Q. So how old am I?

[23-24] A. Because I'm not looking at it right now, I couldn't tell you even what year you were born. I'm sorry.

[25] Q. Did you know when I came to this country?

[page 460, lines 1-3] A. It was alleged very early on in the investigation and, no, I never saw documentation of the day you came to this country, so I'm not sure.

[4-5] Q. Did you testify that you knew that this is my only residence?

[6-8] A. I'm not sure I testified to that, but as far as I know, this is the only place that you reside at the time. I do know that you own a piece of vacant land.

[9-12] Q. So if I've lived in this country about 30 years and this is my only residence, it is possible to have a lot of clothes and a lot of pictures and a lot of tapes from my 30 years in this country.

[13-15] A. I never said that this was the only place you had lived while you've been here. I know that is the only residence, to my knowledge, that you held at this time.

[16-17] Q. And State's exhibit 105, does this show someone else also looking into my files and papers?

[18-20] A. It does. It shows, which I believe would be Investigator Bailey again, the same as the other photo, holding pictures that were found.

[21-23] Q. Okay. And then State's exhibit 104, does it show the gloved hands of somebody who has put a box on my bed which wasn't there when you started ransacking my apartment?

[24 - page 461, line 4] A. Again, ransacking would be your opinion. It is another investigator because investigators and police officers would have been the only ones in the apartment. It shows them emptying a box of photos on to something, so that way we could make sure we were trying not to take things that were not needed because there were so many pictures.

[5-6] Q. And State's exhibit 103, that's another -- somebody else's hands in my files?

[7-9] A. This would again be another officer or investigator going through photos, again relevant to why we were there to the victims.

[10] Q. State's exhibit 102.

[11-12] A. I'm sorry. Were you going to ask me a question about this picture?

[13-14] Q. Yeah. Does it also show someone else looking at my papers?

[15-16] A. Again, another investigator and/or officer holding up another shoebox full of photos.

[17] Q. State's exhibit 116.

[18] A. Were you going to ask a question about it?

[19] Q. Yes. What's in it?

[20-21] A. In this photo there's a small black bag with a camera sitting on top of it.

[22] Q. Was there another camera in that bag that you took?

[23] A. I believe there was.

[24] Q. And what else is in this picture?

[25 - page 462, line 2] A. Some of your personal effects as well as a box of floppy disks, maybe two boxes of floppy disks, but I'm for sure one box because the picture cuts it off on the side.

[3] Q. You took those, too.

[4] A. The floppy disks? Yes, ma'am.

[5] Q. And what else is there?

[6] A. In this photo?

[7] Q. Uh-huh.

[8] A. Again, that would be it.

[9] Q. No, that's not it.

[10] A. I said your personal---

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

[12] **The Witness:** ---stuff.

[13] **Dr. Faltas:** There is a picture of my mother there.

[14] **The Court:** Just a moment. The objection is sustained.

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

[16-18] By Dr. Faltas: Q. Is there a picture of a woman older than I am who looks somewhat like me?

[19-20] A. It is a picture of an elderly female. That would be your opinion on whether or not she looks like you.

[21 - page 463, line 1] Q. Did you testify in this court outside the presence of the jury that you contacted the Social Security Administration trying to have my mother's Social Security checks cut off under on the false pretext that she is dead and that I've been fraudulently taking her Social Security checks?

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

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

[4-6] By Dr. Faltas: Q. Did you testify that you contacted the Social Security Administration?

[7] A. I did.

[8-10] Q. Did you testify that you got my mother's Social Security number through some system that's only available to law enforcement?

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

[12] **The Court:** It's overruled.

[13] **The Witness:** Yes.

[14-17] By Dr. Faltas: Q. Did you use that information to contact the Social Security office and suggest to them that her Social Security retirement check should be discontinued?

[18-19] A. I never suggested anything to the Social Security office other than the allegations that I was told.

[20] Q. Who told you what?

[21] A. That would be hearsay.

[22-23] **Dr. Faltas:** Your Honor, if that's part of her investigation, she needs to answer.

[24] **The Court:** Ms. Weiss?

[25] **Ms. Weiss:** Objection. Hearsay.

[page 464, line 1] **The Court:** Objection is sustained.

[2-5] By Dr. Faltas: Q. Were you ever given an allegation that my mother is not alive and that I'm fraudulently taking her Social Security retirement checks?

[6-11] A. No, ma'am. The allegation was that your mother did not reside at your residence even though that's where apparently, according to the same website where I got her Social Security number and name from as well as all of her personal information -- the same website lists your address as her address. It is a one-bedroom apartment, not two.

[12-14] Q. People can get their Social Security check, retirement check, deposited to their bank accounts no matter where they live. Isn't that correct?

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

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

[17-19] **Dr. Faltas:** Did you know before or after you contacted the Social Security Administration that people can get their Social Security retirement checks deposited to their banks?

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

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

[22-24] **Dr. Faltas:** Did you -- had you received, before you contacted the Social Security Administration, information that my mother has a bank account in South Carolina?

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

[page 465, line 1] **The Court:** Objection is sustained.

[2-4] By Dr. Faltas: Q. In the discovery that you provided, did you have copies of checks from my mother's account in South Carolina?

[5] A. Yes.

[6-7] Q. Okay. So you knew that she had an account in South Carolina, a bank account in South Carolina.

[8-9] A. I know it's a Bank of America. They're all over the country, I believe.

[10-12] Q. Okay. And did you know that her Social Security retirement checks were being directly deposited to that account?

[13-14] A. After I contacted the Social Security office. That would have been how I found that out.

[15-16] Q. Yes. So you did find out that she was getting direct deposits into a bank account that she has.

[17] A. After I contacted the Social Security Administration.

[18-19] Q. And you didn't ask them if there was anything improper about that.

[20-21] A. I don't recall the conversation I had with that investigator.

[22-23] Q. So did it turn out that anything wrong was being done as far as my mother's Social Security retirement checks?

[24 - page 466, line 1] A. Not that he could find, and that would have been their investigation, not mine, because I don't work for their agency.

[2] Q. An investigation that you asked them to initiate.

[3] A. I did.

[4-5] Q. Okay. And that's State's exhibit 115, is this how my purse was when you found it?

[6-7] A. I honestly -- I don't recall. I know the camera came out of it though.

[8-9] Q. You took it and emptied it on my bed and left things all over the place. Isn't that true?

[10] A. It's a search warrant.

[11-12] Q. In fact, State's exhibit 117, that is the camera below the other camera.

[13-14] A. That would be the camera that came out of the black bag that was underneath another camera.

[15-16] Q. And, in fact, you thought it was a V.C.R. You listed it in the return as a V.C.R. Isn't that correct?

[17-20] A. Because I did not write the return, I'm not sure what the investigator wrote down as far as what that item would be, and because I'm not looking at the exact number of how it was tagged into our evidence room, I couldn't tell you that.

[21-23] Q. So none of the very experienced, highly-paid very powerful -- you came to this court with a gun

in your side, didn't you? Could you stand up, please? You do have a gun.

[24] A. I do, as well as my badge.

[25] **The Court:** You have five more minutes for this witness.

[page 467, line 1] **Dr. Faltas:** Your Honor, I need a little bit more time.

[2] **The Court:** How much more time?

[3] **Dr. Faltas:** I need about 30 minutes, please.

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

[5-8] **Dr. Faltas:** Thank you. So none of the eight – the entire Special Victims Unit that came down knows that this is a Super Eight millimeter camera that they haven't even made films for in 20 or 30 years.

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

[10] **The Court:** Objection is sustained.

[11-13] By Dr. Faltas: Q. You just took it. And this State's exhibit 114, does it show the shoes or a man's shoes and some things on the floor?

[14-17] A. It shows a lot of stuff on the floor. The floor was not clean, and it does show someone's shoes which again would be an officer or investigator which, by looking at the shoes, I would assume it was one of our investigators.

[18-20] Q. And the camera wasn't on the bed when you found it, was it, when you entered? You opened my purse and threw things out to take the camera.

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

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

[23-25] By Dr. Faltas: Q. Did you have any information that any of those cameras were stolen or anything?

[page 468, line 1] A. Stolen? No, ma'am.

[2-3] Q. Embezzled? Anything? Anything that I should not have those cameras?

[4] A. I don't believe that's what you're charged with, so no.

[5-7] Q. Okay. And then State's exhibit 110, were those cassettes in that state of disorder when you entered my apartment?

[8-10] A. I honestly could not tell you that because I don't recall. Everything was photographed before we logged it into our evidence bags though.

[11-12] Q. Doesn't even that picture show that the cassettes have writing on them?

[13] A. Uh-huh. Some of them did.

[14] Q. And does the writing say they are tapes of court cases?

[15-16] A. Your eyes are much better than mine if you can see that in that photo.

[17] Q. Do you know who Frederic Chopin is?

[18] A. The composer? Yes, I do.

[19] Q. Do you know who Sergei Rachmaninoff is?

[20] A. Again, another composer.

[21-22] Q. And weren't a lot of tapes marked Frederic Chopin or Sergei Rachmaninoff or Felix Mendelssohn?

[23-24] A. I didn't see any that were marked like that. If they were, we did not take them during the search warrant.

[25] Q. That's not true, is it?

[page 469, line 1] A. Yeah, it is true.

[2] Q. And State's exhibit 111, does it show more tapes?

[3-4] A. Yes, ma'am, a good many more tapes as well as other stuff.

[5-6] Q. And again on State's exhibit 108, have you ever seen a stand like this?

[7] A. Again, no.

[8] Q. Yes, because I invented it.

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

[10] **The Court:** Objection is sustained.

[11-13] By Dr. Faltas: Q. And in State's exhibit 107 you show a stand, lots of bookshelves.

[14-16] A. I can honestly say I don't see a bookshelf whatsoever here. There's a bunch of stuff in this picture though which was how it was when we got there.

[17] Q. No, it's not how it was.

[18] A. Yes, it was.

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

[20-21] **The Court:** The objection is sustained. You can't argue with the witness.

[22-24] By Dr. Faltas: Q. You were aware that I was suing my landlady and others for housing discrimination, weren't you?

[25] A. For housing discrimination?

[page 470, line 1] Q. Among other things, yes.

[2-3] A. No, I didn't know about you suing them for housing discrimination.

[4] Q. What did you think I was suing them for?

[5-6] A. From what I was told later on in the investigation of my portion of the investigation that it was a property thing.

[7-8] Q. Did you have any allegation that I had child pornography in my house?

[9] A. No, ma'am, again not what you were charged with.

[10-11] Q. Did you have any allegation that I had drugs in my house?

[12] A. No, ma'am, not what you were charged with.

[13-16] Q. Did you find any drugs or child pornography or pictures of anything inside anybody's house? I mean, was I ever charged with breaking into somebody's house and taking pictures inside their house?

[17] A. I did not charge you with any sort of burglary, so no.

[18-19] Q. Without burglary, was I even charged with taking pictures of anybody in their private residence?

[20] A. In their private life? Yes.

[21] Q. No, I didn't ask you that. I said private residence.

[22] A. Not inside of their residence.

[2-24] Q. Of all that you had taken from me, was there a single picture in the private residence of any person but myself?

[25] A. I just answered that.

[page 471, line 1] Q. And the answer is yes or no?

[2-3] A. No, there were no pictures of you taken inside of someone's home other than yours.

[4-5] Q. And was there any picture taken while I was following someone?

[6] A. Again, that would be your own opinion of how you---

[7] Q. On the road? On a public street?

[8] A. On the public highway, no.

[9] Q. Okay. Or any public street.

[10] A. Again, on the public roads, no.

[11] Q. Was there any picture of Dinah Steele's business?

[12-14] A. Unless it was something that I didn't recognize which I've never been to her business, so there may have been and I didn't recognize it.

[15] Q. But you didn't recognize any. Was there any picture---

[16] A. Again, I don't know what it looks like.

[17] Q. Was there any picture of Dinah Steele's home---

[18] **Ms. Weiss:** Objection.

[19] **Dr. Faltas:** ---even from the outside.

[20-21] **The Court:** Just a moment, ma'am. There's an objection. Basis for the objection?

[22] **Ms. Weiss:** Relevance to the case at hand, Your Honor.

[23-24] **Dr. Faltas:** Your Honor, there was a false allegation that I was following---

[25 - page 472, line 1] **The Court:** No, ma'am, you don't make arguments unless requested by the court. Objection overruled.

[2-5] **Dr. Faltas:** Thank you. Was there any picture of Dinah Steele's or Larry Mason's or anybody's -- sorry -- Larry Mason or Dinah Steele's or any of my false accusers -- picture of their house from the outside?

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

[7-8] **Dr. Faltas:** I'm sorry. I thought the objection was overruled.

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

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

[11-12] **The Court:** You changed the question and added in some other---

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

[14] **The Court:** ---improper language.

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

[16-18] By Dr. Faltas: Q. Was there any picture of Larry Mason's or Dinah Steele's house from the outside in

what you took from me?

[19] A. Not that I'm aware of.

[20-22] Q. And, in fact, most of those pictures were in duplicate or triplicate. Most of them had maybe ten copies of the same picture; isn't that correct?

[23-24] A. I don't know about ten copies, but there were duplicates of just about every photo we took.

[25 - page 473, line 1] Q. And in your case summary -- did you prepare a case summary on November 17th?

[2] A. I did.

[3-4] Q. And did you also testify in a preliminary hearing on January 6th, 2010?

[5-6] A. I don't know what day the prelim was, but I did testify in your preliminary hearing. I just don't know the date.

[7-9] **Dr. Faltas:** Your Honor, I have provided the original to the Court. At this time may I ask her to identify it and may I enter it as an exhibit?

[10-11] **The Court:** You've asked several questions. Which -- you can have this.

[12-13] **Dr. Faltas:** Thank you, Your Honor. May I ask her to identify it?

[14] **The Court:** The document speaks for itself.

[15] **Dr. Faltas:** All right. May I enter it as an---

[16-17] **The Court:** It may be marked for identification purposes.

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

[19-20] (Defendant's exhibit 5 was marked for identification only.)

[21] **The Court:** Next question, please.

[22-24] By Dr. Faltas: Q. Do you recall in the course of that having testified that you got a signed statement from Rodney Ingram?

[25] A. I did.

[page 474, lines 1-2] Q. Is Defendant's Exhibit 4, which was marked for identification purposes only, that statement?

[3] A. Correct.

[4] Q. And did you sit here and hear him say that it was---

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

[6] **Dr. Faltas:** ---not his signature?

[7-8] **The Court:** The objection is sustained. No pitting witnesses.

[9] **Dr. Faltas:** Sorry?

[10] **The Court:** No pitting witnesses.

[11] **Dr. Faltas:** I'm not pitting witnesses.

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

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

[14-15] **Dr. Faltas:** May I enter Defendant's exhibit 5 into evidence, please?

[16] **Ms. Weiss:** Objection.

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

[18-19] **Dr. Faltas:** Could I leave it for the record as proffered?

[20-21] **The Court:** It's part of the record. It's been marked for identification.

[22-25] By Dr. Faltas: Q. And did you also testify that there was an Alden Wheeler who signed the statement claiming that I sent him away as he was trying to rent an apartment?

[page 475, line 1] A. Yes, ma'am.

[2-3] **Dr. Faltas:** May I -- defendant's exhibit, may it be marked?

[4-5] **The Court:** It may be marked for identification purposes only.

[6-7] (Defendant's exhibit 6 was marked for identification only.)

[8-9] By Dr. Faltas: Q. Is that the statement that you received?

[10] A. Yes, ma'am, looks like it.

[11] Q. And about which you testified?

[12] A. I testified that I had the statement, correct.

[13-14] **Dr. Faltas:** Your Honor, may I ask that it be introduced into evidence?

[15] **The Court:** What says the State?

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

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

[18-19] By Dr. Faltas: Q. Did you get handwritten statements from Teresa Ingram?

[20] A. I did.

[21] Q. Are Defendant's exhibits 2 and 3 those statements?

[22] A. Yes.

[23-24] **Dr. Faltas:** Your Honor, may I ask that they be admitted?

[25] **The Court:** What says the State?

[page 476, line 1] **Ms. Weiss:** Objection, Your Honor.

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

[3-5] By Dr. Faltas: Q. And you said you received pictures from a lawyer called J. Andrew Delaney. Isn't that correct?

[6-7] A. I'm sorry. I don't know his first name other than Andrew Delaney.

[8-9] Q. Okay. And you also received faxes from him or at least one fax from him. Isn't that correct?

[10-11] A. I don't recall getting a fax, but it may have come through via fax. I don't remember.

[12] Q. No, separately from the pictures.

[13] A. No.

[14] Q. What?

[15] A. No.

[16-17] Q. So it was one fax that had the pictures and also a copy of a document?

[18] A. Again, I don't recall a fax nor a document.

[19] Q. Okay. But he had contact with you?

[20] A. I called him.

[21] Q. You called him when?

[22] A. I couldn't specify a date.

[23-25] Q. And you knew that he was defending them in the lawsuit that I brought against them -- against Larry Mason and Dinah Steele. Isn't that correct?

[page 477, lines 1-3] A. I didn't know what he was representing them for. I just knew that Mr. Delaney was the Masons' attorney. I didn't know why and nor did I ask.

[4] Q. So how did you even know to contact him?

[5-6] A. Mr. Mason called me, told me that there were photos dropped off to Mr. Delaney's office by you.

[7] Q. Okay.

[8-9] A. I contacted Mr. Delaney to see if they may be pertinent to my investigation of my case.

[10-11] Q. Did you -- did you have any kind of conversation with Mr. Delaney?

[12-15] A. Other than a basic question of were there photos dropped off by you, I was told yes. I asked if I could get copies. I was told, yes, no problem. Then I got copies. That was our conversation.

[16-17] Q. So you assumed Mason had told Delaney that you're doing an investigation.

[18] A. I don't want to assume what Mr. Mason told Mr. Delaney.

[19-20] Q. Did Delaney ask you who you are and what you were doing and why you wanted the pictures?

[21-25] A. I explained when I talked to him that I was an investigator and that I was investigating some allegations which made Ms. Mason and Mr. Mason potential victims and that if he had photos that, if they were relevant, I would like to see them and get copies if that was possible.

[page 478, lines 1-2] Q. And, in fact, you were subpoenaed for a hearing in the case that I had brought---

[3] **Ms. Weiss:** Objection.

[4-5] **Dr. Faltas:** Did you receive a subpoena on December 1st, 2009?

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

[7] **Dr. Faltas:** I'm changing---

[8] **The Court:** The objection is overruled.

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

[10-13] By Dr. Faltas: Q. Did you receive a subpoena on December 1st, 2009, in a civil case that I had brought against Dinah Steele and Larry Mason?

[14-15] A. I received a handwritten -- what appeared to be a subpoena, but it was not properly served so---

[16-19] **Dr. Faltas:** Please -- Your Honor, please admonish the witness not to make conclusions of law whether it was properly served or not. I asked her whether she received it; that's all.

[20] **The Court:** Answer -- you may respond now.

[21-22] **The Witness:** I received it. I don't know what date though.

[23 - page 479, line 1] By Dr. Faltas: Q. And did you, in fact, come to court or did you ask a lawyer for the City of Columbia to come to court and ask that you do not come to court?

[2-3] A. I contacted the city attorney's office to ask because I was not properly served.

[4-5] Q. Had you been properly served, would you have come to court?

[6] A. If I would have been properly served, of course.

[7-9] Q. In fact, you did not want to come. Isn't it true that you did not want to come to court because you did not want to disclose that you were---

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

[11] **The Court:** Objection is sustained.

[12-14] By Dr. Faltas: Q. And I was arrested the next day after the hearing. Isn't that correct?

[15-16] A. Again, I don't know what day that hearing was, so I'm sorry.

[17] Q. I just told you December 1st, 2009.

[18] A. Okay. Without seeing it in writing, then I don't know.

[19-21] Q. Okay. And did you ever learn that that hearing that was held on December 1st, 2009, had an outcome that was favorable to me?

[22-23] A. I had no idea what that hearing was about. It had nothing to do with my investigation.

[24] Q. I didn't say in the past. I'm saying between---

[25] **Ms. Weiss:** Objection.

[page 480, lines 1-2] **Dr. Faltas:** ---even then and today, did you ever learn that it had an outcome that was favorable to me?

[3-4] **The Court:** The objection is sustained. The jury is to disregard the comment, the improper question.

[5-7] By Dr. Faltas: Q. And when those five people -- you said you interviewed five people who came and met with you. Who are they?

[8-9] A. Dinah Steele-Mason, Larry Mason, Mitchell Jones, Teresa Ingram, and Charlene Crouch.

[10] Q. Did you pull the driving record on Charlene Crouch?

[11] A. I had a driver's photo of each of those individuals.

[12] Q. Did it include the ten-year driving record?

[13-14] A. I don't know if I pulled a ten-year or not. I don't know if I pulled ten or three. I'm sorry. I don't know.

[15-16] Q. But you pulled some driving record, some kind of driving record, for each of them.

[17] A. Because it has D.M.V. photo, yes, ma'am.

[18] Q. Okay. And you pulled mine as well.

[19] A. Of course.

[20] Q. Did you see any violation on mine?

[21-22] A. I'm not looking at it in front of me, so I don't want to say yes or no. Honestly, I don't remember.

[23-24] Q. Do you recall substance abuse problems that resulted in the suspension of the driver's license---

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

[page 481, lines 1-2] **Dr. Faltas:** ---of Charlene Crouch on the record that you pulled?

[3-4] **The Court:** The objection is sustained. The jury is to disregard the improper question.

[5-8] By Dr. Faltas: Q. You claim that the photographs were disturbing. How were they disturbing? Do they show -- do they show me physically hurting anyone?

[9] A. My opinion was they were disturbing.

[10] Q. How so?

[11-12] A. Because of how many and how intrusive they were into other peoples' personal lives and their day-to-day routines.

[13] Q. Day to day.

[14] A. Uh-huh.

[15-16] Q. In fact, they are apart, aren't they? There aren't photographs from each day, are there?

[17] A. I'm not sure. I wasn't there the day they were taken.

[18] Q. Do they have date stamps on them?

[19] A. Some of them do, yes.

[20-21] Q. In fact, aren't there basically groups of photographs like from the same incident---

[22] **Ms. Weiss:** Objection.

[23] **The Court:** Sustained. How many more minutes?

[24] **Dr. Faltas:** Sorry?

[25 - page 482, line 1] **The Court:** How many more minutes do you have for this witness?

[2-3] **Dr. Faltas:** About 20, Your Honor. I really haven't kept track of the time but maybe about 10 or 20 minutes.

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

[5-6] **Dr. Faltas:** Thank you. Did you ever hear of a T.V. show called "Smile, You're On Candid Camera"?

[7] **Ms. Weiss:** Objection.

[8] **The Court:** Sustained.

[9-11] By Dr. Faltas: Q. Is there anything illegal about taking as many or as few photographs as one wants in public places?

[12-14] A. I'm not aware of a law that says you cannot take photos of people as long as they are wanted.

When it becomes an issue is when those people tell you that's unwanted.

[15-16] Q. Have you ever been present when someone told me that pictures are unwanted?

[17] A. I had never met you; no, ma'am.

[18-19] Q. Have you ever been present where anyone allegedly told me the pictures are---

[20] **The Court:** She said she'd never met you.

[21] **Dr. Faltas:** Well, Your Honor---

[22] **The Court:** Proceed, ma'am. I sustain the objection.

[23] **Dr. Faltas:** Do you ever watch television news?

[24] **Ms. Weiss:** Objection.

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

[page 483, lines 1-3] **Dr. Faltas:** When the media takes a picture of an airport or a parking lot or on the highway, do they go and ask every person in that public place---

[4] **Ms. Weiss:** Objection.

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

[6-7] By Dr. Faltas: Q. Did you prepare a case summary?

[8] A. I did. I answered that earlier.

[9] Q. And that was dated November 17th?

[10-11] A. I believe that is the date on it. I'm not looking at it, but I'm pretty sure that's the correct date.

[12] **Dr. Faltas:** Your Honor, may I get it and introduce it?

[13-15] **The Court:** You may get it if you would like to. Ladies and gentlemen, I'll have you go to the jury room for a couple of minutes.

[16-17] **(Whereupon, the jury was excused from open court at 2:52 p.m.)**

[18] **The Court:** We'll be at ease for a few minutes.

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

[20-21] **Ms. Weiss:** Your Honor, after this witness are we going to return to the limits imposed?

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

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

[24-25] **The Court:** You have five more minutes with this witness. You have five more minutes with this witness.

[page 484, lines 1-2] **Dr. Faltas:** Yes, Your Honor. The jury hasn't come back.

[3] **The Court:** I understand that.

[4] **Dr. Faltas:** I mean from the time the jury...

[5] **The Court:** Yes. If you'll bring the jury, please.

[6-7] **Dr. Faltas:** Until the jury comes, may I mark two exhibits for identification?

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

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

[10-12] **(Whereupon, the jury was brought into open court at 3:01 p.m.. Defendant's exhibits 7 and 8 were marked for identification only.)**

[13-14] By Dr. Faltas: Q. Is this the case summary that you prepared?

[15] A. Yes. Yes.

[16-17] **Dr. Faltas:** May I move that it be admitted into evidence, Your Honor?

[18] **Ms. Weiss:** Objection.

[19] **The Court:** Sustained.

[20-22] By Dr. Faltas: Q. Is this a longer set of pictures of the ransacking of my apartment and my car?

[23- page 485, line 1] A. Ransacking would be your opinion. This looks like the photos that were taken by our I.D. tech which came to the search warrant with us that were taken before and during the search.

[2-4] **Dr. Faltas:** May I move that they be admitted, Your Honor? The State has admitted some of them, and I objected to completeness. That is a more complete set.

[5] **The Court:** What says the State?

[6] **Ms. Weiss:** No objection, Your Honor.

[7] **The Court:** Admitted without objection.

[8] **(Defendant's exhibit 8 was received in evidence.)**

[9-11] By Dr. Faltas: Q. Some of these you searched my bathroom. You even searched my shirt pocket, didn't you?

[12-13] A. Because your bathroom is a part of your residence, we would have searched it.

[14-15] Q. Do you normally expect to find pictures and tapes in bathrooms?

[16-17] A. At your apartment we weren't sure what we would find once we found a refrigerator full of telephones.

[18] Q. Was it a functional refrigerator or was it disconnected?

[19] A. I didn't look at the plug, honestly.

[20] Q. Did was there cold coming---

[21] A. No.

[22] Q. ---from it?

[23] A. No, ma'am.

[24 - page 486, line 3] Q. So you couldn't think that a non -- a non-functioning refrigerator or one that's not being used to refrigerate can be used as a storage closet? That's totally out of the reasonable or I'm crazy? That's what your alleged victim kept on saying at her brother.

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

[5] **Dr. Faltas:** I'm crazy for being practical.

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

[7-8] By Dr. Faltas: Q. Does it also show my green card?

[9-10] A. It's a black-and-white copy. I know we did take a photo of it, so I'm not exactly sure which one here it is---

[11] Q. Do you recall---

[12] A. ---but we did---

[13-16] Q. Do you recall I was very concerned even after you put handcuffs on me and were taking me away that I needed to take my green card with me because I was afraid that you would take it?

[17-18] A. You continued to say you needed identification and stuff like that.

[19-21] Q. And did you take my mother's bank card and my mother's check cards and her credit cards that were in my shirt pockets?

[22-23] A. Any card that did not have your name on it, yes, we took.

[24] Q. And you had absolutely no search warrant for it.

[25 - page 487, line 3] A. The search warrant did not include your mother's name, but it's a credit card that did not have your name on it, so you should not be in possession of it. At the time that's what we were thinking, so we did take those.

[4] Q. So whatever you think I shouldn't have you just take.

[5] A. Because it was---

[6] Q. Well, you're wrong.

[7] **Ms. Weiss:** Objection.

[8] **Dr. Faltas:** Did you eventually prove to be wrong?

[9] **The Court:** Objection is sustained.

[10-12] By Dr. Faltas: Q. All right. Did you eventually find out that you were wrong and returned them to me?

[13-14] A. We returned your mother's cards because you showed us power of attorney.

[15-17] Q. And isn't it true that after you contacted the Social Security Administration trying to get my mother's Social Security retirement---

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

[19-22] **Dr. Faltas:** All right. Isn't it true that you were informed that I went there and showed them power of attorney for my mother for me, meaning that I can act for her, that I have power---

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

[24-25] **The Court:** The objection is sustained. You have one more minute with this witness.

[page 488, lines 1-2] **Dr. Faltas:** Could you read the entry from the case summary for November 2008, please?

[3] **Ms. Weiss:** I'm sorry. What part are we reading?

[4-5] **The Witness:** November 2008. It's on page 2. It's an entire paragraph.

[6] **Dr. Faltas:** Could you please read the entire paragraph?

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

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

[10-12] By Dr. Faltas: Q. You did know at that time that I was interested in buying a piece of land and that Larry Mason was very upset that I ended up buying it. Isn't that correct?

[13-14] A. Mr. Mason told me that he and you had a conversation about the piece of land briefly.

[15] **The Court:** Anything further?

[16-17] **Dr. Faltas:** I'm about to ask her a question from that paragraph. Mr. Mason also states that Ms. Faltas began---

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

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

[20] **Dr. Faltas:** And that's about everything?

[21] **The Court:** You can't read reports to the witness.

[22] **Dr. Faltas:** She wrote them.

[23] **The Court:** It doesn't matter.

[24 - page 489, line 2] By Dr. Faltas: Q. So you were aware before you had me arrested and jailed that there was some kind of property dispute between my accusers and me. Yes or no?

[3] A. Yes. That had nothing to do with harassing.

[4] Q. How did you know that?

[5] A. Because Mr. Mason told me.

[6] Q. Oh, anything Mr. Mason says---

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

[8-9] **The Court:** The objection is sustained. All right, ma'am. The final question.

[10-13] By Dr. Faltas: Q. Have you ever in your experience known somebody to make a false allegation about somebody else to gain some advantage?

[14] A. I've heard you make numerous false allegations, so yes.

[15] **Dr. Faltas:** Your Honor, I---

[16] **The Court:** Final question.

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

[18] **The Court:** Final question.

[19-20] **Dr. Faltas:** But I ask Your Honor to ask the jury to disregard that.

[21] **The Court:** Overruled.

[22-24] **Dr. Faltas:** I ask you: Have you had experience, for example, of parents in divorce and custody battles that one falsely accuses the other---

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

[page 490, lines 1-2] **Dr. Faltas:** ---of sexually molesting the children or something?

[3-4] **The Court:** The objection is sustained. You may step down, ma'am. Call your next witness.

[5] **Ms. Weiss:** The State calls Tiffany Lurke.

[page 780] I, the undersigned Daphne D. Helms, official court reporter for the Fifth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings requested by Attorney Heather Weiss and evidence introduced in the trial of the captioned case, relative to appeal, in the circuit court for Richland County, South Carolina, on the 22nd through 26th of February, 2010. [¶] 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 24, 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 180, 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 – 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 - 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 - page 188, line 1] Q. But at that meeting did you review the proposed search warrant from my home?

[2-6] 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.

[7] Q. And the element of the crime was read to you by whom?

[8-9] 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 - 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?

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.

Q. What's a C.I.D.?

A. A criminal investigation. I'm sorry.

Q. Okay.

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 [page 191] 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.

Q. And I had given you my name and my number, and you were going to call me back and you never did.

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.

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?

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.

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.

Ms. Weiss: Objection, Your Honor.

The Court: Objection is sustained.

Dr. Faltas: Sorry.

By Dr. Faltas: [page 192] Q. Did you see a letter sent to me that just said "unfounded"?

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 unsustainable. I can't remember exactly.

Q. And then you told me that I cannot even get the underlying tape of where I had---

Ms. Weiss: Objection.

The Court: Sustained.

Dr. Faltas: Did I ask you that I wanted the pictures I let them take of my bruised wrists?

Ms. Weiss: Objection.

The Court: Sustained.

By Dr. Faltas:

Q. So, Chief Carter, did you -- were you influenced by anyone or did you influence anyone to make this arrest happen?

A. I did not. I did not influence an individual or was influenced by anybody.

Q. Okay. Do you think your department treats people differently---

Ms. Weiss: Objection, Your Honor.

[page 193] **The Court:** I can't hear -- didn't hear the question.

Dr. Faltas: I hadn't even finished it.

The Court: That's why I didn't hear it.

Dr. Faltas: Yeah. Yeah.

By Dr. Faltas: Q. Do you think your department treats people differently based on their national origin?

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.

Q. Have there been complaints against your department about roughing up Mexicans, for example?

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.

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?

The Court: Sustain the objection. It's not relevant to this question before the court.

[page 194] 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?

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.

Q. So we leave it up to the officer's discretion to arrest somebody on an alleged misdemeanor which the officer did not witness?

A. We leave all arrests to the discretions [sic] of police officers.

Q. Even though the constitution and the law of the state forbid officers from arresting on misdemeanors that they did not witness.

Ms. Weiss: Objection.

The Court: Sustained.

Dr. Faltas: That's all. Thank you.

The Court: Any questions by the State?

Ms. Weiss: No, Your Honor.

The Court: Okay. Thank you, Chief. You may step down. If someone would ask Judge Turner to come in.

Ms. Weiss: Your Honor, may the Chief be excused?

[page 195] **The Court:** Yes.

Dr. Faltas: Your Honor, I'm sorry. If the trial goes on, I need him as a witness.

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.

Chief Carter: Yes, sir. I'm always at your beck and call.

The Court: All right. Thank you.

(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

**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**
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 763, lines 22-23] (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.

Direct Examination By Dr. Faltas:

Q. Sir, could you please give us your age, education, and occupation?

A. I am 55 years of age. I have a Master's degree, and I'm a police officer.

Q. And what is your current position?

A. I am the chief of Columbia P.D. or Columbia Police Department.

Q. Thank you. And in that capacity, do you try to encourage community involvement?

A. Yes.

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?

A. I'm not sure that I understand your question. One more time?

Q. Okay. Does prostitution occur in Columbia, in your [page 765] experience?

A. It does.

Q. And if, for example, someone that -- does drug dealing occur in Columbia?

A. Yes.

Q. Does burglary occur in Columbia?

A. Yes, it does.

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?

A. Yes, we do.

Q. And if instead of the police helping them the police comes and arrests them for having reported that, would that encourage community involvement?

A. No.

Q. Okay. And have there been incidents where your very department let out or did not prosecute a solicitation case because---

Ms. Weiss: Objection, Your Honor.

The Court: I have to hear the question.

Dr. Faltas: Thank you.

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 [page 766] of the arresting officer?

A. I have no knowledge of that.

Q. Really?

Ms. Weiss: Objection.

The Court: Sustained.

By Dr. Faltas: Q. And has the Columbia Police Department been criticized recently for police brutality?

A. It has.

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?

A. I'm not sure that I understand that question.

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?

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.

Q. And isn't there a difference between felonies and misdemeanors or do you know?

A. Yes.

Q. Okay. And did you train your force that they cannot arrest for a misdemeanor except if it is committed in the [page 767] officer's presence?

A. I don't particularly train them. South Carolina trains them, and we do in-service training.

Q. Did you in this very case outside the presence of the jury testify that you just give your police officers discretion to arrest?

A. Officers always have discretion no matter what jurisdiction they're in.

Q. Really?

A. Uh-huh.

Q. So they have discretion to just arrest someone walking down the street if they have done nothing wrong?

A. Officers have the discretion to arrest anybody if they have done something wrong.

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?

Ms. Weiss: Objection, Your Honor.

The Court: Basis for the objection?

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.

The Court: All right. The objection is sustained.

Dr. Faltas: All right. Thank you, Your Honor.

The Court: Proceed.

[page 768] By Dr. Faltas: Q. What is the difference between a felony and a misdemeanor?

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.

Q. And that's not exactly correct but---

Ms. Weiss: Objection, Your Honor.

Dr. Faltas: But in any event...

The Court: Objection is sustained.

By Dr. Faltas: Q. Do the police officers in Columbia, do they have liberty to arrest for misdemeanors not committed in their presence?

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?

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?

Ms. Weiss: Objection, Your Honor.

The Court: The objection is overruled.

Dr. Faltas: Thank you.

By Dr. Faltas: Q. Please answer.

[page 769] 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.

Q. But my question wasn't -- was for something not observed by the police officer.

A. Generally speaking, not. If it's not in the presence of the officer, then certainly.

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?

A. I did attend a meeting. I'm not exactly sure of the month that it was in.

Q. And it was discussed that you were going to arrest me for misdemeanor harassment.

A. They had an arrest warrant, and I attended the meeting, number one, because we had a meeting

prior.

Q. We had what?

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 [page 770] or not it meets the element of the crime and, secondly, had they coordinated that action through the solicitor's office?

Q. Objection, Your Honor. Objection. Objection. Objection.

The Court: The objection is overruled. You may answer. You may continue.

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?

A. 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. [] 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 [page 771] 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. [] 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.

Q. And that was the first time or the second time?

A. It was the first time.

Q. And wasn't I asking that they be more responsive when I'm calling for protection?

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.

Q. And so in retaliation you had me arrested.

A. You know, I want to be honest with you. You're not even [page 772] 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.

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?

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.

Q. Okay. So you were never told that the law forbids arrests for misdemeanors and the constitution--- [page 773] **Ms. Weiss:** Objection, Your Honor.

Dr. Faltas: He said constitution and by laws, so I'm challenging him on what he said.

The Court: Objection is sustained.

By Dr. Faltas: Q. And you are aware that I was arrested not once but twice, aren't you?

A. I am aware that you've been arrested, but I'm not sure how many times.

Q. And you aware that the second time I was---

Ms. Weiss: Objection, Your Honor.

The Court: Objection is sustained.

Dr. Faltas: Are you aware that the second time I was arrested---

Ms. Weiss: Objection, Your Honor.

The Court: Objection is sustained.

By Dr. Faltas: Q. Did you see a complaint from me about handcuffs having caused bruises on my wrists?

A. Yes.

Q. Okay. And were you involved in the processing of that complaint?

Ms. Weiss: Objection, Your Honor.

The Court: Sustained.

Dr. Faltas: Did you tell me that all you had to do was [page 774] write unfounded on it?

Ms. Weiss: Objection, Your Honor.

The Court: The objection is sustained.

By Dr. Faltas: Q. Did you bring the videos of my arrest and the search of my apartment and car?

A. Did I bring the what? The individuals?

Q. The video of my arrest and the search of my apartment.

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.

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?

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.

Q. Whom did you ask?

A. I think Officer Blanton.

Q. Did Officer Blanton tell you that she never personally---

Ms. Weiss: Objection.

Dr. Faltas: ---saw me do anything wrong?

Ms. Weiss: Objection, Your Honor.

[page 775] **The Court:** Objection sustained.

Dr. Faltas: Well, Your Honor, if he can -- at this time can we try to play the video or the C.D.?

The Court: You're asking the witness questions. Proceed.

By Dr. Faltas: Q. Did you give the tapes of my arrest and the search to anyone?

A. I'm absolutely clueless about whatever you're talking about tapes. I have no idea what it is.

Q. C.D.'s. I'm sorry.

A. C.D.'s. I'm absolutely clueless. I have not seen anything.

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?

A. I did.

Q. Did you bring them?

A. My department brought all the stuff. You subpoenaed everybody in here and all the information. I didn't have to bring anything.

Q. So where are they from your department?

A. I don't know.

Q. Well, are these it on my table there?

A. I don't know what that is.

[page 776] **The Court:** Solicitor?

Ms. Weiss: Objection. The question has been asked and answered.

The Court: He said he doesn't know what it is.

Dr. Faltas: Well, Your Honor, may we try to play them and see if he recognizes them?

The Court: You can -- you can proceed. You have a witness on the stand.

Dr. Faltas: May I ask -- may I use this, please?

Ms. Weiss: You can use it, but that's not going to play anything.

Dr. Faltas: You try?

Ms. Weiss: Your Honor, can she finish with this witness?

Dr. Faltas: That's the -- that's part of the examination of this witness, the display of this.

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.

By Dr. Faltas: Q. Well, you might recognize me, the police---

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 [page 777] 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.

Q. Did you ask what happened after -- what happened after I was arrested?

A. I did not.

Dr. Faltas: All right. That's all I have.

The Court: Any questions by the State?

Ms. Weiss: No, Your Honor.

The Court: Thank you. You may step down.

Ms. Weiss: May the chief be excused?

The Court: Yes. Next witness, please.

Dr. Faltas: Your Honor, I would want to recall myself for a couple of things, but can we try to play this first?

The Court: Play what?

Dr. Faltas: The C.D.'s.

The Court: You're presenting your defense. You may proceed.

Dr. Faltas: Thank you. I mean, I don't want to -- may I?

Ms. Weiss: No.

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?

The Court: For two more points?

[colloquy 778] **Dr. Faltas:** Uh-huh.

[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---

[2-6] **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 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 :

Court of General Sessions
2010-GS-40-11980 and 2010-GS-40-11987
February 23-25, 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 D, page 15, lines 1-7] (Court reporter's note: This is a partial transcript of record, per the request of Ms. Weiss who requested only the testimony from the trial proceedings be transcribed. Prior to the beginning of testimony, there was over a day's worth of colloquy that took place, as well as the impaneling of the jury, and opening statements. The testimony began in the presence of the jury as follows:)

[Transcript C, page 54, lines 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. [Transcript C, page 54, line 10 = Transcript D, page 15, line 8] Ms. Weiss: The State calls Teresa Ingram.

[9] The Court: Ms. Ingram. [10-11] Teresa Ingram, after being duly sworn, testified as follows:

[12-13] The Clerk: Have a seat in the witness stand and give the court reporter your name, please. [14] The Witness: My name is Teresa Ingram.¹

[15-16] Direct Examination By Ms. Weiss: [17] Q. Good afternoon, Ms. Ingram. [18] A. Good afternoon. [19] Q. Your name is Teresa Ingram? [20] A. Yes.²

[21] Q. Do you mind if I call you Teresa? [22] A. That's fine. [23] Q. Teresa, where are you from? [24] A. I'm from Sumter, South Carolina.

[25] Q. Were you born and raised there? [page 16, line 1] A. Yes. [26] Q. Did you go to high school there? [27] A. Yes, high school in Sumter, South Carolina, as well.

[28] Q. Where did you graduate from? [29] A. Maywood High School in 1994.

[30-31] Dr. Faltas: I'm sorry. I didn't hear. Did she say Maywood? [32-33] The Court: Yes, Maywood High School. Can you scoot up a little and close to the mic?

[34-35] By Ms. Weiss: Q. If you want to move the mic over towards you... There you go.

After you left Maywood in 1994, where did you go? [36-37] A. Initially after high school I sat out a year.³ Then I went in the Navy.

[38-39] Dr. Faltas: I'm sorry. I still can't hear. [40] Ms. Weiss: May I continue, Your Honor? [41] The Court: Yes.

[18-19] By Ms. Weiss: Q. And what did you do in the Navy?

[20] A. I was aviation.⁴

[21] Q. How long did you remain with the Navy?

[22-23] A. I only stayed in the Navy a year and a half.⁵ I got out on a medical discharge.⁶

[24] Q. An honorable discharge?

[25] A. Yes, honorable medical discharge.⁷ Yes.

[page 17, lines 1-2] Q. Honorable medical. When you left the Navy, where did you go?

[3-6] A. I attended South Carolina State, and after South Carolina State work was in between a few years, and my last schooling was at Benedict College, a junior at Benedict College in 2003, Spring of 2003.⁸

[7] Q. Spring of 2003. [8] A. Uh-huh.⁹

[9] Q. And when you left there, did you go to work?

[10] A. Yes.¹⁰

[11] Q. Where did you go to work?

[12-14] A. At that time it was APEC, and from APEC I worked at the Department of Juvenile Justice for a few years and then the Mentor Network.

[15] Q. The Mentor Network?

[16] A. Yes.

[17-18] Q. Please tell the jury -- is that where you currently work today?

[19] A. Yes.¹¹

[20-21] Q. Please tell the jury a little bit about the Mentor Network and what it is.

¹ Her formal name then was "Teresa Felicia Ingram-Jackson." Her stage/FaceBook name is "Nikki Icecream Ingram." She went by "Jackson" in: (1) SC's Department of Juvenile Justice; (2) Florence, SC; (3) Central Court case [C356700](#); (4) Shandon Crossing Apartments whence she got evicted in 2007 for non-payment/misconduct per case numbers [2006CV401062491](#), [2007CV401061256](#), and [2007CV401060650](#); and (5) at least one hospital in Florence, SC, from which she obtained at least one "shot for pain" circa May 2008 according to her testimony in *Ingram v. Trifon* [2008CP4004243](#).

² Vide note 1, *supra*.

³ Teresa did not "sit out" but worked as a nightclub stripper, most likely at BJ's Lounge of Sumter, later closed due to shootings.

⁴ VA's Response to FOIA Request # 1-755907055 shows Teresa was in the Naval Reserve, never in aviation, and only for three weeks, specifically from 6 to 27 November 1996, not "a year and a half."

⁵ Vide note 4, *supra*.

⁶ Teresa had no medical discharge and no diagnosis of "migraine" because her stint was too short for that. Her medical records, entered in *Ingram v. Trifon*, case number [2008CP4004243](#), show no past history of any condition warranting medical discharge.

⁷ Vide note 4, *supra*.

⁸ Teresa enrolled in: (1) Midlands Technical College from 18 January to 10 May 1996 (one semester, 9 credit hours, GPA 2.00); (2) South Carolina State (one semester from 1 January to 3 May 1997); and (3) Benedict College from 14 January to 11 May 2002. She never advanced to "Junior" because she never completed enough courses anywhere.

⁹ Vide note 8, *supra*.

¹⁰ She did not work then because she married Brian Aldwin Jackson, a convicted drug dealer and "chop shop" operator.

¹¹ Teresa was TERMINATED from "The Mentor Network" on 25 June 2009 and never rehired as she testified in her *Ingram v. Trifon*, [2008CP4004243](#): (1) 21 August 2009 deposition and (2) 24-25 August 2009 trial, respectively:

[deposition page 4, line 25] Q: And where are you employed?

[page 5, line 1] A: Unemployed.

[2-3] Q: And where were you employed at the time of the accident?

[4] A: The Mentor Network.

[14] Q: And why did you leave Mentor Network?

[15] A: Terminated.

[16] Q: Do you know why?

[17] A: Unauthorized leave of a client.

[18] Q: And what does that mean?

[19-20] A: The client left without having the proper paper work.

[21] Q: And how long were you there?

[22] A: Two and a half years.

[23] Q: And when did you leave?

[24] A: June 25th of this year, 2009.

[trial page 46] Q. Okay. And are you currently employed?

A. No, I'm unemployed at this moment.

Q. All right. And where was your last place of employment?

A. I was employed with the Mentor Network of South Carolina.

[22 to page 18, line 4] **A.** The Mentor Network -- if some of you are from Columbia, it's very similar to the Babcock Center. We help individuals that have brain injuries, **and I work at a house that's in the northeast** and there's four young adult males and they have all had brain injuries. And that's just basically assisting them with their daily living duties.¹² It could be doctors' appointments, transportation, activities, meals, **medications**¹³ just that type of stuff.

[5-6] **Q.** Did you receive training to work with the Mentor Network? [7-9] **A.** Yes, **I received training through the Mentor Network itself**,¹⁴ but I also received training for the same background with the Disability and Special Needs Board in Sumter.¹⁵

[10] **Q.** How long have you been with the Mentor Network? [11-12] **A.** I've been with the Mentor Network about two and a half years now.¹⁶

[13] **Q.** So you went straight from D.J.J. to the Mentor Network. [14] **A.** Yes.

[15-16] **Q.** And during that time, the last three, three and a half years, during that time where have you been living? [17-19] **A.** I've been living here in Columbia I would say for the past six years, but it was at **a different address**,¹⁷ not at Byron Road.

[20] **Q.** At what point did you move to the Byron Road address? [21] **A.** I moved to the Byron Road address in 2007? Yeah, 2007.

[22] **Q.** And who do you live at Byron Road? [23] **A.** I live alone.¹⁸ [24] **Q.** And are you married? [25] **A.** I am divorced.¹⁹

[page 19, line 1] **Q.** How long have you been divorced? [2] **A.** About a year and a half.²⁰

[3] **Q.** Did your husband ever live with you at Byron Road? [4] **A.** Never.²¹

[5] **Q.** How long have you been separated from your husband? [6] **A.** Years. Just years. I can't be exact but years.²²

[7-8] **Q.** You've been actually divorced for at least the last year and a half? [9] **A.** Exactly.²³

[10-11] **Q.** Did you know Dinah Steele-Mason or Larry Mason prior to moving to Byron Road? [12-14] **A.** I've never known either of them until at that time I went to rent from them, and it was only on a tenant/ landlord basis at that time, still is today.²⁴ [15-16] **Dr. Faltas:** I'm sorry. At what? I'm sorry. I'm sorry. I can't hear.

[17-18] **By Ms. Weiss:** **Q.** It was a tenant/landlord basis? [19] **A.** Yes.

¹² Vide note 6, supra.

¹³ **She was never licensed to handle medication.**

¹⁴ In her Ingram v. Trifon deposition, she testified she had no special training or certification, specifically:

[page 6, line 25] **Q:** Certificate programs?

[page 7, line 1] **A:** (Shakes head negatively.)

[2-5] **Q:** Did you have to take any special training for your job with, and I'm assuming, is Mentor Network the place that you found a job when you left school?

[6] **A:** No.

¹⁵ Vide note 14, supra.

¹⁶ **On 23 February 2010, Teresa had been terminated from "The Mentor Network" for eight months.**

¹⁷ She lived at several different addresses in Columbia, Sumter, and Florence, SC, before moving to Byron Road.

¹⁸ **By her own testimony, Teresa lived at that apartment with at least two men:** Gregory Dion Smith and Richard Cooper.

¹⁹ She testified in the 24-25 August 2009 Ingram v. Trifon trial that **she was still married:** pp 47 and 68, respectively:

Q. Before we get into that, let me ask you a couple more questions. Now, are you single or married?

A. I am legally married but we are separated.

Q. Okay.

A. Legally separated.

Q. All right. **Now, your husband's last name is what?**

A. Jackson.

Q. Okay. **And when you got married, did you acquire the last name of Jackson or not?**

A. I did not.

Q. Okay. **Now, does all of your mail -- what last name does that come in?**

A. It comes in both actually. **On my license, it has Ingram Jackson.** * * * *

***** **CROSS-EXAMINATION By Ms. Metts:**

Q. Ms. Ingram, do you recall taking a deposition in my office Friday last week?

A. Correct.

Q. And do you recall that you were placed under oath when you took that deposition?

A. Yes.

Q. And do you recall that we had court reporter who transcribed everything you testified to --

A. Yes.

Q. -- at that deposition? Do you recall me asking you about whether you were married?

A. Yes.

Q. And do you recall telling me that you were **not** married?

A. Correct.

Q. Okay. **Is there some reason why you didn't tell me the truth about that?**

A. To my -- in my mind, I'm not married. I'm legally separated so that's not married.

Q. However, **you presented medical records that are in a different last name than Ingram, correct?**

A. Correct.

Q. And is there some reason why you wouldn't just explain that this was your married name?

A. It was never an issue or never a real question because -- **because it's only Jackson on my license.** My name isn't changed other than on my license. My birth certificate, social security, none of that has Jackson.

Q. But I didn't know that at the deposition when I was trying to determine the reason for the last name?

A. (The witness nodded head.)

²⁰ From 24 August 2009 to 23 February 2010 is only six months, **not "a year and half," even if she had been divorced** right after her Ingram v. Trifon trial. **There is no record of a divorce for her at all, much less in that interval.**

²¹ Brian Aldwin Jackson has at least one Richland County driving conviction on 4 August 2008: case number 34527EQ.

²² Teresa was physically, not legally, "separated" from Brian Aldwin Jackson only when he was incarcerated.

²³ Teresa was **never divorced**, much less divorced for "exactly" "at least the last year and a half."

²⁴ Teresa and her co-defendants in civil case number **2009CV401031609** moved for "assistance" in trial by Larry Wayne Mason and/or Dinah Gail Steele, neither of whom is a lawyer. Steele and Mason employed Teresa as a false witness and paid her in kind: rent waiver. Mason and/or Steele prepared and typed legal documents for Teresa and Rodney Ingram to sign and file.

^[20-21] Q. So you began renting from them in 2007. What is the actual address on Byron Road? ^[22] A. My physical address is 300 Byron Road, apartment 4.

^[23] Q. And is that in the city of Columbia?

^[24] A. I -- Richland County, if that's the city of Columbia.

^[25] Q. In Richland County.

^[page 20, line 1] A. I'm not sure.

^[2] Q. That's fine. That's fine. Is it in Richland County?

^[3] A. Yes, it is in Richland County.

^[4-5] Q. Okay. All right. And that's -- you're at 300 Byron Road?

^[6] A. I'm at 300. Uh-huh.

^[7] Q. Are you familiar with 304 Byron Road?

^[8] A. That's the building directly next door.

^[9] Q. And are you aware of who owns that building?

^[10] A. Yes, Mr. and Mrs. Steele.

^[11] Q. Or Mason?

^[12] A. Mason.

^[13] Dr. Faltas: Objection.

^[14] The Witness: They own the building.²⁵

^[15] Ms. Weiss: Okay.

^[16] Dr. Faltas: Objection, Your Honor.

^[17] The Court: What's the objection?

^[18-19] Dr. Faltas: She has no personal knowledge. This is a matter of public record.

^[20] The Court: All right.

^[21-22] Dr. Faltas: And she has no personal knowledge that they are Mr. and Mrs. Steele or Mr. and Mrs. Mason.

^[23-24] The Court: All right. The witness can testify based on their own -- on her belief or her impression or her opinion.

^[25] Dr. Faltas: Well --

^[page 21, line 1] The Court: The objection is overruled.

^[2-4] By Ms. Weiss: Q. Are you employed in any way by Dinah Steele-Mason or Larry Mason?

^[5] A. No, neither of the two.²⁶

^[6-7] Q. Do you have any relationship with them other than a tenant/landlord relationship? ^[8] A. No other relationship.²⁷

^[9-10] Q. Okay. Back in the Fall of 2008 or early Winter 2009, did you have the opportunity to become aware of Marie Faltas?

^[11] Dr. Faltas: Objection. Leading, Your Honor.

^[12-13] The Witness: Yes, I knew that she was moving in. I knew that there was a new tenant coming.

^[14-15] By Ms. Weiss: Q. Okay. And do you know who Dr. Marie Faltas is now?

^[16] A. Yes.

^[17] Q. Okay. Can you -- is she in the courtroom now?

^[18] A. Yes, she is.

^[19] Q. Can you point her out for the jury?

^[20] A. She's right there.

^[21-22] Ms. Weiss: Your Honor, let the record reflect she's indicated the defendant.

^[23] The Court: Okay.

^[24 to page 22, line 1] By Ms. Weiss: Q. Thank you. And as a way of background, were you dating

someone in the early winter, January/February of 2009?

^[2] A. Yes, I was.

^[3] Q. And at some point did that relationship end?

^[4] A. Yes.²⁸

^[5-6] Q. And around Valentine's Day of last year, was it a good ending?

^[7] A. It was kind of bad. It was bad.

^[8] Q. Okay. And did anything happen that began to worry you?

^[9] A. Well, he came over --

^[10] Dr. Faltas: Objection. Leading.

^[11-12] The Witness: --and I didn't want him to come over. So it was unwanted at that time.

^[13-14] Ms. Weiss: Hold on just a second. There's an objection.

^[15] The Court: The objection is overruled. ^[16] Ms. Weiss: Thank you.

^[17-18] By Ms. Weiss: Q. Go ahead.

^[19-20] A. At that time it was a visit that I did not want because it was the end of the relationship.

^[21] Q. Okay. And did he leave?

^[22] A. He left and came back a few times.²⁹

^[23] Q. Okay. ^[24] A. But he did -- he did ultimately leave.

^[25] Q. And at any time did he leave anything at your residence?

^[page 23, line 1] A. No.³⁰

^[2-3] Q. Did you ever have the opportunity to call law enforcement about that person?

^[4] A. Yes.

^[5] Q. And why did you call law enforcement?

^[6-14] A. I called the law enforcement because, as I stated just now, it was an unwanted visit, and he made a threatening comment. And 9 out of 10, and a lot of times when somebody is saying that they're going to do something, they're going to do it. And I don't want my mom reading about something that has happened to me and nobody knows what happened or what's been going on. So I called the police to have on record that I have been threatened by this man. So, yes, there was an incident and the police was called.

^[15] Q. That was around Valentine's Day 2009.

^[16] A. Yes, Valentine's. Yes.

^[17-18] Q. And did your report to law enforcement or his visiting have anything to do with Dr. Faltas?

^[19] A. No, never.

^[20] Q. Did you even -- did you talk to her about that?

^[21] A. Never.³¹

^[22-23] Q. Did you -- did he have a conversation with her as far as you know? Did you ever see that?

^[24] A. Never.

^[25] Q. Okay. And after Valentine's Day did that stop?

^[page 24, lines 1-2] A. Yes, it did stop, and I just want to make one comment on -- when the officer did come --

^[1] Dr. Faltas: Objection, Your Honor.

^[4] The Witness: -- the officer had to --

^[5-6] Dr. Faltas: Objection. Objection. Objection. Objection.

^[7] Ms. Weiss: Hold on one second. There is an objection.

^[8] Dr. Faltas: Objection. Objection.

^[9] The Court: Yes, ma'am?

^[10-11] Dr. Faltas: There is no question before the witness, and the witness is about to go on hearsay.

^[12-14] The Court: All right. The objection is sustained in that the witness is not -- the answer is not responsive to a question.

^[15-16] Ms. Weiss: Your Honor, may I object to speaking objections?

^[17-18] The Court: All right. Yes. Dr. Faltas, you only make an argument on an objection when requested by the Court.

^[19] Dr. Faltas: I'm sorry.

^[20-21] The Court: You only state the legal basis for the objection, not the factual basis.

^[22-23] Dr. Faltas: I'm sorry, Your Honor. I didn't know that, but thank you for telling me.

^[24-25] The Court: You're welcome. You may proceed. Next question.

^[page 25, lines 1-2] Ms. Weiss: Your Honor, may I move this microphone over to defense table?

^[3] The Court: Yes.

²⁵ There is no "Dinah-Steele Mason." Larry Wayne Mason has no ownership of the quadrplexes at all.

²⁶ Vide note 24, *supra*.

²⁷ Vide note 24, *supra*.

²⁸ The relationship did not end. As of 23 February 2010, Gregory Dion Smith informed Private Investigator Elizabeth Cook that he was in phone contact with Teresa Ingram, probably as part of her illegal drug network.

²⁹ Teresa reported to police that her then-boyfriend Gregory Dion Smith "headed home to 624 Columbia College Drive [Columbia, SC 29203]" (Google view: <http://sdrv.ms/YAid2L> tax map R09212-07-06, Richland County, SC) registered to Smith's mother, Ruby Smith Jones, who had, on 2 February 2009, been sued for \$7,500.00 (case number 2009CV401070090) and later lost her house in foreclosure case 2013CP4000714. The issue between Teresa and Gregory Dion was thus more likely money than romance.

³⁰ Teresa's 14 February 2009 call to dispatch and report to police claim that Smith left threatening notes on Teresa's door.

³¹ Teresa's own testimony in this trial suggests she talked to Dr. Assa'ad-Faltas about it later in 2009.

[4] Ms. Weiss: Do you mind? Thank you.

[14] Dr. Faltas: While she accommodated me with that, can it be lowered to where I don't have to stand up?

[14] Ms. Weiss: Sure. I'll do that.

[14] Dr. Faltas: Thank you. Thank you.

[9-11] By Ms. Weiss: Q. And around Valentine's Day was there anything else having to do with the termination of that relationship?

[12-13] A. No. That was the end of it completely.³² He never came back.

[14-15] Q. And when the police came out, did Dr. Faltas have anything to do with the police in that situation?

[16-23] A. Yes, she tried. The officers parked directly in -- directly in front of my building.³³ She had her window pulled up and her blinds all the way pulled up yelling and screaming that the police demand to tell her what happened. At that time the police told her that it was none of her business and everything is being taken care of and to go back inside pretty much. At that time she tried to put up an argument with the police ---

[24] Dr. Faltas: Objection. Objection.

[25] The Witness: ---saying that he went inside ---

[page 26, line 1] Dr. Faltas: Objection.

[24] The Witness: ---my apartment.³⁴

[3] Court Reporter: I can't take you both at the same time.

[4] The Court: Yes, ma'am?

[5] Dr. Faltas: May I state the basis of my objection? [6] The Court: Yes.

[7-8] Dr. Faltas: Hearsay about what the police said unless a specific officer is coming to testify.

[9-10] The Court: The objection is overruled in that you were present when it was stated.

[11] The Witness: Correct.

[12] Dr. Faltas: She says so, Your Honor.

[13-15] By Ms. Weiss: Q. Okay. But after that, after that report was made, that was the end of that situation?

[16] A. Yes.

[17-19] Q. Okay. And sometime later -- that was Valentine's Day, So now we're moving into March of 2009. Prior to that, did you know Dr. Faltas on a personal basis?

[20-23] A. I never knew her on a personal basis, but I would speak just to be cordial and polite as a neighbor or if you would just see anybody, the natural response, if you were raised correct, is to speak, just naturally wave or say hello.

[24 to page 27, line 2] Q. And so other than saying hello to her or with your other neighbors, did you know anything about her personally or did you ever have any conversations, have her over to your apartment or anything like that?

[3] A. Never. Never.

[4] Q. Okay. And did she live in your building?

[5] A. No, she didn't live in my building.

[6] Q. What building did she live in?

[7-8] A. She lived in the one next door, and that's 304 Byron Road.

[9-11] Q. Okay. And -- but after that, after she was yelling out of the window and you observed all of that, you still were cordial to her?

[12] A. Yes. Uh-huh.

[13-14] Q. Did you ever talk to her after that date about what had happened and why the police were there?

[15] A. No. Surprisingly she never asked me that.

[16-17] Q. Okay. But now in March of 2009 did you have an opportunity to speak with Dr. Faltas for any reason?

[18-24] A. March -- yeah. I want to say that's when she -- she wanted me to testify against my landlord over property issues or rent issues, and at that time I had already been living there for maybe two years or a little over two years. I've never had a problem with anyone since I've been out there,³⁵ so my natural response was to -- I don't want to get involved in that.

[25 to page 28, line 2] Q. Okay. And were you over at her apartment or over on her side of the property over where her building is when she approached you about this?

[3-4] A. No. To this day I've never -- still have not been over there.³⁶

[5-6] Q. Okay. So where did she -- where did she find you? Where did she talk to you about this?

[7] A. At my car downstairs in front of the 300 building.

[8-9] Q. Okay. You were at your car. Were you going somewhere or coming? Do you remember?

[10-12] A. I'm not sure if I was going or coming. I'm going to say I was coming home from work at that time when she stopped and asked me that.

[13] Q. And she approached you.

[14] A. Yes.

[15] Q. And what specifically did she ask you?

[16-18] A. She came and I want to say she introduced herself because she already knew who I was, and she said that the landlord ---

[19] Dr. Faltas: Objection. Objection.

[20] Ms. Weiss: Hold on.

[21] Dr. Faltas: Objection. Objection.

[22] The Court: Basis for the objection?

[23] Dr. Faltas: She cannot testify as to my state of mind. [24] The Court: The objection is overruled.

[25 to page 29, line 1] By Ms. Weiss: Q. Please proceed.

[3] A. I forgot where I was.

[3-4] Q. You said she came over to the car. She already knew who you were, but she introduced herself?

[5-6] A. Yes, and then she went on to make statements as to regards to everyone's rent and to how much rent I was paying.³⁷

[7-8] Q. And what was your response to her question about how much you were paying?

³² Vide note 28, supra.

³³ On the relevant day, police had to have parked in front of Building 304, where Dr. Assa'ad-Faltas lived, not in front of Building 300 where Teresa lived, for Dr. Assa'ad-Faltas to have heard police talking to Teresa.

³⁴ Teresa testified at p 23, supra, that: (a) the police report had nothing to do with Dr. Assa'ad-Faltas and (b) Dr. Assa'ad-Faltas had never even met Gregory Smith. So, it impossible for Dr. Assa'ad-Faltas to have (a) known why police was talking to Ingram that day and (b) offered that Smith had gone into Teresa's apartment.

³⁵ Before Dr. Assa'ad-Faltas first spoke to her, Teresa had had "problems" with Gregory Smith and was also suing Marjorie Russ Trifon.

³⁶ Teresa admitted crossing Dr. Faltas' car while parked in front Building 304, (Tr. p 278, lines 20-23 **State's exhibit 83**), accosting her when she was "just sitting in her car" on 2 October 2009, and having there and then asked her for "a prescription," "a pill," or "be my doctor." Tr. pp 292-7, infra, Defense Exhibit 1. Admitted in reverse chronological sequence, State Exhibits 17-19 were identified at Trial tr. p 214 (at lines 24-25 for State Ex. 19) and on cross at Tr. p 268, lines 12-15. **They show Teresa standing in front of the south building and with her shadow long in front of her from the eastern sun behind the building and her** (<https://sdrv.ms/l/s/AszuwSohXLPXhGEEpJXoiD3CyMnF>). Public records and trial testimony establish that Building 300, where Teresa lived, is immediately north of Building 304, where Dr. Faltas lived. Teresa planted herself in front of Building 304 to prevent Dr. Faltas from parking the vehicle she is driving there. Richard Cooper ushers Teresa back into Building 300 as Dr. Faltas takes these three photos from the window of the vehicle she is trying to park. [Photos are printed on separate sheet(s)]

³⁷ Ingram claimed to SC's Human Affairs Commission (SCHAC) in July 2009 and to a jury in the 29 September to 1 October 2009 eviction trial [2009CV401060951](https://sdrv.ms/Vf5673) that she paid \$500.00/month, <http://sdrv.ms/XIoJo7>, specifically at <http://sdrv.ms/Vf5673>. So, her claims that she never discussed how much rent she was being charged is proven false beyond any doubt.

[9-17] **A.** My response was, "That's none of your business," and if anything is going on with the rent, I would love to pay less rent. But if I was paying less or more, I don't want to get myself involved in anybody else's issues or affairs with their rent. So at that time I told her I didn't want to have any part in that. I never discussed the actual price that I was paying.³⁸ **She did go into depth enough to say that how much she paid and two other tenants in her building was paying much, much less than what she's paying.**

[18-19] **Q.** And did you make a comment about whether you wanted to continue conversations like that with her?

[20-21] **A.** Yeah, I -- no, I told her I didn't want -- I wished not to talk to her and I wished no parts of it.³⁹

[22-23] **Q.** Okay. And did she continue on about any other issues? You had mentioned possibly something about property.

[24 to page 30, line 7] **A.** Yeah, just a little piece of slab property that she's going on about, and I really have no knowledge about this.⁴⁰ **I own acres of land in Sumter.**⁴¹ **It's this little piece of land that's beside the buildings that she was saying something about the sewer.** And I don't own the property; I'm just renting from there. **I have no knowledge of the sewer lines.**⁴² I have no knowledge as to who owned the buildings before I moved there. I have no knowledge of Mr. And Mrs. Steele's dealings with the property either.⁴³

[8-10] **Q.** Okay. And so did you discuss that with her or did you -- did she ask you to do anything for her as far as that's concerned?

[11-12] **A.** Yeah, she wanted -- well, she wanted me to come to court. [13] **Q.** Okay. [14] **A.** To testify.

[15] **Q.** And did you know what court she was referring to?

[16] **A.** Just court in general.

[17] **Q.** Okay.

[18] **A.** I'm not sure.

[19] **Q.** And did you answer her as far as that?

[20] **A.** Yes.

[21] **Q.** What did you say?

[22] **A.** "No."

[23] **Q.** And why?

[24 to page 31, line 3] **A.** Because it wasn't my business. I didn't -- at that time I didn't see and this time still today I just don't see -- I don't get it.⁴⁴ I told her I didn't want any part of it.⁴⁵ I mind my business; you mind your business. I've never had any problems. This has been nine months of --

[1] **Q.** Okay. [2] **Dr. Faltas:** Your Honor, objection.

[3] **Dr. Faltas:** When she said this was nonstop, there was no question before.

[10-11] **Ms. Weiss:** Thank you, Your Honor. Court's indulgence one moment.

[12-13] **By Ms. Weiss:** **Q.** Okay. So did the conversation end there?

[14] **A.** The conversation ended.

[15] **Q.** Okay.

[16] **A.** Yeah.

[17-19] **Q.** So the conversation ended; you told her, "No." Now, going back just for a moment for the jury, **as far as the Mentor Network, how many days a week do you work?**

[20] **A.** Five.⁴⁶

[21] **Q.** Five days week? And what are your hours?

[22] **A.** Seven to three.⁴⁷

[23] **Q.** Okay.

[24] **Dr. Faltas:** I'm sorry, I didn't hear.

[25] **Ms. Weiss:** Seven to three.

[page 32, lines 1-3] **By Ms. Weiss:** **Q.** And you go to work every day.⁴⁸ Do you work for The State or is it a private company?

[4-5] **A.** I want to say it's private because it's not state. I don't have state benefits so ...

[6-7] **Q.** Okay. So going to court -- if you had gone to court, would you be missing work to do that?⁴⁹

[8-9] **A.** Yes.⁵⁰ I would have to use like a sick day or -- **if I have time built up to use a sick day or I'll just use a day.**

[10-12] **Q.** So after you told her, no, you didn't want to testify and it was none of your business, did things change between you and Dr. Faltas? [13] **A.** Yes.

[14-15] **Q.** And at first what was the first thing you started to notice? [16-17] **A.** Like the constant sitting in her car and like stalking, just --

[18] **Dr. Faltas:** Objection. [19] **The Witness:** ---there.

[20] **Dr. Faltas:** Objection. [21] **The Witness:** That's the very first time that I know ---

[22] **Dr. Faltas:** Objection. [23] **Ms. Weiss:** No, ma'am.

[24] **The Court:** Basis for the objection?

[25 to page 33, line 1] **Dr. Faltas:** She cannot state legal conclusions. Stalking is a legal conclusion.

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

[3-6] **Ms. Weiss:** Your Honor, she was using it in laymen's terms. She was not making a statement about the law. Clearly that's not what we're here for. That's in a stalking claim. [7-8] **Dr. Faltas:** In addition, Your Honor, she cannot testify as to what my intent was.

[9-10] **The Court:** The objection is overruled. You may proceed.

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

[12-15] **By Ms. Weiss:** **Q.** So you started noticing her in her car. Now, before when you used to just wave and say hi as you saw her in passing, would she reciprocate that? [16] **A.** Yes.

[17-19] **Q.** And what types of things would she do? Prior to this encounter, what types of things would she do? Would she smile or wave?

[20-21] **A.** Yeah, she would just smile and wave because it was just in passing.

[22] **Q.** Okay.

[23 to page 34, line 1] **A.** It was like I'm either coming -- like coming or going or she's coming and going or I'm coming out of my building and she's either at the mailbox, which she's always at the mailbox so... It's just natural for me to speak.

³⁸ Vide note 37, *supra*.

³⁹ In addition, she filed for a restraining order and attended a six-hour hearing on it on 10 November 2009.

⁴⁰ It is impossible for Ingram to "know nothing" about the land Dr. Assa'ad-Faltas and her mother own after attending those hearings where the land and the sewer lines were discussed in detail.

⁴¹ Per this Sumter County record, <http://sdrv.ms/W3YWJS>, Ingram owns only one land-locked non-buildable acre valued at \$3,0000 (three thousand dollars), less than the then-appraised value of the land Dr. Assa'ad-Faltas and her mother co-own.

⁴² Vide notes 37-40, *supra*.

⁴³ In each of the 29 September to 1 October 2009 eviction trial [2009CV401060951](#) and the 10 November 2009 restraining order hearing [2009CV401063495](#) Teresa testified for hours about that of which she claims to have "no knowledge."

⁴⁴ Teresa testified for hours, and observed all three days of the very same eviction trial she claimed did not concern her.

⁴⁵ Teresa's real reason to avoid testifying was her then-pending *Ingram v. Trifon*, [2008CP4004243](#), tried on 24-25 August 2009.

⁴⁶ Teresa had been terminated from the Mentor Network on 25 June 2009 and remained unemployed long after this trial. Vide notes 11-16, *supra*.

⁴⁷ Teresa had been terminated from the Mentor Network on 25 June 2009 and remained unemployed long after this trial. Vide notes 11-16, *supra*.

⁴⁸ Teresa had been terminated from the Mentor Network on 25 June 2009 and remained unemployed long after this trial. Vide notes 11-16, *supra*.

⁴⁹ Teresa had been terminated from the Mentor Network on 25 June 2009 and remained unemployed long after this trial. Vide notes 11-16, *supra*.

⁵⁰ Teresa had been terminated from the Mentor Network on 25 June 2009 and remained unemployed long after this trial. Vide notes 11-16, *supra*.

[2-31] Q. Okay. And after this encounter did you still see her at the mailbox and seeing her coming and going? [4] A. Yes.

[5] Q. And what did she do then? [6-9] A. I want to say one day she probably spoke and I just didn't speak back anymore just because by that time it was -- and in my own mind I just summed her as being as little eclectic or weird or -- I don't want any dealings with her -- [10] Dr. Faltas: Objection. [11] The Witness: ---period.

[12] The Court: The objection is overruled. [13-14] By Ms. Weiss: Q. Keep going, please. [15-20] A. So at that time I noticed enough to know that I didn't want to have any conversations with her, speak to her, or anything because by now this -- I'm meeting people that live out there that I've never seen other than just in passing that I've never had a conversation with until March. March, April.

[21-22] Q. And so in March and April did Dr. Faltas continue to wave and smile at you?

[23-24] A. No, not after the one time when she tried and I didn't give her the same like wave or smile.

[25 to page 35, line 1] Q. Okay. What did she do when you saw her at the mailbox or coming and going or in her car?

[26] A. After I stopped speaking to her?

[27] Q. Yes.

[28] A. Taking pictures, name-calling, flipping the finger.

[29] Q. Okay. And this started would you say around what month?

[30-31] A. Maybe the end of March, beginning of April. Almost immediately. I'm trying to think back to the ex-boyfriend thing. So it was shortly after that. Maybe a month after that.

[32] Q. Okay. Are you dating anyone now? [33] A. Yes, I am.

[34] Q. And what's his name?

[35] A. His name is Richard Cooper.

[36] Q. And what kind of car does he drive? [37] A. He drives a G.M.C. Denali.

[38] Q. What color is it?

[39] A. White.

[40] Q. All right. How long have you been dating him?

[41] A. About eight months. Since last May or June.

[42] Q. And has Dr. Faltas ever spoken to him in your presence?

[43] A. Yes, in my presence, without me being present, both.

[44-45] Q. All right. But in your presence, still talking about the summer when you first started dating Mr. Cooper, did you -- did she approach him while the two of you were together? [page 36, line 1] A. Yes.⁵¹

[46-47] Q. Okay. Prior to March -- you're a single female. You have friends; you have family.

[48] A. Uh-huh.⁵²

[49] Dr. Faltas: Objection.

[50] The Court: Basis for the objection?

[51] Dr. Faltas: Counsel is testifying, and that's leading.

[52] The Court: All right. Ask her does she have friends, does she have family. Then proceed.

[53] Ms. Weiss: Yes, Your Honor.

[54-55] By Ms. Weiss: Q. Do you have friends that come and visit you?

[56] A. Yes, I have very few friends visit me.⁵³

[57] Q. Okay. Do you have family ---

[58] Dr. Faltas: I'm sorry. I didn't hear.

[59] The Witness: Yes, I do have family.

[60] Dr. Faltas: Your Honor, I just didn't hear. What did she say?

[61] The Court: Yes.

[62-63] Dr. Faltas: Did she say she has very few friends or very ---

[64] The Court: Yes. [65] Dr. Faltas: Thank you.

[66-67] Q. And prior to March, did your friends and family come on a regular basis?

[68-69] By Ms. Weiss: Q. Do you have family that comes to visit you? [page 37, line 1] A. Yes, I do.

[70-71] A. My family came often, not every day. If I needed something or I missed them or request that they come see me, they would come. My brother works here, so I see him almost every day. My friends come maybe every other day. I only have maybe two or three friends. I just don't have people come to my house. So the two or three friends that I have, one or two might come every other day or if there's seven days in a week, I might see them four days in a week.

[72-73] Q. Okay. And one of them, do you help take care of her child?

[74] A. Yes.

[75] Q. And who is that?

[76] A. That's Ms. Tiffany Lurke.

[77] Court Reporter: I'm sorry. What was the last name?

[78] The Witness: Tiffany Lurke.

[79] Court Reporter: Thank you.

[80] The Witness: You're welcome.

[81-82] By Ms. Weiss: Q. How long have you known Tiffany?

[83-84] A. I've known Tiffany now for over ten years.⁵⁴ We're basically like family but not real family, so B.F.F.

[85 to page 38, line 1] Q. And what do you call her daughter in relationship to you? [86] A. Her daughter is my niece. I call her my niece, and she calls me Auntie.

⁵¹ Circa 13 September 2009, it was Teresa who headed to Building 304, where Dr. Assa'ad-Faltas lived then. State's Exhibits 17-19 show Dr. Assa'ad-Faltas driving away from, NOT "approaching," Teresa or Richard Cooper, who is seen pulling Teresa back into Building 300, where Teresa lived then. Vide Teresa's testimony, Trial Tr. page 214, lines 2-13, *infra*.

⁵² Teresa was NOT single in, or prior to, March 2009, but was still married to Brian Aldwin Jackson. Vide notes 10 and 18-23, *supra*.

⁵³ On 17 March 2011, in 2009CV401031609, Charles Randolph White (who lived in Apartment 1, 300 Byron Road, Columbia, SC 29209, continually since 2001) testified in camera that Teresa often threw strip-dance parties with many guests in her apartment.

⁵⁴ In the 10 November 2009 restraining order hearing 2009CV401063495, the transcript of which then-SC 5th Judicial Circuit Assistant Solicitor Weiss ("JC-5 AS Weiss") caused to be created from the Lykesland Magistrate's audio recordings and delivered to JC-5 AS Weiss on 22 February 2010, Teresa DENIED knowing Tiffany or her daughter, pp 184-5:

[18-19] Q. You don't know this person. Is that you?

[20] A. That's me.

[21] Q. Do you know this woman?

[22] A. No.

[23] Q. You don't know her.

[24] A. No.

[25 - page 185, line 1] Q. She's not one of the guests to whom you referred.

[2] A. No.

[3] Q. Is this your brother?

[4] A. Nope.

[5] Q. Are you in this picture?

[6] A. Yes, I am.

[7] Q. Do you have a child?

[8] A. A child is in the picture.

[9] Q. Do you know this child?

[10] A. No.

[11] Q. You don't know the child.

[12] A. No.

[13-14] The Court: How is that material as to who the child is? How is that material to the case?

[15] Ms. Ingram: Because she wants to know how --

[16-17] The Court: Sh, sh, sh. How is that material to the case?

[18-23] Dr. Faltas: Judge, she runs illegal babysitting (inaudible) in the apartment. She is totally careless about the child's welfare. She is totally (inaudible) -- I'm sorry. (Inaudible.) She is giving bad example to the child. [Photos are printed on a separate sheet]

141 Q. And how old is her daughter?

151 A. Her daughter just turned two January 4th.

161 Q. And so last year did you help take care of her daughter?

171-181 A. Yes,⁵⁵ I watched her for her whenever she had to work long hours at the hospital or if she had to do a different shift versus her first-shift job.⁵⁶ So by her fiancé working in Sumter, that's a five-to-six-hour window gap that she asked can I watch the baby, and I said, "Yeah."⁵⁷

191 Q. And you enjoy doing that? 201 A. Yeah.⁵⁸

214-221 Q. All right. Now, I'm going to go back to the end of the summer. You had indicated to Dr. Faltas -- **you testified that you did not want to testify for her or you did not want to testify at all --** 231 A. Correct.⁵⁹

249-250 Q. Actually, it's not for or against her. It's just not at all.⁶⁰ Did you receive a notice for you to come and testify?

261-271 A. I want to say I did, but everything started happening so fast and so many court appearances came. **It went from her subpoenaing me to come to court with her to me being sued by her, and I really don't know ...**

285 to page 39, line 1 Q. Okay. So you said you got a subpoena to come testify for her.

281 A. Yeah.⁶¹

291 Q. And you got that in the mail.

291 A. Yes.⁶²

305-311 Q. It was after you had told her you did not want to testify.

301 A. Exactly.⁶³

329-331 Q. Okay. And do you remember approximately what month that would have been?

321 A. I don't remember.

341 Q. And do you even know what that hearing was for?

331 A. For eviction.

351 Q. Okay. 361 A. Yeah, I'm sure of that. Eviction. 371 Q. And were you a party to that?

361 A. I was not a party to the --

387-391 Q. So you did not have -- **you were not on either side of that?**

399-401 A. No, I didn't have either side of it,⁶⁴ but I knew about it. I was brought into it.⁶⁵

411 Q. Did you ever ask to be brought into it?

401 A. No.⁶⁶

423-431 Q. And did you notice Dr. Faltas's behavior change about the time you started to receive these notices? 431 A. Yes.

page 40, lines 1-3 Q. How did it change from the Spring, early Summer, to end of the Summer, early Fall? Please describe that for the jury.

44-101 A. Okay. **It changed from her speaking, for one, to not speaking,** then sitting at the mailbox for hours on end. It was almost as if she was waiting for me to come home or leave or come out of the apartment or do anything, and it escalated from that to **constant pictures,**⁶⁷ pictures, the name-calling, the flipping fingers. It went from the -- well, **the pictures never stopped until the restraining order was issued.**

111 Q. Okay. And what was that date? Do you remember?

122-131 A. When the restraining order was issued? **Sometime in November, I think. I'm not even aware of that.**

144-151 Q. Okay. And at any time did you have to call -- did you call law enforcement in regards to her behavior? 161 A. Yes, many times.

171 Q. When did you start calling law enforcement? 188-201 A. I started calling the law officers when she started blocking me in from leaving the property.⁶⁸ **That would be the first time from her blocking me in.**

211-231 Q. Okay. Prior to that -- well, okay. From her blocking you. Do you know -- **are you aware of when that date may have been or about what time that was?**

⁵⁵ Vide note 54, *supra*, where Teresa denied even knowing that very same child.

⁵⁶ That clearly conflicts with Teresa's claim that she was then employed "five days a week ... seven to three." Tr. p. 31, lines 17-22, *supra*.

⁵⁷ Having been unemployed since 26 June 2009, Teresa was looking for sundry sources of income, including baby-sitting for a fee.

⁵⁸ As shown in notes 54-57, *supra*, the then-unemployed Teresa did the baby-sitting for a stranger for money, not enjoyment.

⁵⁹ Public records and Teresa's admissions in this trial establish that Teresa testified against Dr. Assa'ad-Faltas in eviction trial of [2009CV401060951](#) and 10 November 2009 restraining order hearing of [2009CV401063495](#), both of which brought against Dr. Assa'ad-Faltas by Teresa and by their landlady, Dinah Gail Steele, who falsely used the name "Mason."

⁶⁰ Vide note 59, *supra*.

⁶¹ Vide note 62, *infra*.

⁶² What Teresa received "in the mail" was **NOT** a subpoena from Dr. Assa'ad-Faltas but a summons from Richland County Magistrate's Court, which, in mandatory mediation of [2009CV401060951](#), had ORDERED **both sides to list all witnesses.**

⁶³ Teresa's prior, contemporaneous, and subsequent acts prove she wanted to, and did, testify in several cases, including hers.

⁶⁴ Teresa was 100% on Dinah Steele's side as proven in her audio-recorded testimony in the [2009CV401060951](#) jury trial, where Teresa testified that Faltas started harassment the day she moved into Building 304 in September 2008. That was done in that trial to support the false pretense that the eviction notice given by Dinah Steele was not a result of Dr. Faltas' purchase of the adjacent vacant lot but is contrary to the story concocted for this case to claim that Dr. Faltas started the harassment after she received the eviction notice in April 2009.

⁶⁵ Vide notes 63 and 64, *supra*.

⁶⁶ Vide notes 63 and 64, *supra*.

⁶⁷ After having thoroughly searched Dr. Assa'ad-Faltas' apartment and car on 2 December 2009, and therefrom removed EVERY computer, memory-holding device, photo-taking device, photo, negative, printout, video and audio tapes, etc., Columbia's Police Department ("CPD") and the Prosecution located ONLY 55 PHOTOS in which Teresa or even her guests appear AND ADMITTED ALL OF THEM IN THIS TRIAL. They are set of photos from exactly nine events in September to November 2009; e.g., note 36, *supra*; ALL OF WHICH had been offered in evidence supporting Dr. Assa'ad-Faltas in civil actions she initiated or that were brought against her. **IN EACH OF THE NINE OCCASIONS DEPICTED IN THE GRAND TOTAL OF 55 PICTURES,** Teresa and/or her guests are smiling or waving at Dr. Assa'ad-Faltas, **thus APPROVING of her picture-taking,** or are photographing, blocking, calling out to, and/or making lewd gestures at, her, **thus FORCING HER to take pictures to document their conduct.**

⁶⁸ That is physically impossible where two exits are available. If Dr. Assa'ad-Faltas were *arguendo* "blocking" one, Teresa could always use the other since Dr. Assa'ad-Faltas could obviously not be at the two exits at the same time.

[24] **A. No.** [page 41, lines 1-4] **A.** There's so many. I'm sorry, but there's so many. Like every day -- it's impossible for me to keep up with dates and -- **and all I know is every single time I call it's the same complaint,** but there's so many every day.⁶⁹

[5-6] **Q.** Okay. When she first started this behavior, did you immediately start calling law enforcement?

[7-11] **A.** No, I didn't because she being my elder and I have respect for my elders, I just ignored it. I just tried to ignore it. You know, I talked to my mom about it. "Well, just ignore her. She's an older lady. Don't say nothing." I don't have to speak to her and I tried that. **Impossible.**

[12] **Q.** And did you ever report it to the landlord?

[13-18] **A.** Yes. Yes. It became so regularly and frequently that **every time that anything happened I was informed to call 9-1-1 to get an incident report.** So our address was a spectacle of Garners Ferry for a few months. Every officer in Columbia knows about the address and knows what to expect when they come over there.

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

[20] **The Court:** Basis for the objection?

[21-22] **Dr. Faltas:** Every officer in Columbia? How could she possibly know what every officer in Columbia knows?

[23-24] **The Court:** All right. I sustain that portion of her statement.

[25 to page 42, line 1] **Dr. Faltas:** May I ask for the jury to disregard, Your Honor?

[2-3] **The Court:** I sustained the objection. That's sufficient.

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

[5-9] **By Ms. Weiss:** Q. Teresa, I forgot -- I got sidetracked and forgot to mention one thing. I'm just going to jump back a little bit again. **Back in 1998 -- which it would have been a couple of years after you had gotten out of high school?** [10] **A. Yes.**

[11] **Q.** Were you arrested at any time?

[12] **A. Yes, I was arrested.**

[13] **Q.** What were you arrested for?

[14-16] **A.** It was for F.T.C. and that's financial transaction card or vice versa,⁷⁰ but it was with a credit card. Can I go into details as to the--

[17] **Q.** If you would like to, yes.

[18 to page 43, line 3] **A.** Okay. It happened in 1998. I was a freshman at Benedict College. Me and two of my friend girls went to the fashion mall to actually go shopping which we did. **When I got to the register, the person in front of me left their credit card. The cashier automatically thought it was my card. I could have told her it wasn't my card; I chose not to at that time. She swiped the card and I looked at the card, and I wrote the name on it. I never left the store with the card.**⁷¹ Yes, I did swipe the card to get the clothing. I never even left the store so⁷² -- **but I was charged with that. So, yes, I do have a record from 1998.**

[4] **Q.** And did you plead guilty to those charges?

[5] **A. Yes.**

[6] **Q.** And did you do your probation for that?

[7] **A. Yes, I did.**

[8] **Q.** And is that over?

[9-10] **A.** Yeah, that's been over. That happened over ten years ago, yeah.

[11] **Q.** Okay. And that was before you lived at Byron Road?

[12] **A. Yes.**

[13] **Q.** And before you ever met Dr. Faltas?

[14] **A. Yes.**

[15] **Q.** Before you worked at Mentor Network?

[16] **A. Yes.**

[17-21] **Q.** Sorry. I just needed to cover that event. Back on September 24th, 2009, approximately 9:00 in the morning, do you recall -- I guess it was about -- about 10:30 in the morning. Do you recall calling law enforcement that morning to Garners Ferry Road, to an address on Garners Ferry? [22] **A. Yeah, I remember but --**

[23-24] **Q.** Can you please tell the jury what happened involving you and Mr. Cooper on that morning?

[25] **A.** On that morning we attempted --

[page 44, line 1] **Dr. Faltas:** Objection.

[2] **The Court:** Basis for the objection?

[3-5] **Dr. Faltas:** Coaching, Your Honor. She said she didn't remember, and the solicitor asked her, "What happened with you and Mr. Cooper?" That's coaching, I think.

[6] **The Court:** Response by the state?

[7-11] **Ms. Weiss:** Your Honor, it's not coaching. She -- I was just telling her -- which it's an incident on September 24th. There are a couple of different incidents. I did not tell her anything about the incident. She is about to tell the jury about the incident but no coaching.

[12] **The Court:** The objection is overruled.

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

[14-25] **The Witness:** Yes. On that morning me and Richard made an attempt to leave my apartment to go to his house which is on another side of town,⁷³ and I immediately noticed that she came out -- the defendant came out immediately behind us. **So right off I can't say, well, she's following us because she can go wherever she wants to go.** So after -- well, when we left the apartment and where we lived at, when you come to the light by the Hardee's, she came on the passenger side and she started screaming and yelling and cursing, **asking Richard why has he spent the night at my apartment and he does not pay rent there and why does he beat me.**⁷⁴ She made an accusation on that day of him having assaulted me.

[page 45, lines 1-2] **By Ms. Weiss:** Q. Okay. And did she leave at that point?

[3-16] **A.** [3-10] No, she still didn't leave. She followed me and she knew that I was calling 9-1-1. **9-1-1 instructed that I pull over at the Wachovia Bank after we had --** first we drove on down Garners Ferry through the Woodhill area **and made a circle back around to come**

⁶⁹ Discovery produced only three complaints to CPD by Teresa: two on 24 September 2009, and one on 21 October 2009, NONE OF WHICH alone caused CPD to seek a warrant or allowed Teresa to swear out a courtesy summons, against Dr. Assa'ad-Faltas. Clearly, the calls were made to build a number of reports against Dr. Assa'ad-Faltas as Teresa admitted at Tr. p. 41, lines 13-18.

⁷⁰ Teresa was charged with, and pled guilty to, TWO FELONIES: F920143, 1999GS4036573, and F920143, 1999GS4036584, 0731-FTC/FRAUD \$500/LESS after and because she had left the store with \$500.⁷⁰ worth of clothes obtained with that stolen credit card, placed the fraudulently-obtained clothes in her car and returned to the store to get more clothes with same card. That is documented in both the police report and the indictments to which she pled. Teresa's insistence that it was only one charge and that she "never left the store" with any stolen clothes is more objectively-provable perjury; she is NOT contrite about her misdeeds: Tr. p. 363, lines 11-16 and 21-24, infra.

⁷¹ Vide note 70, supra.

⁷² Vide note 70, supra.

⁷³ Richard had a wife at "his house on another side of town" who knew not of his affair with Teresa. Teresa could not have been with Richard in his car "to go" where his wife was. CPD arrived to find Teresa waiting alone in her car, which proves she had not been with Richard in his car. Dr. Assa'ad-Faltas' having arguendo followed Richard is not covered by §16-3-1700, S.C. Code, which protects a targeted person, not her drug dealers or paramours. Teresa needed to falsely place herself in a car allegedly followed by Dr. Assa'ad-Faltas to bring the act under the statute.

⁷⁴ Teresa had been an affiant against her husband Brian Aldwin Jackson for criminal domestic violence 64259 in Sumter and was clearly using her past experience to falsely impute to Dr. Assa'ad-Faltas a desire to look into Teresa's private life.

back the back way back to Byron Road again. So we did the whole circle and came back up on Garners Ferry Road and went back to the Wachovia where she told me to park.⁷⁵ [11-16] At that time the defendant was still like where – we parked at the Wachovia. She came in her car and was still yelling and screaming, and I'm letting her know that I'm on the phone with 9-1-1 and they'll be here momentarily. That's when she pulled off. As far as what happened on that day, probably nothing.

[121] Q. I'm sorry?

[18-19] A. I said probably nothing happened that day.⁷⁶ You know, I've never heard anything else about it,⁷⁷ you know.

[20-21] Q. Okay. So she -- did she get out of her car when you stopped?

[221] A. No, she never got out of her car.

[23] Q. She was yelling from her vehicle.

[24] A. Uh-huh.

[25] Q. And you--

[page 46, line 11] Dr. Faltas: Objection.

[2] The Court: Overruled.

[3-4] By Ms. Weiss: Q. And you were able to hear what she was saying?

[5-7] A. Yes, clearly. We had the windows rolled down. She had her window rolled down, and my window was rolled down. Richard was driving.

[8] Q. Did you, in fact, talk to an officer that day?

[9] A. Yes.

[10] Q. And did you file a police report that day?

[11] A. Yes, I did.

[12-13] Q. Later that afternoon did you find yourself calling 9-1-1 again?

[14] A. Yes.

[15] Dr. Faltas: Objection. [16] The Court: Overruled.

[17-18] By Ms. Weiss: Q. And what was the purpose of that call?

[19] A. Blocking me. She was blocking me.

[20-21] Q. And when you say blocking you in, if you can describe for the jury what you mean by that.

[22 to page 47, line 7] A. Okay. Our parking lots are like this. You could say there's two -- there's one entrance on each side. There's an entrance that's on the side of where I live, and there's an entrance or exit on the side where she lives, whichever you choose to use. I parked my car in front of my building on my side. She would physically take her car, park in front of my car,⁷⁸ and take her camera, lean out, lean through her passenger side and snap pictures, like continuously snap away. You can ask her to stop, and it's no crime for her taking a picture. So when I call 9-1-1, the most they can do is give me a report.

[31] Q. And did you ask her to stop?

[32-33] A. Many times. I've asked her to stop.⁷⁹ The officers that came out there asked her to stop. My friends asked her to stop. My family has asked her to stop.⁸⁰

[12-13] Q. Have you ever asked her to come over to your building or to your car to talk to you?

[14] A. Never.

[15-16] Q. Does she make comments when she's in her car blocking you and taking photos?

[17-18] A. Yeah. She likes to call me a bitch and that she's going to bury me in the ground.⁸¹

[19] Q. Does she call you any other names? [20] Dr. Faltas: I'm sorry? I didn't hear the question.

[21] The Witness: Yes, she calls me a prostitute.⁸²

[22-23] By Ms. Weiss: Q. And does she call you that to your face?

[24] A. Yes.

[25] Q. Have you heard -- has she told other people that?

[page 48, line 11] A. Yes.

[2-3] Q. To your knowledge, have you ever heard her say that in front of other people?

[4] A. Yes, she has.

[5] Q. And who has she said that in front of in front of you?

[6-7] A. Every judge that we've been in front of, everybody that has been in the courtroom during that time.

[8] Q. What about at the apartment?

[9-11] A. Yeah, any officer that comes there, the Commissioner of HUD, fire department. Everybody comes looking for the prostitute of 300 Byron Road.⁸³

[12-13] Q. Okay. When law enforcement came out on September 24th, 2009, was she still blocking you in? Do you remember?

[14-16] A. No, she wasn't blocking me in still when they came. Of course, when they come she's going to either stop or run in her apartment and close the door and refuse to come out.

[17-18] Q. Do you recall -- does her apartment have a window that overlooks the parking lot?

[19-21] A. She can stand to her window and see -- if she goes partially to the left side of her window, she can see clearly all the right side which is vice versa.

[22-23] Q. And do you recall if she was commenting when law enforcement came out to the parking lot?

⁷⁵ Teresa inadvertently admits she "called 911" was told to "pull over" and "park" at what was then Wachovia Bank, in the singular. CPD's incident report references Teresa alone in her own car. That proves Teresa was driving a car other than that of Richard Cooper, who was neither a targeted person nor a witness. There is no explanation for the "circling back" other than that Richard Cooper had done it alone and then Teresa had followed Dr. Faltas, not the reverse.

⁷⁶ Teresa inadvertently admits the responding CPD officer found no criminality in what was alleged against Dr. Assa'ad-Faltas.

⁷⁷ Teresa did hear about it again when CPD's Amanda Blanton used it to start fabricating the harassment cases.

⁷⁸ There are absolutely no pictures taken from close proximity to Teresa's car. In the few photos introduced by the State, there are at least 40 feet between the camera and Teresa's car, as proven by the land in the foreground.

⁷⁹ Teresa testified she had stopped talking to Dr. Faltas in April 2009 before picture-taking began; p 34, lines 5-9 and p 35, lines 1-6. The date stamps, the foliage, and the clothing worn prove the earliest photo taken by Dr. Faltas of Teresa is on 21 September 2009, (also p 231, lines 11-17, *infra*) after Dr. Faltas had applied, 2009CV401031558 on 16 September 2009, for a restraining order against Teresa. Teresa's claims of "call me a bitch and that she's going to bury me in the ground", (p 47, lines 17-18) and "flipping the finger" (p 35, line 4), are lifted verbatim from said complaint. That pattern started with Potiphar's wife in the Bible.

⁸⁰ Only four of Teresa relatives and "friends" appeared: (1) Rodney Ingram testified that he only laughed at Dr. Faltas because he works "with crazy people" and thought she was one but also posed for her; (2) Curtis Ingram testified that he never spoke to Dr. Faltas nor she to him but Curtis' brothers smiled and posed for her to photograph them; (3) Tiffany Lurke testified she only unleashed profanities on Dr. Faltas on their only encounter on 21 October 2009; and (4) Corey Lamont Curry did not testify he ever asked Dr. Faltas to stop anything. All testimony and documents prove Teresa, an adult, never asked for herself and never had family or friends ask for her. Nor would it count if they had: the law expects a competent adult to speak for herself.

⁸¹ Vide note 79, *supra*.

⁸² Teresa, a former night club stripper, was also arrested for solicitation in Florence, SC on 11 July 2011 and was later convicted of related drug possession. Also, on 9 October 2012, Teresa was, along with a then-new boyfriend, arrested for unprescribed Oxycontin and marijuana possession, Law Enf. Case: 1210814109-R02, and pled guilty to the latter, case 2012A4010201178, in Richland County, SC. [photos are on separate sheet(s)]

⁸³ Vide note 82, *supra*. On cross-examination, at Tr. pp 310-314, *infra*, Teresa admitted that none of those she claimed went seeking "the prostitute of 300 Byron Road" propositioned her, which would be the only logical motive to seek a prostitute.

[25 to page 49, line 1] Q. Okay. On October 21st of 2009 did you have another opportunity to call law enforcement? [2] A. Yes.
[3] Q. Okay. And did you make another report on that day? [4] A. Yes.
[5-6] Q. Please tell the jury why you called -- why you called 9-1-1 and called law enforcement that day.

[7-23] A. [7-15] On that day myself, my brother, two of my friends, a mechanic was there -- well, a shade-tree mechanic because one of my vehicles was down.⁸⁴ A guy was working on my car. We were all downstairs, and the defendant wants to post at the mailbox to block anybody that's parked in front of my apartment to keep them from leaving.⁸⁵ So I can't control everybody's actions and to how they respond to her. I have to live there, so I have to keep a certain decorum about myself.⁸⁶ [16-23] One of my friends was basically losing it with her like -- you know, like, "I don't have to put up with this or anything." So she gets -- well, she was in her car the whole time. She opens her car door, picks up rocks that's beside the mailboxes, gravel rocks, and throws the rocks at me. She picks up the rocks and flings them at me.⁸⁷ I called 9-1-1 to let them know she just threw rocks at me and I had the rocks in my hand.⁸⁸

[24-25] Q. Prior to her throwing rocks, had she been doing anything else? [page 50, line 1] A. Besides the constant taking pictures and the harassment?

[26] Q. Involving the pictures, you said that you had some of your friends there. Was Tiffany one of the friends that was there that day? [5] A. Yes, she was.

[6] Q. And why was she there that day? [7-12] A. Tiffany came on that day because I kept her little girl and she came to pick her up,⁸⁹ and the defendant was taking pictures so bad the little girl started screaming and crying.⁹⁰ And it shows in the pictures where -- well, it shows in the pictures just that -- it shows that she takes the pictures almost in movement. [13] Dr. Faltas: Objection, Your Honor.

[14] The Court: Basis for the objection? [15-20] Dr. Faltas: She cannot possibly know why the baby, a two-year-old, is upset and definitely a two-year-old doesn't know what a camera is or what taking pictures is, and if they do, they usually like to ham it up. So I don't know if she's testifying as an expert in child behavior. She has obviously not been qualified as an expert and didn't give in her educational background as far as expertise --

[22] (Someone coughed in the courtroom.) [23-24] Court Reporter: I'm sorry. Can you repeat that? I didn't hear that.

[25 to page 51, line 3] Dr. Faltas: When she gave her education, she didn't give anything as far as expertise in child behavior, but definitely an 18-month doesn't know what a camera is and what taking pictures is. [4] The Court: Ms. Weiss?

[5-7] Ms. Weiss: Your Honor, she has given testimony as the caregiver of this child, and this is what was going on and what she observed when --

[8-9] The Court: Restate the question, please, or ask another one. [10] Ms. Weiss: Okay. Thank you, Your Honor.

[11-13] By Ms. Weiss: Q. How often do you take care of your niece? At that time how often were you taking care of your niece?

[14-18] A. It may be twice a month or as needed if -- like I said, if she has to work a different shift than her normal hours and her fiancé doesn't come to Columbia until six or seven -- so I'm available.⁹¹ So it could range from twice in a month to four times a month.

[19-20] Q. Did you spend a lot of time around your niece in general? [21] A. Yes.⁹² [22] Dr. Faltas: I'm sorry. I didn't hear the question.

[23-24] Ms. Weiss: Did you spend a lot of time around your niece in general? And she said, "Yes." [25 to page 52, line 4] By Ms. Weiss: Q. And on October 21st, 2009, in the afternoon when you were taking care of the child, what did you observe going on as far as the relationship between the defendant and the child, your niece?

[5] A. She was leaned out her window -- [6] Dr. Faltas: Your Honor, objection. [7] The Witness: She was leaning out her -- [8] The Court: The objection is overruled.

[9-18] The Witness: She was leaning out her window.⁹³ I had the baby in the stroller near where my car was being fixed. Like I

⁸⁴ A 25-frame roll was exposed that day. Each frame is numbered in sequence on the negative strip and on the inert side of the CD of the digitalized photos. Teresa's 00:03:36 call to 911 is time-stamped and so transcribed. Thus, the true sequence is objectively established by audio and photo. In the 300 (north)/304 (south) Byron Road parking lot that day, Corey Lamont Curry is at the far north and Dr. Faltas at the far south. Corey's blue truck blocks Teresa's neighbors (in after-analysis, to help Corey conceal a drug drop into Charlene Crouch's car trunk which was left open). When Dr. Faltas took Frames 1 and 2 to document Corey's presence and suspicious parking, he threatened to rape Dr. Faltas in words and in the gestures documented in Frame 3. When Teresa saw that from her window, she went down to the parking lot and joined Corey's efforts to harass Dr. Faltas away from the location. Frames 4-9 show Teresa approaching Dr. Faltas' car and calling 911 with no rock in her hand. Tiffany Lurke arrived at 13:39:30 pm, Frame 10, and unleashed profanity which the dispatcher mistook for Dr. Faltas' words and asked Teresa to move away. Tiffany bids her toddler "Tell Mommy Bye Bye," which the toddler does at 13:41:33; and the call ends three seconds later.

⁸⁵ Tiffany left at 13:41:33; and the known-to-police cocaine-dealer Corey left before police arrived; Dr. Faltas did not "block them in."

⁸⁶ Teresa's outfit is devoid of "decorum." She hurried to prevent the drug drop from being photographed by Dr. Faltas.

⁸⁷ It is physically impossible for Dr. Faltas to have swung her right arm far back enough in her driver's seat to launch a rock through the passenger-side window to hit Teresa who was over 30 feet away.

⁸⁸ Magnification of all relevant frames shows only Teresa's keys, not a rock, in her hand.

⁸⁹ Tiffany Lurke arrived to drop her toddler off, not pick her up. The toddler remained with the negligent Teresa. Vide notes 94-8 infra.

⁹⁰ On the 911 audio, the toddler is heard only saying "bye" at her mother's request, never "screaming" or "crying."

⁹¹ Teresa's "availability" to baby-sit at 1:30 pm on Wednesday, 21 October 2009, belies her pretense to have then been employed "from seven to three," "five days a week," at "the Mentor Network," p 31, line 22 and 19-20 and p 17, lines 17-19, supra, respectively.

⁹² On 10 November 2009, Teresa DENIED knowing that child at all. Teresa babysat Tiffany's toddler only after Teresa was FIRED from the Mentor Network in June 2009, and then only "until it became bothersome" for Tiffany Tr. p 492, line 25. Then and since, each of Tiffany and Teresa had over 500 FaceBook friends but never friended each other. Tiffany knew not of Teresa's "panic attacks" and had NOT been called in February 2008, when Teresa needed transportation to the very hospital where Tiffany worked when Teresa's vehicle collided with Marjorie Trifon's vehicle. Vide Ingram v. Trifon 2008CP4004243.

⁹³ Dr. Faltas' car was pointed north to align her driver's side to the mailboxes whence she needed to get her mail. All photos taken that day show at least 30 feet between the camera and the toddler.

said, there was a mechanic there who was at the front end of my car which made it kind of close to her car,⁹⁴ and the pictures will clearly show that she took it's close enough to the child to have upset the child,⁹⁵ and if a child does not know you and you're constantly flashing,⁹⁶ whose child will not cry?⁹⁷ A stranger that's constantly (motioning)⁹⁸ -- so, yes, it did upset the child.⁹⁹ As to my personal knowledge, it did upset the child.

[19-20] *By Ms. Weiss: Q. And did you ask Dr. Faltas to stop?*

[21-22] *A. Yes, I asked her. Even her mom asked her. Her mom asked her ---*

[23] *Q. Her mom being?*

[24 to page 53, line 5] *A. Her mom being Tiffany Lurke said to the defendant,¹⁰⁰ "I do not live here. This is my daughter's auntie. She just keeps her. Could you just leave us alone? Why are you doing this? This is a child. Why are you taking pictures of a child?" And she just laughed. By the time the police came, she had done backed up her car and parked it and ran upstairs and refused to come out.¹⁰¹*

[6-7] *Q. And how did you feel on this day when all this was going on?*

[8-12] *A. I felt as if I was not an adequate provider for my niece because I don't want Tiffany to feel like if she's leaving her child at my house she's going to be harassed by my neighbor. So that made me feel like I wasn't properly taking care of her child, and I would have felt the same way.*

[13] *Q. And did that upset you?¹⁰²*

[14] *A. Yes, it did.¹⁰³*

[15-17] *Q. Now, these are specific instances where you've called 9-1-1 or ones that are specifically dated. Have there been other times where these types of events have happened?*

[18-24] *A. Yes, almost every single day. I can't have nobody come and visit me without her calling the police demanding the police that they tell her who is at my house, and we're at two different buildings. Not only with my company which is I'd say two or three people, my family. She accuses my father and my uncles of being clients when she clearly knows who my father is as far as seeing him there---*

⁹⁴ Tiffany Lurke left before Frames 13-22 were taken. She never saw, or mentions, any pictures being taken of her child. She was only "intimidated" by the fact that pictures were being taken at all (probably because they document her leaving her child in the company of the known-to-her drug dealer Corey Lamont Curry). Her exact words on the 911 audio are:

minutes 01:30 - 01:31 Tiffany Lurke: Coo-koo.

minutes 01:32 - 01:33 Corey Lamont Curry: What's the fuck. Have you heard something?

minutes 01:34 - 01:34 Tiffany Lurke: Come on.

minutes 01:35 - 01:37 Ingram-Jackson: Yeah. And she's just harassing people.

minutes 01:38 - 01:39 Tiffany Lurke: Why is she taking pictures?

minutes 01:40 - 01:41 Ingram-Jackson: The police is getting ready to come.

When she started -

minutes 01:40 - 01:42 Tiffany Lurke: [profanity]

minutes 01:41 - 01:42 Dispatcher: What's your name, ma'am?

minutes 01:43 - 01:47 Ingram-Jackson: My name is Teresa Ingram. She's out here

harassing up everybody that's in front of the building -

minutes 01:47 - 01:47 Tiffany Lurke: [profanity]

minutes 01:50 - 01:51 Dispatcher: Teresa, I'm sorry, okay, Teresa --

minutes 01:52 - 01:53 Tiffany Lurke: I have a small child here and you're intimidating us by taking pictures.

minutes 01:53 - 01:54 Dispatcher: Okay, What's your last name?

minutes 01:52 - 01:53 male voice: [profanity]

minutes 01:54 - 01:55 Tiffany Lurke: I do not appreciate it.

minutes 01:55 - 01:56 Ingram-Jackson: My last name is Ingram.

minutes 01:56 - 01:57 Tiffany Lurke: [profanity]

minutes 01:56 - 01:59 male voice: [profanity]

minutes 01:58 - 02:01 Tiffany Lurke: Whatever you have going on with her, you should, you should keep that

minutes 02:01 - 02:03 male voice: [profanity]

minutes 02:01 - 02:02 Dispatcher: Ma'am, can you step away from her for a minute?

minutes 02:03 - 02:04 Ingram-Jackson: Yes, ma'am.

minutes 02:02 - 02:08 Tiffany Lurke: [profanity]

minutes 02:07 - 02:08 Ingram-Jackson: Okay. I'm listening now.

minutes 02:53 - 02:54 Typing sound at dispatch.

minutes 02:54 child sounds

minutes 02:55 - 03:02 Ingram-Jackson: And I have

the rocks in my hand that she threw at me. And I have witnesses at well.

minutes 03:03 - 03:04 child sounds

minutes 03:05 - 03:06 Tiffany Lurke: Tell Mommy Bye Bye.

minutes 03:06 - 03:07 child sounds

minutes 03:07 - 03:09 Dispatcher: Okay, all right. I'll send someone down there to talk to you. Okay?

minutes 03:09 - 03:10 Ingram-Jackson: Okay. Thank you.

minutes 03:10 - 03:12 Dispatcher: What is she, ma'am, what kind of clothing? You said she left in the car.

minutes 03:10 - 03:13 Tiffany Lurke: [profanity]

minutes 03:13 - 03:14 Ingram-Jackson: Yes, ma'am. She's in her car.

minutes 03:15 - 03:16 Dispatcher: Okay. What kind of clothing is she wearing?

minutes 03:21 - 03:22 Ingram-Jackson: I don't, I didn't even look at it in her car.

minutes 03:23 - 03:24 Dispatcher: You didn't see it? All right.

minutes 03:25 - 03:32 Ingram-Jackson: But, but that's her tag number AZE 592.

And she left as if she's going towards Garners-Ferry. I'm so sorry that it's every single day.

minutes 03:33 child: Bye.

minutes 03:34 - 03:35 Dispatcher: All right.

minutes 03:34 - 03:35 Ingram-Jackson: All right, thank you

minutes 03:35 - 03:36 Dispatcher: You're welcome.

⁹⁵ The toddler was uncomfortable only with the sun in her eyes as the negligent Teresa pointed the stroller south on a sunny early afternoon without shading the toddler's head or eyes.

⁹⁶ There could have been no "flashing" near high noon on a cloudless day. The shadows in the photos are consistent with the source of light being the high sun, not a ground-level "flash."

⁹⁷ The pretense of being upset by the child's pictures being taken is belied by Tiffany, Teresa and Rodney voluntarily posting tens or hundreds of photos of themselves and of their infant daughters/nieces, sometimes posing seductively, on FaceBook; e.g: [photos on separate sheet(s)]

⁹⁸ The toddler appears only in Frames 13-22, always 30 or more feet away from the camera, and is never crying.

⁹⁹ Even if the ten frames were taken in quick succession, and even if the toddler could see Dr. Faltas' index finger pressing the shutter from over 30 feet away, such motion is likely to amuse, not upset, a toddler.

¹⁰⁰ All Tiffany's words are on the 911 audio as she arrived and left during that call. In her testimony, Tiffany admitted she mainly hurled profanity at Dr. Faltas and wanted to do so again even in the courtroom. Tr. p 504, lines 1-8.

¹⁰¹ Teresa had just told the dispatcher that Dr. Faltas is "going towards Garners-Ferry," not "upstairs."

¹⁰² Teresa was indeed a negligent baby-sitter who put the toddler at risk of injury. Vide notes 94-8, supra.

¹⁰³ Teresa endangered the toddler by leaning on her stroller (a toppling risk) and gave her a key chain with keys to play with, which the toddler put in her mouth, a known choking hazard documented in Frames 17 and 18. [photos on separate sheets]

¹⁰⁴ **Dr. Faltas:** Objection. Objection.

[page 54, line 1] **The Court:** The objection is overruled.

¹²⁻¹⁴ **The Witness:** [2-9] She refers to my father and my two uncles that came to pick up my dad’s truck, when he came to visit one time and stopped -- she came outside and I -- and I warned everybody that comes to my house: You come at your own discretion because your picture will be taken.¹⁰⁵ Your tags will be ran,¹⁰⁶ everything. So I don’t want anybody to come to my house knowing that they’re going to have to deal with the defendant. [10-14] So when my dad and my uncles were all outside, she comes in her car like no further than from here to right there with her camera taking pictures, taking pictures snapping of my quote/ unquote clients. She harasses my brother almost on a daily basis when he comes over. She blocks him ---

¹⁵¹ **Dr. Faltas:** Objection. ¹⁶¹ **The Witness:** --- where he can’t go to work.¹⁰⁷ ¹²¹ **Dr. Faltas:** Objection. ¹³⁸ **The Court:** Objection is overruled.

¹⁹⁻²¹ **The Witness:** She blocks him where he can’t go to work.¹⁰⁸ We have to call the police, and that’s the only time that she’s going to move her car so that he can leave.¹⁰⁹

[22-25] **By Ms. Weiss:** Q. Now, **back on November 6th, 2009**, did she call the police regarding you **and one of your friends that was outside in the parking lot? Mr. Curry?**

[page 55, lines 1-20] **A.** [1-10] From my understanding of that night -- she does it so often. Me and my company are inside upstairs, not knowing that she’s done called the police. Something said, “Just go look out the window.” There’s police downstairs. I don’t have to go out because I don’t know what’s going on, but I notice maybe after 15 or 20 minutes that they’re still lingering in front of the building because the apartment buildings are -- they have a security code. If you don’t have a security code to the bottom door, you can’t come knock on anybody else’s door. [11-20] So I went outside, and the officer told me that the defendant called and stated that my company had had words with her. Well, that was untrue because anybody that comes to my house, I meet them to make sure that nothing is being said because we’ve been told that she can take pictures.¹¹⁰ So I meet them outside, come upstairs, maybe about 30 minutes or so. The officers are there demanding that he give up his name just for her. She demands to know everybody that comes to my house, **and right now she has a list of everybody that comes to my house to harass them next.**

¹¹¹ Q. Okay. ¹²¹ **Dr. Faltas:** Your Honor, objection. ¹³¹ **The Court:** The objection is sustained. ¹⁴⁻²⁴ **Dr. Faltas:** May I ask the jury to disregard, please? May I ask the Court ---

[page 56, lines 1-2] **The Court:** The jury is to disregard the last portion, the last three words that she said.

³⁻⁴ **Ms. Weiss:** Teresa, I’m going to ask you to look at what’s marked as exhibits -- State’s exhibits ---

⁵⁻⁶ **Dr. Faltas:** Objection, Your Honor. At this point I’d like the suppression hearing.

⁷⁻¹⁰ **The Court:** All right. All right. Ladies and gentlemen, this will be it for you all for today. Thank you very much. We’ll see you all at 10:00 tomorrow morning. Please do not discuss the case. 10:00 tomorrow morning we’ll need you in the jury room. Have a good evening.

[12-13] (Whereupon, the jury was excused from open court for the day at 5:26 p.m.)

[pages 56 to 203 (the suppression hearing) are extracted in separate documents] * * * *

[page 203, line 25 to page 204, line 3] **The Court:** 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.)

⁶⁻⁷ **The Court:** Ms. Ingram, if you’ll take your spot up here. The witness is still under oath. You may continue.

⁸⁻⁹ **Ms. Weiss:** Thank you, Your Honor. May it please the court?

¹⁰⁻¹¹ **Teresa Ingram, having been previously sworn and remaining under oath, testified as follows:**

¹²⁻¹⁶ **Ms. Weiss:** May it please the court? Your Honor, it’s come to my attention that the witness had some information she wanted to take with her I think to help refresh her memory. Is there any objection by the defense to her having notes with her on the stand?

¹⁷ **Dr. Faltas:** I need to see the notes.

¹⁸⁻¹⁹ **Ms. Weiss:** It’s not notes to be put into evidence. It’s notes to refresh her memory.

²⁰ **The Court:** All right. You may proceed. ²¹ **Ms. Weiss:** Thank you, Your Honor. ²²⁻²³ (State’s exhibits 1 through 6 were marked for identification only.)

[page 205, lines 1-2] **Direct examination By Ms. Weiss:** ³⁻⁵ **Q.** Teresa, I’m going to show you what’s been marked as State’s exhibits 1 through 6 for identification at this point.

⁶ **Dr. Faltas:** I object, Your Honor.

⁷ **The Court:** It’s noted. The objection is noted.

⁸ **Ms. Weiss:** Thank you.

⁹ **The Court:** You may proceed.

[10-13] **By Ms. Weiss:** Q. I’m going to show you what’s been marked State’s exhibits 1 through 6. Without identifying them, do you recognize these photos? ¹⁴ **A. Yes.**

[15-16] **Q.** Going one at a time, let’s start with... Going one at a time, can you describe what is depicted in those photos?

[17-18] **A.** Do you want me to show them to the jury or just tell you? ¹⁹ **Q.** No, just describe them.

²⁰ **A.** Okay. In this first one it shows --- ²¹ **Dr. Faltas:** Your Honor, I’m sorry. May I move --- ²² **The Court:** Yes. ²³ **Dr. Faltas:** --- there? Yes?

[24 to page 206, line 7] **The Witness:** In this first picture it shows Richard apparently leaving. This picture just shows her in her car parked outside the mailbox taking pictures of my car and his truck in front of my building. This picture shows her peeking out her window just taking a picture of him leaving. This is another picture of him leaving. It’s just showing the truck, no person, just the vehicle. And this picture shows where she tried to get a side picture of his truck, and Mitch’s truck is in that.

[9-11] **By Ms. Weiss:** Q. And do these pictures accurately depict Richard’s vehicle as well as your apartment complex as -- I mean, is there anything altered? Do they accurately depict ---

¹² **Dr. Faltas:** Objection.

¹³ **The Witness:** Accurately.

¹⁴ **Ms. Weiss:** --- this location?

¹⁵ **The Witness:** Accurately.

¹⁶ **Dr. Faltas:** Objection. Compound.

¹⁷ **The Court:** The objection is overruled.

[18-19] **Ms. Weiss:** Your Honor, at this time I move to admit State’s exhibits 1 through 5.

²⁰⁻²¹ **The Court:** Any objection to those pictures being admitted into evidence?

²² **Dr. Faltas:** Yes, Your Honor.

²³⁻²⁴ **The Court:** All right. The objection is overruled. They’re admitted over objection. ²⁵ **Ms. Weiss:** Thank you.

¹⁰⁴ **Curtis Lee Ingram, aka Curtis English, testified he never spoke to Dr. Faltas nor she to him. Tr. p 418, lines 16-23.**

¹⁰⁵ The only photos Dr. Faltas ever took of her neighbors and their “guest” depict the latter in wrong-doing.

¹⁰⁶ No evidence was presented, or even alleged, that Dr. Assa’ad-Faltas ran anyone’s tag in the relevant time period.

¹⁰⁷ It is incongruent for Dr. Assa’ad-Faltas to have “blocked [Rodney] in” while also asking him to leave and threatening to call police if he did not. Please compare Rodney Ingram’s testimony at Tr. p 382, lines 6-11 with Tr. p 385, lines 10-21.

¹⁰⁸ Vide note 107 supra.

¹⁰⁹ There is no police report of Dr. Faltas “blocking [Rodney Ingram] in” at all.

¹¹⁰ Teresa was clearly concerned only about drug exchanges being exposed. She had documented drug-seeking behavior before and after the relevant time period; and her “guest” Corey has several drug possession/dealing **convictions** before and after the relevant time period. Teresa also admitted accosting Dr. Faltas for “a pill” or “a prescription.” [photos on a separate sheet(s)]

[page 207, line 1] (State's exhibits 1 through 5 were received in evidence.)

[3-6] By Ms. Weiss: Q. Now, if you'll just go through 1 through 5 just showing them to the jury and just tell the jury what the exhibit number is on the back as you show it to them. [7-8] A. This first one is exhibit number 5,¹¹¹ and it shows Richard basically just leaving.

[9-10] Q. And if you can, since it's been since yesterday, who is Richard?

[11] A. Boyfriend.

[12] Q. And it's your boyfriend? [13-17] A. Yes, my boyfriend. This picture which is exhibit number 4 depicts the building in which I live in, and it shows her rear-view mirror which shows that she sits out by the mailbox and takes pictures. That's my car and that's Richard's truck. This is exhibit number 2---

[18] Dr. Faltas: Your Honor ---

[19] The Witness: ---and this is---

[20-21] Dr. Faltas: --- may I ask that she raise it so I can see?

[22 to page 208, line 7] The Witness: This -- this depicts her peeking out her blinds just to be able to snap a picture, and it depicts him leaving as well. This is another -- exhibit number 1, she's doing the same thing. It's him leaving, and she's taking a picture. And this is exhibit number 3, and it just shows where obviously she was just trying to take a picture of his truck right here in the corner, and that's Mitch. That's the neighbor that lives in her building. So you see it's a little space -- it's a good piece in between. So she would have to make a way to actually see what goes on in front of my building.

[8-10] By Ms. Weiss: Q. And in State's exhibit 3, is that the side of your building?

[11] A. Yes.

[12-13] Q. That you can see out of her window? Okay. I show you State's exhibit 6. Can you identify what's in that photo?

[14-17] A. In this photo this -- excuse me. In this photo it shows me talking with the policemen, and she's taking pictures of me talking with the policemen. I think on that day she called the police on the police.

[18-19] Ms. Weiss: Your Honor, at this time I'd move State's Exhibit 6 into evidence.

[20] The Court: Show it to Dr. Faltas.

[21] Dr. Faltas: Objection, Your Honor.

[22] The Court: Basis for the objection? [23 to page 209, line 2] Dr. Faltas: And the continuing -- the second thing is she did not take the picture. She has no knowledge of why I took the picture. I also pray the Court to tell them to disregard her statement that that day I called the police on the police. She does not have personal knowledge of that.

[3-4] The Court: All right. The objection is overruled, and the picture is admitted into evidence.

[5-6] (State's exhibit 6 was received in evidence. State's exhibits 7 through 99 were marked for identification only.)

[7-8] By Ms. Weiss: Q. And who is in this photo?

[9] A. I am in the photo in the middle with two officers.

[10-11] Q. And did you call the police or do you know if this is a day that you called the police?

[12] A. I'm not sure.

[13-17] Q. Okay. Your Honor, I'm going to try to do this a little bit more -- a little bit more easily. I'm going to ask you to look at Defense -- at State's exhibits 7 through 99. If you'll just flip through these very briefly and just see if you recognize these photos.

[18-19] Dr. Faltas: I object, Your Honor, to the huge number at once. [20] The Court: The objection is overruled.

[21-22] The Witness: (The witness looks at the photographs.) They are all pictures of me and my family.¹¹²

[23] Dr. Faltas: May I see?

[24] The Witness: Friends. My car.

[25] Ms. Weiss: Just leave them in that order.

[page 210, line 1] The Witness: Me doing nothing.¹¹³ [2-4] Ms. Weiss: Just one moment. Let the defendant look at the photos. (Dr. Faltas looks at the photographs.)

[5-6] Ms. Weiss: Your Honor, for the record the defendant was provided a copy of each of these photos represented.

[7-9] Dr. Faltas: No, I was provided a black-and-white copy,^[Vide end note] and I object to Ms. Weiss saying that in the presence of the jury.

[10] (Dr. Faltas continues to look at the photographs.)

[11-12] The Court: Do you have further questions to ask the witness ---

[13] Ms. Weiss: Your Honor, they're all about the photos.

[14] The Court: --- that doesn't relate to those photographs?

[15-17] Ms. Weiss: Yes, they relate to the photographs, Your Honor. I can go ahead and I can take the ones she's already looked at. I can start with those.

[18] Dr. Faltas: I'm almost through. Almost through.

[19-20] Ms. Weiss: If you can let me have the ones you have already looked at.

[21] Dr. Faltas: Almost through.

[22-24] By Ms. Weiss: Q. Teresa, do all of these accurately depict you and your friends, your apartment and your car and your friends' cars?

[25] A. Yes, and family.

[page 211, line 1] Q. And family. Sorry. Family.

[2-3] Ms. Weiss: Your Honor, at this time I move State's exhibits 7 to 99 into evidence.

[4] The Court: What says the defense?

[5] Dr. Faltas: Objection.

[6-7] The Court: Objection is overruled. They're admitted into evidence.

[8-9] (State's exhibits 7 through 99 were received in evidence.)

[10-11] By Ms. Weiss: Q. Please show -- tell the jury what this picture depicts. [12] A. This picture shows me and my brother---

[13-14] The Court: Just a moment. Anything that's in evidence that's referred to must be referred to by exhibit number.¹¹⁴ [Vide endnote]

[15-21] The Witness: Oh, I'm sorry. This is exhibit number 7, and the picture depicts my brother and I. He was apparently trying to leave for work and she had blocked his car on that day, and you can tell by her rear-view mirror where she was almost in front of him,¹¹⁴ but by that time she could notice that my brother and I was on the phone trying to contact 9-1-1 at that time.

[22-25] By Ms. Weiss: Q. Now, State's exhibits 8, 9, and 10, as far as you can tell, were these all taken on the same day? Is there a date on those photos?

[page 212, line 1] A. Yes, it does have a date.

[2] Q. And what is the date on the photos?

[3] A. The date has the ninth month, 26, '09.

[4] Q. 9/26/09?

[5] A. Yes.

[6-7] Q. And what do those photos depict? Show them to the jury and just talk about them by...

[8-14] A. Exhibit number 8 just shows my brother's car right here, and it also has her rear-view mirror to show where she sits in the car and takes the pictures. Exhibit number 9, a different angle and still her rear-view mirror of my brother's car in front of my building. That's a dentist office beside the building. And this is a really close shot that has my brother's vehicle and license tag.

[15] Court Reporter: I'm sorry. That's your brother's?

[16-17] The Witness: License tag and vehicle number and that was exhibit number 10.¹¹⁵

[18-21] By Ms. Weiss: Q. I show you State's exhibits 11, 12, 13, 14, 15, and 16. Going through each of these, will you please show these to the jury and tell them what the pictures depict?

[21 to page 213, line 10] A. [21 to page 213, line 4] Okay. This is exhibit number 11, and it shows a picture of my car at the far end of my building which would actually be in front of my building. This shows a picture of my car, the tail end of my car, and this is exhibit number 12, which is also parked in front of my building. This is exhibit number 13, and it depicts myself and a friend apparently leaving, and there she is snapping pictures and I'm waving at her just to say we see you taking pictures. [5-10] This is another picture of us the same day. She's still taking pictures, of course. That shows my car still on my side in front of my building, and this is a closer shot of her taking pictures. And this is another shot. It could be the same but different focuses maybe, but this is the same picture on the same day, me and my friend leaving.

¹¹¹ State's Exhibit 5 is not the "first" photo chronologically in that set. Baseless renumbering of photos to falsify the chronology pervaded this trial.

¹¹² Circa half the photos are of inanimate objects not owned by Teresa and/or of persons who are neither her family nor friends.

¹¹³ Teresa was not "doing nothing" in that photo. She was calling police on Dr. Faltas to build a record against her. Vide note 154, infra.

¹¹⁴ By objective measurements, there are over 60 feet between the two cars in that photo.

¹¹⁵ Teresa and her brother admitted: (1) not knowing what a zoom lens is and (2) no car is "blocked in" in any photo. Tr.pp 272-3 and 395-6.

[11] Q. Which friend would that be?

[12] A. Wendy Ceo.

[13] Q. And that's State's exhibits 13, 14, 15, and 16?

[14] A. Correct.

[15-17] Q. All show you and Wendy. When you're waving in that picture, what was going through your mind? Was that a friendly wave?

[18-21] A. It was not a friendly wave.¹¹⁶ It was a wave as to say: Please stop.¹¹⁷ We see you. Just hey. Maybe she'd stop if you wave. I don't -- that doesn't work. It was just a wave, a cynical wave.

[22-23] Q. And were you and Wendy -- and what time of day was this? Do you know? Do you remember this? **[24] A.** Maybe about three or four, something ---

[25] Q. This was during the day.

[page 214, line 11] A. Yeah, it was during the day.

[26-31] Q. And do you have any idea where you or Wendy were either going or coming from?

[32] A. I have no idea.¹¹⁸

[33] Q. And was there anything illegal going on ---

[34] A. Oh, no.

[35] Q. --- when this was happening?

[36] A. No. Never.¹¹⁹

[37-41] Q. I'm going to show you State's exhibits 17, 18, 19, and 20. Can you tell the jury just in these four photos who's in the photos and what is in the photos, what's being depicted?

[12 to page 215, line 2] A. ^[12-17] Excuse me. This is exhibit number 17, and it shows Richard Cooper and I. Obviously we were coming back from somewhere because we were walking into my building.¹²⁰ She had been saying words,¹²¹ so I was waving to her once again cynical: "I see you; give it a rest." And as you can see, he's walking towards me as if to just go on in the apartment. ^[18-23] So this just shows a closer picture of me asking her to please stop,¹²² and it shows that Richard is kind of seeing or showing that just to go on inside, like she takes perfect pictures as to the conversations and movements. So she got me in conversation with her asking her to stop,¹²³ and it's showing Richard telling me to go on inside. ^[24 to page 215, line 2] This is the same day. That's Richard now looking at her just in awe and amazement like this really goes on every day,¹²⁴ and this is just a picture of her obviously parked behind -- directly behind his truck right here to get a picture.

[42] Q. State's exhibit 21, what does this depict?

[43] A. That depicts the back side of the building where I live.

[44] Q. Okay. And---

[45-47] A. And in that top left square where the rail is, that would be the balcony to my apartment.

[48] Q. And do you know from what angle this photo was taken?

[49] A. She would have had to have been on her balcony.

[50-52] Q. State's exhibits 22, 23, 24, 25, and 26, I believe these are all taken about the same time, so if you can just state what this grouping of photos depicts.

[53-54] A. Okay. Do you want me to go over them separate or just ... **[55-56] Ms. Weiss:** Your Honor, if it's okay just to go by the grouping of photos, that group I just named out? **[57] The Court:** Okay.

[58] Ms. Weiss: Thank you, Your Honor.

[19 to page 216, line 3] The Witness: Okay. In these groups of pictures it shows me walking my company, Corey, downstairs and,¹²⁵ of course, he's not happy because she always calls the police whenever he's over or she always makes it her business to harass him.¹²⁶ So this would depict him being tired of her. This is her just constantly taking pictures, and that's her -- that's her windshield, as always, her rear-view mirror. That's him. We're either waiting on the police here or we're all outside, but that's still her taking pictures. It's all the same time frame. It's all the same evening.¹²⁷

[4-6] By Ms. Weiss: Q. Do you recall if this evening¹²⁸ if she was just taking pictures or if she was saying things?

[7] A. She had been taking pictures and saying things.¹²⁹

[8] Q. Exhibit 27, do you know what this depicts?

[9-10] A. That depicts her inside of her apartment out her window taking a picture of me talking to the police.

[11] Q. Okay.

[12] Dr. Faltas: What number was that? I'm sorry.

[13] Ms. Weiss: State's exhibit 27.

[14-15] By Ms. Weiss: Q. All right. State's exhibit 28?

[16-18] A. That shows me walking my brother outside, and she's -- I think on that picture she was talking to him, asking him about his work or something on that day.¹³⁰

¹¹⁶ Teresa admitted that it was her friend, Windy Ceo, who had a camera pointed at Dr. Faltas first. **Tr. p 240, infra.**

¹¹⁷ "Please stop" cannot possibly be read in Teresa's ecstatic smile; and she is standing across the car from Wendy Ceo, who is pointing a camera at Dr. Faltas. The true explanation is in Dr. Assa'ad-Faltas' testimony at Tr. p 702, lines 5-7. State's Exhibits 13-16 are pasted on a separate sheet. Teresa could not have had her friend photograph Dr. Faltas in her car to tell Dr. Faltas to "please stop" taking photos.

¹¹⁸ The photo sequence, proven by the frame numbers on the negatives and the progress of the shadows from the southwest-west sun, and Teresa's position at the car door establish that Teresa and Wendy were "going," not "coming." Weiss is aware of the conflict of the time of day of those photos with Teresa's false pretense that she was employed "seven to three" "five days a week." Tr. p 31, lines 17-22.

¹¹⁹ Ingram was later convicted of disorderly conduct which victimized Dr. Faltas, case **L083175**; so, clearly, something "illegal was going on."

¹²⁰ Vide footnote 36, *supra*, and the separate sheet with this photo set pasted thereon. All three are early in the morning because Teresa's shadow is long in front of her from the east sun behind her. The white socks and black flip-flops are seen in all other photos where Teresa is neither going to, nor coming from, an address beyond 300/304 Byron Road, Columbia, SC 29209. Richard Cooper is also in home clothes. All three photos are clearly taken from a vehicle Dr. Faltas is driving. It is thus impossible for Dr. Faltas to have gotten Teresa "in a conversation" from that distance. The one photo of Teresa and Richard "going into [Teresa's] building" clearly shows Richard pulling Teresa in as she tries to make one more threat to Dr. Faltas. The photo-documented fact is that Teresa is standing in front of Building 304, where Dr. Faltas lived, which is south of Building 300, where Teresa lived. And the only non-intelligence-insulting explanation is that Teresa planted herself there to prevent Dr. Faltas from parking back in front of, and entering, her own building after she had finished circling with the lesser-used of her two vehicles to recharge its battery. Tr. p 699, lines 16-18.

¹²¹ Dr. Faltas' larynx is partly paralyzed, Tr. p 539, lines 9-16; so she could not have projected her voice across that 180-foot 300/304 Byron Road front yard/parking lot. The dimensions of the property are objectively obtained from the register of deeds.

¹²² Vide notes 119 and 120, *supra*.

¹²³ Vide notes 119 and 120, *supra*.

¹²⁴ Undeniably, Teresa is standing in front of the building where Dr. Faltas lived, not the reverse.

¹²⁵ According to the frame-stamped negatives and to contact sheet on the non-active side of the CD containing digitization of those negatives, in Frames 1-3, PWID-cocaine and burglary convict Corey Lamont Curry was ALONE in the 300/304 Byron Rd. parking lot. In no picture is Teresa "walking [her] company, Corey, downstairs." Corey was already downstairs.

¹²⁶ The real reason Corey Lamont Curry was unhappy is that Dr. Faltas thwarted his drug drop that day.

¹²⁷ It was NOT "evening." Teresa's 911 call is automatically voice-stamped "Wednesday, October 21st 2009. The time: 13:38"

¹²⁸ Solicitor Weiss betrays her awareness that "Wednesday...13:38" is a time Teresa would not be home if she were really employed then.

¹²⁹ The recording of Teresa's 911 call does not have Dr. Faltas' voice at all, only the voices of Teresa, Corey, Tiffany and her toddler.

¹³⁰ Vide note 121, *supra*.

¹¹⁹⁻¹²⁰ Q. State's exhibits 29 and 30, do you know what these depict? ¹²¹ A. It depicts Richard leaving.

¹²² Q. Okay. And is there a date on these photos? ¹²³ A. Yes. It says 9/10 -- what? 10/9/11. ¹²⁴ Q. I believe 10/11/09? ¹²⁵ A. 10/11/09, yeah.

[page 217, lines 1-3] Q. State's exhibits 31, 32, 33, 34, 35, 36, 37, and 41, if you'll look at this grouping of photos. What does this group of photos represent -- depict?

¹⁴⁻¹³¹ A. That depicts -- one day it was beautiful outside. I went on my balcony, and I noticed the man that lives downstairs from me had company and the guy was sitting outside. So I was on my balcony saying how nice of a day it was, and me and him was conversating (sic),¹³¹ and she came outside with her camera, started calling me all kind of names, vulgar names,¹³² and was arguing with the man that was sitting outside. That's what those pictures depict, and I was inside of my balcony, so she was leaned over on her balcony.

¹⁴¹ Q. At any point did you call her out to her balcony?

¹⁵¹ A. Never.¹³³

¹⁶⁻¹⁷¹ Q. Were you actually have a discussion with her on her balcony?

¹⁸¹ A. Never.

¹⁹¹ Q. What types of vulgar names was she calling you?

²⁰⁻²¹¹ A. Bitch, prostitute, killer, but mainly a bitch and prostitute.

²²⁻²³¹ Q. Do you have any idea why she would have been calling you this to your balcony in front of this man? ²⁴¹ A. Well, no. She says that every chance that she gets.

²⁵¹ Q. State's exhibits 38, 39, 40, what do these depict? [page 218, lines 1-3] A. It depicts her obviously out by the mailboxes taking pictures of my vehicle and Richard's vehicle, and it's a perfect picture of the apartments.

⁴¹ Q. And these apartments, that would be whose apartment?

⁵¹ A. I live in that building, and she lives in that building.

⁶⁻⁷¹ Q. So two separate buildings. Okay, State's exhibits 42, 43, and 44, I show them to you.

⁸¹ A. It obviously shows me leaving.

⁹¹ Q. State's exhibits 45, 46, 47, and 48. ¹⁰⁻¹⁴¹ A. It shows the picture of the parking lot and my car and my brother's car and my neighbor's car, and it has -- this picture right here which is exhibit number 45, it shows me talking with someone. I'm not sure who that is, but that's me in front of my building.¹³⁴

¹⁵¹ Dr. Faltas: Your Honor? Your Honor? ¹⁶¹ The Court: Yes.

¹⁷⁻²¹¹ Dr. Faltas: I object to what Ms. Weiss is writing on here. Victim. We have agreed that she's an alleged victim and she had not said anything -- Ms. Weiss started writing before the witness spoke, and I object to her saying -- writing victim.

²²¹ The Court: All right. The objection is noted.

[24 to page 219, line 11] By Ms. Weiss: Q. State's exhibits 49, 50, 51, 52, 53, 54, this series of photos, if you would please tell the jury what this series of photos depicts.

¹²⁻¹²¹ A. That's the day my father and my two uncles came to Columbia. My father came to pick up some storm windows because they're remodeling their house. His truck stopped on him at my apartment. **Because we all know how she is,** I asked him to try to have somebody come from Sumter as quick as possible to not cause problems in my dad's life. So when -- as my uncles came to get my dad and we're all outside, lo and behold here she comes with her camera and starts snapping pictures away,¹³⁵ snapping, snapping, snapping, and not to mention she says that those are my clients,¹³⁶ my dad and my uncles.

¹³¹ Q. And who have you heard her say that to?

¹⁴¹ A. A judge in court.¹³⁷

¹⁵¹ Q. Speaking about these photos.

¹⁶¹ A. Yeah, about those photos.¹³⁸[footnote 138 on next page]

¹⁷¹ Q. And for the record, who exactly is in these photos?

¹⁸¹ A. Myself, my uncles,¹³⁹ and my dad.

¹⁹¹ Q. Approximately how long was your dad's car out there?

²⁰¹ A. No more than two hours.

²¹⁻²²¹ Q. And did Dr. Faltas come out and approach your father and your uncles?

²³⁻²⁵¹ A. No, she just came out. **the usual staring and the taking and snapping of pictures.** It's done in a way to make you react or respond.

[page 220, page 1-3] Q. Now, the next set of photos is October 21st, 2009, and I believe you testified about this date yesterday. Who is that depicted in the photo?

⁴¹ A. That's Corey.

⁵¹ Q. Okay. And how do you know Corey?

⁶¹ A. He sells movies and music D.V.D.'s.¹⁴⁰

⁷¹ Q. And is he a friend of yours?

⁸¹ A. He is an associate.

⁹¹ Q. And do you --

¹⁰⁻¹¹¹ A. So that's friend. **Friend is more deeper than an associate.** So friend-associate.

¹²¹ Q. Do you watch movies with him?

¹⁴¹ Q. Okay. And who is that?

¹⁵¹ A. That's Corey again and --

¹⁶¹ Q. Who is that?

¹⁷⁻¹⁸¹ A. That's the shade-tree mechanic. I don't even know his name.¹⁴¹

¹⁹¹ Q. And what was he doing there?

²⁰⁻²¹¹ A. He was fixing my car or attempting to fix my car, working on my car.

²²⁻²³¹ Q. Okay. I'm going to start kind of with this series. This photo depicts?

[24 to page 221, line 1] A. That's just us basically by my car probably discussing what's wrong with the car, and it's clearly in front of my building, directly in front of my car.

¹³¹ Only the chronologically penultimate photo shows Teresa even looking towards "the guy." She turned to him only at the end.

¹³² An audio recording made by Dr. Faltas of that conversation proves Teresa insulted Dr. Faltas, **not the reverse.**

¹³³ Solicitor Weiss had seized and concealed the chronologically first and eighth frames of the 13 October 2009 set: John (Mitch) Jone, standing under Dr. Faltas' balcony and calling out to her then sitting, smoking and enjoying the argument. The true chronology of the events of that day is shown on separate sheets with the photos (and magnification of some) in true chronological order.

¹³⁴ The photo is NOT in front of Building 300, Byron Road; and Teresa later admitted she knows to whom she spoke.

¹³⁵ The set of 17 October 2009 is six photos reproduced on separate sheets. They show Teresa with a wire coat hanger in her hand and, at the very least, suggest the vehicle being towed may have been forced open with the wire coat hanger. Tr. pp 260-62, *infra*.

¹³⁶ Curtis Ingram testified that: (1) Dr. Faltas never spoke to him, Trial Tr. p 418, lines 16-23; (2) his brother smiled at being photographed, Tr. p 419, lines 6-11; and (3) he knows a wire coat hanger may be used to force a car door open, Tr. 416-17.

¹³⁷ This 22-26 February 2010 General Sessions trial followed four 2009 magistrate court events attended by Teresa and Dr. Faltas: 22 September (TRO); 29 September to 1 October (eviction); 14 October (TRO); and 10 November (TRO). All four are audio recorded and the last one was also transcribed. Nowhere did Dr. Faltas say that Teresa's "dad and uncles" are her clients.

¹³⁸ **The 10 November 2009 TRO hearing before Lykesland Magistrate Davis is the only hearing postdating "these photos."**

¹³⁹ To the extent Teresa suggests all her uncles are in the photos of 17 October 2009, that is false: Leon Ingram is not in any of the photos.

¹⁴⁰ Corey Curry denied it at trial Tr. p 733, lines 19-21:

Q. Did you ever sell music and music videos and movie videos?

A. No. I don't know what you're talking about.

He was later arrested for selling pirated and counterfeit material, indictment 2016GS4002612 to which he pled guilty.

¹⁴¹ Teresa could not have invited to her parking lot a "shade tree mechanic" whose name she did "not even know."

[2] Dr. Faltas: I'm sorry. What exhibit number was that?

[3] Ms. Weiss: 55 --

[4] The Witness: And it's not blocking any drive --

[5-6] Court Reporter: I'm sorry. I can't take you both at the same time

[7] The Witness: I'm sorry.

[8-10] Ms. Weiss: Exhibit number 55.

By Ms. Weiss: Q. Go ahead.

[11] A. And I said it was not blocking any driveways.

[12] Q. Okay. Exhibit number 56.

[13] A. That depicts that, yeah.

[14-16] Q. A little closer photo? When these photos were being taken, was Dr. Faltas making any comments towards you or Corey?

[17-25] A. On those first two -- because she took those pictures in motion, I think. On those -- the first set right there, I was -- I was not downstairs yet because Tiffany's car is in the next set.¹⁴² So by the time we all came downstairs, he had them -- Corey had already asked her several times to please stop with the pictures.¹⁴³ So by that time I think in that group it will show that **he's flipping her the bird.** Yeah, that -- that depicts him saying -- obviously saying something to her.

[page 222, line 11] Q. And?

[28] A. That's me asking her to please leave. Why are you harassing my company? He's looking down as if to say: Well, I'm tired of this.¹⁴⁴ I'm calling the police.¹⁴⁵ That depicts by now she's taking pictures. That's something to go -- to go show. Now you have a picture.¹⁴⁶ That's more of an expression of I'm tired of you taking my picture. Everybody is not going to have the same response. I have to live there so ...

[9-10] Q. These are State's exhibits, in order that we were talking about them, 55, 56, 57, 60, 58, 59.

[11-12] A. That's me beginning to call the police because he's getting very irate by that point and --

[13] Q. State's exhibit 61.

[14-17] A. -- that's what it shows. That actually shows her parked in front of his car blocking my car¹⁴⁷ which is blocking everybody at that time, and it has her rear-view mirror in it as well.

[18] Q. State's exhibit 62 and then finally State's exhibit 63.

[19] A. It just shows me waiting on the police.

[20] Q. Okay. And State's exhibit 64?

[21] A. That's Tiffany Lurke, my friend.

[22] Q. And according to the date, this was on that same day?

[23] A. Yes, the same day.

[24 to page 223, line 4] Q. I'm sorry. That's State's exhibit 64, State's exhibits 65, 76, 75, 69, 71, 73, 70, 66, 67, 68, 72 and 74, and according to the dates,

these are all on the same day that we were just talking about. Is this a day that you were talking about yesterday during testimony when all these people were outside of your apartment?

[25] A. Yes.

[26] Dr. Faltas: Objection.

[27] Ms. Weiss: What---

[28] The Court: Objection is overruled.

[9-12] By Ms. Weiss: Q. What specifically -- I'm going to let you look at the photos to refresh your memory. What specifically was happening on this day, if you can just ...

[13-23] A. Well, what was happening -- clearly I walked my brother downstairs.¹⁴⁸ Just as I said yesterday, I try to meet my company and take them outside whenever they come,¹⁴⁹ so it shows me walking my brother outside. On this day I had Tiffany's little girl, Kyra. So I had her in a stroller downstairs, and me and my brother is talking to her as he's making an attempt to get in the car.¹⁵⁰ And here it clearly shows how she's circling around -- well, not circling around, but she's done changed positions, parked directly back behind the car at that moment, **and it shows me with Kyra at a distance directly in front of my building.**

[24-25] Q. Do each of these photos -- State's exhibits 69 is you with?

[page 224, line 1] A. Kyra. And that's my brother.

[2-3] Q. And would that be the child you referred to yesterday as your niece?

[4] A. Yes.

[5] Q. That would be Tiffany's daughter?

[6] A. Correct.

[7] Q. Okay.

[8] A. That's another picture of all three of us.

[9-10] Q. (Ms. Weiss shows a picture to the witness.) That would be?

[11] A. My brother. And she's directly behind his car.

[12] Q. (Ms. Weiss shows a picture to the witness.)

[13-14] A. That's her by the mailbox, and that's my brother and my car.

[15] Q. (Ms. Weiss shows a picture to the witness.)

[16] A. My brother. Parking lot.

[17] Q. (Ms. Weiss shows a picture to the witness.)

[18] A. That's all three of us again.

[19] Q. (Ms. Weiss shows a picture to the witness.)

[20] A. That's still all three of us.

[21-22] Q. Approximately how far was Dr. Faltas from you when these were being taken?

[23-24] A. Just -- well, you can see her car in that shadow right there.

[25] Q. (Ms. Weiss shows a picture to the witness.)

[page 225, lines 1-6] A. Yeah, and it shows the frustration on my face in every picture. That's us three. That's -- actually in that one -- let me see this one close up. Okay. By that time -- by this time I'm asking her to stop with the pictures and I'm talking to my brother, **but it shows the baby is trying to like get down in the pictures a little bit.**¹⁵¹

[7] Q. (Ms. Weiss shows a picture to the witness.)

[8] A. And that's us three.

[9] Q. State's exhibit 77?

[10] A. That's me and my brother.

[11] Q. State's exhibits 78, 79, 80, and 81?

[12] A. Depicts Richard leaving.

[13] Q. State's exhibits 82 and 83?

[14] A. It obviously is a picture of me leaving.

¹⁴² On 21 October 2009, Tiffany was at 300 Byron Rd. for three minutes only; and her car is not any photo taken by Dr. Faltas then.

¹⁴³ In the first three frames, Corey Curry and Dr. Faltas are on the opposite corners of the 300/304 Byron Rd front yard. In the third frame, Corey performs on himself a lewd act which does NOT ask Dr. Faltas "to please stop with the pictures."

¹⁴⁴ Corey's obscene gestures at Dr. Faltas goad her to photograph him in the act, not "to please stop with the pictures."

¹⁴⁵ On 3 August 2001, Corey had pled guilty to PWID-cocaine at a motel right behind the 300/304 Byron Rd. buildings.

¹⁴⁶ The only reason for Corey's alarm at being photographed in this location is his PWID-cocaine in this very area.

¹⁴⁷ Teresa's car was "down," Tr. p 49, lines 7-15, *supra*, and being examined by an unknown-named "shade tree mechanic," Tr. p 220, lines 16-21, *supra*. If she had *arguendo* wanted to annoy Teresa, Dr. Faltas would not have "blocked in" an inoperable car.

¹⁴⁸ Frames 4-9 show Teresa heading to Dr. Faltas' car alone. Teresa's brother appears in Frames 11-25, after Tiffany and Corey had left. In Frames 11 and 12, Teresa's brother, in white T-shirt, stands besides his car with a clear exit if he really wanted to leave.

¹⁴⁹ It is incredible that grown hulky men would have needed Teresa to escort them in and out to protect them from Dr. Faltas. In Frames 4-9, Teresa is bare-headed in a tank top. She reappears in Frames 13-22 with a cap and an open jacket. She had clearly gone upstairs to improve her appearance and return to wait for police in the front yard. She was NOT escorting "company."

¹⁵⁰ Nothing prevented Teresa's brother from getting into his car. Frames 11-12 and 23-25 are clearly taken from over 200 feet away; yet, Teresa's brother's car, the white Lincoln, stays in the same place throughout that roll's 25 frames.

¹⁵¹ Kyra is trying to avoid the sun in her eyes as Teresa pointed the stroller south circa noon on a clear day.

^[151] Q. *State's exhibits 84 and 85?* ^[16-20] A. That's -- okay. That picture is actually in front of the building, but for some reason I guess she assumes that everybody that comes there comes to visit me,¹⁵² but that's actually a neighbor's company,¹⁵³ the other vehicle that's on the picture. I don't even know who that person is.

^[21] Q. *State's exhibits 86, 87, and 89?* ^[22 to page 226, line 9] A. ^[22 to page 226, line 3] That shows the day the fire marshal came to check on something that she had complained about, and I was coming out of my apartment and it was a city worker that was trying to get me to come to the road, but she had intervened, so I was like, well, maybe he is talking to her. But she carried on so bad, and I asked the guy who he was talking to and he said me. ^[4-9] The two fire marshals were sitting in the car, and they were trying to get her to come and talk with them about the complaint that she was having. So she wouldn't do that. She refused to come talk to them. She tried to start with me, and it shows in the picture that I started to call the police at that time while they were sitting there.¹⁵⁴

^[10-11] Q. *State's exhibits 90, 93, 91, 92, 96, 94, 95, and 97 -- that's State's exhibits 90 and 93.* ^[12] A. That's directly in front of my building.

^[13] Q. *And then State's exhibits 91, 92, 96, 94, 95, and 97.* ^[14-21] A. That's her sitting in her car taking pictures of my company's car out in front of my apartment. That picture shows her just taking a pic -- sitting in her car as well taking pictures of my car. That picture shows a picture of my car and my landlord or landlady leaving. That shows -- the last three shows me and my friend and the guy that was working on my car, and that's the -- that's the back of my -- that last picture -- oh, that's the... Yeah, that's the -- that's the landlady. That's a picture of my car.

^[23] Dr. Faltas: Your Honor, I object to her writing victim. ^[24] The Court: Okay. ^[25 to page 227, line 1] By Ms. Weiss: Q. I show you State's exhibits 98 and 99. ^[24] A. That's a picture of Corey and the man that was working -- it clearly shows her at the mailbox like she does snapping pictures inside her car.

^[5] Q. *Finally State's exhibit 88?* ^[6-7] A. As she states that she does not follow anyone, she followed him to his home.¹⁵⁵ ^[8] Q. *Whose home is this?* ^[9] A. That is where Corey lives.¹⁵⁶

^[10-11] Q. *Now, the dates that are listed beside you, those are the dates from the pictures ---* ^[12] A. Correct. ^[13-14] Q. *---that we just looked at? They were actually written on the pictures.* ^[15] A. Correct.

^[16-17] Q. *Okay. And before -- you called 9-1-1 on September 23rd when your car was blocked in?* ^[18] A. Uh-huh. Yes.¹⁵⁷ ^[19-22] Q. *All right. And then September 24th in the morning, you testified yesterday that that was the day -- that was the time you called the police and made a report because the defendant followed you and Richard?* ^[23] A. Correct.

^[24-25] Q. *And later that afternoon on September 24th, '09, you called the police again?* ^[page 228, line 1] A. Correct. ^[26-31] Q. *And October 9th of '09 was the date that she blocked you in the parking lot?* ^[4] A. Correct.¹⁵⁸

^[5-7] Q. *And October 21st, '09, the dates that we have the numerous pictures from, is that the date of the rock-throwing incident?* ^[8] A. Yes.¹⁵⁹ ^[9-13] Q. *And the incident report where the defendant -- the defendant called the police November 6th of '09 about Corey, and October 23rd of '09 is when the defendant -- one of the times she complained to law enforcement that you were a prostitute.* ^[14] A. Correct.

^[15] Dr. Faltas: Your Honor, I object to ... ^[16-17] Ms. Weiss: Beg the court's indulgence one moment. I need to mark this, please. State's exhibit 113. ^[18-19] (State's exhibit 113 was marked for identification only.)

^[20-21] By Ms. Weiss: Q. *Teresa, there was a C.D. in this envelope which is currently in the C.D. player. Did you have the opportunity to listen to this C.D.?* ^[24] A. Yes.

^[25] Q. *And do you know whose voice ---* ^[page 229, line 1] Dr. Faltas: What's the exhibit number? ^[26-31] Ms. Weiss: I'm sorry. Exhibit number 113. Do you know whose voice is on this C.D.? ^[4] Dr. Faltas: Exhibit? Did you say 113? ^[5] Ms. Weiss: Yes, I did. ^[6] Dr. Faltas: Was the last number 129? ^[7] Ms. Weiss: I'm sorry? ^[8] Dr. Faltas: The last number I have... ^[9] The Court: Just proceed. ^[10] Ms. Weiss: Thank you. ^[11] The Court: Proceed.

^[12-13] By Ms. Weiss: Q. *Do you know whose voice is on the C.D.?* ^[14] A. If I'm not mistaken, on that one it would be mine.

^[15] Q. *Okay. And what are you doing on the C.D.?* ^[16] A. Calling to report her. ^[17] Q. *And did it accurately depict your phone call?* ^[18] A. Yes. ^[19] Q. *And it is your voice?* ^[20] A. My voice.

^[21-22] Ms. Weiss: Your Honor, at this time I move State's exhibit 113 into evidence. ^[23] The Court: What says the defense? ^[24] Dr. Faltas: We need to hear it. ^[25 to page 230, line 1] The Court: The objection is overruled. You may proceed. ^[2] Ms. Weiss: Thank you, Your Honor.

^[3-5] (State's exhibit 113 was received in evidence. Whereupon, a portion of State's exhibit 113 was played for the jury.) ^[6-7] Dr. Faltas: I'm sorry. I request that it be played completely. ^[8] The Court: The objection is overruled.

^[9-10] By Ms. Weiss: Q. *Who else is on that recording other than you?* ^[11-12] A. In the background I can hear Corey, and clearly Tiffany and Kyra made some noises as well.

^[13-14] Q. *Okay. What were you -- what was going through your mind? What were you feeling when you made that phone call?* ^[15-23] A. The main thing that was going through my mind is when Tiffany got off work and she comes to get her daughter and she has to deal with that, I feel inadequate as a provider during those few hours if I have someone's child and their child's picture is being taken Who is to say that -- who knows what she's doing with those pictures? Mine, the child or anybody's picture, for that fact? And then for it to be thou-

¹⁵² Teresa had no basis to testify on what assumptions, if any, Dr. Faltas made.

¹⁵³ Teresa cannot possibly have been distressed by Dr. Faltas' photographing a car owned by someone unknown to Teresa.

¹⁵⁴ Fire marshals are themselves officers who did not need Teresa's help to get Dr. Faltas to talk to them; but Teresa had been "informed to call 9-1-1 to get an incident report" Tr. p 41, lines 13-18, *supra*, basically any time she saw Dr. Faltas outdoors.

¹⁵⁵ The photo shows the front tire off Corey's blue truck; Tr. p 276, *infra*. So, Dr. Faltas could not possibly have "followed [Corey] to his home" when his truck was non-drivable for missing a tire. And even if Dr. Faltas had *arguendo* "followed Corey to his home," the law punishes following only the targeted person, not her "friend-associate" drug dealer too.

¹⁵⁶ Teresa would have had no personal knowledge of Corey's home if her merely a "friend-associate."

¹⁵⁷ Teresa admitted it was Corey's blue truck, not Dr. Faltas' car, which was blocking the parking lot. Tr. pp 270-71, *infra*.

¹⁵⁸ There is absolutely no police report or photo suggesting any "blocking in" on 9 October 2009.

¹⁵⁹ *Vide* note 87, *supra*, and Tr. pp 349-51, *infra*, for the physical impossibility of launching rocks from the driver's seat through the passenger window, a feat requiring a projectile power device, not an arm confined in a sedan.

sands,¹⁶⁰ hundreds,¹⁶¹ I felt bad. ¹⁶² I felt as if I can't have company. ¹⁶³ It's a risk and a chance if you come to my house.¹⁶⁴
^[24] Q. And, Teresa, do you have a history of anxiety attacks? ^[25] A. Yes, I do.
^[page 231, line 1] Q. And how long have you had those? ^[2-3] A. I've had them maybe about three years, three to five maybe.

^[4] Q. And ---

^[6-7] Q. And since March of 2009 have you had any related to this, these sets of incidents?

^[8-12] A. Yes. Actually, I feel panicky right now.¹⁶⁵ I had a bad migraine last night. This -- just being in here and having to deal with this on a constant basis has gotten on my last nerve literally. *My stomach is turning right now. I just don't want to be here dealing with that.*¹⁶⁶

¹⁶⁰ Dr. Faltas took of Teresa **ONLY 57 photos, in 13 sets provoked by Teresa/her "company," specifically:**

- (1) 12 September 2009: (5 photos) **State Exx 22-26.** Teresa's "friend-associate," Corey Curry, blocked the parking lot. Vide Tr. pp 215, line 10 to 216, line 16, *supra*, and pp 269, line 12 to p 271, line 15, *infra*.
- (2) 13 September 2009: (3 photos) **State Exx 17, 18 and 19.** Teresa's planted herself in front of the building where Dr. Faltas lived and threatened to vandalize the vehicles she parks there. Vide note 119, *supra*, and Tr. p 268, lines 12-15.
- (3) 15 September 2009: (4 photos) **State Exx 13-16.** Teresa's "company," Wendy Ceo, has a blue camera pointed at Dr. Faltas. Vide note 116 and Tr. pp 213, line 1 to 214, line 8, *supra*, and Tr. pp 237, line 13 to 241, line 15, *infra*.
- (4) 24 September 2009: (5 photos) **State Exx 6-7, 27-28, and 77.** Teresa and her brother called police on Dr. Faltas falsely claiming that she was blocking Rodney's car. Vide Tr. pp 208, line 12 to 209, line 12, *supra*, and p 269, lines 1-11, *infra*.
- (5) 13 October 2009: (8 photos) **State Exx 31-37 and 42.** "Mith" Jones, tenant of the apartment below Dr. Faltas' called her out to the back balcony and started verbally abusing her. Vide note 132, *supra*, and Tr. p 217, lines 1-24 and on cross pp 280, line 13 to 283, line 11, *infra*.
- (6) 15 October 2009: (3 photos of car driven by Teresa, who is not visible there) **State Exx 42-44.** Teresa followed Larry Mason to go file complaint against Dr. Faltas. Vide Tr. p 218, lines 6-8, *supra*, and p 264, line 5 to 265, line 8, *infra*.
- (7) 16 October 2009: (2 photos) **State Exx 45, 46.** Teresa stood under Dr. Faltas' window making loud threats under guise of conversing with "company." Tt. P 218, lines 9-22, *supra*, and 266, lines 5-16, *infra*.
- (8) 17 October 2009: (6 photos) **State Exx 49-54.** Dr. Faltas returned from an errand to find Teresa with a wire coat hanger in her hand and three men hooking a truck to tow it away, and blocking her mailbox in the process. Afraid her own truck "might be next," Dr. Faltas silently took the photos from a safe distance to also document the event, Tr. p 260, line 17 to p 263, line 2, and pp 415-20, *infra*.
- (9) 18 October 2009: (4 photos not offered by the Prosecution) Teresa stood under Dr. Faltas' window talking loudly to Jones in his SUV.
- (10) 21 October 2009: (16 photos) **State Exx 55-77.** Corey Curry threatened to rape Dr. Faltas and continued making lewd gestures at her; yet, Teresa called 9-1-1 falsely accusing Dr. Faltas of having thrown rocks out of her car, a physically impossible task.
- (11) 22 October 2009: (1 photo not offered by the Prosecution) Teresa stood opposite Dr. Faltas' window talking loudly.
- (12) 23 October 2009: (2 photos of car being driven by Teresa, who is not visible in the photos) **State Exx 82 and 83.** Teresa often drove across Dr. Faltas' car when she sat in it. Tr. p 263, line 3 to p 264, line 4, and p 278, lines 20-23, *infra*.
- (13) 5 November 2009: (3 photos) **State Exx 86, 87, and 89.** Teresa called police on Dr. Faltas solely to build a record against her. Vide notes 112 and 154, *supra*, also vide notes 87, *supra*, and Tr. pp 349-51, *infra*, for the physical impossibility of the "rocks" story

State's other Teresa-identified 41 photos are of PWID-cocaine felon Corey Lamont Corey making lewd gestures at Dr. Faltas or of buildings and vehicles which Teresa does not even own. Dr. Faltas took ALL relevant photos from her car(s), window, or balcony, always at a distance of over 20 feet from the photo's subject.

¹⁶¹ The photos are neither "thousands" nor "hundreds," only the above-listed 57 of Teresa herself plus 5 of a car being driven by her.

¹⁶² Had Teresa or Tiffany been concerned about strangers having or seeing their own or their young ones' photos, they would not have so copiously displayed them on FaceBook. Vide note 96, *supra*.

¹⁶³ Curtis and Rodney Ingram and Tiffany Lurke testified they continued to visit Teresa at the same rate before and after the photos.

¹⁶⁴ Tiffany had left her Kyra with Teresa, who had, three months earlier, been **FIRED from The Mentor Network for neglect of a vulnerable adult entrusted to her.** Vide notes 11-16 and 46-50, *supra*. Had she truly been Teresa's "BFF," Tiffany **would have known Teresa's immediate employment history MOST RELEVANT to her care-giver ability and reliability.** Corey was not "very irate," *supra*, on 21 October 2009 but in a panic about being caught in the vicinity of his previous serious crime.

¹⁶⁵ "Panic attacks" are, by definition, self-triggered.

¹⁶⁶ Teresa had actively initiated complaints against Dr. Faltas and could have declined to pursue them if she truly did not "want to be here dealing with that." She and Dr. Faltas' other false accusers expected her to collapse upon being arrested, as betrayed by, e.g.:

- (1) Teresa on Tr. p 304, line 1, *infra*: "A. I'm not sure when anything took place. I'm surprised it even got this far."
- (2) Solicitor Weiss, on transcript of 22 February 2010, page 110, lines 15-25: "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. *****^[25] Ms. Weiss: They're black-and-white photographs."

and (3) Rodney Ingram on 25 February 2010, transcript pp 399-401:

^[page 399, line 4] Dr. Faltas: Why did you not graduate? * * * ^[6] The Witness: The same reason you're not a real doctor. * * * ^[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. [continued overleaf]

[13-15] **Q.** Beg the court's indulgence. **Teresa, the photos that you were looking at, do you know when those photos were taken other than the ones that we have listed with dates on them?** [16-17] **A.** No. I could just guess by the, you know -- **I would say between September and November.**

[18-19] **Q.** Now, prior to September, you were talking yesterday how things started in March -- March, April, May. Do you recall Dr. Faltas taking photos---
[21] **A.** Oh, yeah. Yeah.¹⁶⁷ [22] **Q.** ---during the Summer?^{[iii] [vide endnote]} [23-25] **A.** Yeah. Yeah, because the summertime she hated the most **because she hated me to come out in short pants or skirts,** so yeah.

[page 232, line 11] **Dr. Faltas:** Objection, Your Honor.

[2] **Ms. Weiss:** And you remember that ---

[3] **The Court:** The objection is overruled.

[4-5] **By Ms. Weiss:** Q. And you remember that because?

[6] **A.** She stated that to me once.¹⁶⁸

[7-9] **Q.** And, Teresa, what is the one thing you hope would happen? What is the one thing you're looking for out of this?

[10-14] **A.** That they do not let her come back to that property and for her to leave me alone because, **other than this court appearance that's going on now, I still have to go to court with her for maybe two or three other things.** I just want her to leave me alone, period.

[15-16] **Ms. Weiss:** Thank you. No further questions, Your Honor.

[17] **The Court:** Cross-examination.

[18-19] **Cross-Examination By Dr. Faltas:**

[20-22] **Q.** The last thing you said that you hoped to come out of this **is that I don't come back to the property.** Isn't that what you just said?
[23] **A.** Correct.

[24 to page 233, line 1] **Q.** You are aware that this jury has no power to do that. They can only find me guilty or not guilty, and if they find me guilty, I go to prison.

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

[3] **Dr. Faltas:** If they find me not ---

[4-6] **The Court:** The objection -- just a moment, ma'am. The objection is sustained. The jury is not concerned with the punishment.

[7-9] **By Dr. Faltas:** Q. As you sit here, do you realize that these are criminal proceedings?

[10] **A.** Yes.

[11-12] **Q.** And do you realize that the way for me to not go back to the property is for me to go to prison?

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

[14] **The Court:** Objection is sustained.

[15-17] **By Dr. Faltas:** Q. You do know that I have land at 324 Byron Road and that I want to build on it.

[18-19] **A.** I know that you claim to have land, and I know that you claim to build some big circus something.¹⁶⁹

[20] **Q.** Circus?

[21] **A.** Yes.¹⁷⁰

[continued from previous page] [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.

¹⁶⁷ No photo-taking of Teresa by Dr. Faltas was admitted, offered, or even alleged, before September 2009.

¹⁶⁸ Dr. Faltas was openly concerned that Teresa's scandalous outfits attracted unsafe persons to the area. *Vide note 116, supra*, and State's Exx 13-16: **Teresa's gray skirt stops at her pubis and may violate laws prohibiting public frontal nudity.**

¹⁶⁹ Teresa had attended several prior magistrate court events where Dr. Faltas testified she intended to build a solar house, not "a circus," and explained that Steele and Mason's sewer lines were impediment to that. Tr. pp 243-4, *infra*.

¹⁷⁰ Also at Tr. p 688, line 6, to p 689, line 14, the Prosecution stipulated to Dr. Faltas' qualifications and inventions:

[6-7] **Dr. Faltas:** All right. Thank you, Your Honor. I also wanted to show you my green card and my medical license.

[8] **Ms. Weiss:** Your Honor?..... [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.**

[21-22] **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?...** [24] **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.** [continued overleaf]

[22] Q. And so you want me to not build on that land either.

[23] A. I never said that.

[24 to page 234, line 1] Q. Well, that land is close to your apartment. So by you not wanting me to build anywhere near you, you want me to not build on that land.

[2] A. If you do and I'm still there, I would leave.

[3] Q. You will do what?

[4-5] A. If you build something there and I am still there, I would leave.

[6-7] Q. You will leave. Have you lived at other apartments before?

[8] A. Yes.

[9] Q. So your choice is for me to go to prison or for ---

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

[11] Dr. Faltas: ---me to ---

[12] The Court: The objection is sustained. Next question.

[13-15] By Dr. Faltas: Q. You are aware that all pictures were taken from my apartment, aren't you?

[16] A. That's not correct.

[17] Q. What do you think?

[18] A. What do I know? [19] Q. Uh-huh.

[20-21] A. I know that you take pictures from your apartment and from your car.

[22-23] Q. Oh, I'm sorry. All pictures that I took were taken from my apartment.

[24] A. Again, pictures were taken from---

[25] Q. No. No. No.

[page 235, line 1] A. ---your car and apartment.

[2] Q. I'm sorry. Were taken away. That the police came---

[3] A. I don't know.

[4] Q. You don't know.

[5] A. No.

[6-7] Q. When I was being in handcuffs and taken to prison, weren't you not standing and waving?

[8-14] A. That's incorrect. As a matter of fact, the parking lot was so crowded and full of cars I couldn't get in, and I can remember clearly asking one of the officers, "Can I come in because I live at the residence?" And I was told, "No." So I had to park like on the far side behind someone else's truck, and when I did get a chance to go out, I got out of the car and I went straight in my apartment.¹⁷¹

[15] Q. So you never waved at me.

[16] A. No, I didn't.¹⁷²

[17-19] The Court: Ladies and gentlemen, we're going to have you go to the jury room for a short break. Please do not discuss the case.

[20-21] (Whereupon, the jury was excused from open court at 3:22 p.m.)

[22-24] The Court: We'll take a five-minute break. Ma'am, when you step down, do not discuss your testimony with anyone during the break.

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

[page 236, lines 1-7] Ms. Weiss: May it please the court, Your Honor? Before we bring the jury in, Bob Cooper is here from the City Attorney's office. He received a subpoena at lunch and that I believe you had indicated that everybody in the subpoena could leave and we could deal with it later, but he was not -- I don't believe he was here yet, so I wanted to deal with it directly.

[8] The Court: All right.

[9] Dr. Faltas: I believe---

[10-12] The Court: Our hands are full right now other than addressing subpoena issues. All witnesses were summoned with the defense's case, and we're still in the State's case.

[13-14] Mr. Cooper: Your Honor, I'm three or four blocks down the street. If someone will call me, I will come.

[15-16] The Court: If you'll give that information to my clerk, we'll be happy to do so.

[17] Mr. Cooper: Okay. Thank you, sir.

[18-20] Dr. Faltas: Your Honor, I believe Ms. Weiss was speaking about subpoena issues. He did not file the motion to quash, only Mr. Delaney did.

[21-22] Mr. Cooper: I will be filing a motion, Your Honor, but I didn't get this until 1:30 and I was told to be here at 2.

[23] The Court: Okay. Bring the jury, please.

[24-25] Dr. Faltas: Your Honor, may I set up the tape recorder? Yes?

[page 237, line 1] The Court: Go ahead, whatever...

[2] Dr. Faltas: But I don't know where the outlet ...

[3] The Court: I don't know either.

[4] Dr. Faltas: Pardon?

[5] The Court: I don't know either.

[6-8] Ms. Weiss: Your Honor, for purposes of trying to figure out scheduling of witnesses, do you know how late we intend to go today?

[9] The Court: 5:30, 6:00.

[10] Ms. Weiss: Thank you, Your Honor.

[11-12] (Whereupon, the jury was brought into open court at 3:35 p.m.)

[13] The Court: Very good. You may continue.

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

[18-20] By Dr. Faltas: Q. State's exhibits 16, 13, 14 -- 13 to 15. (Dr. Faltas shows pictures to the witness.) Who is that other person?

[21-22] A. The other person in this picture that she's talking about is my friend Wendy Ceo.

[23] Q. Was Wendy Ceo arrested with you ---

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

[25] The Court: To what?

[page 238, line 1] Dr. Faltas: I haven't even finished the question.

[2] Ms. Weiss: Your Honor, may we approach?

[3] Dr. Faltas: I object to that, Your Honor. I think we have established that ---

[5] The Court: The parties may approach.

[6] (Whereupon, a bench conference was held.)

[7-8] The Court: All right. Let me hear the question, and do not answer until I rule.

[9] Dr. Faltas: I may ask the question?

[10] The Court: Pose the question to the witness.

[11-12] By Dr. Faltas: Q. Was Wendy -- how do you pronounce her last name?

[13] A. You said it correct.

[14] Q. Ceo?

[15] A. Yes.

[16-18] Q. One of the two young ladies with you the day you forged someone's signature on a credit card that you found and bought clothes with it and then went out and came ---

[19] A. Clothes was never bought. I never left and came back.

[20] Ms. Weiss: Objection. Objection.

[21] The Witness: Thank you.

[22] Ms. Weiss: Objection.

[23] Dr. Faltas: All right.

[24-25] The Court: Just a moment. Just a moment. The objection is overruled.

[page 239, line 1] Dr. Faltas: Thank you, Your Honor.

[2-3] The Court: The answer to the question is what? Yes or no.

[4-8] The Witness: The answer to the question is yes, and the explanation: I did not leave the store. I gave a clear explanation as to what happened on that day. Yes, Wendy Ceo was one of the persons with me on that day. The credit card was

[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---I [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.)

¹⁷¹ Columbia Police Department ("CPD")-made videos of Dr. Faltas' 2 December 2009 false arrest, Part II, minute 8:10-15, show Teresa coming out of Building 300, not going into it, and positioning herself for a good view as, not after, Dr. Faltas, in handcuffs is forced into a CPD car to be taken to jail. Still frames from those videos are printed on separate sheets; and the CPD-made videos are uploaded to Dr. Faltas' Facebook page: https://www.facebook.com/marie.faltas.g/videos/vb.100000969677854/151138518261803/?type=2&video_source=user_video_tab

¹⁷² CPD-made dashcam videos were never copied to Dr. Faltas. At Part II, minute 8:40-54, link at note 170, supra, "Ms. Burger," driver of the CPD car, is ordered by, and assures, then-CPD-Sergeant Passmore "that interior is turned on." "It is, front and back. Front and back!" Weiss admits later at Trial Tr. p 762, lines 6-8: "and they are eleven hours worth of video." Only four video hours of those eleven were provided to Dr. Faltas at the end of the trial — unplayable and too late to be used for impeachment or rebuttal.

never stolen.¹⁷³ I never left the store with anything.¹⁷⁴

[9-12] By Dr. Faltas: Q. Well, I will -- didn't, in fact, the police report say that you and Wendy and one Stephanie Simmons who is probably Tiffany that you talk about ---

[13] Ms. Weiss: Objection. **[14-16] Dr. Faltas:** All right. Then I'll get the police report. I'll get the police report. I'll get the police report. It's on record.

[17-18] The Court: The objection is sustained. Next question, please.

[19-20] By Dr. Faltas: Q. What is Wendy doing?

[21-22] A: You need to ask Wendy and Wendy is not here, and I cannot ---

[23] Q: In the pictures.

[24] A: --- speak for Wendy.

[25 to page 240, line 2] Q: In the pictures. In the pictures. Can you look in the pictures? You are testifying about my intent and what I was doing. Look ---

[1] A: I'm not Wendy.

[2] Q: What?

[3] A: Do I see her in the picture?

[4] Q: What is she doing in the pictures?

[5] A: Standing.

[6] Q: Does she not, in fact, have a camera pointed at me? **[7] A:** Maybe.

[8] Q: Maybe? You don't know.

[9] A: You have the pictures in your hand.

[10] Q: May I point?

[11-15] The Court: You must question a witness. You can hand the picture to the jury. You cannot stand and make a speech to the jury. You must ---

[16] Dr. Faltas: All right.

[17] The Court: --- ask questions of the witness.

[18] Dr. Faltas: All right. May I -- may I ...

[19-20] By Dr. Faltas: Q. Is there not an exit right here?

[21] A: There's an exit on both ends, as I stated earlier.

[22-23] Q: And this picture -- these pictures are clearly taken from the other side.

[24] A: You're on the opposite side of the car.

[25] Q: So no one is being blocked here.

[page 241, line 1] A: On that particular picture, no.

[26] Dr. Faltas: All right. May I ask the jury to see that?

[3-4] The Court: You may pass anything in evidence to the jury.

[5] Dr. Faltas: Thank you.

[6-7] The Court: And proceed with your questions. Next question.

[8-10] By Dr. Faltas: Q. In fact, during that time didn't you start the kick of flipping me the finger ---

[11] A: So untrue.

[12-13] Dr. Faltas: Your Honor, could you please admonish her to let me finish the question?

[14-15] The Court: You asked her was she flipping the finger at you. She said no. Next question.

[16-17] By Dr. Faltas: Q. State's exhibits 11 and 12.

[18] A: Place them down, and I'll get them. **[19] Court Reporter:** I'm sorry. What was your response?

[20-21] The Witness: I told her to place the pictures down, and I'll pick them up. They're pictures of my car.

[24] A: What's in where? That's dirt, rocks. What do you mean?

[22-23] By Dr. Faltas: Q. What's in here?

[25] Q: You do not know that this is the sewer clean-out?

[page 242, lines 1-3] A: I am a resident of Sumter county.¹⁷⁵ I don't -- I'm renting from that property, renting. I don't own that property. I don't know anything about a sewer.¹⁷⁶

[4] Q: So why don't you go back to Sumter county?

[5] A: The same reason why you won't go back to Egypt. **[6] Ms. Weiss:** Objection, Your Honor.

[7-8] By Dr. Faltas: Q. So you want me to go back to Egypt. **[9-10] A:** Yes, because you have been deported in '93 and in '98 and in 2003.¹⁷⁷ Public information.¹⁷⁸

[11] Q: How have you seen that?

[12] A: The internet.¹⁷⁹

[13] Q: That's not true, is it?

[14] A: That's very true.¹⁸⁰

[15-16] Dr. Faltas: Your Honor, she's -- all right. May I -- may I point that those are ---

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

[18-19] The Court: You cannot testify. You have a witness on the stand. Let's ask the witness questions.

[20-22] Dr. Faltas: Okay. So you do not know that those are the sewer clean-outs and these are two views of the sewer clean-out in front of the ---

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

[24-25] The Witness: Again, I do not know anything, nothing at all, about the sewer.¹⁸¹

[page 243, lines 1-5] By Dr. Faltas: Q. Haven't you -- haven't you attended at least two magistrates' hearings where I explained to the magistrate that the issue between the landlady and Larry Mason and me is the sewer?

[6] A: Regardless, that's not me.

[7] Q: Did you attend the ---

[8] A: I'm not Larry nor Dinah.

[9-10] Dr. Faltas: Your Honor, I asked -- I asked her a very straightforward question: Did she attend hearings?

[11] The Witness: I'm not going to talk about the sewer.

[12] Dr. Faltas: Your Honor ---

[13] The Court: Yes, ma'am?

[14-19] Dr. Faltas: She cannot choose what she's going to talk about. If I pose a proper question to her, she needs to answer, and I asked her a very straight and simple question: Whether she attended at least two hearings before different magistrates where the sewer issue was talked about. That's all I asked.

[20-21] The Court: The answer is yes or no, ma'am. You must answer, if you know.

[22] The Witness: Yeah.

[23-24] By Dr. Faltas: Q. The answer is yes?

[25 to page 244, line 2] A: Yes, I've been to courts and you've explained about the sewer in every single court appearance, something about the sewer.

[1] Q: So when you said I don't know nothing about no sewer ---

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

[3] The Witness: Because it's not my business.

[4] Dr. Faltas: Your Honor ---

[5] The Witness: Because it's not my business. That's why.

[6] Dr. Faltas: But you ---

[7] The Court: Just a moment.

¹⁷³ Teresa is belied by her own GUILTY pleas to theft and fraud for indictments 1999GS4036573 and 1999GS4036584.

¹⁷⁴ The relevant police report is part of Teresa's criminal cases, F920142 and F920143, file and was there provided to her per Brady.

¹⁷⁵ In her Ingram v. Triffon complaint, and all her testimony in that case, Teresa identified herself as a resident of Richland County. And at page 256, line 5-7, infra: "A. [...] I haven't been in Sumter in years."

¹⁷⁶ In four 2009 magistrate court events attended by Teresa and Dr. Faltas: 22 September (TRO); 29 September to 1 October (eviction); 14 October (TRO); and 10 November (TRO), Dr. Faltas explained the sewer situation in. Teresa so admitted, infra: **[25 to page 244, line 2] A:** Yes, I've been to courts and you've explained about the sewer in every single court appearance, something about the sewer.

¹⁷⁷ In 1993, Dr. Faltas obtained a TRO from the U.S. Court for South Carolina, which maintained jurisdiction to prevent Dr. Faltas' deportation without judicial review. On 13 December 1995, an immigration judge TERMINATED exclusion proceedings against Dr. Faltas. Before BIA's reinstatement of said proceedings became final, Dr. Faltas became a class representative before the U.S. Court for the Western District of Washington. The Government settled that class action by *inter alia* admitting it had misinterpreted and misapplied IRCA to Dr. Faltas' class and, separately, agreed to nullify any deportation/exclusion proceedings it ever initiated against Dr. Faltas. Dr. Faltas was NEVER physically deported. The Prosecution stipulated that Dr. Faltas has a green card, note 170, *supra*. Even Blanton's 17 November 2009 "case summary" had noted that Dr. Faltas has a green card.

¹⁷⁸ There is no formal valid "public information" to the effect that Dr. Faltas was ever deported; and Teresa could not point out to any.

¹⁷⁹ Vide notes 177 and 178, *supra*.

¹⁸⁰ Vide notes 177 and 178, *supra*.

¹⁸¹ Vide note 176, *supra*.

[10] **Dr. Faltas:** You just ---

[11-12] The Court: We're off the record at this point. Off the record.

[13] (Off-the-record comments were made by the Court.)

[14] The Court: First we'll hear an objection by Ms. Weiss.

[15-17] Ms. Weiss: Thank you, Your Honor. *The objection is the defendant is badgering the witness. She is mimicking the witness and improperly stating questions.*

[18-20] The Court: The objection is sustained. You must act civil toward the witness on the stand, Dr. Faltas. Next question.

[21-22] Dr. Faltas: Your Honor, my emergency bracelets broke. Could I just get a second to fix them?

[23] The Court: Okay.

[24-25] (Pause in proceedings while Dr. Faltas attempts to repair her bracelets.) **[page 245, lines 1-21] Dr. Faltas:** Well, I'm sorry. It may take longer than I thought, so I'll leave -- I'll leave it.

[3-6] By Dr. Faltas: Q. And those two hearings, one was initiated by my landlady and the other one initiated by you along with my landlady. Yes or no?

[7] A. I don't know what you're talking about.¹⁸²

[8-10] Q. All right. From September 29th, 2009, to October 2nd, 2009, did you attend and testify in an eviction hearing initiated by Dinah Steele, the landlady, against me?

[11] A. Yeah, for harassment. They still can't get her out.

[12] Dr. Faltas: Your Honor, I ask the witness to ---

[13] The Witness: I can explain.

[14-15] The Court: All right. Ms. Ingram, you must answer the questions asked and the questions asked only. Next question.

[16-17] By Dr. Faltas: Q. So you did attend that hearing. **[18] A.** I've already answered that.

[19] Q. And the answer is yes? **[20] A.** I've answered it. **[21] Q.** And you were the first witness. Is that correct? **[22] A.** I don't remember.

[23-25] Q. Did you at the beginning of that hearing say or did Dinah Steele at the beginning of that hearing say that she wanted you to be the---

[page 246, line 1] Ms. Weiss: Objection. **[3] The Court:** The objection is sustained.

[3-4] By Dr. Faltas: Q. Did you stay in court for that hearing for three days?

[5-6] A. Probably so. With you we stay in court for days and long nights. So, yes, I'm quite sure of it.

[7-8] Q. And you were under no compulsion to stay in court for three days.

[9] A. If I didn't have to, no.

[10-12] Q. You were the first witness and your testimony was taken in about an hour, and you could have left if you had wanted to. Yes or no?

[13] A. I guess, yeah.

[14-16] Q. Okay. So when you told the jury that I am bringing you to court and that you don't have time for it, that wasn't true, was it?

[17] A. I don't remember.¹⁸³

[18-21] Q. Okay. And then there was a second hearing that you, Dinah Steele, Larry Mason, and Mitch Jones initiated to get a restraining order against me, and that took place on November 10th, 2009. Is that correct?

[22-23] A. It was -- yes, it was and it was granted and still in effect.

[24-25] Q. My question was: You initiated it and you went to court.

[page 247, line 1] A. I don't know who initiated it.¹⁸⁴

[2] Q. You don't know who initiated it?

[3] A. That's my answer.¹⁸⁵

[4-5] Q. So if I have papers saying that you signed the application, you don't know?

[6-7] A. Your question was: Did I initiate it? You did not ask me did I sign it.

[8] Q. Do you initiate court proceedings by signing papers?

[9] A. Do you? I don't know.¹⁸⁶

[10-12] Q. You don't know. All right. State's exhibit 4, isn't it true that this is taken from the other side of the mailboxes, meaning from the street?

[13] A. No, meaning that you was on the grass.

[14] Q. But not between the mailboxes and your car. Right? **[15] A.** The picture clearly shows that.

[16] Q. So I was not blocking anyone.

[17-18] A. On that particular picture it does not show you blocking anyone.

[19-20] Q. Okay. And on the top of the sign here does it not show missing siding?

[21] A. I don't know.

[22] Q. Can you look?

[23] A. I've looked and I don't see that.¹⁸⁷ I don't know.¹⁸⁸

[24-25] Q. Okay. So is it -- do you think you're the center of the universe?

[page 248, line 1] A. Yes.

[2-3] Q. You are. All right. Do you think that I think you're the center of my universe?

[4] A. I think that you are obsessed with me, yes.

[5-6] Q. Okay. All right. Didn't you just testify that I had made complaints to the fire department about the landlady? **[7] A.** I never said that.¹⁸⁹

[8-9] Q. Didn't you say that the fire marshals came about my having made complaints about the building? **[10] A.** I said that.

[11-12] Q. All right. And didn't I need to document the conditions of the building?

[13] A. I don't know what you needed to do.

[14] Q. Okay. So you assumed that everything---

[15] A. I didn't assume.

[16] Q. Didn't you just say you think I'm obsessed with you?

[17-18] A. Yes, you are. The pictures prove that. How you're acting in here today proves that.

[19] Q. What?

[20] A. How you're acting in here today proves that.

[21-22] Q. Okay. State's exhibits 90 and 93, are you in those pictures at all?

[23] A. No person is in those pictures.

[24] Q. Okay. Are they not close up of the missing siding?

[25] A. I don't know.¹⁹⁰

[page 249, lines 1-3] Q. So a reasonable person can see that I took those pictures to document the missing siding and having nothing to do with you.

[4] Ms. Weiss: Objection, Your Honor. **[5] The Court:** Objection sustained.

[6-8] By Dr. Faltas: Q. State's exhibits 86, 87, and 89, is this my car here way far from you? **[9] A.** That's not way far, but that's your car.¹⁹¹

[10] Q. Is it blocking anything? **[11-12] A.** Place it down, and I'll get it. Yeah, it's blocking the front end of my brother's car.¹⁹²

[13] Q. What is your brother's car?

[14] A. The same place where you pointed to to ask the question.

[15-16] Q. No, seriously, show the jury where your brother's car is.

[17-18] A. Definitely. Place it back down. Right here. So this is her.

[19] Q. Isn't it true that this is my other Toyota truck?

[20] A. No, that's untrue.

¹⁸² Vide note 176, *supra*.

¹⁸³ Teresa could not possibly "not remember" an event yet volunteer so much detail about it, basically in the same breath.

¹⁸⁴ Teresa could not possibly "not know" who initiated a case yet volunteer so much detail about it in the same breath.

¹⁸⁵ Vide notes 183 and 184, *supra*.

¹⁸⁶ Vide notes 183 and 184, *supra*.

¹⁸⁷ The photos are reprinted on separate sheets, some with magnifications and/or arrows. Denying what is obvious in the photos IS lying.

¹⁸⁸ The photos are reprinted on separate sheets, some with magnifications and/or arrows. Denying what is obvious in the photos IS lying.

¹⁸⁹ Teresa had so testified at Tr. p 225, lines 22-25, *supra*.

¹⁹⁰ The photos are reprinted on separate sheets, some with magnifications and/or arrows. Denying what is obvious in the photos IS lying.

¹⁹¹ The photos are reprinted on separate sheets, some with magnifications and/or arrows. Denying what is obvious in the photos IS lying.

¹⁹² An illusion of "blocking" arose from Dr. Faltas' car mirror being much closer to her camera than any other car in the photo.

^[21] Q. Is this car parked front forward or back forward?

^[22] A. Put it down so I can see it.

^[23] Q. Which is in the three pictures.

^[24] A. They’re all backed in. Backed in.

^[25] Q. So how am I blocking that other car?

^[page 250, lines 1-5] A. I said you’re blocking the front part of the car. I didn’t say the entire car. The front left side. You are in your car in your driver’s seat taking pictures out of the passenger window which would make it on the right side of – it would make it the left side of his car.¹⁹³

^[6] Q. So this car could drive this way. Yes or no?

^[7] A. It could drive whichever way it wanted to go.

^[8] Q. So it can get out.

^[9-10] A. There are two -- one on each side. You can use whichever one you want.

^[11] Q. So I wasn’t really blocking anyone.

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

^[13-14] The Witness: On that picture she was blocking. That’s fine.

^[15] The Court: Yes, ma’am.

^[16] Ms. Weiss: The defendant is testifying.

^[17-18] The Court: The objection is sustained. Anything further of this witness?

^[19] Dr. Faltas: Your Honor, I’ve barely begun. Yes.

^[20] The Court: Proceed.

^[21] Dr. Faltas: Well, I’m getting the pictures.

^[22] The Court: Go ahead.

^[23-24] By Dr. Faltas: Q. State’s exhibits 78, 79, 80, and 81.

^[25] A. (The witness looks at the exhibits.)

^[page 251, line 1] Q. Have you looked at them?

^[26] A. Excuse me. Yes, I have.

^[27-28] Q. Do they not show that Richard is going through the exit, going around, making a detour to go through the exit that’s closer to my building?

^[29-30] A. It does not show that.¹⁹⁴ What it does show is him leaving.¹⁹⁵

^[31-32] Q. Leaving through the exit that is closer to my building and then making a U-turn when he could have used the exit that’s closer to your building.

^[33-34] A. If that’s what you see, that’s fine.¹⁹⁶ The pictures show him leaving out of an exit, just him leaving.

^[35] Q. Do they not show him coming, making a detour---

^[36] Ms. Weiss: Objection, Your Honor.

^[37] Dr. Faltas: All right.

^[38] The Witness: I’ve already answered it. ^[39] The Court: Objection is sustained.

^[40-41] By Dr. Faltas: Q. Is this my other truck, the Toyota truck?

^[42] A. I don’t know.

^[43-44] Q. You don’t know. Okay. Do you know that I have two cars?

^[45] A. I don’t know what you have.¹⁹⁷

^[46] Q. Have you seen me drive two cars?

^[47] A. I’m not sure.¹⁹⁸

^[page 252, lines 1-2] Q. Have you seen two cars in the parking lot since I moved in?

^[48] A. There’s several cars there.

^[49] Ms. Weiss: Objection.

^[50] The Court: Just a moment.

^[51] Ms. Weiss: Objection.

^[52] The Witness: There’s several cars there.

^[8-9] The Court: When there’s an objection, Ms. Ingram, you need to stop talking. The objection?

^[10-11] Ms. Weiss: Relevance. The defendant’s cars to this case ...

^[12] The Court: All right. The objection is sustained.

^[13-14] By Dr. Faltas: Q. State’s exhibit 65, does it not show my Toyota truck and does it not show open exit for your car and your brother’s car?

^[15] A. No, it sure doesn’t.¹⁹⁹

^[16-17] Q. It doesn’t. State’s exhibits 51, 55, and 56, is that Corey Curry?

^[18] A. Yes.

^[19] Q. Is his truck blocking two other cars?

^[20] A. Incorrect.²⁰⁰

^[21] Q. In one of them is he grabbing his crotch?

^[22] A. I can’t really say.²⁰¹

^[23] Q. What? ^[page 253, line 1] A. I can’t really say.²⁰²

^[24-25] Q. You can’t really say. And in the other two, does it show him in an aroused state?

^[26] A. If you saw that, I don’t see that. No.

^[26-27] Q. State’s exhibits 61, 58, and 59, is that Corey Curry flipping me the finger?

^[28] A. Yes, it is.

^[28] Q. And that is on October 21st, 2009?

^[29] A. Yep.

^[30-31] Q. Okay. Could you please look at -- is that you coming out there?

^[32] A. That’s me.

^[33] Q. Okay. Could you please look at your fingers?

^[34] A. For what? Okay. I’ve looked.

^[35-36] Q. All right. Isn’t it true that you had just thrown a rock at me? That’s why your fingers are like that?

^[37] A. (The witness laughs.)

^[38] Q. That’s a yes or no question.

^[39] A. The answer would be no.²⁰³

^[40-41] Q. All right. And then you claimed that day, according to that recording, that I threw rocks at you. Is that correct? That very day, that very time.

^[42] A. Yes.

^[43-44] Q. Okay. State’s exhibits 60 and 63. In the recording did you say anything about rocks hitting you?

^[page 254, lines 1-2] A. Actually I did. If I’m not mistaken, I said two of them hit me and I’m holding them in my hand.²⁰⁴

^[45] Q. What would stop you from picking up rocks from the parking lot and holding them in your hand?

^[46] A. (Witness shook head from side to side.)

^[46-47] Q. Anyone can pick up two rocks and say, “She threw rocks at me.”

^[48-49] A. Yeah, but you really did do it.²⁰⁵ So what’s your question?

^[50] Q. Did the policemen come?

^[51] A. Yes, they came.

^[52] Q. Did you give him or her the rocks?

^[53-54] A. They didn’t ask for them, but I did hold on to them for a minute.²⁰⁶

¹⁹³ Teresa’s pretense that “the front part of [her brother’s] car” was “blocked is belied by her answer to the questions that followed.

¹⁹⁴ The photos are reprinted on separate sheets, some with magnifications and/or arrows. Denying what is obvious in the photos IS lying.

¹⁹⁵ The photos are reprinted on separate sheets, some with magnifications and/or arrows. Denying what is obvious in the photos IS lying.

¹⁹⁶ The photos are reprinted on separate sheets, some with magnifications and/or arrows. Denying what is obvious in the photos IS lying.

¹⁹⁷ Teresa testified about possessions of Dr. Faltas’; e.g. Tr. p 265, line 18, to p 266, line 7, *infra*.

¹⁹⁸ State’s Exx. 17-20 and 22-26, *inter alia*, are photos taken by Dr. Faltas from inside that Toyota truck; and Teresa had so testified.

¹⁹⁹ The photos are reprinted on separate sheets, some with magnifications and/or arrows. Denying what is obvious in the photos IS lying.

²⁰⁰ The photos are reprinted on separate sheets, some with magnifications and/or arrows. Denying what is obvious in the photos IS lying.

²⁰¹ The photos are reprinted on separate sheets, some with magnifications and/or arrows. Denying what is obvious in the photos IS lying.

²⁰² The photos are reprinted on separate sheets, some with magnifications and/or arrows. Denying what is obvious in the photos IS lying.

²⁰³ A walking person’s fingers are instinctively adducted, not maximally-abducted as are Teresa’s in Frame 4 of 21 October 2009.

²⁰⁴ Teresa’s entire 21 October 2009 call to 9-1-1 is transcribed by Dr. Faltas from State’s Ex. 113. Teresa claims it to be “the second time” rocks are thrown at her. **She neither specifies that both times are from that date nor claim anything actually hit her. All frames, when magnified, show NOTHING in Teresa’s right hand and, in her left hand, her green cell phone and her keychain which she later gives to Kyra to play with. Kyra puts the keys in her mouth, a known chocking hazard.**

²⁰⁵ Vide notes 87 and 159, *supra*, and Tr. pp 349-51, *infra*, for the physical impossibility of launching rocks from a driver’s seat through the passenger window.

²⁰⁶ Basic police competence requires investigating any alleged assault weapon or instrument. Also, vide notes 203-205, *supra*.

115-161 Q. Uh-huh. Because you knew they had no fingerprints of mine on them.

121 Ms. Weiss: Objection, Your Honor.

1181 The Witness: If that makes you feel fine, sure.

129 The Court: Objection is sustained.

120-221 By Dr. Faltas: Q. Does it look as if you're in pain or hurt in any way in these pictures?

123-241 A. I look straight-up-and-down stressed out and frustrated with you in every single picture.²⁰⁷

125 to page 255, line 11 Q. Stressed out and frustrated at me in every single picture.

121 A. Yeah. Uh-huh.²⁰⁸

13-41 Q. And you say you had anxiety attacks for three to five years; right?

131 A. Correct.

16-71 Q. And that was before you ever knew that I existed, at least two years before.

181 A. Exactly.

19-101 Q. Okay. And then you filed a lawsuit against a woman in June of 2008?

1111 A. I've never filed a lawsuit against anyone, never.²⁰⁹

112-131 Q. The case of Teresa Ingram against Marjorie Russell Triffon is not your case?

114-161 A. A car accident. You're right, One time.²¹⁰ You're right. It was a car accident I had maybe about two years ago. Well, it was a car accident for car repairs,²¹¹ yeah.

117-181 Q. Actually it's not one time. There is another lawsuit by you pending in Sumter also for a car accident.

1191 A. And what lawsuit was that? That -- that is not true.

120-211 Q. Uh-huh. Well, we'll get it and we'll show it to the jury.

1211 A. Thank you.

123-241 Q. And in that lawsuit about the car accident you claimed that that woman hit you and caused you mental distress.

125 to page 256, line 31 A. Even if I did, that was probably not any time that I had known you if I was in Sumter, as you just stated, that there was an incident that happened that I didn't know you. So if I did not know you then, that would be irrelevant.

141 Q. When was that case tried?

15-71 A. I don't even know what you're talking about, for one, but if you're saying in Sumter, I haven't been in Sumter in years.²¹²

181 Q. Ah.

191 A. Ah.

110-111 Q. Didn't you just tell the jury that you don't even live in Columbia? You live in Sumter?

1211 A. I'm a resident of Sumter, yes. That's where I'm from.

113-141 Q. No. You told the jury that you don't even live in Columbia, and you don't know any--

115-171 A. No, Sumter is my permanent address. Yeah, that's my permanent address. That will never change in life. After I'm gone, it still will be my address, yes.

118-191 Q. And then yesterday you told the jury that I caused a baby to cry.

120-211 A. You sure did,²¹³ and as a matter of fact, you can hear in the 9-1-1 tapes that her mom was upset because you did that.²¹⁴

1221 Q. That's the same mom who went stealing with you; right?

1231 A. That's so not true.

1241 Q. She would do whatever ---

1251 A. You need to ask her that. She's not here.

[page 257, line 11] Ms. Weiss: Objection.

121 The Court: Objection sustained.

13-61 By Dr. Faltas: Q. State's exhibits 64, 62, 71, 72, 74, 68, 66, 70, 73, 76, 67, 75, and 69. Please tell the jury in which one of them do you see the baby crying.

17-81 A. For a fact in this one because I know; I was there with the baby. Go ahead. Show them that.

191 Q. Does this, in fact, not show the baby asleep?

110-111 A. If that's what you see. I know what happened,²¹⁵ I was there.

112-131 Q. And according to the recording and according to the -- to how the pictures are, what time of day is it?

1141 A. I don't know.²¹⁶

115-171 Q. You don't know. All right. Your Honor, may we play the beginning of State's exhibit 113 again, just the beginning, please?

1181 The Court: Proceed. 119-201 Dr. Faltas: Thank you, Your Honor. I don't know how to ...

121-221 (The first part of State's exhibit 113 was played for the jury.)

1231 Dr. Faltas: That's it. That's enough.

124-251 By Dr. Faltas: Q. So 13:30 would be 1:30 p.m. Right?

[page 258, line 11] A. (Witness shook head from side to side)²¹⁷

121 Q. Ma'am, you don't know the time?

131 A. Yeah.

14-51 Q. Yesterday you testified you were in the military. Aren't these military times?

161 A. Yes.

17-81 Q. So you can't answer the simple question that 13:30 is 1:30?

110-111 A. It doesn't matter how you try to bash me.²¹⁸ Just -- just -- just go ahead with it.

1111 Q. And wasn't it high noon on a clear day?

112-131 A. I just said I didn't know what time it was.²¹⁹ It's a clear day according to the pictures.

1141 Q. And at almost high noon, I mean, like ---

1151 A. I don't know.

1161 Q. ---it was the middle of the day, sunny day, clear day?

1171 A. I don't know.²²⁰

1181 Q. You don't know.

1191 Ms. Weiss: Objection.

1201 The Witness: You took the pictures.

²⁰⁷ Teresa is undeniably smiling smugly and vindictively in all the 21 October 2009 photos after she called 9-1-1.

²⁰⁸ The photos are reprinted on separate sheets, some with magnifications and/or arrows. Denying what is obvious in the photos is lying.

²⁰⁹ Teresa's retraction of that lie when confronted with Dr. Faltas' awareness of *Ingram v. Triffon* highlights the emphasis with which Teresa perjures herself "I've never filed a lawsuit [...], never," when she thinks she can get away with it.

²¹⁰ Teresa had also sued Dr. Faltas for a TRO and had complained against her husband for criminal domestic violence.

²¹¹ Teresa also sought payment of her medical expenses, including Vicodin, from a woman who did NOT cause the collision.

²¹² Teresa is transcribed in now-SC-Justice James' court in Sumter on 7 January 2010, 49 days, not "years," before this testimony.

²¹³ Kyra's sound is heard only when she separates from her mother at minutes :02:54: child sounds, :03:03 -- :03:04: child sounds, :03:05 - :03:06 Tiffany Lurke: Tell Mommy Bye Bye; :03:06 -- :03:07: child sounds; * * * * * :03:10 -- :03:13 Tiffany Lurke: [profanity] * * * * * :03:33: child: Bye. The child is NOT crying; but if she *arguendo* were, it would MOST LIKELY be a protest to being separated from her mother.

²¹⁴ Correlating audio with photos, Tiffany began insulting Dr. Faltas when Dr. Faltas took photos only of Corey Curry and Teresa; then Tiffany left for her job; and Dr. Faltas took photos of Kyra only in the context of documenting that Teresa was NOT injured.

²¹⁵ Teresa "was there" but she did not know what time of day it was, note 216, *infra*. The audio and photos belie her.

²¹⁶ Teresa cannot possibly know what happened if she did not even know what time of day it did. Vide note 215, *supra*.

²¹⁷ What credibility can be given to a witness who denies that 13:30 is 1:30 pm? She thus betrayed her ignorance, her compulsive lying, or both

²¹⁸ Dr. Faltas did not receive formal denial that Teresa had spent "a year and a half" as "navy aviation" until after that trial.

²¹⁹ Vide notes 215 and 216, *supra*.

²²⁰ Vide notes 215 and 216, *supra*.

[21-24] **By Dr. Faltas:** Q. All right. Fine. Fine. And isn't it true that yesterday when I pointed out that an 18-year-old (sic) child doesn't even know what--- [25] **A.** She's not 18.
[page 239, line 11] **Ms. Weiss:** Objection, Your Honor. [2] **The Court:** Just a moment. I can't hear the question. [41] **Ms. Weiss:** Your Honor?
[4] **The Court:** Yes. [5] **Ms. Weiss:** The defendant is testifying. [6-7] **The Court:** You can't testify. This witness must testify. You just ask questions.
[8-9] **Dr. Faltas:** I'm referring to her testimony yesterday. [10-13] **By Dr. Faltas:** Q. Yesterday when I pointed out that a baby of that age doesn't even know what a camera is, you said, "Oh, no, she was upset by the flash." **Didn't you say that? Would you like the testimony read back?**

[14-17] **A.** What I said was -- your response to a baby would not have known, my response was: Any person would know at any age if **a stranger is in their face with anything flashing** or taking pictures.²²¹

[18] **Q. Flashing?** [19] **A.** That's what I said.

[20-21] **Q.** Yeah, you said the flash, but that was high noon and the flash wouldn't have gone off. [22] **A.** Okay. And?

[23-24] **The Court:** The jury is to disregard the statement. It wasn't a question. Did you have a question?

[25 to page 260, line 1] **By Dr. Faltas:** Q. Have you ever taken pictures? [2] **A.** Sure.

[3] **Q.** Have you ever used automatic cameras? [4] **A.** Sure.

[5-6] **Q.** Do you know that the flash doesn't go off when it's daylight? [7] **A.** I do know that it depends on how you have it set.

[8-9] **Q.** Uh-huh. And do you know that even if the flash were set to go on, it wouldn't be seen when it's daylight? [10] **A.** That's not always true.

[11] **Q.** Uh-huh. I am at quite a distance from--- [12] **Ms. Weiss:** Objection.

[13-15] **By Dr. Faltas:** Q. Do the pictures show that I'm at quite a distance from --- [16] **A.** They sure don't.²²²

[17-19] **Q.** They don't. All right. State's exhibits 54, 53, 52, 51, 50, and 49: Are you holding a coat hanger in your hand in some of them, in at least one of them? [20] **A.** I don't know what it is that you see, but no.²²³

[21-22] **Q.** Specifically State's exhibit 54, do you see a coat hanger? [23-24] **A.** I don't see a coat hanger, and I would like for you to show me a coat hanger in this picture right here.

[25] **Q.** That's what I'm pointing at. [page 261, lines 1-3] **A.** No, no, no. But you're saying that there's a coat hanger in this picture. Just show me a coat hanger that's in this picture.

[4] **Q.** Yes, right here in your hand. [5-7] **A.** It looks like something across the picture. **I don't ever recalling having a coat hanger, but it does look like something across the picture.**

[8] **Q.** And on this one here also a coat hanger? [9] **A.** No.²²⁴

[10-11] **Q.** And does it show that those people are going through a clear exit? No one is blocking them?

[12-13] **A.** It does show that. It shows you sitting in your car taking pictures, yeah.

[14] **Q.** Where am I in my car taking pictures? [15-18] **A.** Right here in every single picture in your rear-view mirror. You're so smart that you forget that it takes a picture of yourself in the car. As a matter of fact, there's pictures with you taking pictures of yourself in the mirror.

[19] **Q.** This is very far from where you were --- [20] **A.** No, it's not.²²⁵

[21-22] **Q.** All right. The jury will see that. Are these people able to pull out? [23-24] **A.** You see they are directly in front of an entrance or exit. **So, yes, they can pull straight out.**

[25 to page 262, line 1] **Q.** So they were not blocked. So I come home. I see somebody with a coat hanger --- [2] **A.** You was already home.²²⁶

[3-5] **Q.** Could you please let me finish the question? I see somebody with a coat hanger in her hand and people hooking a car to a truck---

[6] **Ms. Weiss:** Objection, Your Honor. [7] **The Court:** The objection is sustained.

[8-9] **Dr. Faltas:** Would a reasonable person seeing this, seeing that someone was --- [10] **Ms. Weiss:** Objection. [11] **The Court:** Objection is sustained.

[12-14] **By Dr. Faltas:** Q. Have you known coat hangers to be used to force open a car?

[15-18] **A.** No, and none of those pictures depict that. If there was a coat hanger on any of those pictures, what would a coat hanger do? A coat hanger cannot tow a truck. It cannot pull a truck, even if it was a coat hanger.

[19] **Q.** It would force a truck open. [20-21] **A.** Nothing was locked, so why would we have to try to force something open if nothing was locked?²²⁷

[22] **Q.** If someone were stealing something --- [23] **A.** If. But it wasn't.

[24] **Q.** How would I know that? [25] **A.** If. Hypothetical.

[page 263, line 1] **Q.** How would I know? [2] **A.** How would I know?

[3-5] **Q.** Okay. And this is State's exhibit 82. Isn't that, in fact, your car pulling out of the exit that's closer to my building?

[6-7] **A.** That's me leaving out of the entrance or exit that I chose, yes.²²⁸

[8] **Q.** Isn't it, in fact, the exit closer to my building? [9-10] **A.** That is the entrance or exit that is on -- closest to the building that she resides in.²²⁹

²²¹ The photos clearly show Dr. Faltas was never "in [kyra's] face" but stayed in her car with at least another car's length away from the baby.

²²² Teresa and her brother admitted they do not know what a zoom (telephoto) lens is. Vide note 115, *supra*.

²²³ The photos are reprinted on separate sheets, some with magnifications and/or arrows. Denying what is obvious in the photos IS lying.

²²⁴ The photos are reprinted on separate sheets, some with magnifications and/or arrows. Denying what is obvious in the photos IS lying.

²²⁵ The photos are reprinted on separate sheets, some with magnifications and/or arrows. Denying what is obvious in the photos IS lying.

²²⁶ If she "was already home," Dr. Faltas have taken the photos from the safety of her apartment window not gone down to her car.

²²⁷ Two photos do show a wire coat hanger in Teresa's hand; and Curtis Ingram admitted they used one that day.

²²⁸ The oppression is stark: Teresa "chose" to drive by Dr. Faltas' home and car but wants her imprisoned for doing the same.

²²⁹ Vide note 228, *supra*.

[11-14] Q. And since you started trying to run me off, isn't it true that one of the things you and your unquote/quote company were -- started doing is do a detour in front of my building and car and honk at me and yell obscenities at me?

[15-20] A. Actually you did that several times. As a matter of fact, I can remember calling the police because you kept continuously doing it as a way to irritate me, and when you used the race card about this old foreigner, I'm the only black person that lives in my building, and I've never been discriminated on.

[21] Q. Yes, of course, because you pay \$320 ---

[22-23] A. I do not -- I wish I did, but you'll never know how much I pay because it's not your business.²³⁰

[24 to page 264, line 1] Q. What reason would you have to take this exit as opposed to the exit that's closer to your building as portrayed in the State's exhibit 82?

[24] A. It's my choice.²³¹ There's no entrance or exit. You can call it whatever or whatever we choose to call it. So I choose to use whichever one I want to just as well as you do.²³²

[5-6] Q. State's exhibits 85, 84, 44, 43, and 42. Is the red car a Corvette? [7-14] A. It's a red car. I don't know who that car is. Everybody that comes to that address does not come to visit me. Three other people live in that building outside of me. I do not know every vehicle that comes in the parking lot. It's a red car; that's what I know. It's a Chevrolet, looks like it. That's all I know. Anything else, I don't know who the car belongs to, who drives it, how the person looks or anything.

[15-17] Q. Isn't it true that this car is driven by Larry Mason and that you followed him that day to go and file something against me?

[18-19] A. Once again, I don't know who drives that car, how the person looks.

[20] Q. Have you ever seen Larry Mason drive a red Corvette?

[21] A. Corvette. This isn't a Corvette.

[22] Q. Have you ever seen Larry Mason drive a red Chevrolet?

[23] A. I've seen him drive a red Corvette.

[24-25] Q. And is a Corvette a Chevrolet? Is Corvette made by Chevrolet?

[page 265, lines 1-2] A. I don't know, but I know that this red car is not a Corvette. That I do know.

[3-4] Q. In State's exhibit 44 is your car following a Corvette, a red Corvette?

[5-6] A. My car is leaving out following a red car. I don't know what kind of car it is,²³³ and I don't think you do either.

[7] Q. And these are taken from my window, aren't they?

[8] A. Well, you would know.

[9-10] Q. State's exhibits 40 and 43, do they show my building and your building and my pickup truck in front of my building?

[11-13] A. This is a perfect picture of both of the buildings, not in its entirety, and there is a little beat-up truck in the picture.

[14-15] Q. Have you ever seen me drive that old beat-up truck that's in the picture?

[16] A. I don't know.²³⁴

[17] Q. So you don't know. [18] A. I know you drive the little green raggedy car. [19] Q. What?

[20] A. I know that you drive the green raggedy car.

[21] Q. The green what? [22] A. Raggedy, rickety old car---

[23] Q. Okay.

[24-25] A. ---that's filled with paper cups and straws and plastic and all kind of other stuff.

[page 266, line 1] Q. So you look at my car.

[2-4] A. Who can't see it? And when you came home last night, now the apartments look worse than what they do just by sight because you left your window up with all that stuff showing.

[5-6] Q. The State's exhibits 45 and 46, isn't -- aren't these taken from my window?

[7-8] A. Unless you're on the top of the building or the side of the building, yeah.

[9-11] Q. Okay. And isn't it true that that day you were talking to someone loud enough for me to hear and telling them that my Egyptian ---

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

[13-14] The Witness: I don't know what you can hear. I don't know; I'm not you.

[15-16] The Court: Objection -- just a moment. The objection is sustained.

[17-20] By Dr. Faltas: Q. And State's exhibits 29 -- and State's exhibits 29 and 30, do they not show this so-called Richard Cooper again making a detour and driving in front of my building?

[21] A. It shows the so-called Richard Cooper leaving.

[22] Q. Which exit? Can you tell?

[23 to page 267, line 1] A. The one that he chose on that day, and it's not an entrance or exit. So you can stop saying that. It's not an entrance or exit. You can use it as you wish: Entrance or exit.

[2] Q. State's exhibit 27, is it taken from my window?

[3-5] A. Yep, clearly from your window because it shows all the straws that I just said that you have.²³⁵ Yeah, yeah, yeah, your window.

[6-7] Q. And isn't it true that it shows you talking to a policeman?

[8] A. Correct.

[9-10] Q. And isn't it true that it shows the clear exit, that the exit is totally clear?

[11-12] A. There's not an entrance or exit. If it shows something -- it could be either/or.

[13-14] Q. Either/or exit or entrance, it's clear, not blocked by anyone?

[15] A. On that picture, no.

[16-17] Q. And you had called the police falsely claiming that I had blocked your brother's exit or whatever?

[18] A. If I called the police falsely, what have you done?

[19] Q. What did you say?

[20-21] A. I said if I ever call the police falsely, what have you done? Every complaint has been false and frivolous ---

[22] Q. Your Honor ---

[23] A. ---because you want to be a real lawyer ---

[24] Q. Your Honor --- [25] A. --- on T.V.

[page 268, lines 1-2] Q. Your Honor, may I ask you to admonish the witness for interjecting ---

[3] A. But you do the same thing.

[4] Dr. Faltas: Your Honor, this witness is out of control.

[5-6] The Court: All right. Let's respond to the questions. Next question. Anything further?

[7] Dr. Faltas: Yes, Your Honor. I was --- [8] The Court: Next question.

[9-11] Dr. Faltas: The State doesn't have the pictures in the correct order, so I was trying to find them in the correct order.

[12-14] By Dr. Faltas: Q. Exhibits -- State's exhibits 19, 18, and 17. In exhibit 19 aren't you, in fact, standing in front of my building?

[15] A. No.²³⁶

[16] Q. You're not.

[17-18] A. No, and the picture shows that.²³⁷ And you can't see that? Does that show me in front of your building?

²³⁰ Vide notes 228 nd 229, supra.

²³¹ Vide notes 228 to 230, supra.

²³² The true reason is in Dr. Faltas' unchallenged testimony. But these annotations are limited to Teresa's objectively provable lies.

²³³ Teresa knew the car and driver she was following that day: Larry Mason made her follow him to file a complaint against Dr. Faltas.

²³⁴ State's Exx. 17-20 and 22-26, *inter alia*, are photos taken by Dr. Faltas from inside that Toyota truck; and Teresa had so testified.

²³⁵ This belies her Teresa's testimony at p 251, line 23, supra, "A. I don't know what you have." Vide also note 197, supra.

²³⁶ Vide notes 36 and 119, supra, and State Exx. 17-19.

[191] Q. Okay. Is this my building? [201] A. Yeah. [211] Q. And is this your building? [221] A. Correct.
[231] Q. And aren't you, in fact, in front of my--- [24-251] A. No.²³⁸ Does that picture show your sign number on your door? That's not in the front of your building.
[page 269, lines 1-31] Q. And then in State's exhibit 6, does it show you talking to police after you called police and claimed that I blocked ---
[4-51] A. I'm not sure who called on this day, but, yes, it does show me talking to the police.
[6-71] Q. And it does show the exit that's closer to your building? [81] A. It shows an entrance or an exit.
[91] Q. That is completely clear and unblocked. Yes or no? [10-111] A. The entrance or exit that's in that particular picture is not blocked.
[12-131] Q. And then -- and then State's exhibits 26, 25, 24, 23, and 22. [141] A. (The witness looks at the photographs.)
[151] Q. Do they not show the truck of Corey Curry? [161] A. Yes, it shows you sitting in your car taking pictures.
[171] Q. Ma'am? [18-191] A. Yes, it shows you in your car taking pictures of his truck.
[201] Q. Aren't the pictures taken from behind his truck? [211] A. You were in your car taking pictures of the truck.
[221] Q. Aren't they taken from behind his? [23-251] A. You can't say that and I can't say -- well, you can say it, of course. I can't say that because I don't ... You make up everything.²³⁹
[page 270, line 11] Q. Does it show the license plate? [2-51] A. Not clear. Oh, this one right here you was real close on this one, almost directly behind him, and on this one. Yeah, these pictures are showing you almost blocking him.²⁴⁰ Yeah.
[61] Q. How could I block him --- [7-81] A. I said almost blocking him, if you're that close.²⁴¹ Are you looking at these pictures?
[9-101] Q. Yes, ma'am, and he was -- he could be driving out or stopped in the middle of the parking lot and not ---
[11-121] A. How can it be the middle if it's on this end in front of my car? Come on now. You need to look at your pictures.
[13-141] Q. It's not -- all right. What is your car -- where is your car? Show the jury--- [151] A. Where it's always parked.
[16-171] Q. So where is your car in this picture? Show the jury. Show the jury.
[18-191] A. You can only see the rim of my car, the front rim, the front left rim.
[201] Q. Where? Where? [21-221] A. See right here. If you could see a so-called hanger, you can see this rim.
[23-241] Q. Okay. So this is Corey's truck blocking your car, not my car? [251] A. Correct.
[page 271, line 11] Q. I am not blocking any --- [2-41] A. He's parked directly in front of my car. He was leaving and we was talking, and then you came outside and so, yeah, yeah, you're right.
[51] Q. So he is the one blocking the parking lot. [6-91] A. He is the one on that particular picture parked where I asked him to, directly in front of my car. I never complained about him parking in front of my car or being parked or stalled in front of my car.
[101] Q. Yeah, but it could have inconvenienced me. [11-131] A. No, it inconvenienced me to the point one day that the police had to literally make you put your foot on the gas to leave to stop harassing me.²⁴²
[14-161] Q. Your Honor, could you please make her limit herself to the question? State's exhibits 7, 28, and 77, are they -- do they seem to be taken the same day and the same time? [17-181] A. I can't say that. You should have your camera fixed where it shows the date and time.
[191] Q. Does it show you in all three pictures? [201] A. Does it show me what? Does it show myself? Yeah.
[211] Q. Does it show your brother? [22-241] A. Yep, it shows him frustrated with you and doing hand gestures like, "I can't leave out."²⁴³ Yeah, it does. It shows all that.
[251] Q. Is he wearing the same thing in the three pictures? [page 272, line 11] A. Yep.
[21] Q. Are you wearing the same thing in the three pictures? [31] A. It looks like it.
[41] Q. Is it the same light conditions in the three pictures? [5-61] A. That I don't know. Is it the same light condition? How was your camera set?
[7-81] Q. And isn't it true that I am completely on my side of the buildings and the other exit is not blocked? [91] A. On the picture no exits are blocked.
[101] Q. All right. Thank you. [11-121] A. I don't ... Well, how about the harassment part? What about that?
[13-141] Dr. Faltas: Your Honor, could you please admonish the witness not to speak unless there is a question before her?
[151] The Court: Okay. She's so admonished.
[171] The Court: She is so admonished.
[201] The Court: Proceed.
[22-231] By Dr. Faltas: Q. State's exhibit 9.
[251] The Court: How many more photographs do you have there? [page 273, lines 1-21] Dr. Faltas: Your Honor, I have the rest of what the State presented.
[31] The Court: How many are there? [4-51] Dr. Faltas: There seems to be about 30, but I'm doing them in groups.
[6-71] The Court: Do you plan to ask her questions about all of them? [81] Dr. Faltas: Not individually but in groups, Your Honor. [91] The Court: Okay.
[10-121] By Dr. Faltas: Q. That picture shows my Toyota pick-up and your brother's car.
[13-161] A. I don't know the relevance of these pictures. It's like you're taking pictures of his car. What do you want me to say? It shows the entrance or exit. Yes, it has a picture of my brother's car.
[171] Q. And it's not blocked in any way, is it? [18-191] A. Show the pictures that are blocking. No, it's not blocked on that one.
[20-211] Q. Okay. Have you ever used a camera that has a zoom photo -- a zoom lens? [221] A. I'm sure I have.
[231] Q. Do you know what a zoom lens is? [24-251] A. I'm not a photographer. I'm not familiar with it like that.
[page 274, line 11] Q. So you don't know what a zoom lens is or do you? [21] A. I'm not familiar with it like that.

²³⁷ Vide notes 36 and 119, supra, and State Exx. 17-19.

²³⁸ Vide notes 36 and 119, supra, and State Exx. 17-19.

²³⁹ Teresa's false accusation of Dr. Faltas' "mak[ing] up everything" is equivalent to Teresa's denial that she ever told a lie; vide note 350, infra.

²⁴⁰ In State Exx 22-26, Dr. Faltas is behind the blue truck of Corey, who left it "stalled" in the middle of the parking lot.

²⁴¹ As in note 209, supra, tries her utmost to get away with her lies until confronted with undeniable records or photos.

²⁴² CDP Sergeant Sanders testified at Tr. p 544, lines 4-24, that Dr. Faltas complained about Teresa throwing rocks in September 2009.

²⁴³ In those photos, Dr. Faltas' car is at one exit; the other exit is totally open to Teresa's brother's car. No other interpretation is possible.

[1] Q. All right. State's exhibits 47, 10, and 8.

[4] A. (The witness looks at the photographs.)

[2] Q. Do they once again show your brother with a clear exit?

[6-11] A. It does not show that on any of these pictures you've just handed me. Really. It clearly shows you directly behind his car taking pictures. That's what these pictures are depicting: You in your car taking pictures. Why? Who knows. These are the ones that are -- you are blocking him from moving on that though, yeah.²⁴⁴

[12] Q. Isn't the mailbox here? So I'm on the other side of ---

[13] A. I didn't point out that one either.

[14] Q. All right. State's exhibits 96, 91, 92, 97, 95, and 94.

[15] A. (The witness looks at the photographs.)

[16] Q. Do they show this Corey working on your car?

[17-19] A. It does not show Corey working on anything. What it does show is you in your car obviously moving to get closer to take the pictures. That's -- that's what it's showing.

[20] Q. Does it show your car with your hood up and ---

[21] A. It sure does. Uh-huh.

[22] Q. With parts all over the lot?

[23] A. All over the lot?

[24] Q. Uh-huh.

[25] A. One car could be parked all over the lot? Really.

[page 275, line 1] Q. Parts. Parts. Parts. P-a-r-t-s. Car parts.

[26] A. Okay. So it's parts -- so you see parts all over here. I don't see parts right there. I see parts directly at the tire where he was working at.

[27] Q. Is this a garage? Is our parking lot a garage?

[28-31] A. Wherever said it was a garage? Whoever said that -- whoever said that I could not have my car worked on? That's not in the lease.²⁴⁵

[32] Q. In a residential ---

[33] A. Here you go.

[34] Q. In a residential area?

[35] A. Here you go.

[36-37] Q. And then State's exhibits 98 and 99, do they not show Corey in his blue truck in the middle of the parking lot and in one of them he's flipping a finger at me again?

[38-39] A. Yeah. It shows him actually leaving. Yeah. Yeah, he flipped you for sure.

[40] Q. And then State's exhibit 88?

[41-43] A. That shows that obviously you had followed him to his residence, but then you don't do things like that? It shows you followed that man to his house.²⁴⁶ That's what that shows.²⁴⁷ But then you're so scared because he grabbed his crotch, but then you follow him to his house?

[44-45] Dr. Faltas: Your Honor, could you please -- the witness hasn't heeded Your Honor's admonition.

[page 276, lines 1-2] The Court: She's responded to your question. Next question.

[46] By Dr. Faltas: Q. So you know for a fact that that's his house.

[47] A. You do, too. Yep.

[48] Q. And that's his car in front of his house?

[49] A. You know that, too.

[50] Q. Minus a tire.

[51-52] A. Minus what tire? What do you see? Where do you see minus a tire at? Oh, yeah, it is minus a tire. You was that close?

[53] Q. Is that common sense?

[54-56] A. I can't tell you. You was following somebody home who you're scared of, so from -- for just flipping you and grabbing their crouch (sic) in a so-called purported arousal state, but then you followed them to their house?

[57] Q. How do you know I followed him?

[58] A. How did you get the picture?

[59] Q. How do you know I didn't get ---

[60] A. How did you get the picture?

[61-62] Q. How do you know I didn't get the address from the police department?

[63-64] A. Okay, but how did you get the picture? Even if you got the address and you went there, how did you get the picture?

[65] Q. It's not following---

[page 277, line 1] A. Are you stalking him as well?

[66] Q. Ma'am?

[67] A. Ma'am?

[68] Q. You did not see me follow him.

[69] A. It's your picture, your camera ---

[70] Q. It's ---

[71] A. It's with the same ---

[72] Q. Okay ---

[73] A. Okay. So your point is what?

[74] Court Reporter: I can't take you both at the same time.

[75] The Witness: I'm sorry.

[76-77] By Dr. Faltas: Q. And exhibits -- State's exhibits 38 and 39, do you recall what you said about them?

[78-80] A. I recall stating that -- I don't really recall, but the way it -- looks like you parked out by the mailbox, stalked out like you always are.²⁴⁸ These just are you taking pictures of nothing really.²⁴⁹

[81] Q. Parked out by the mailbox.

[82-83] A. These pictures prove the obsession and the constant harassment.²⁵⁰ That's what your pictures are proving.

[84-85] Q. Isn't it clear that they are taken from the street, not ---

[86-87] A. I just said that. I didn't say from in your apartment. I said you're stalked out by the -- by the mailboxes.

[page 278, lines 1-2] Q. They aren't by the mailboxes. The mailboxes are on the other side.

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

[89] The Court: The objections are -- the objection is sustained. You cannot testify. You'll get an opportunity if you want to testify. Do you have any more questions for the witness?

[90] Dr. Faltas: Yes, Your Honor. I haven't finished going through the pictures. **[91-92]** The Court: All right. You need to ask her questions as opposed to testifying.

[93-94] By Dr. Faltas: Q. State's exhibits 1, 2, 3, 5, and 20, do they not show on another occasion also Corey's car marking a detour to go in ---

[95] A. Excuse me? Whose car? Let's get it right.

[96] Q. Richard's car. **[97-98]** A. It does not show any detour,²⁵¹ unless these pictures can talk. It shows you taking a picture of him leaving.

[99-100] Q. And State's exhibit 83, does it not show your car driving in front of my car?

[101-102] A. If you were sitting in your car when you took this picture, then, yes, I guess I did pass by you.

[103-104] Q. Okay. And then State's exhibit 21, does it show your balcony?

[page 279, line 1] A. Yes.

²⁴⁴ Rodney's car was visibly unoccupied when Dr. Faltas photographed it; so, she could not have blocked anyone in.

²⁴⁵ Dr. Faltas' lease limits use of her apartment and vicinity to residential purposes. The landlady may have favored Teresa with exceptions.

²⁴⁶ Vide note 155, supra.

²⁴⁷ Vide note 155, supra.

²⁴⁸ If Dr. Faltas waited for her mail at the mail boxes, a legitimate purpose reveals itself: prevention of mail theft.

²⁴⁹ Dr. Faltas explained that she needed to document the buildings' structural issues unrelated to Teresa.

²⁵⁰ The oppressive unreasonableness is self-evident: how could Teresa possibly be "harassed" by Dr. Faltas' mapping out sewer lines?

²⁵¹ The photos, in their correct sequence, do show Teresa's boyfriend unnecessary driving by Dr. Faltas' apartment, then making a U-turn.

[2] Q. And Charlene's balcony? [3] A. Yep.

[4] Q. And does Charlene's balcony have a --- [5-6] A. I don't know what Charlene has on her balcony now. I don't know.²⁵²

[6-7] Q. Do you dispute that it has a big sofa there that people don't normally put in their balconies?

[9-11] A. And the eyesore from your apartment. Come on. If there's a sofa on her porch, what's the relevance of these questions?

[12] Q. Is there a sofa in her porch --- [13] A. Wow.

[14] Q. ---or not? [15-16] A. There's a sofa on her porch, and there's trash in your window.²⁵³

[17-18] Q. Did there come a time when you got furniture from Aaron's rent furniture or from Aaron's --- [19] Ms. Weiss: Objection.

[20] The Witness: No, there wasn't.²⁵⁴ [21] The Court: The objection is sustained.

[22-23] By Dr. Faltas: Q. Did Corey ever work for Aaron's --- [24] A. I don't know.²⁵⁵ I'm not Corey.

[25] Q. When did you meet Corey? [page 280, line 1] A. A couple of years ago maybe. [2] Q. How did you meet him? [3] A. That doesn't matter.

[4] Ms. Weiss: Objection. [5] The Court: The objection is sustained.

[6-7] Dr. Faltas: Did you ever come to know that he has many drug convictions ---

[8] Ms. Weiss: Objection. [9-10] The Witness: That's not my -- that's not my business. See, that's the difference between me and you.

[11-12] The Court: Just a moment, ma'am. When there's an objection, let's stop talking. The objection is sustained.

[13-15] By Dr. Faltas: Q. And then State's exhibits 41, 37, 36, 35, 34, 33, 32, and 31, do they not show you in your balcony?

[16-22] A. Yes. This was the day that you came out, while I'm talking to the man that's downstairs in my building, calling names and cursing.²⁵⁶ This is a little feeble act that she plays in court when she gets in court that she can't talk, but then she screams all kind of obscenities and stuff all day, just like she just had her little tyrant just now. Yes, I remember these pictures on this date.

[23-24] Q. In fact, didn't you hear in one court where I played a tape ---. [25] Ms. Weiss: Objection. [page 281, line 1] The Court: Objection is sustained.

[2-3] Dr. Faltas: Your Honor, may I play a tape for impeachment purposes? [4] The Court: A tape from another court hearing?

[5] Dr. Faltas: No, a tape from her. [6] The Court: From her? [7] The Witness: She's saying me and --- [8] The Court: Just a moment, ma'am. A tape from where?

[9-10] Dr. Faltas: Where she that day was yelling obscenities at me and I came out and recorded it. [11] The Court: All right.

[12-13] Dr. Faltas: And took pictures to correlate both of them and that tape was played in a court.

[14] The Court: All right. You may proceed. [15] Dr. Faltas: Thank you, Your Honor.

[16] The Witness: Play it. [17-19] The Court: Ladies and gentlemen, let's stand for -- do you need a break? All right. Please go to the jury room for a break.

[20-21] (Whereupon, the jury was excused from open court at 4:52 p.m.)

[22-24] The Court: Ma'am, you have prepared to play whatever it is when the jury comes back out. Are you preparing to play something?

[25] Dr. Faltas: Yes, Your Honor. [page 282, line 1] The Court: Looking for something?

[2] Dr. Faltas: Yes, I'm looking. [3-4] The Court: All right. If you'd be prepared to go when the jury comes back out.

[5] Dr. Faltas: Thank you. [6] The Court: We'll take a short break. [7] (Whereupon, a short break was taken.)

[8-9] The Court: All right. If you'll take your seat and bring the jury, please. [10] Ms. Weiss: Your Honor? [11] The Court: Yes.

[12-16] Ms. Weiss: Due to the fact that it's 5:00 and we're still on this witness, we do not have any more witnesses coming today. I was just going to have everybody lined up for tomorrow. I'm hoping we'll finish this witness today. Does that sound ...

[17] The Court: All right. [18] Ms. Weiss: Thank you, Your Honor.

[19-20] Dr. Faltas: Your Honor, I don't think I can finish this witness today. [21] The Court: She said she hopes that we will.

[22-23] (Whereupon, the jury was brought into open court at 5:04 p.m.)

[24 to page 283, line 2] The Court: It doesn't really matter... If someone wants to sit on that back row, it's fine with me. If some of the jurors want to sit on the back row, it doesn't matter to me even though the... All right.

[1] Dr. Faltas: Your Honor?

[5-6] Dr. Faltas: Thank you. To save time, may I -- may I ask other questions and --- [7] The Court: To save time, yes.

[8-9] Dr. Faltas: I mean -- and when there is another break, I find the exact spot on the tape? I'm ---

[10] The Court: You're asking the questions. Proceed. [11] Dr. Faltas: Thank you, Your Honor.

[12-19] By Dr. Faltas: Q. Ma'am, I'm going back in the order from the beginning -- I did the pictures that she did last, but I'm going back from the beginning of the questions Ms. Weiss asked you, and I hope I'll go over them quickly. You said you worked in Navy aviation for a year and a half and had a medical discharge. Can you tell us what does that mean -- what medical condition you had?

[20] A. A medical honorable discharge.

[21] Q. Yeah. What was the medical condition? [22] Ms. Weiss: Objection. [23] The Court: The objection is overruled.

[24-25] The Witness: Migraines. Migraines is why I was dismissed from the military.²⁵⁷ My God.

[page 284, lines 1-2] By Dr. Faltas: Q. And you were how old then? [3] A. I don't know. I don't remember.²⁵⁸

[4-5] Q. Okay. And then you said you went to South Carolina University? [6] A. Yes.

[7] Q. And did you graduate? [8] A. No.

[9-10] Q. You did not graduate. You also went to Benedict College. [11] A. Yes.

[12] Q. Did you graduate from Benedict College? [13] A. No.

[14] Q. No? [15] A. That's the answer.

[16-17] Q. I just didn't hear it. And you said you also went to Columbia College? [18] A. No, I did not say that.

[19-20] Q. Did you go to other colleges from which you did not graduate? [21] A. Yeah.

[22] Q. Which other colleges or universities? [23] A. I went to Midlands Tech. Wow.

²⁵² Teresa had obtained that sofa from Aaron's Furniture but did not pay for it. She hid it from repossession in Charlene's balcony.

²⁵³ Teresa further belies her own false pretense that she does not know what Dr. Faltas has. Vide notes 197 and 235, supra.

²⁵⁴ Vide note 252, supra.

²⁵⁵ Teresa could not have known where Corey's house by sight without knowing where he worked, if he did.

²⁵⁶ The tape recorded Teresa yelling to Dr. Faltas "Die, b---, die." their neighbor Jones so testified on 10 November 2009 in magistrate court.

²⁵⁷ In her Ingram v. Triffon trial, Teresa emphatically DENIED that she ever had pain of any type before the February 2008 collision.

²⁵⁸ Real veterans in their thirties do NOT forget their service dates. Teresa was concealing her prior lies about military service.

[24] Q. Midlands Tech? And what else?

[25 to page 285, line 1] A. That's it. If you found out something else ...
I went to high school, middle school, elementary school.

[2] Q. So you do not have any college degree?

[3] A. No, I do not have a degree.²⁵⁹

[4-5] Q. Okay. At one time in another court you claimed that you have an associate's degree.

[6] A. When did I say that?²⁶⁰

[7] Q. Well, there are tapes.

[8] A. Okay.

[9-10] Q. And you say that you're gainfully employed. What is your hourly rate?

[11-12] A. That's irrelevant, and that's not your business. Huh-uh.²⁶¹

[13-14] Dr. Faltas: Your Honor, may I ask that you have her answer?

[15-16] The Court: The objection is sustained. It's irrelevant.

[17-18] Dr. Faltas: May -- may I offer her answer for the record?

[19] The Court: No.

[20-21] By Dr. Faltas: Q. And you have been divorced for only a year and a half?

[22] A. That's what I said.²⁶²

[23-24] Q. Okay. So when you rented the apartment, you were not divorced?

[25] A. No.

[page 286, lines 1-2] Q. Okay. And, in fact, was it your brother, you, or your ex-husband who rented the apartment for you or someone else?

[3-7] A. Ask me some relevant questions because the questions that you're asking are -- it's like you're trying to be funny with the questions, and I'm not sure how you want me to answer your questions. I can't give you a yes-or-no answer to those questions.

[8-9] Q. Do you know if you signed a lease in your own name or someone else rented?

[10-11] A. If I'm renting the place and I live there alone, I, of course, signed my own lease.²⁶³

[12-13] Q. Did you have to offer proof of income before -- before ---

[14] Ms. Weiss: Objection.

[15] The Witness: I went through the same process you did.²⁶⁴

[16-20] By Dr. Faltas: Q. Your Honor, she obviously doesn't know what process I went through. I was asking if she ever -- if she had to offer -- to offer proof of income before renting the apartment.

[21] A. Everybody has to show proof of income.²⁶⁵

[22] Q. Ma'am, I'm not asking about everybody.

[23] A. Wow.

[24] Q. I'm asking about you. Did you have ---

[25] A. What's the relevance?

[page 287, lines 1-2] Dr. Faltas: Your Honor, could you please make her answer?

[3-5] The Court: There's an objection that preceded your colloquy with the witness. State the nature of the objection.

[6-7] Ms. Weiss: Relevance to this line of questioning to the case.

[8] The Court: And what's the relevance, ma'am?

[9-15] Dr. Faltas: Your Honor, you know that my defense is that this person has been engaged by Dinah Steele and Larry Mason to try to get rid of me so they can keep my land and the sewer on it, and I am trying to prove that she has a financial incentive to work with them on that, including that they either give her a low rate for rent or an exception or things like that. I'm trying to establish that, Your Honor.

[16] The Court: The objection is sustained.

[17-18] By Dr. Faltas: Q. So how did you know to rent this apartment?

[19] A. What do you mean how did I not rent it?

[20] Q. How do you know to rent it? I mean ---

[21] A. Because it had for rent sign outside.²⁶⁶

[22-23] Q. And why were you not wanting to stay where you were before?

[24] Ms. Weiss: Objection.

[25] The Witness: Because I wanted to move.²⁶⁷

[page 288, line 1] Ms. Weiss: Objection.

[1] The Witness: The same reason why you moved there.

[3-4] The Court: She's answered the question. She wanted to move. Next question.

[5] The Witness: Oh, man.

[6-7] Dr. Faltas: Did there come a time when other people paid the rent for you?

[8] Ms. Weiss: Objection.

[9] The Court: Objection is sustained.

[10-12] By Dr. Faltas: Q. And you talked about a man whom you were dating, and it ended around Valentine's in 2009?

[13] A. You made a statement. You didn't ask a question.

[14-16] Q. Do you recall in your direct examination by the State that you talked about a man whom you were dating and it ended badly around Valentine 2009?

[17] A. Yeah.

[18-19] Q. Did you call the police telling them that he had threatened to kill you?

[20-23] A. I called the police and said I made threats -- that he -- that he made threats. I'm not even sure what the exact words were. Do you have that transcript or that tape when I called 9-1-1?

[24-25] Q. Your Honor, I cannot testify, but, yes, there is a police report where you said he had ---

[page 289, line 1] A. Okay. Well, thank you.

[2] Q. --- threatened to kill you.

[3] A. Thank you.

[4-5] Q. And did you also say that he left notes on your door and produced those notes to the police?

[6] A. Yes.

[7] Q. Okay. And ---

[8] A. I said he left a note.²⁶⁸

[9-10] Q. Did you also tell the police that he called and talked to your brother?

[11] A. I probably did, but what's the relevance of that?

[12] Q. Okay.

[13] A. Okay. Yes, he came. Yeah, I called the police.

[14-16] Q. And did you tell the jury that the police were out in the parking lot talking to you when I saw you and asked what's going on?

²⁵⁹ In Dr. Faltas' 29 September to 1 October 2009 eviction trial initiated by Landlady Steele, Teresa testified she has an associate's degree.

²⁶⁰ Characteristically, liars cannot keep track of the lies they told and of where and when they told them.

²⁶¹ Teresa was clearly reluctant to give more details about her then-non-existent employment.

²⁶² While Teresa was only confirming her prior testimony, she did not take that opportunity to recant her prior perjury about being divorced.

²⁶³ Teresa did not have a lease for 300 Byron Road, Apt. 4. That was established in discovery in civil case 2009-CP-40-02219.

²⁶⁴ Teresa already knew that Dr. Faltas was being charged a higher rent and thus did not "go through the same process."

²⁶⁵ A statement of such breadth cannot possibly be true: there are always exceptions, special cases, and alternative arrangements.

²⁶⁶ When Teresa rented at 300 Byron Rd., the landlord did NOT use for-rent signs, only word of mouth that they take tenants others do not.

²⁶⁷ Teresa did not "want to move" but was evicted from Shandon Crossing where she had rented as "Teresa Jackson." Vide note 1, supra. She returned under her mother's name, Theda Ingram, after having been evicted from Byron Road in March 2010, and was again evicted. [2011CV401062158](#) and [2012CV401060983](#) She now rents under Curtis Ingram's name and faced four more evictions so far.

²⁶⁸ According to the police report, Teresa had claimed her ex-boyfriend was leaving frequent notes, not just one.

[17-24] A. I did not say that. What I said was when the police came up, then I went downstairs to meet him because our doors have a lock on it which means if you don't know the code you can't get in. I went downstairs to meet him. **At that time she was already in her window yelling to try to get him to talk to her,**²⁶⁹ and he told her to go back inside, to mind her business, that what was going on or what had happened didn't have anything to do with her.

[25 to page 290, line 2] Q. And did you after that ask Dinah Steele and Larry Mason to change the lock code on the door to your building so that this man cannot come in? **[31] A. Yes, I did.**

[41] Q. Okay. And did you tell them that?

[51] A. Did I tell who that?

[61] Q. Did you tell Dinah Steele and Larry Mason that that--

[7-8] A. If they changed the code on the door, the answer is obviously, **yes, I had to tell them.** Right?

[9] Q. You requested it. You requested that it happen.

[10] Ms. Weiss: Objection.

[11-12] The Court: The objection is sustained. She's answered the question already.

[13-15] By Dr. Faltas: Q. And then the next day you called the police and said to forget about it; you didn't want the file.

[16] A. Oh, that's so untrue.²⁷⁰

[22] Q. What?

[23] A. That's not true.

[19] Q. So what happened to that complaint?

[20-22] A. That's not your business. You want to know that. I'm not going to -- I'm not going into my personal business with you.²⁷¹ I'm sorry.

[23-24] Q. Did you testify -- do you recall testifying on direct examination that that was the end of that situation?

[25] A. Yes.

[page 291, line 1] Q. Okay.

[2] A. And it is.

[3-4] Q. So someone threatens to kill you. You make a call, and that's the end of it.

[5] Ms. Weiss: Objection.

[6] The Witness: The same thing you did.²⁷²

[7-9] By Dr. Faltas: Q. Do you recall testifying that you never knew me on a personal basis?

[10] A. I don't. Still to this day I don't.

[11-12] Q. Since the time I moved in, did I ever make an effort to visit with you or get close to you?

[13] A. Yes, you did try.²⁷³

[14] Q. When

[15-18] A. You tried with all the hellos and the little conversations up until I told you I wasn't going to be involved in that lawsuit thing or whatever about this -- that little piece of land.

[19] Q. Okay. So when did I say hello?

[20] A. I don't know. Shortly after you moved in.

[21-22] Q. Okay. So it's polite -- you don't think it's polite to say hello to a neighbor?

[23-25] A. If I call back to you, yes, I think it's polite to do that. If it's a neighbor or a stranger or anybody, that's just the polite thing to do is to say hello.

[page 292, line 1] Q. So I was politely saying hello to you?

[2] A. Yes, in the beginning you was.

[3] Q. Yeah. And the beginning was September 2008?

[4] A. When you moved in there.

[5] Q. Okay.

[6] A. Whenever you moved in there, that was the beginning.²⁷⁴

[7-8] Q. And you claim that the first time I asked you what your rent was was in March 2009.

[9] A. Yeah, around that time.

[10-11] Q. Okay. So from September 2008 'til March 2009, all I did was say hello to you; right?

[12-13] A. No, I never said all of that. I never said that whole span that all you did was say hello.

[14] Q. Okay. Did I ever try to come into your apartment?

[15] A. No. You know better. No.

[16] Q. Did I ever ask you out?

[17] A. You don't have a life. This is your life.

[18] Q. Did I ever ask you out?

[19-20] A. This is your life. You would invite me to court, yes. You would invite me to court often.²⁷⁵

[21-23] Q. Between September 2008 and March 2009, did I ever take you to court or invite you out or make a phone call to you or anything?

[24-25] A. Yeah. You wrote me a note.²⁷⁶ Do you remember that little letter you wrote me?

[page 293, line 1] Q. Okay.

[2] A. Do you remember?

[3] Q. What is the date of that letter?

[4] A. I don't remember.

[5-6] Dr. Faltas: All right. Your Honor, I think it's Court's exhibit 6.

[7-8] Court Reporter: I don't know. The Court's exhibits are right here.

[9] Dr. Faltas: May I use it from the Court's exhibits?

[10] The Court: Yes.

[11] Dr. Faltas: Thank you.

[12-14] By Dr. Faltas: Q. (Dr. Faltas hands Court's exhibit 5 to the witness.) Court's exhibit 5, is that a copy of it?

[15-16] A. This is a copy of a letter that you wrote to me. We had a conversation. We was in the parking lot one day --

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

[18] The Court: The basis for the objection?

[19-20] Ms. Weiss: If the defendant wishes for the witness to refer to the letter, I'd ask that she enter it into evidence.

[21] The Court: All right. Do you offer it into evidence?

[22] Dr. Faltas: Yes, Your Honor. I thought it was already.

[23] The Court: It's a Court's exhibit, not in evidence.

[24] Dr. Faltas: Oh.

[25] The Court: Do you offer it into evidence?

[page 294, line 1] Dr. Faltas: Yes. Absolutely.

[2] The Court: All right. It's Defense number 1.

[3] (Defendant's exhibit 1 was received in evidence.)

[4 to page 295, line 18] The Witness: [4-6] Okay. This is -- **this is a letter that she wrote me** -- me, her, and my neighbor that lives next door to me, Ms. Charlene. Me and Charlene was outside one day. **She was sitting in her car just taking pictures.**²⁷⁷ So on this day it's

²⁶⁹ Teresa could have given police the code; instead, she directed police to meet her under the window of Dr. Faltas, who inquired as normal.

²⁷⁰ CPD's records show that Teresa declined to follow-up on the report she made against Gregory Dion Smith.

²⁷¹ The police report Teresa made is not private but public and discoverable under FOIA. Dr. Faltas was merely impeaching Teresa.

²⁷² Teresa knew that Dr. Faltas never filed a similar report, much less filed one and declined to follow-up with did as did Teresa.

²⁷³ Teresa paradoxically describes Dr. Faltas' greetings as neighborly etiquette and harassment simultaneously.

²⁷⁴ In Dr. Faltas' 29 September to 1 October 2009 eviction trial, Teresa falsely testified that Dr. Faltas started harassing her as soon as she moved in.

²⁷⁵ Teresa testified that she stopped talking to Dr. Faltas after the one time the latter "invited" Teresa "to court." So, "often" is a lie.

²⁷⁶ That "little letter," admitted as Def Ex 1 and, *inter alia*, asks Teresa to NOT approach Dr. Faltas' car uninvited.

²⁷⁷ No photographs were taken by Dr. Faltas on 2 October 2009. "Just taking pictures" is a talisman her false accusers repeat *ad nauseam*.

like, well, **let's just give it a try and see if we could just talk to her** and see if she could be civil. **We did talk.** We did talk to the extent of why does she do the things that she does, and if **she's so highly educated and knows the judicial system as well as she does**, why does she harass the people in Columbia? **Why don't you move somewhere else that's big-time and you can really be seen? This is small stuff right here.** And how she claims to be a doctor quote/unquote. [17-22] **So I said to her, "Well, since you're a doctor, can you see me? You're a doctor. You're my neighbor. Can you see me?" So at that time then she went on about, "Well, I don't have my license,"**²⁷⁸ or whatever she said. **So I said, "Well, can I get a prescription?"** She went on and said, well, **she couldn't do that.** [23 to page 295, line 5] Well, anyhow, she writes a letter in response trying to make it that I begged her for money and I begged her for pills and I said to her that I was impressed with the way -- with the way that she handles herself in court and that she -- and that I wanted her to teach me I guess the law maybe, but it was the -- this letter to me was to say that we had a regular conversation,²⁷⁹ and she took the conversation and turned it into that. [6-18] So this clearly let me see that you cannot even have a civil conversation with her, and on that day I thought it was a civil conversation. As a matter of fact, at the end of our conversation **the neighbor that lives in her building, Mr. John, pulls up, and all of a sudden she goes into character: "Oh, my gosh. She's trying to kill me. Can you wait until I get in my apartment?"** And I'm standing there like, oh, no, I know you're not doing this. We done stand outside -- **she's in her car the whole time for one now. She's in her car with her window wound all the way up on this side this much, but we still had a conversation. As soon as she saw the man pull up, she started screaming and trying to run like I was trying to attack her.** And the next day I got this in the mail.

[19-20] By Dr. Faltas: Q. What is the date of that letter?

[21-22] A. It's typed October 3rd, but it doesn't show the mailing date.

[23] Q. Can you read it, please?

[24] A. No.

[25 to page 296, line 3] Q. Does the last sentence before the signature say, **"But please do not come uninvited near my car again, as when you did it yesterday it made me very uncomfortable and blocked my access to my home"**?

[4-6] A. It doesn't matter what you read from off of that. Okay. You wrote the letter. What do you want me to say? Yes, you wrote the letter and what?

[7-8] Q. **And that was the next day after you came next to my car ---**

[9-14] A. That was after you invited me and Charlene.²⁸⁰ If I was uninvited to your car, **how can I have talked to you for 45 minutes, if I was so much in uninvited? Yes, you were sitting in your car and your window was wind (sic) up, but there was enough cracked down, maybe about this much, to talk.**

[15-16] Q. **So the date of that letter is October 3rd, 2009. Where is the pen?**

[17] Ms. Weiss: I'll be glad to take the sign down.

[18] Dr. Faltas: No, I want to put ...

[19] Ms. Weiss: No.

[20] Dr. Faltas: What?

[21] Ms. Weiss: Take my sign down.

[22 to page 297, line 1] Dr. Faltas: **I want to put this letter in here. So in between two dates when you claim I was harassing you and making unwanted contact with you and all of that, you come, stand next to my car, ask me to write you a prescription, ask me to be your doctor ---**

[2] Ms. Weiss: Objection.

[3-8] The Witness: **Yes. Yeah, I did. Yeah,** because it's like -- as intelligent as you claim to be, something has to be wrong for you to act the way that you do. So, yes, I gave you a chance, **just you sitting in your car and you looking at us all crazy.**²⁸¹ **So let's - - if we can talk to you with sense -- you can't talk to anybody sensible.**

[9-12] By Dr. Faltas: Q. **And that is sensible for someone to approach somebody on whom you are calling the police and tell me to give you a prescription and to be your doctor?**

[13-19] A. **We're still neighbors, yes, and when I said for you to be my doctor,**²⁸² that was said in a funny sense because you claim to be so much of a doctor. **That's what I said when I said that,** and as a matter of fact, **on that day we made light of that.** It was to the point where you even laughed as if the judicial system here is a joke to you, and I think you said that in court several times.

[20] Q. **I said that the judicial system is a joke?**

[21] A. Oh, yeah.²⁸³

[22] Q. **Did I ever introduce myself to you?**

[23] A. I don't -- yeah, I want to say you did. Yeah.

²⁷⁸ Dr. Faltas has her medical license. She only explained to Teresa that she cannot form a physician-patient relationship with her.

²⁷⁹ Teresa, then already addicted to Vicodin, accosting Dr. Faltas for "a pill or a prescription" is NOT "a regular conversation."

²⁸⁰ Teresa's own retelling proves her uninvited: Dr. Faltas kept her car window rolled up with only a small crack and rushed to her apartment as soon as a different neighbor showed up and agreed to watch her return to her apartment.

²⁸¹ Earlier on 2 October 2009, the war Steele and Mason launched against Dr. Faltas was thwarted by two legal defenses: first, Dr. Faltas attended a hearing in Columbia's Municipal Court where she requested a jury trial on Steele's false allegation of trespass (a jury acquitted Dr. Faltas of that charge on 21 March 2013); then she obtained a stay of eviction from Richland County Central Magistrate Court. **Dr. Faltas was NOT "sitting in her car just taking pictures" or "looking at us all crazy."** Clearly, as soon as Steele and Mason failed to have Dr. Faltas incarcerated and/or physically evicted that day, they instructed Charlene and Teresa to physically stand between Dr. Faltas and her apartment; but Providence sent a male neighbor to thwart that plan.

²⁸² By 2 October 2009, Teresa had milked her February 2008 collision with Triffon's car of all narcotics she could get for feigned pain. Dr. Faltas then knew nothing of Ingram v. Triffon but detected Teresa's drug-seeking behavior when she saw it.

²⁸³ Presiding Judge Newman's compliments to Dr. Faltas as "most pleasant and gracious," "not frivolous at all," **Tr. p 329, lines 1-11, infra**, suffice.

[24] Q. When? [25 to page 298, line 1] A. I don't know when, but you did, probably the same day when you tried to get me to go to court with you.

[25] Q. What? [3-5] A. The same day you wanted me to come to court with you. You already know who I was, so obviously you had been stalking me since then.²⁸⁴

[16-7] Q. So in March 2009 is when I asked you to come to court with me. [8] A. Yeah, I think it was that time.

[19-11] Q. Yeah. And I live in the next building to you or I lived there from September 2008, and you think I wouldn't know who you are except by stalking you?

[12-18] A. Exactly, because I have neighbors that's there – I've been there for two and half years. I just see these people. I've never known their name until she moved here with all that mess. I just see these people and that's it. I speak cordially. Hello. Good-bye. That's it.²⁸⁵ So, yes, it's possible for you to live and not know anybody's name. If you mind your business, you wouldn't know people's names.

[19-20] Q. So, in fact, the other neighbors weren't even greeting you, and I was the one greeting you.

[21-23] A. I never said that. What I said was I spoke, but I never knew their names. We spoke hello, goodbye's, but I never held a conversation.²⁸⁶ We never exchanged names.

[24 to page 299, line 1] Q. So I was saying hello to you between September 2008 until March 2009, and then in March 2009 I asked you what your rent was. Right? [2] A. Yeah.

[24] Q. Okay. [4-7] A. You asked the rent. I'm -- yeah. There's so much stuff that's happened with you.²⁸⁷ Like if you're trying to make me be specific on dates and times, I'm not going to be that accurate.

[24] Q. Okay. [9] A. So ... [10] Q. And how much did you tell me your rent was?

[11-12] A. I never told you,²⁸⁸ as I'm not going to tell you today because it's not your business.

[13-15] Q. And did you testify many times that I responded that they are charging me much more rent than they are charging you?

[16-18] A. Yes, you have, and in each response I said, "Who wouldn't love to have a rent for \$300?" If I can live somewhere and pay \$300 for rent, I would, but I'm not.

[19-20] Q. And you still don't want to tell this jury how much your rent is.

[21] A. It's none of their business either.

[22] Q. Your rent has always been less than \$550.

[23] Ms. Weiss: Objection.

[24] Dr. Faltas: Has your rent--

[25 to page 300, line 1]

The Court: The objection is sustained. Let's move on beyond the rent.

[2-4] By Dr. Faltas: Q. And then you claim that I started harassing you after you said, no, you would not come to court with me.

[3] A. Oh, yeah, nonstop.

[6-8] Q. Okay. So did there come a time when I said, "Okay. See how I can harass you now. You will come to court with me," or anything like that?

[9] A. Can you repeat that?

[10-11] Q. I'm saying like if you said that I started harassing you in March ---

[12] A. Uh-huh.

[13-15] Q. --- did there come a time afterwards like, say, in April I said, "See, I have harassed you for a month. Now you have to come to court with me"?

[16-22] A. No, no, no, no, no. I did that on my own accord just to give you respect as an elderly lady. Maybe you were delusional or crazy in your own mind. So for me to call the police on an old lady that does not have a life and it's clearly (sic) that the things that you're doing is for attention, no, I did not call the police immediately and say that you was harassing me and you know that. I've stated that in court before, too.

[24] Q. That wasn't even my question.

[25 to page 301, line 1] A. Well, what's the question? I don't understand the question.

[2] Q. If you would please listen ---

[3-4] A. I answered it to the best of my knowledge that I thought you asked.

[5-7] Q. If you would please listen. You said that I started harassing you after you said you will not come to court with me.

[8] A. Yes.

[9] Q. What do you think I was trying ---

[10] A. I'm not you.

[11-14] Q. Okay. Then did there come a time, say, in April or May when I said, "Okay. I've harassed you for two months. Now you've learned your lesson. You will come to court with me," or something like that?

[15-18] A. It's like are you trying to be funny? I'm not understanding that question. It's like you're smiling when you're asking it like you're trying to make a point, but I'm really not getting it.

[19] Q. And then you testified that you have ten acres of land?

[20] A. I said several.²⁸⁹

[21] Q. What?

[22] A. I said several.

[23] Q. You have several acres?

[24] A. Several. Not a slab. Several.²⁹⁰

[25] Q. Okay. And you call the land that I have a little slab?

[page 302, line 1] A. That's what I call it. Compared to mine it is a slab.

[2] Q. Okay. And I shouldn't be allowed to build on it?

[3] A. I never said that.

[4] Ms. Weiss: Objection.

[5] The Court: The question has been answered.

[6-8] By Dr. Faltas: Q. And you said that you mind your business and I should mind mine; right?

[9] A. Yes.

[10-11] Q. Okay. Is it my business if I'm charged more than others?

[12] Ms. Weiss: Objection.

²⁸⁴ In February 2009, Teresa had called police to 300/304 Byron Road and made Steele and Mason there change the code on a building door, **Tr. pp 289-290, supra**. So, by March 2009, Dr. Faltas had to know of Teresa without "stalking" her.

²⁸⁵ Teresa's claim of reticence towards her neighbors is contradicted by her claim of "conversating" with a neighbor's guest on 13 October 2009. **Tr. p 217, lines 1-8, supra, and State Exx 31-37 and 42.**

²⁸⁶ Many other court records document conversations among Teresa and her neighbors before and after Dr. Faltas moved into 304 Byron Road.

²⁸⁷ The contacts between Teresa and Dr. Faltas before that trial are defined and documented, apart from the one question about Teresa's rent in March 2009, and another about Teresa's verbal abuse of a different neighbor later that spring, started only in late August 2009, immediately after Teresa lost her *Ingram v. Triffon* case and, unemployed, had no money to pay her rent.

²⁸⁸ On 29 September 2009, Teresa told Dr. Faltas on cross-examination in her eviction trial where Teresa was a witness for Steele that Teresa's rent was \$500.⁰⁰/month. That trial was audio recorded and the tapes had been illegally seized from Dr. Faltas.

²⁸⁹ *Vide* note 41, *supra*. According to official register of deeds, Teresa Ingram owns ONLY ONE LAND-LOCKED acre.

²⁹⁰ *Vide* note 41, and note 290, *supra*. According to official register of deeds, Teresa Ingram owns ONLY ONE LAND-LOCKED acre.

[13-14] **The Witness:** You're right. That's your business. You said it correct: Your business.

[15-16] **Dr. Faltas:** And how will I know if I'm charged more than others? [17] **Ms. Weiss:** Objection.

[18-20] **The Court:** The objection is sustained. How much rent you're charged is irrelevant. Let's move to the -- beyond the rent, her rent and your rent.

[21-24] **By Dr. Faltas:** Q. And then you claim that the reason you said that you wouldn't come to court is that you would be missing days from work. [25] **A. Yes.**

[page 303, lines 1-3] Q. And yet you stayed in one hearing for three days and in another hearing for one day and in this trial for what? Three days now? [26] **A. Correct.**

[5] Q. Okay. All of these are things that you initiated. [6-8] **A.** I initiated? I never initiated you harassing me, so I don't understand your last statement, question, or anything. I never asked to be harassed.

[9] Q. You caused these charges to be brought against me. [10] **A.** I caused it? I caused you to harass me?

[11-12] Q. Ma'am, did you file complaints against me that resulted in these charges being brought against me? [13] **A. Obviously, yes.**

[14] Q. Okay. And then Dinah Steele, the landlady, started --- [15] **Ms. Weiss:** Objection. [16] **The Court:** I didn't hear the question.

[17-20] **By Dr. Faltas:** Q. And Dinah Steele, the landlady, had started an eviction proceeding against me in which you went and stayed in court for three days. Yes? [21 to page 304, line 1] **A. I'm not sure when anything took place.** Like I stated on yesterday, when all this stuff started with her about court -- when I say every day all the time, literally every day all the time. I'm not sure on dates and times. **I never even kept a journal or a log of all this mess. I'm surprised it even got this far.**

[2] Q. Do you have a supervisor at work? [3] **A. Yes, I do.**[29]

[4] Q. What's that supervisor's name? [5] **A.** My supervisor's name is Ms. Washington.[29]

[6] Q. What's her first name? [7] **A.** Sandra.[29]

[8-9] Q. And the current job that you have, have you been in it for how long? [10] **A.** About two and a half years.[29]

[11] Q. Were you ever fired for any reason from any job? [12-14] **A.** I don't know. Could -- you know, could be. I've been working since I was younger. I'm in my thirties now. I'm sure. Maybe.[29]

[15] Q. Did you tell us why you did not graduate from college? [16] **Ms. Weiss:** Objection. [17] **The Witness:** Oh. [18] **The Court:** Objection is sustained. [19] **The Witness:** Okay.

[20-22] **By Dr. Faltas:** Q. And you said you started noticing me in my car in March; right? [23] **A. Yes.**

[24] **The Court:** The question has been asked and answered. [25] **Dr. Faltas:** That was? [26] **Dr. Faltas:** Not the same. In my car. In my car.

[page 305, lines 1-2] **The Court:** You repeated the same questions over and over. [3] **The Court:** The objection is sustained. [4] **Dr. Faltas:** All right.

[6-8] **By Dr. Faltas:** Q. Isn't March the time I bought what you call the slab of land? [9] **A.** I don't know when you purchased it.[29]

[10] Q. Okay. [11] **A.** I don't know anything about that.[29]

[12] Q. Okay. And then you called me eclectic or weird or --- [13-15] **A. Or a gypsy. Exactly.** You've taken my pictures. **You could have root on me, voodoo.** I don't know the purpose for that. Yes, I did say that.

[16] Q. Do you know what the word eclectic means? [17] **Ms. Weiss:** Objection, Your Honor. [18] **The Witness:** Do you? [19] **The Court:** Overruled.

[20-21] **By Dr. Faltas:** Q. Of course I do. [22] **A.** So do I.[29] [23] Q. So what does it mean? [24] **A.** I'm not answering.

[25 to page 306, line 1] Q. And then when you went to see Investigator Blanton, did you write a statement under oath for her? [2-7] **A. Yes, I wrote a long statement of every incident that I could think -- that I could just think about.** It's humanly impossible for me to just sit at one period -- let's say somebody gives me an hour to say everything that you've done pretty much in every court case. I could never sit here and say how much things that you have done.

[8-9] Q. So you gave Investigator Blanton two sworn statements; right? [10] **A. Yeah.**

[11-12] Q. Okay. And in one of them you told her that I overheard you having a verbal altercation with a neighbor. [13] **A. Correct.**

[14] Q. And I overheard you from my window; right? [15] **A. Yep.**

[16-17] Q. You were standing under my window and yelling at another neighbor. [18-19] **A.** That's where you're making the stuff up.[29] You know I was not under your window.[300]

[20-21] Q. And you wrote in your sworn statement to Investigator Blanton what happened after that. [22 to page 307, line 11] **A.** [22 to page 307, line 2] She wants me to tell you that guys that she wanted to pray for me, and I was on the phone talking to my mom, and my mom could hear her in the background saying she wanted to pray for me. **By this time I'm already kind of irritated because I'm already arguing, and here she is not minding her business.** [2-11] My mom is in my ear saying, "Well, if she wants to pray with you or whatever, go ahead and let her do it." So I stand there holding the phone and she's reciting the Lord's prayer as if I don't know it. But she tries to play me as if I'm just stupid or don't know the Lord's prayer. **I go to church every Sunday and**[301] **yes, I do know it, but I did let her say the prayer.**[302] I didn't stop her. She did say it, and when she did say the prayer, I walked off from her. I didn't want to. **Clearly I didn't want to, but I did, but she prayed.**

²⁹¹ Teresa was terminated from "The Mentor Network" on 25 June 2009 and never rehired. Vide note 11, supra.

²⁹² Teresa was terminated from "The Mentor Network" on 25 June 2009 and never rehired. Vide note 11, supra.

²⁹³ Teresa was terminated from "The Mentor Network" on 25 June 2009 and never rehired. Vide note 11, supra.

²⁹⁴ Teresa was terminated from "The Mentor Network" on 25 June 2009 and never rehired. Vide note 11, supra.

²⁹⁵ Teresa was terminated from "The Mentor Network" on 25 June 2009 and never rehired. Vide note 11, supra.

²⁹⁶ Teresa knew that Dr. Faltas and her mother bought that land in March 2009 because Dr. Faltas placed a big address sign on it on 12 March 2009.

²⁹⁷ In addition to the conspicuous address sign, note 298, supra, Teresa herself testified that Dr. Faltas talked to her about that property

²⁹⁸ Teresa's objectively-documented perjuries are aggravated by her objectively-documented lack of education; she does NOT know what "eclectic" means.

²⁹⁹ After falsely accusing Dr. Faltas again of "making stuff up," Teresa's own testimony confirms what Dr. Faltas reported.

³⁰⁰ The Prosecution's own exhibits confirm that Teresa often went towards Dr. Faltas' residence and stood under her window.

³⁰¹ 13 September 2009 is at least one Sunday Teresa did NOT "to church" because she planted herself in front of Dr. Faltas' residence. State Exx. 17-19.

³⁰² It was Teresa's own mother, not Dr. Faltas, who made Teresa pray with Dr. Faltas according to Teresa's own story.

[12-14] Q. In fact, didn't you in your sworn statement to Investigator Blanton write that I told you that if you loved God you should go and apologize to that neighbor?

[15-17] A. You said that, and I'm good with God. *If you love God and claim to know God the way that you do, the things that you do you should not do.*
[18] Dr. Faltas: No objection?
[19] Ms. Weiss: What?
[20] Dr. Faltas: These being Defendant's exhibits 2 and 3.

[21] Ms. Weiss: You can mark them.
[22] Dr. Faltas: May I, Your Honor? May I?
[23] The Court: May you do what?

[24] Dr. Faltas: Mark them as Defendant's exhibits 2 and 3.
[25] The Court: Any objection by the State?

[page 308, lines 1-3] Ms. Weiss: No objection to them being marked, Your Honor. As far as evidence, I think the best evidence is the witness's testimony.

[4] Dr. Faltas: Prior inconsistent statements, Your Honor.

[6-7] Dr. Faltas: They are handwritten sworn statements by her.

[9-10] Dr. Faltas: Thank you. Your Honor, may I introduce them if she identifies them?

[13-14] (Defendant's exhibits 2 and 3 were marked for identification only.)

[16-18] By Dr. Faltas: Q. (Dr. Faltas hands documents to the witness.) Do you recognize Defendant's exhibits (sic) 2, please? **[19] A. Yes.**

[20] Q. Is most of it in your handwriting?

[22] Q. Has it been sworn to by you?

[24] Q. Could you please read it for the jury?

[page 309, lines 1-2] Q. I will read it, and you tell me if anything in there is not ...

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

[6-9] Ms. Weiss: The defendant can ask the witness about anything in statements; most of these she has. If there's an inconsistent statement, I believe she can read from it to -- to point to impeach --

[10] Dr. Faltas: That's what I ---

[12] Court Reporter: I can't take you both at the same time.

[44] Ms. Weiss: Thank you.

[46] Dr. Faltas: I'm sorry? **[17-19] The Court:** I said improper use of a preexisting statement. The objection is sustained. Or a previously given statement.

[20] Dr. Faltas: May I pass it to the jury then?

[22-23] Dr. Faltas: May I admit it into evidence since she identified it?

[25] Dr. Faltas: Your Honor, may I request argument on this? *[page 310, lines 1-2] The Court:* No, you may not, not in the presence of the jury.

[3-5] By Dr. Faltas: Q. Defendant's exhibit 3, do you recognize it as most of it being in your handwriting? **[4] A. Yes.**

[7] Q. And did you file that under oath?

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

[11-12] By Dr. Faltas: Q. What is the date of that one?

[14] Q. Which year?

[16] Q. Is Tiffany's real name Stephanie?

[17-19] A. There you go wanting to be nosy again. Tiffany and Stephanie are two different people. If you're so smart, you would have known that.

[20-23] Q. You claim that -- you claimed -- yesterday you testified that the Commissioner HUD, the fire chief, and police officers come to your address wanting to -- in the hope of meeting who the prostitute who is on 300 Byron Road?

[24 to page 311, line 14] A. [24 to page 311, line 4] Yes. Yes, because you tell everybody that, and there has been several cases or incidents where I've even asked her and the judge -- we've been in court and she has been asked why does she feel that I'm a prostitute. [5-14] Her response is because I wear nails and how I dress. Anybody that wears nails or wigs or weaves is a prostitute.³⁰³ As a matter of fact, she says Marilyn Monroe is a prostitute, and who else did you say? There was a couple of other people, but that's her reason. And she feels that I take my money and spend my money on clothes. As a matter of fact, in pertaining to her calling me a prostitute, an officer came one day and asked her as well why does she call me a prostitute, and she told the officer because I spend my money on clothes.³⁰⁴ So that's her reasoning for calling me a prostitute.³⁰⁵ So when people come, they want to know: Well, let me see the prostitute, so...

[15] Q. Okay. So did the commissioner of HUD proposition you ---

[16] Court Reporter: I'm sorry. The commissioner of what?

[17-19] By Dr. Faltas: Q. Of HUD proposition you, say, "I came in the hope of meeting the prostitute"? **[20] A. Okay.**

[21] Q. "Come and be a prostitute with me"? Did anyone do that? **[22] A. Okay.**

[23-24] Q. Did anyone come and say, "Okay. Since you're the prostitute --- **[25] A. Okay.**

[page 312, lines 1-2] Q. ---of 300 Byron Road, here is money. Give us sex," or something like that?

[3-10] A. Okay. Nobody has ever and will ever proposition me for anything like that.³⁰⁶ My family is well to do.³⁰⁷ I've been brought up with both my mother and my father. They are still married today in the same household and everything. I have no kids or anything. So for you to have an opinion, that's fine. **I'm not going to even defend that. If you think I'm a prostitute, that's fine.** I think you're a lesbian.³⁰⁸ So now you see how it feels? It doesn't feel good, right?

[11-13] Q. I was asking those people whom you claim came in the hope of meeting the prostitute why did they hope to meet a prostitute?

[14] A. Because you go around saying that to everybody.

[15] Q. Yes, but what were they wanting to do with ---

[16] A. Why would you say it?

[17] Q. My question is: Did -- how did ---

[18] A. I can't answer for them, but why would you say it?

³⁰³ The "nails" Teresa wears in the 21 October 2009 photos are CONTRA-INDICATED for care-givers to children and vulnerable adults.

³⁰⁴ In the September-November 2009 photos, Teresa is dressed scandalously but beyond the means or the unemployed maid she was at that time. Dr. Faltas did not then know that Teresa also has a history of shoplifting clothes.

³⁰⁵ CPD's Sgt. Sanders testified that Dr. Faltas showed him photos of numerous strange men going "at all hours" where Teresa lived.

³⁰⁶ Teresa was later revealed to have been a strip dancer in her late teens/early twenties. She was likely propositioned then.

³⁰⁷ Teresa's family is NOT "well to do." Both her parents have fraudulent check convictions and she had many evictions for non-payment.

³⁰⁸ It was later revealed that the lesbian is CPD's "Investigator" Blanton. Dr. Faltas' false accusers project their own sins on her.

[19] Q. You testified that they came ---

[20 to page 313, line 12] **A.** [20 to page 313, line 1] Exactly. And his exact words were, "When I went to talk to Dr." Really "Faltas about her complaints with the HUD commissioner," he was -- like when he came in my apartment compared to hers -- the buildings do look kind of like an eyesore. It's not like -- okay. It wouldn't be anyone's first choice, but the insides are really nice, and my apartment is beautiful. [2-12] When he came from her apartment into my apartment, he was like, "Oh, my gosh. I thought these apartments were ..." **She's got books in the refrigerator.**³⁰⁹ Who lives like that? Books -- **she doesn't even eat in her house,**³¹⁰ but then this man is coming in his profession saying that -- maybe he wasn't supposed to tell me what she said, but he said, "Well, don't you know I went to talk to her and she says that you're a prostitute?" So I want to meet Teresa, quote/unquote. So he comes into my apartment, and it's like, "Wow," like it's unbelievable. **Everybody else is living how normal people should live.**³¹¹ I don't know her...

[13-14] Q. So the HUD Commissioner wanted to meet the prostitute, and you said the fire marshal also?

[15-19] A. Yeah, and not only did he just come to meet me, he came to look at the apartment because obviously she had complained that the apartments were I guess bad or in a condition that's not livable, but that was clearly unfounded because it's just the way she chooses to live in her apartment, so ...

[20] Q. Could you please stay on the subject?

[21-25] A. That is the subject. We are talking about the HUD commissioner that came and his reasoning for coming. That's -- that's on the same thing. You just don't want to know -- you don't want them to know the entire truth.³¹² Speak the truth.

[page 314, line 1] **Q. Ma'am, could you please answer the question?**

[2] A. I am.

[3-4] Q. And do you recall yesterday you also testified that the fire chief wanted to meet the prostitute on 300 Byron Road?

[5] A. Yeah.

[6-7] Q. So did that fire chief also tell you -- did he proposition you? Did he say I ---

[8-9] A. Again, nobody will never proposition me.³¹³ Never. That's what you need.³¹⁴

[10-11] Q. And you also testified that the police officers come in the hope of meeting the prostitute?

[12-23] A. [12-18] Well, the police officers already know because they come out there almost on a constant basis, so they know who I am. But there's just one officer that came at a time when he could visibly see that I was upset with her, and he asked her why was she doing that, and this is the same officer that had to literally almost force her to put her foot on the gas and go. [19-3] She's arguing with the officer about not harassing me and not blocking me, and the officer is clearly telling her, "I'm here in your presence, and you're harassing her now." **So the officers already know who I am.**³¹⁵ So they already know that she calls me a prostitute.

[24] Q. And?

[25] The Court: You have five more minutes.

[page 315, line 1] **Dr. Faltas:** Five more minutes?

[2] The Court: Five more minutes.

[3] Dr. Faltas: Until we adjourn for today?

[4] The Court: Yes, five more minutes.

[5-6] Dr. Faltas: Thank you, Your Honor, but I will continue to cross-examine?

[7-8] The Court: Well, I don't know. You have five more minutes.

[9] Dr. Faltas: Well, Your Honor ---

[10] The Court: Ask your next question.

[11-12] By Dr. Faltas: Q. Ma'am, have you been on Zoloft and Vicodin?

[13] A. I never said --- [14] Ms. Weiss: Objection.

[15-18] The Witness: It's fine. It's fine. I never said Vicodin.³¹⁶ **I said Zoloft.** And if you want to know or anybody else, I take Effexor for my anxiety attacks. So since you know so much but so little ...

[19-20] Q. And you had those anxiety attacks long before you met me.

[21-24] A. Well, actually I thought I was having one **this morning and I wasn't going to make it and terrible migraines that I got discharged for.**³¹⁷ **Dealing with you, yes, is causing me physical anxiety.**³¹⁸

[25 to page 316, lines 2] **Q. Okay. And you testified that when you took somebody's credit card and signed their name on it and got merchandise and then went out and went ---**

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

[4-7] The Witness: You keep saying that like you just want to sneak that in. That didn't happen,³¹⁹ and if it makes you feel good to keep saying that, that's fine. I've already explained how that situation happened ---

[8-9] By Dr. Faltas: Q. When did it happen?

[10-11] A. --- and that happened in 1998 which would make it over 12 years ago.

[12] Q. And when were you born?

[13] A. You don't know that?

[14] Q. Ma'am, I'm asking you: When were you born?

[15] A. 1976.

[16] Q. So at that time you were 22.

[17] A. Good.

[18] Q. So you weren't just out of high school ---

[19] Ms. Weiss: Objection.

[20] The Witness: Did I say that?

[21-22] The Court: Just a moment. The objection is sustained. Move beyond that line of questions.

[23 to page 317, line 1] **By Dr. Faltas: Q. And when you sued a woman for allegedly a car accident, you said that that caused you anxiety and mental distress. Isn't that correct?**

[23] A. Yeah, anything -- it doesn't have to be one particular thing that can cause a person to have anxiety attacks.

[4] Q. And that accident occurred in June 2008?

[5] A. I'm not sure. I don't remember.³²⁰ It happened.

[6] Q. Okay.

[7-8] A. And I don't think it was June. I don't think it was that far into the year.

[9] Q. Okay. And that was before you met me.

[10] A. Exactly. So why is that even any of your business?

[11] Q. And you had the trial in August 2009.

[12-14] A. You know all this better than me.³²¹ I don't know when the trial was.³²² If you say it was in August, it probably was in August.

³⁰⁹ On 2 December 2009, CDP falsely arrested Dr. Faltas and videotaped her residence. No books ever were in her refrigerator.

³¹⁰ Teresa and Dr. Faltas' other false accuser intruded into Dr. Faltas' private life, not the reverse. This also relates to note 235, supra.

³¹¹ "Normal people" do NOT forge credit cards, receive convicted cocaine dealers, or frame the innocent in return for free rent.

³¹² The "entire truth" was in the exculpatory photos and court-proceedings audio recordings the Prosecution had illegally seized.

³¹³ Vide notes 2, 306 and 307, supra.

³¹⁴ Vide note 309, supra. Dr. Faltas' false accusers know that she lives a life of religious chastity but attack her even on that.

³¹⁵ It was later revealed that CPD conspired with Teresa and other officers to spread false rumors that Dr. Faltas suspects Teresa because she is black.

³¹⁶ In Ingram v. Triffon, Teresa repeatedly presented evidence that she had been on Vicodin and Oxycodone (Oxycontin).

³¹⁷ Teresa was NOT discharged for "migraines." In Ingram v. Triffon, Teresa DENIED any pain prior to the February 2008 collision.

³¹⁸ Any "anxiety" Teresa may have had must have been related to Dr. Faltas' astute cross-examination exposing Teresa's lies.

³¹⁹ Vide notes 173 and 174, supra.

³²⁰ Teresa remembered enough to say the collision was before June. Dr. Faltas' question had confused the collision date with the complaint date

³²¹ Teresa knew that Dr. Faltas did NOT then have the Ingram v. Triffon TRANSCRIPTS and thus knew much LESS about it than did Teresa.

³²² Teresa's Ingram v. Triffon trial ended exactly six month before this testimony. Normal 34-year olds do not forget so quickly.

[151] Q. Okay. And you did not get any money from it. **[16] A.** I sure didn't, not a dime. **[122] Q.** All right. **[181] A.** I'm alive.
[19-20] Q. And you claimed that that accident had been causing you anxiety and mental distress. **[211] A.** I never said that.³²³
[22-23] Dr. Faltas: Well, Your Honor, may I show her the complaint? **[24] The Court:** No.

[25 to page 318, line 1] By Dr. Faltas: Q. And you also claim that you never called me the B. Word.

[2-5] A. Never.³²⁴ And in the tape that you want everybody to hear, if anybody can hear anybody calling anybody a bitch on this tape,³²⁵ the only person you can hear clearly on this tape is her arguing with us outside. So, yes, play your tape.
[6] Dr. Faltas: I'm trying to find this --- **[7-8] The Court:** Unless the tape is about 30 seconds, we're not going to hear it today. How long is the tape.
[9] Dr. Faltas: Well, that part where she's --- **[10] The Court:** How long is it?
[11] Dr. Faltas: It's about 15 minutes, Your Honor. **[12-13] The Court:** All right. Well, I said we're leaving in 15 minutes and that was 15 minutes ago.
[14] Dr. Faltas: Sorry? **[15-17] The Court:** I said 15 minutes ago that we were leaving in 15 minutes, so obviously we're not going to listen to a 15-minute tape.
[18] Dr. Faltas: All right. So can Your Honor set --- **[19-20] The Court:** So you have one more minute. (Pause) Now 40 seconds.

[21-23] By Dr. Faltas: Q. Did you ever write in a sworn statement that there was an altercation by people other than me in the parking lot?

[24 to page 319, line 1] A. **[24 to page 319, line 6]** That's something that -- actually, that's something you started when you followed me and Richard that morning when you accused him of fighting me, and a couple of days later a neighbor from down the street was just walking past and I was outside either washing my car or something, and he said, "Was you home when they was fighting in the parking lot?" And I was like, "Who?" He was like a girl -- actually he said it was a white girl and black dude fighting in the parking lot. **[7-11]** So she clearly knew it wasn't me and Richard.³²⁶ So I put just put two and two together that when she accused him of that morning -- of me and him in the parking lot fighting... So I think that's what she's trying to refer to, but I don't know nothing about that.³²⁷

[12-13] Q. So there are people who come to our parking lot and fight? **[14] A.** I don't know. They were -- I don't know.³²⁸

[15-19] The Court: All right. Ladies and gentlemen, that will do it for this day. 9:30 tomorrow morning. 9:30. 9:30. 9:30 tomorrow morning. Do not take any exhibits with you. We look forward to seeing you all. I'm sure you all look forward to seeing us. 9:30 tomorrow morning.

[20-21] (Whereupon, the jury was excused from open court for the day at 5:55 p.m.)

[22] The Court: You may step down, Ms. Ingram. **[23] The Witness:** Thank you.
[24] The Court: Is there anything before we leave this day? **[25] Dr. Faltas:** Yes, Your Honor **[page 320, line 1] The Court:** All right. Yes, ma'am?
[2-5] Dr. Faltas: I have a municipal trial tomorrow morning and, of course, I'll be here all day. I didn't get a chance -- actually, it's before Executive Judge Turner, so I need something to ---
[6] The Court: She knows where you'll be tomorrow. **[7-8] Dr. Faltas:** So no more -- so I'll file a motion for a continuance. The second thing is ---
[9-11] The Court: She knows that you're in this trial. You have -- you subpoenaed her here today, so she knows that you'll be here tomorrow.
[12-16] Dr. Faltas: Your Honor, I think I have about an hour and a half more of cross-examination of this witness. At this point may I know what the State's projected schedule is and when I will get to put up my case? I'm considering that Your Honor is not a resident judge here, how that would go.
[17-21] The Court: All right. Well, tomorrow is Thursday. This session of court will end on Friday. I'm assigned to be in Fairfield County next week, Lexington the week thereafter, and not assigned to be back in Richland anymore for the next several months that I know of.
[22] Dr. Faltas: So I mean --- **[23-24] The Court:** Other than common pleas court in -- is that April? So I don't know. **[25] Dr. Faltas:** So ---
[page 321, lines 1-2] The Court: On Saturday the mock trial will be in this courtroom. **[3] Dr. Faltas:** Pardon?
[4] The Court: A mock trial will be in this courtroom. **[5] Dr. Faltas:** A block trial? **[6] The Court:** We won't be here on Saturday. Yes.
[7] Dr. Faltas: Did you say block trial --- **[8-9] The Court:** Mock trial with high school students. I won't be here Saturday nor Sunday.
[10-11] Dr. Faltas: So, Your Honor, then may I ask that you make the State give a time certain so that ---
[12] The Court: Make the State rest? **[13] Dr. Faltas:** At a time certain.
[14-18] The Court: All right. Well, I'll be happy to impose time limits on everything in the trial. I'll be happy to impose time limits on direct examination, time limits on cross-examination, time limits on arguments. I'll be happy to do that if that's what you would like for me to do.
[19-20] Dr. Faltas: Well, so long as they allow for me a fair chance to put on my case. **[21] The Court:** Do you agree that --

[22] (A telephone rings in the courtroom.)
[23-25] The Court: Oh, boy. Oh, boy. Let's let her slide this time. She's worked hard being on a 403... She won't do it again. We'll let her slide.

[page 322, line 1] Lady In The Courtroom: I apologize.

[2-5] The Court: But I appreciate you being on the case though. Yes, ma'am? You -- you think that there should be time limits so that you'll have an opportunity to get your defense in so that we can finish this case on Friday.

[6-7] Dr. Faltas: Yes, Your Honor, or possibly on Saturday. I mean --- **[8-11] The Court:** We can't be here Saturday. The court -- the county has already agreed to host the mock trial competition which takes place every year, and they'll be using these courtrooms.
[12] Dr. Faltas: All of them? **[13-16] The Court:** Yeah, and the court reporter has a previous engagement on Friday. I have something else to do on Friday. What do you have on Friday? Saturday. Saturday. Saturday, not Friday. Saturday.

[17-18] Dr. Faltas: Well, Your Honor, of course, another court reporter can be brought in. **[19] The Court:** But you can't bring in another judge.

[20-21] Dr. Faltas: No, I understand. I didn't know that Your Honor ---
[22 to page 323, line 6] The Court: Well, we're on to something: Time limits to get this trial done. That's -- that's what we're on to. But, for example, this one witness has taken all day, and you say you have another hour and a half more of questioning of her, much of which you've been very repetitive in doing. So if we can agree on some -- you know, I generally do not like to impose time limits on folks asking questions, and even though I'm certain the jury would love for there to be time limits placed on the length of time people are on that stand asking questions ...

[7-8] Dr. Faltas: Well, Your Honor, I mean, what is the alternative? That I don't get to put a defense?

[9-11] The Court: Well, you have a right to put up a defense, but you've -- you've -- how many witnesses do you anticipate having?
[12-17] Dr. Faltas: Well, I don't even know who else the State will put on, but I definitely, God willing, plan to testify myself unless there is a directed verdict at the end of the State's case. But what I wanted to say: The State presented a hundred exhibits and the witness, you know, freelanced on everything. I asked simple yes or no ---

³²³ Teresa's Ingram v. Triffon complaint DID "say that."

³²⁴ Teresa is on tape having insulted Dr. Faltas with the B word. That day, Dr. Faltas had only a copy of a copy of that tape.

³²⁵ That tape was among Dr. Faltas' property illegally seized from her home and car on 2 December 2009.

³²⁶ After Teresa's public "ex-boyfriend situation," it was reasonable for Dr. Faltas to fear violence in the area from Teresa's men.

³²⁷ Throughout her cross-examination, Teresa would pretend to not know something yet testify about it in much detail.

³²⁸ Vide note 327, *supra*.

[18-25] **The Court:** Well, you were asking her about photographs that you took, and you intend to testify. So you want her to tell what's in the pictures. Then later you want to say what's in the pictures, and then after asking her what's in the pictures, then you want to put the pictures down and then ask her more questions about what happened regarding what was -- what was in the pictures. So, you know, much of that can be condensed.

[page 324, lines 1-2] **Dr. Faltas:** Your Honor, I was following the State's direct examination, and I think I have a right to do that.

[3-5] **The Court:** Well, I'm not questioning that at all. We're just discussing the means to which this matter can be shortened somewhat. That's what we're talking about.

[6-8] **Dr. Faltas:** All right. Can the State tell us how many witnesses it has and can there be a time certain for the State to finish its case?

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

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

[11-12] **The Court:** She wants a time certain for the State to finish. How many more witnesses do you have?

[13-19] **Ms. Weiss:** I anticipate calling one, two, four, five, six, seven -- possibly seven to eight more witnesses. Depending on how the testimony goes, I may be able to shorten that. I would love to have -- time limits would be perfectly fine with the State. I don't anticipate -- most of these witnesses should be -- actually, all the witnesses should be very short.

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

[21-22] **Dr. Faltas:** Well, Your Honor, unless the witnesses have admissible evidence, could we ask now who the witnesses are?

[23-25] **The Court:** The investigators and police officers and other people who were out there whose pictures were taken, et cetera. Those are probably the witnesses.

[page 325, line 1] **Ms. Weiss:** (Nodded head up and down.)

[2-3] **Dr. Faltas:** But, for example, Investigator Blanton admitted that she never personally observed anything.

[4-5] **The Court:** She's not testified yet in this trial. She testified in the suppression hearing.

[6-8] **Dr. Faltas:** Well, I'm sure she will testify at the different thing once she testified under oath that she never observed any event.

[9-13] **The Court:** Well, I don't know what she plans to testify to, but if you all want us -- want a one-hour limit to be placed on all witnesses - 20 minutes for direct exam and 40 minutes for cross-exam or 30 minutes for direct and 30 minutes for cross - I'll be happy to impose that.

[14] **Dr. Faltas:** Yes, Yes, please, Your Honor and -- but --

[15] **The Court:** Would you like for me to do that?

[16-18] **Dr. Faltas:** Yes, Your Honor, so long as the State rests by Thursday, God willing tomorrow, by 5:00 so I can get to present a defense.

[19-20] **The Court:** All right. All right. That means you might not have another hour and a half with Ms. Ingram up here.

[21-23] **Dr. Faltas:** Well, I mean, I don't know how long her witnesses will be, especially -- especially if they have no admissible evidence.

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

[25 to page 326, line 1] **Dr. Faltas:** If they did not personally observe anything.

[2-4] **The Court:** All right. I understand. Well, we'll see how it goes, but based -- would you want me to impose those time limits as well?

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

[6-9] **The Court:** All right. The parties have agreed for there to be time limits that the court will impose and that -- and that further that the State will rest by the end of the day tomorrow?

[10] **Ms. Weiss:** Your Honor, if we can --

[11] **The Court:** Can we go up 'til 6 tomorrow?

[12-14] **Ms. Weiss:** If we can set a limit on the cross-examination of the victim in the morning, I have no problem resting tomorrow.

[15-18] **The Court:** All right. And will necessitate your having no more than one-half hour more with the victim so that we can start with the other witnesses by 10:00, 10:15 at the latest.

[19-23] **Dr. Faltas:** Your Honor, I think I deserve an hour and a half with the alleged victim and after that we can -- she can shorten her other witnesses and especially -- I mean, I don't want her to be putting witnesses whom she knows have no admissible evidence--

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

[25 to page 327, line 1] **Dr. Faltas:** --and I try to object and, Your Honor, you know -- and I look bad to the jury.

[2-8] **The Court:** Yeah. Well, part of the hazards of a *pro se* litigant is that oftentimes no matter how many law books you might read -- but you still do not know proper trial procedures and the rules of procedure and the rules of evidence, and if you don't, then quite often you will have objections sustained and overruled that will not go in your favor.

[9-10] **Dr. Faltas:** Am I wrong in that witnesses who did not observe things personally cannot testify? Am I wrong?

[11-16] **The Court:** Any witness the State calls can testify and any -- you object to whatever testimony that the State offers, and I will rule based on every objection that everyone makes. I cannot foretell the substance of any testimony or what my rulings would be as to any testimony offered.

[17-18] **Dr. Faltas:** Has Your Honor considered further the issue of the unconstitutionality of the statute?

[19-20] **The Court:** Yes, I've considered it further. I will -- I will rule on that by day's end tomorrow.

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

[22] **The Court:** Okay?

[23-24] **Ms. Weiss:** Your Honor, may I ask a question about the timeliness?

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

[page 328, lines 1-3] **Ms. Weiss:** If the State does not go for a full 30 minutes, it's still 30 minutes for the defense. We each have 30 minutes.

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

[5-6] **Ms. Weiss:** So if I choose to go shorter to try to get the witnesses in more quickly --

[7-10] **The Court:** Right. That limitation will not be imposed on Ms. Ingram. She has another full arsenal of questions for her tomorrow that will take at least up to an hour and a half you think?

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

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

[13-15] **Dr. Faltas:** And, Your Honor, may I say that if the State finishes before the end of the day tomorrow, may I start before then?

[16] **The Court:** Yes, absolutely.

[17] **Dr. Faltas:** Unless there is a directed verdict.

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

[19-21] **Ms. Weiss:** But, Your Honor, I will say that it is the State's burden of proof, and I do intend to call all the witnesses that I need to call to put up my case.

[22-23] **The Court:** Absolutely. You have a right to call whatever witnesses you choose to call.

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

[25] **Dr. Faltas:** Your Honor, have I offended you?

[page 329, lines 1-2] **The Court:** Not in any way. You've been most pleasant and gracious, and you have not offended me in any way.

[3-7] **Dr. Faltas:** Your Honor, I think -- in fact, I was surprised at the admissions that were made as far as the search warrant and I hope you -- I mean, I think the evidence was even better than I expected, and I hope you don't think I made the suppression motion frivolously.

[8-11] **The Court:** No. No, you didn't. I did not consider the motion frivolous at all. I thought it was appropriate for you to make the motion, and I ruled based on the evidence offered as I saw it, but I have no problem with --

[12-13] **Dr. Faltas:** Should I brief the issue further of the -- that it should have been the --

[14-16] **The Court:** I've ruled on that issue of the -- I've ruled on the search warrant, and the evidence is in. The evidence consists of the photographs.

[17] **Dr. Faltas:** Do I need -- I'm asking to preserve it.

[18-20] **The Court:** Are there other -- is there other evidence other than photographs that were taken that you intend to offer?

[21] **Ms. Weiss:** Photographs and audiotapes.

[22-23] **The Court:** Yeah. Those things are, you know, matters that you'll be using as well.

[24] **Dr. Faltas:** But they are my property.

[25 to page 330, line 4] **The Court:** Yeah. But, still, that's the -- under any analysis it's almost not the matter of the subject of a search. If you made -- if you take pictures and you're acknowledging that you took the pictures and all of that so --

[5-7] Dr. Faltas: Your Honor, the reason I needed the search to be declared invalid is that they are still to this day holding on to more of my property.

[8-9] The Court: Yeah. Well, those are separate issues not germane to this trial.

[10] Dr. Faltas: Well ---

[11-14] The Court: But I've ruled on that search warrant issue, and I am going to stand by that ruling. Anything regarding other property and all, **that's another matter for another day, maybe even for another judge.**

[15-19] Dr. Faltas: Well, Your Honor, all the motions were assigned to Your Honor, and I need to be able to -- I wasn't -- even after she was told to make the arrangements, the arrangements weren't honored, and I still wasn't able to hook my computer up.

[20] The Court: What's wrong with the computer now?

[21] Dr. Faltas: Sorry?

[22] The Court: What's wrong with the computer now?

[23 to page 331, line 2] Dr. Faltas: They didn't come at the time they said they were coming, and so I wasn't able to have enough time to take it to the apartment and connect it and test it. Besides, there are a matter of maybe 180 floppy disks that I need to test.

[3-8] The Court: Well, that's -- as I indicated, we're doing the trial now and that's -- to a great degree, that is a collateral issue not germane to the proof in this case. That's a matter involving -- **almost of a civil nature, but we'll address any other relevant issues of this case that we need to, including that if we need to.**

[9] Dr. Faltas: Thank you, Your Honor.

[10-11] The Court: But that won't be right now because I am leaving. We're in recess.

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

[13] Ms. Weiss: Thank you, Your Honor.

[14-16] (Whereupon, the trial concluded for the day at 6:11 p.m. and resumed the following day, February 25, 2010, as follows.)

[17] The Court: If you'll please be seated. Good morning.

[18] Ms. Weiss: Good morning.

[19-20] The Court: Madam witness, if you'll resume your spot. You're still under oath, and if you'll bring the jury, please.

[22-24] Dr. Faltas: Your Honor, there were a few matters I'd like to bring before the Court before the jury comes in today. May it please the court?

[25] The Court: Okay.

[page 332, lines 1-2] Dr. Faltas: First, I had asked about the jury viewing the site.

[3] The Court: I have decided to deny that.

[4-7] Dr. Faltas: All right. Then there were witnesses that were on the State's witness list and that to whom she referred, and I don't know if the State is going to call them. I need to call them.

[8-9] The Court: All right. We're dealing with this witness at this time.

[10] Dr. Faltas: The other -- the other thing.

[11] The Court: We'll address any other matters later.

[12-13] (Whereupon, the jury was brought into open court at 9:47 a.m.)

[14-15] The Court: All right. Thank you very much. Good morning. You may proceed.

[16] Dr. Faltas: Thank you, Your Honor.

[17-18] Cross-Examination (resumed) By Dr. Faltas:

[19-22] Q. Good morning. Good morning. Yesterday you claimed that I know who your father is and who your brother is and who -- have I ever been introduced your father or to your brother or to anybody? Did you ever introduce me to your father?

[23 to page 333, line 2] A. I never introduced you to my father. You introduced yourself to my brother, and just common knowledge I would think that you would just assume an elderly man with an elderly woman would automatically be my parents. **But, no, you never introduced yourself.**

[3] Q. Really?

[4] A. Really, but you know them.³²⁹

[5-7] Q. No, no. I mean, no, really? Common sense is that any older person is the father of any younger woman in the world? **just---** **[8] A. Okay.**

[9-10] Q. And that -- was I ever introduced to your ex-boyfriend who threatened to kill you?

[11] A. You didn't have to be.

[12] Q. Ma'am, yes or no?

[13] A. I don't know.³³⁰

[14-15] Q. Did you ever introduce me to your ex-boyfriend who threatened to kill you?

[16] A. I don't know.³³¹

[17] Q. Did you ever introduce me ---

[18] A. That's my answer.

[19] Ms. Weiss: Objection.

[20-21] The Court: The objection is sustained. Don't argue with the witness.

[22-23] By Dr. Faltas: Q. Did you ever introduce me to your cousin?

[24] A. You introduced yourself as ---

[25] Q. Did you ---

[page 334, line 1] A. ---the landlord.³³²

[2] Dr. Faltas: Your Honor, that's a yes-or-no question.

[3-4] The Court: The question is responsive -- the answer is responsive to the question.

[5-6] By Dr. Faltas: Q. Did you ever introduce me to your cousin?

[7] A. No, you introduced yourself to him as the landlord.

[8] Q. Were you there?

[9] A. He told me.

[10-12] Dr. Faltas: Your Honor, that's hearsay, and I ask the jury to dis -- Your Honor to -- to instruct the jury to disregard that.

[13] The Court: All right. She's responded to the question.

[14-15] Dr. Faltas: And when is it that your ex-boyfriend is supposed to have threatened to kill you?

[16] Ms. Weiss: Objection.

[17] The Witness: We talked about that yesterday.

[18] Dr. Faltas: It was about Valentine's Day; right?

[19-20] The Court: Just a moment. There's an objection. The nature of the objection?

[21] Ms. Weiss: Asked and answered, Your Honor.

[22] The Court: The objection is sustained.

[23-25] By Dr. Faltas: Q. And when is it that I'm supposed to have met your cousin?

[page 335, line 1] A. I'm not sure.

[2] Q. It was after Valentine's Day, wasn't it?

[3] Ms. Weiss: Objection.

[4] The Court: Basis for the objection?

[5-6] Ms. Weiss: The witness has already answered the question.

[7] The Court: The objection is overruled.

[8-9] By Dr. Faltas: Q. It was after Valentine's Day 2009, wasn't it?

[10] A. I don't know.³³³

[11-13] Q. All right. So you -- yesterday -- and I'm just laying the foundation, just summarizing the testimony from yesterday, not asking it again. You testified---

³²⁹ Falsity is self-evident. Until that trial, Dr. Assa'ad-Faltas had not been introduced to Ingram's parents or even knew their names. Comparison of the 17 October 2009 photos with others shows Curtis Ingram to be much taller, more facially-chiseled, and much lighter-skinned than Teresa.

³³⁰ That conflicts with her own testimony at Tr. p 28, lines 22-24, *supra*, on direct examination by Ms. Weiss:

[22-23] Q. Did you -- did he have a conversation with her as far as you know? Did you ever see that?

[24] A. Never.

³³¹ *Vide note 332, supra.*

³³² Only two signed letters made that "landlady" pretense: one purportedly signed by Rodney Ingram, the other by an Alden Wheeler. Defense Exx 4, and 6. Rodney testified FOUR TIMES it is NOT his signature, Tr. pp 406, lines 1-9, 11, and 16-20, AND Tr. p 407, line 2; and Wheeler was revealed to have been an employee of Mason's; Tr. pp 594, line 18 to 595, line 22, and Defense Ex 14.

³³³ The letter making that false claim sets the date at 25 March 2009, well after Valentine 2009.

[14-15] **The Court:** The objection is sustained to summarizing testimony from yesterday.

[16-17] **Dr. Faltas:** All right. Then assuming for the purpose of this question that yesterday you testified that--- [18] **Ms. Weiss:** Objection.

[19] **The Court:** I need to hear the question. [20-22] **Dr. Faltas:** ---that there was a man who threatened to kill you and that you -- the police, when they came, I saw the police talking to you and that later you asked--- [23] **Ms. Weiss:** Objection.

[24 to page 336, line 31] **Dr. Faltas:** ---the landlord to change the security lock on your door. Then would it not be reasonable for me if sometime later I saw another young man trying to get through the security door of your building to assume that he might be that boyfriend returning to harm you?

[4-5] **The Court:** Objection is sustained. The witness cannot speculate what would be reasonable for you.

[6] **Dr. Faltas:** Oh, Your Honor, she has been all --- [7] **The Court:** The objection is sustained. Next question. [8] **Dr. Faltas:** Would I have had any basis ---

[9] **Ms. Weiss:** Objection. [10-11] **Dr. Faltas:** What basis do you know of that I would have had before I spoke to your cousin?

[12] **Ms. Weiss:** Objection. [13] **The Court:** It's overruled.

[14] **Dr. Faltas:** Thank you. [15] **The Court:** No need to thank the court. [16-17] **Dr. Faltas:** I apologize -- you told me no need to apologize.

[18-21] **By Dr. Faltas: Q. What basis would I have had before speaking to your cousin to know that he is not the ex-boyfriend returning? What basis would I have had?** [22] **A. I don't know you.** [334] **I'm not you.**

[23-24] **Q. All right. Yesterday you denied that you were on Zoloft and Vicodin.**

[25 to page 337, line 1] **A. That's not true. I did not deny it, and I'm not on Vicodin.** [335] Stop saying that. Ask the question.

[2] **Q. Were you ever on Vicodin?** [3] **A. Were you ever on Vicodin?**

[4-5] **Dr. Faltas: Judge, she cannot ask me questions. She needs to respond to my question.**

[6] **The Court:** Please respond to the question. [7] **The Witness:** I've answered that question yesterday. [8] **Dr. Faltas:** What is the answer today?

[9] **Ms. Weiss:** Objection. [10-11] **The Court:** The objection is sustained. The question has been asked and answered.

[12-13] **Dr. Faltas:** Your Honor, I don't think she said that she was on Vicodin yesterday. [14] **The Court:** She said she's not on Vicodin.

[15] **Dr. Faltas:** She's not on Vicodin. [16] **The Court:** Yes.

[17-18] **Dr. Faltas:** And did she yesterday say that she was never on Vicodin? [19-20] **The Court:** You have to ask her questions. The next question.

[21-22] **By Dr. Faltas: Q. Were you ever on Vicodin?** [23] **A. I've answered that.** [24] **Ms. Weiss:** Objection.

[25] **Dr. Faltas:** What's the answer? [page 338, line 1] **Ms. Weiss:** Objection. [2-3] **The Court:** I overrule the objection to expedite this whole thing.

[4-5] **By Dr. Faltas: Q. Were you ever on Vicodin?**

[6-7] **A. Once again, for the very last time, I have never been on Vicodin.** [336]

[8-9] **Q. Did you ever in a court of law present a statement from someone saying that you were on Vicodin?**

[10-11] **A. If I was never on Vicodin, what would it be the use for a statement?** [337] [12] **Dr. Faltas:** Your Honor ---

[13-20] **The Court:** Ladies and gentlemen, concerning your note to the Court stating that, "It appears this trial may run past Friday. This presents an extreme hardship to most of us. Are there any provisions for this or are there any options for us?" It's the Court's intent to speed this trial up significantly after this witness and to be through with this witness no later than 11:00. And so the option for you is that we intend to finish this case. **Next question, ma'am.**

[21] **Dr. Faltas:** Yes, Your Honor. I'm finding a document. [22-14] **The Court:** This is the first witness. The first few minutes of the testimony you must be prepared to proceed. You have to proceed, ma'am. **Next question.**

[25] **Dr. Faltas:** Were you ever treated by a James Fields? [page 339, line 1] **Ms. Weiss:** Objection. [2] **The Court:** Your objection is sustained.

[3] **Dr. Faltas:** Were you ever on Zoloft? [4] **Ms. Weiss:** Objection. [5] **The Court:** It's overruled.

[6] **The Witness:** I answered that yesterday. [7] **Dr. Faltas:** What is the answer today? [8] **Ms. Weiss:** Objection.

[9-10] **The Court:** She said she was taking Zoloft or some -- what medications are you taking, ma'am, or were taking?

[11-13] **The Witness:** If you must know, for whatever reasons, Zoloft and Effexor, Tylenol whenever needed, Advil, Aleve. Is there anything else?

[14] **Dr. Faltas:** How long have you been on Zoloft? [15] **Ms. Weiss:** Objection. [16] **The Court:** Sustained.

[18-19] **By Dr. Faltas: Q. In the past three months I was not allowed to go back to my apartment. Isn't that true?** [20] **A. Thank God.**

[21-22] **Q. Have you found it possible to decrease your dose of Zoloft, Effexor, and Tylenol while I was not there?**

[23] **A. You're the doctor.** [24] **Q. I am asking you.** [25] **A. You're the doctor.**

[page 340, line 11] **Dr. Faltas:** Judge, please, yes or no. [2-3] **The Court:** I sustain the objection. It's not relevant to what she may have done within the last three months. [4] **Dr. Faltas:** Your Honor --- [5] **The Court:** The objection is sustained.

[6-7] **By Dr. Faltas: Q. How has your life improved by my absence?** [8-12] **A. A peace of mind. I don't have to worry about anybody taking pictures, flipping me the finger, calling me names, blocking me in. It has been peaceful for the last 90 days with the exception of her sneaking back twice when she wasn't supposed to.**

[13-14] **Dr. Faltas:** Your Honor, exception. I mean, objection. She cannot keep assassinating my character like this. [15] **The Court:** The objection is overruled. Next question.

[16-19] **By Dr. Faltas: Q. Did you under oath in other -- in another case testify that you do not know the people in the very pictures that you identified yesterday?** [20] **A. Not true.** [338]

[21] **Q. All right.** [22-23] **(Whereupon, Dr. Faltas begins to play a tape for the jury and the witness.)**

[24 to page 341, line 11] **Dr. Faltas:** Your Honor, first may I ask if this is audible to the jury or there is mechanic -- way to mechanically make it more audible?

[2-3] **The Court:** It's audible to me, so it should be audible to the jury. [4] **Dr. Faltas:** No need to put the microphone ... [5] **The Court:** Let's proceed, ma'am.

[6] **Dr. Faltas:** Thank you. [7] **(Dr. Faltas plays a tape for the jury and the witness.)** [8] **Ms. Weiss:** Objection.

³³⁴ Teresa knew that Dr. Faltas had not seen the ex-boyfriend and or he cousin before March 2009.

³³⁵ In her own Ingram v. Trifon 2008CP4004243 deposition and trial, Teresa introduced medical records and testimony that she WAS on Vicodin.

³³⁶ Also, her 9 October 2012 arrest was for possession of quantities of Oxycontin without a prescription.

³³⁷ Teresa's evasiveness is probative of her mendacity. **She WAS on Vicodin;** her addiction caused her 9 October 2012 arrest and later plea.

³³⁸ Vide note 54, *supra*.

[9-10] **The Court:** What -- the objection is sustained. Turn that off, ma'am.

[12-21] **Dr. Faltas:** Your Honor, could I speed it to the part about the picture?

[13-15] **The Court:** Well, if you have something that's specifically related to the question that you have asked her, fine.

[16] **Dr. Faltas:** Yes, sir.

[17-18] **The Court:** You can't come in and play some tape of another court proceeding.

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

[20] **The Court:** I trust it wasn't from this proceeding.

[21] **Dr. Faltas:** No. No, it's not.

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

[23-24] **Dr. Faltas:** It's not. It's from -- I just needed first to lay the foundation.

[25 to page 342, line 2] **By Dr. Faltas: Q. Is that you testifying in**

the Lykesland magistrate court on November 10th?

[3] **A. I don't know where I was on that.**³³⁹

[4-5] **(Dr. Faltas continues to try to find the point on the tape that she wants to play.)**

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

[7] **Dr. Faltas:** That's the part about the pictures.

[8-9] **The Court:** Well, you have about 10 seconds to proceed with this. Otherwise, we're moving on.

[10-11] **(Dr. Faltas plays a portion of a tape to the jury and the witness.)**

[12-15] **The Court:** All right. Turn that off, ma'am. All right. All right. The Court is not going to permit the playing of any testimony from any other hearing in any other court. Proceed with the questions.

[16-18] **By Dr. Faltas: Q. Do you recall previously denying that you knew the people in the pictures?**

[19-21] **A.** I don't know. I didn't deny anyone in the pictures that was entered into evidence,³⁴⁰ so I have no idea what you're talking about.³⁴¹

[22] **Q. In that other hearing.**

[23] **A. We're in this hearing.**

[24 to page 343, line 1] **Dr. Faltas:** Your Honor, subject to recalling her in my rebut -- in my case as a hostile witness, I'll excuse the witness now.

[2] **The Court:** Ms. Weiss?

[3-4] **Ms. Weiss:** I object. If the defense has any questions of this witness, I would ask that it be asked at this time.

[5-6] **The Court:** Let's complete your examination at this time.

[7-8] **Dr. Faltas:** Well, Your Honor, I am allowed to call witnesses.

[9-10] **The Court:** She's a witness. She's on the stand subject to cross-examination.

[11] **Dr. Faltas:** I'm saying in my case.

[12-13] **The Court:** She will not be called back again as another witness in this trial.

[14-16] **By Dr. Faltas: Q. Did you ever write that I told you that if you love God you should go and apologize to another neighbor?**

[17-19] **A.** Again, on yesterday when you asked that, I said yes to that. **I never wrote that.**³⁴²

You said that to me. That was never written, and we talked about that yesterday.

[20-21] **Dr. Faltas:** All right. Your Honor, may I use Court's exhibit -- the one that's marked for ---

[22] **The Court:** For what purpose?

[23-24] **Dr. Faltas:** For impeachment. She said she never wrote it.

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

[page 344, line 1] **Dr. Faltas:** Yes? [2] **The Court:** Pardon me?

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

[4] **The Court:** What is your question?

[5] **Dr. Faltas:** I said yes?

[6-7] **The Court:** What -- you want to use this document that the Court did not allow in to do what purpose? To do what?

[8-10] **Dr. Faltas:** For impeachment. She just said that there is nothing written like that, and it's written in the document. So that's for impeachment.

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

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

[13-15] **By Dr. Faltas: Q. Is this in your handwriting, Defendant's exhibit 2? Is this in your handwriting?**

[16] **A.** Can you show me where it says that at?

[17] **Q. I asked you a question ---**

[18] **A.** No, no.

[19] **Q. Is this in your handwriting?**

[20-21] **A.** That's the question at hand that you said I wrote something. Can you show me that?

[22-23] **Q.** Yes, ma'am. **This last paragraph on page 3 going on to page 4, would you please read it for the jury?**

[24 to page 345, line 14] **A.** [24 to page 345, line 7] **No.** (The witness reads the exhibit silently.) This is the same statement that I gave yesterday about the argument with the lady across the street. **So basically she wants me to read the fact that I had to go write down every incident. So it's written** because I had to write it down for the detective, and it does go into saying about she -- "one day a lady from across the street - I don't even know her name - got in a verbal disagreement. Ms. Faltas was looking out her window and listening, as always."³⁴³ [8-14] She began screaming and asking me why am I talking to the lady that way. I told her to mind her business, that I had -- that it had nothing to do with her. **Ms. Faltas replied that she wanted to pray for me and if I loved God I would go and apologize to this lady.**³⁴⁴ **When I refused to apologize and refused her offers to pray, she really started harassing myself, my family, and all of my company."**

[15-16] **Q. You skipped the sentence: "That's fine; she can do that." Right? Didn't you?**

[17-19] **A. You can.** You have a right to do whatever you -- **you can look out your window.** Just mind your business. I have the same rights as you.

[20] **Q. Your Honor ---**

[21] **A.** Do you realize that?

[22-23] **Dr. Faltas:** Your Honor, at this time I move that this be introduced as a Defendant's exhibit.

[24 to page 346, line 1] **The Court:** The Court -- the exhibit is not allowed. The testimony is -- it's her testimony. That exhibit is not allowed.

[2-4] **By Dr. Faltas: Q.** All right. **You claim that your -- where is your cousin from?**

[5-6] **A. My cousin is not here and he's not on the witness list, so I can't -- that's not your business.**

[7-8] **Q. The cousin that you claim that I told to leave, where is he from?**

[9-15] **A.** Well, since you want me to tell you guys: **My cousin came from Atlanta one day, four hours away, and I was still at work.**³⁴⁵ **So he asked can he go to my house and sit in the parking lot and wait until I got off work.**³⁴⁶ **It probably was maybe 2:30 or so. She comes outside harassing him, telling him that she is the landlady and demanding that he tell her ---**

[16] **Q. Your Honor, objection.**

[17] **A.** ---why he's there.

[18] **Q. Objection. Objection.**

[19] **A.** Not only that, she ---

³³⁹ By 22 February 2010, Prosecutor Weiss had obtained a transcript of the 10 November 2009 hearing and shared it with Teresa.

³⁴⁰ The 10 November 2009 hearing preceded this trial by only 3.5 months; and the transcript Solicitor Weiss obtained refreshed Teresa's memory.

³⁴¹ Teresa's evasiveness is again probative of her mendacity.

³⁴² Teresa's false denial that she wrote the matter was immediately belied by the document she had written herself.

³⁴³ It is clearly impossible for anyone to be at her own window "always."

³⁴⁴ At Tr. p 311, lines 2-11, *supra*, Teresa admits her mother told her to pray with Dr. Faltas. Teresa had NOT "refused offers to pray."

³⁴⁵ If Teresa would not allow her cousin into her home in her absence, what comfort would it been for him to merely "wait in the parking lot"?

³⁴⁶ Teresa was home at that time but did not want to open her door. *Vide infra* at Tr. pp 661-2.

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

[23] **The Court:** Okay. He's from Atlanta. Next question.

[21-23] **Dr. Faltas:** This is a whole lot of hearsay. All I asked is where her cousin is from.

[24-25] **Dr. Faltas:** All right. Is he going to come and testify?

[page 347, line 11] **Ms. Weiss:** Objection, Your Honor. [2-3] **The Court:** Sustained. She's not in charge of witnesses.

[4-5] **By Dr. Faltas:** Q. What is his name?

[6] **A:** I wouldn't tell you that.

[7] **Q:** Did you see his name on the witness list?

[8] **Ms. Weiss:** Objection.

[9] **The Court:** Objection is overruled.

[10-11] **By Dr. Faltas:** Q. Did you see his name ---

[12-14] **A:** As I just stated, he is not on the list and he is not coming. So, therefore, what-ever he does in his name is none of your business.

[15-16] **Q:** So his name is not Rodney Ingram because the State's witness list has a Rodney Ingram.

[17-18] **A:** Rodney is my brother and not my cousin. You want to know -- come ...

[19-20] **Q:** All right. Did you see a Curtis Ingram on the State's witness list?

[21-22] **The Court:** The objection is sustained. Questions of the witness.

[23-25] **By Dr. Faltas:** Q. Did you also say that all I would do is sit and not say anything?

[page 348, lines 1-2] **A:** At times you would sit and just stare evilly, yes, as you've done in here.

[3] **Q:** You claim that I hit you with rocks; right?

[4] **A:** You did hit me with rocks, yes.³⁴⁷

[5] **Q:** How did that happen?

[6-9] **A:** You leaned over and picked up the rocks, threw them out the window, the same way you lean over and take pictures. Your window is down; you're taking pictures. You leaned over, picked up the rocks and threw them at me.

[10] **Q:** Okay. And are you talking about those pictures here?

[11-12] **A:** On that same day. You don't have to show them. It was on that same day.

[13-14] **Q:** Ma'am, I do my examination the way I see fit. Don't say you don't have to. [15] **Ms. Weiss:** Objection.

[16-17] **The Court:** Objection is sustained. Don't argue with the witness.

[18] **Dr. Faltas:** Sorry?

[19] **The Court:** Don't argue with the witness.

[20] **Dr. Faltas:** Well, Your Honor, she ---

[21-22] **The Court:** Don't argue with the witness and don't react to the court's ruling.

[23 to page 349, line 2] **By Dr. Faltas:** Q. State's exhibits 76, 75, 74, 73, 72, 71, 70, 69, 68, 67, 66, 65, 55, 56, 57, 58, 59, 60, 61, 63, 64, would you please tell the jury what happened first? They have all the same -- do they all have the same date stamp on them?

[3-4] **A:** Well, obviously not. The first one doesn't even have a date.

[5] **Q:** What is this?

[6] **A:** Oh.

[7-9] **The Court:** All right. I'm going to sustain this objection without an objection. We reviewed those pictures, and you're not going back through them.

[10-11] **Dr. Faltas:** I'm not talking about the pictures. I'm talking about the alleged rocked throwing.

[12-13] **The Court:** You ask her a question. We're not going back through those issues.

[14] **Dr. Faltas:** All right. Then I'll ask a question.

[15-18] **By Dr. Faltas:** Q. Would you please step down and maybe demonstrate to the jury -- let's say that those two seats are the driver's seat and the passenger seat ---

[19-23] **A:** I can sit here and do that fine. They have seen the pictures. You know how the mailboxes are. She leaned over from her driver's door, leaned over and picked up the rocks. The passenger window is always open. Put them in her right hand and threw them out the window like that.³⁴⁸

[24] **Q:** And they wouldn't have fallen right away next to my car.

[25] **A:** No, they didn't because they hit me.³⁴⁹

[page 350, line 11] **Q:** Where did they hit you?

[2] **A:** On my leg.

[3] **Q:** Which leg? [4] **A:** Right -- left leg.³⁵⁰

[5] **Q:** Oh, the right leg.

[6] **A:** My left leg.

[7-9] **Q:** Isn't it true that you first, when you called and the tape was played yesterday, you didn't say anything about rocks hitting you?

[10-11] **A:** If I called and said you threw rocks and you assaulted me, what's that?

[12-14] **Q:** You didn't say that they hit you, and then when the policemen came didn't you say that they struck your feet and then when ---

[15] **A:** No, I didn't say that.³⁵¹

[16] **Q:** So the police didn't write the ---

[17] **A:** No one said that³⁵² -- are you making this up?

[18] **Q:** No, ma'am. I have it in the police report.

[19] **A:** So where is it?

[20] **Dr. Faltas:** Your Honor, may I -- may I get it out?

[21-22] **The Court:** No, you cannot publish a police report through this witness.

[23] **Dr. Faltas:** Well, how can I publish it?

[25] **The Court:** I cannot give you advice.

[25 to page 351, line 2] **By Dr. Faltas:** Q. And then when you went to see Investigator Blanton, you said it hit you in the left leg.

[3-4] **A:** You threw rocks and it hit me. I've already said it hit me on my left leg, yes.³⁵³ You threw the rocks and hit me.³⁵⁴

[5-6] **Q:** But then now you started saying first the right, and then what did you do about that?

[7-9] **A:** If I could do something to you and not get in trouble, I would have been done it. Okay? I've been nothing but polite and respectful to you.

³⁴⁷ It is also physically impossible to be "hit" with "rocks" without getting bruised at the point of impact.

³⁴⁸ The right hand of a driver is at least 2.5 feet from "the passenger window." Momentum to propel heavy "rocks" requires the entire right arm must be swung as far back as if pitching a baseball. Even if there had been room in the driver seat for such swing, the "rocks" must be aimed accurately through "the passenger window."

³⁴⁹ The word of a twice-convicted felon overrules the laws of physics and gravity?????!

³⁵⁰ Teresa changed her story about where the supposed "rocks" hit her in her multiple reports to police.

³⁵¹ Columbia Police Department's responding officer wrote that Teresa claimed "the rocks" struck her right leg and feet.

³⁵² Vide note 353, supra.

³⁵³ In addition to the physical impossibility, Teresa does NOT have rocks in her hand when she is on the phone with 911.

³⁵⁴ Second-to-second correlation between the Wednesday, 21 October 2009 photos (State's Exx 55-76) proves that Teresa was approaching Dr. Faltas' car, which is THE OPPOSITE of what one receiving rocks from that car would do.

[101] Q. Really?³⁵⁵ So did you go see a doctor? [11] A. No, I didn't see a doctor. [12] Q. Did you have any bruises? [13] A. No.

[14] Q. Did you show the policemen any bruises? [15] A. No, I didn't show any bruises.

[16-17] Q. How can rocks hit somebody in the leg and not bruise them?

[18] Ms. Weiss: Objection. [7] The Court: The objection is sustained.

[20-21] Dr. Faltas: Have you ever taken money or things of value from anyone you had sex with?

[22] Ms. Weiss: Objection. [23] The Court: The objection is sustained.

[24-25] Dr. Faltas: Have you ever argued in the parking lot with men about money?

[page 352, line 1] Ms. Weiss: Objection. [2] The Court: Objection is overruled.

[3-4] The Witness: No. And have you ever argued with anyone about washing and changing your clothes?

[5-6] Dr. Faltas: Your Honor -- Your Honor, she cannot be asking me questions. [7] The Court: Ask another question.

[8-9] Dr. Faltas: Could you please admonish her not to do that? [10-12] The Court: Don't pose questions to the witness. Next question, ma'am. Don't pose questions to the interrogator. Next question.

[13-16] By Dr. Faltas: Q. Does your lease say that you must get written permission from the landlady before someone can spend overnight at your apartment? [17] A. What I do in my apartment is not your business.

[18] Q. I didn't ask that. I asked does your --- [19] A. I don't know.

[20] Q. You never read your lease. [21] A. I don't know.

[22] Q. Have you ever read your lease? [23] A. I don't know.

[24-25] Q. All right. Have you ever gotten permission from your landlady to have people overnight?

[page 353, line 1] Ms. Weiss: Objection. [2] The Court: Objection is sustained. It's not relevant.

[3-4] Dr. Faltas: Did you get money from Stephanie Lurke - Stephanie or Tiffany, whoever - for keeping - baby-sitting her child?

[5] Ms. Weiss: Objection. [7] The Court: Sustained.

[8] Dr. Faltas: Does this Corey Curry have a business? [9] Ms. Weiss: Objection. [10] The Court: Sustained.

[11-13] By Dr. Faltas: Q. Is there a permit to conduct the business of fixing cars in the parking lot of our apartment complex that you know of? [14] A. I don't know.

[15-16] Q. Did you have permission for him to be undertaking mechanic's work in the parking lot? [17] Ms. Weiss: Objection. [18] The Court: Sustained.

[19-22] By Dr. Faltas: Q. Going back to October 2nd, 2009, did I discuss with you that I do not appreciate the fact that you didn't -- do not embrace your blackness?

[23-24] A. What are you talking about, lady? Seriously, what are you really talking about?

[25] Q. Did I comment that I do not like the fact that you --- [page 354, line 1] A. What you don't like about me I don't care.

[2-5] Q. I'm not saying that. I'm asking: Did I comment on the fact that in one appearance you had very light contact lenses and I said I didn't like that you're not embracing your blackness?

[6-9] A. You don't like anything about me, the nails. So what? I wear contacts. Every now and again I wear green contacts. Do you want me to tell them that? Every now and again I wear green contacts, guys. Thank you.

[10-14] Q. When you were telling me that you wanted me to adopt you as your student, did I -- as my student, did I tell you that I liked people to be natural and simple and classy and that's one thing I wanted to teach you if you were to become my student is to be natural and simple and classy?

[15-18] A. No, you did not, and on that particular day that we're talking about I told you if your life was so lonely, if she wanted to go play Bingo or we could start a book club, I said that, or go find a man or a woman.

[19-22] Q. You came to my car on that day and you started telling me that I need to start to go play Bingo or find a man or a woman when I didn't want to be talking to you and when you pretend that you have never been wanting to talk to me?

[23] Ms. Weiss: Objection.

[24] The Court: Basis for the objection? [25] Ms. Weiss: The defendant is testifying. [page 355, line 1] The Court: Is that a statement or a question, ma'am?

[2] Dr. Faltas: It was a question. [3-4] By Dr. Faltas: Q. Did that happen?

[5-8] A. Okay. Well, you keep saying that you didn't want to talk, but our conversation went on for 45 minutes and the window was cracked. So, yes, we had the conversation: You, I, and Charlene.

[9-11] By Dr. Faltas: Q. Could I have gotten out of my car safely while you and Charlene were standing there?

[12-13] A. Yes, and you know that.³⁵⁶ Anybody -- whenever we talk and --- [14] Q. Objection, Your Honor.

[15-19] A. ---anybody is around, she screams, "Help. She's going to kill me." Even leaving out of court, if I'm even near her or in proximity it's, "Can you please walk me to my car? I'm so scared she's going to kill me," but then she have tirades and ranting and ravings and stuff.³⁵⁷

[20-21] Q. Didn't you just tell the jury a few minutes ago that if you can revenge on me without getting into trouble you would?

[22-23] A. Who wouldn't? Who wouldn't? That's -- that's anybody. Even if it wasn't you, that's anybody.

[24 to page 356, line 1] Q. So you want to take revenge on me without getting into trouble, and that's what you're doing here. You want me to get in prison without you getting in trouble.

[2] Ms. Weiss: Objection.

[3] The Witness: You have the --- [4] The Court: Objection is sustained.

[5-7] By Dr. Faltas: Q. Are you telling this jury that you never called me bitch? You never said, "Die, bitch, die"?

[8-12] A. I'm not that kind of person,³⁵⁸ and it reflects that on the 9-1-1 tape. As mad as I was with you that day,³⁵⁹ I still replied to that

³⁵⁵ Teresa's behavior in the courtroom and her "guest's" profanity and lewd gestures towards Dr. Faltas are **THE OPPOSITE** of "polite."

³⁵⁶ Dr. Faltas' fears of Teresa's violence is justified by Teresa's admission at Tr p 352, lines 7-9, supra: "**A. If I could do something to you and not get in trouble, I would have been done it. Okay?**"

³⁵⁷ Vide note 358, supra.

³⁵⁸ The company Teresa keeps reveals the "kind of person" she is: Corey's photographed lewdness and Tiffany's recorded profanity.

lady, "Yes, ma'am. No, ma'am. Thank you," and everything. So, no. Play the tape. Thank you, because it will incriminate her more.

[131] **Dr. Faltas:** Your Honor, may I play a different tape? [141] **The Court:** No, ma'am.

[13-171] **Dr. Faltas:** That's not from a court proceeding. That's the tape from her yelling from her balcony to me saying, "Die bitch, die."

[181] **The Court:** Okay. Go ahead. [19-201] **Dr. Faltas:** Your Honor? Could we be at ease for five minutes so I can get the exact spot?

[211] **The Court:** No, ma'am. [221] **Dr. Faltas:** Okay. [23-241] (Pause in proceedings while Dr. Faltas tries to find a portion of the tape to play.)

[251] **Dr. Faltas:** Your Honor, is there any way to magnify it? [page 357, line 11] **The Court:** I don't know.

[261] **Dr. Faltas:** Pardon? [31] **The Court:** I don't know.

[41] **Dr. Faltas:** Could I try to put the mic on it? [51] **The Court:** Yes. [61] (Dr. Faltas plays a tape for the jury and the witness.)

[7-91] **By Dr. Faltas: Q. Do you hear that, that voice in the background when I'm saying, "What are you calling me?"**

[101] **A.** I hear your voice. That's the only voice I hear. [111] (Dr. Faltas continues to play the tape.)

[12-131] **Dr. Faltas:** Could I take the tape closer to the jury box, Your Honor? [141] **The Court:** If you want to.

[151] **Dr. Faltas:** Thank you. Could I plug it in the... [161] (Dr. Faltas continues to play the tape.)

[171] **The Court:** Can you all hear anything? [181] (The jurors shake their heads from side to side.) [19-201] **The Court:** All right, ma'am. It's futile. They can't hear anything.

[21-221] **Dr. Faltas:** Well, Your Honor, I may use it later in my own testimony later. Maybe I can get better equipment. [23-241] **The Court:** All right. Any more questions of this witness?

[25 to page 358, line 11] **Dr. Faltas:** Did you on October 2nd, 2009, that day tell me that you have a juvenile record of simple assault?

[261] **Ms. Weiss:** Objection, Your Honor. [31] **The Court:** The objection is sustained.

[4-71] **By Dr. Faltas: Q. Before and after those pictures on October 21st, 2009, did Wendy Lurke continue to bring her child for you to take care of?**

[81] **A.** Who is Wendy Lurke? [101] **A.** Well, whoever I don't know.

[11-121] **Q. All right. The woman in those pictures, did she bring that child to you before and after that date?**

[131] **A. Yeah, she still visits me now.**

[14-151] **Q. So my having taken pictures that day didn't affect the continuing to come to see you.**

[16-191] **A.** Actually I'm not Tiffany, but because me and Tiffany love each other,³⁶⁰ of course she comes to visit me. You haven't been there in 90 days so -- so, yeah, you weren't there.

[20-211] **Q. Before I was taken out, she continued to come and bring her child to you. Isn't that correct?** [221] **A. Yeah.**

[23-241] **Q. Okay. And isn't it correct that your brother and your cousin continued to come and see you?** [251] **A. And they will.**

[page 359, lines 1-31] **Q. And isn't it also true that Corey Curry continued to come and see you as evidenced by pictures of different things?**

[4-61] **A. Not really.**³⁶¹ Not really because you knew and I knew as well that that was the one person that was not going to tolerate you.³⁶²

[71] **Q. Doesn't he have convictions for ---** [81] **A. I'm not him ---** [91] **Ms. Weiss:** Objection.

[10-121] **Dr. Faltas:** Isn't he a drug dealer? Isn't that why you didn't want me to know his name? Doesn't he have convictions for assault? [131] **The Witness:** This is what I live with. [141] **The Court:** The objection is sustained.

[15-161] **Dr. Faltas:** Your Honor, at this time I'd like to impeach her with his criminal record. [171] **The Court:** The objection is sustained.

[181] **Dr. Faltas:** May I -- may I offer it for the record? [191] **The Court:** No.

[20-211] **Dr. Faltas:** Your Honor, may I be heard on that in the absence of the jury? [221] **The Court:** When the jury goes out, you can be heard.

[231] **Dr. Faltas:** Thank you. [25 to page 360, line 6] **By Dr. Faltas: Q. So isn't the truth of the matter that this Corey Curry helped you steal furniture from Aaron's Furniture and then because he is very rude and continued to block the parking lot and one day I photographed him, you started doing all of this so I don't discover what his name is, what his criminal record is, and what his address is? Isn't that what this is all about and wasn't he delivering drugs ---**

[21] **A. You are truly crazy.**³⁶³ [261] **Ms. Weiss:** Objection. [271] **The Witness:** Truly. [281] **Dr. Faltas:** Your Honor --- [291] **The Court:** The objection is -- basis for the objection?

[301] **Ms. Weiss:** Compound question. Testifying. [31-341] **The Court:** You must ask one question, ma'am, not give a speech. One question.

[15-171] **By Dr. Faltas: Q. Isn't it true that you were particularly afraid of my discovering who this man is?**

[18-201] **A.** I don't care who you know.³⁶⁴ It's just the fact that you harass people, like you want to know my cousin's name to harass him. ³⁶⁵No.

[21-221] **Q. Did you get a statement from your cousin and deliver it to the landlord from your supposed cousin?** [231] **A. I don't know.**³⁶⁶

[24-251] **Q. Didn't the statement say that his name is Rodney Ingram and that he's from Sumter, not from Atlanta?**

[page 361, lines 1-31] **A. Again, Rodney is my brother. Are you hearing this? Rodney is my brother, not my cousin. There's a difference in brother and cousin.**

³⁵⁹ Teresa words to the dispatcher were pre-rehearsed as she "was informed" to do. Tr. p 41, lines 12-18, supra: "every time that anything happened I was informed to call 9-1-1 to get an incident report."

³⁶⁰ Vide note 53, supra, and Parts I and II generally in addition to Tiffany Luke's testimony at Tr. pp 490-511. Tiffany knew nothing of Teresa that usual friends know.

³⁶¹ The October-to-November 2009 incidents probably alerted other law enforcement branches that Corey was trespassing near schools.

³⁶² It is not that Corey "would not tolerate" Dr. Faltas: 300/304 Byron Road location was within prohibited distance from a school.

³⁶³ Dr. Faltas is vindicated as not "truly crazy" by Corey's extensive criminal record before and after this trial.

³⁶⁴ Teresa cared much whom and what Dr. Faltas knew and discovered because it would thwart Teresa's schemes.

³⁶⁵ Even if Teresa were correct about Dr. Faltas' intent, it is *laudable, not criminal*, to "harass" a drug dealer away.

³⁶⁶ Teresa could not possibly "not know" because the only connection between her family and her landlady is through her.

[4] Q. And what is the name of the cousin in --- **[5]** A. I'm not telling you. **[6]** Ms. Weiss: Objection. **[7]** The Court: Objection is sustained.

[8-10] By Dr. Faltas: Q. All right. That brother, when the door code was changed, why wouldn't he have the new door code?

[11-13] A. My brother will have the new code. If it changes, he will. He has a key to my apartment as well - he's my brother - and my father as well, whoever I choose to give one to.

[14-17] Q. All right. So how is it possible that your brother whom you yesterday testified comes to see you every day wouldn't -- would know that I'm not the landlady, even if I had pretended to ---

[18-20] A. He's going to testify that you introduced yourself as the landlady when you first moved in.³⁶⁷ So he will be testifying himself.

[21] Q. So your brother is going to come and testify?

[22] A. Maybe.

[23] Q. I'm talking about the one whom you claim ---

[24-25] A. I have one brother. It's not the one that I'm claiming anything. I have one brother.

[page 362, line 1] Q. You only have one brother, and you only have one cousin.

[2] Ms. Weiss: Objection.

[3] The Court: Sustained.

[4-6] Dr. Faltas: All right. Who is the one and when do you claim I told somebody that I am the landlady and if he doesn't leave I would call the police? Which one?

[7] Ms. Weiss: Objection.

[8] Dr. Faltas: Is it your brother or your cousin?

[9] The Court: The objection is sustained.

[8] Dr. Faltas: All right. May I impeach her with a prior inconsistent statement?

[9] The Court: No.

[13] Dr. Faltas: The written one.

[14] The Court: No.

[15-16] By Dr. Faltas: Q. And did that brother continue to come?

[17] A. Not that brother. My brother. And, yes, he will.

[18] Q. So he wasn't intimidated by me; nothing affected him.

[19-23] A. Of course not. Actually she got mad because he never would just stand and give her the proper pose that she wanted. He wouldn't just give her the time of day or just follow up with her little antics. He just pretty much tried to ignore her.

[24 to page 363, line 2] Q. So that one brother who comes every day who has the key to your apartment, you pretend that on one day or in March 2009 I told him I'm the landlady and he needs to leave before I call the police.

[2] Ms. Weiss: Objection.

[4-6] Dr. Faltas: You want this jury to believe that he didn't have the key to just go in and when -- and you want the jury to believe--

[7] Ms. Weiss: Objection.

[8-9] Dr. Faltas: --- that having him come every day to your apartment he wouldn't know who the landlady is? **[10]** The Court: The objection is sustained.

[11-12] By Dr. Faltas: Q. Have you ever told a lie before, Ms. Ingram?

[13] A. No.³⁶⁸

[14-15] Q. When you sign somebody else's name on a credit card that you found, you weren't telling a lie?

[16] A. No.

[17-18] Q. And yesterday when you said that you didn't go back to the store and try to ---

[19] A. I never left the store. It's like you want to ---

[20] Ms. Weiss: Objection.

[21-24] The Witness: You want to highlight that. I never left the store. That happened over 12 years ago. I have to answer to God for that, not you. So I don't feel bad about that nor embarrassed.

[25] Dr. Faltas: Didn't the police report say that after --- [page 364, line 1] Ms. Weiss: Objection.

[2] The Witness: I don't know what it said.³⁶⁹

[3] The Court: The objection is sustained.

[4] Dr. Faltas: May I present it, Your Honor?

[5] The Court: No.

[6-8] By Dr. Faltas: Q. Didn't you plead guilty to two -- two counts? Wasn't the first count for ---

[9-14] A. Whatever happened then, it happened. I pled guilty. I had probation. That was done with over 10 years ago. I barely remember what all happened, but I do know I never left the store with anything.³⁷⁰ I was inside the store still. Everybody was inside the store. The merchandise was there, the card, the receipt, everything.

[15] Q. The car was in the store? Your car was in the store?

[16] A. Card. Aren't you smart? C-a-r-d. Card, not car.

[17-18] Q. Did you ever read a police report that said you took the card and merchandise and went out and came back and said---

[19] Ms. Weiss: Objection.

[20] The Witness: I don't know.³⁷¹

[21] The Court: Objection ---

[22-23] Dr. Faltas: And tried to use that card and that's how you got caught?

[24] The Court: The objection is sustained.

[25 to page 365, line 2] By Dr. Faltas: Q. At age 22 if you don't know right from wrong, why do you ---

[34] A. Well, at your age you still don't know, so what does that leave me?

[4] Dr. Faltas: Your Honor ---

[6] The Court: The objection is sustained. Next question.

[7-8] Dr. Faltas: If you find someone else's credit card, what is the right thing to do?

[9] Ms. Weiss: Objection. **[10]** The Court: Sustained.

[11] Dr. Faltas: Your Honor, I think it's useless.

[12] The Court: Pardon me?

[13] Dr. Faltas: I think it is useless.

[14] The Court: Are you through? Step down, ma'am.

[15] The Witness: Thank you. [15:46 endnote]

[16] The Court: Your next witness.

[17-18] Ms. Weiss: Your Honor, may we take a short break just to line up the next witnesses?

[19-24] The Court: All right. Ladies and gentlemen, please go to the jury room. Short break. While you are there, we'll have you all select your foreperson rather than me appoint the foreperson. If you all would vote on the very best person to be the foreperson out of the first 12 people selected.

[25 to page 366, line 1] (Whereupon, the jury was excused from open court at 10:41 a.m.)

[2-4] The Court: Dr. Faltas, you wanted to put something else on the record as the jury was coming in the courtroom this morning?

[5 to 368, line 7] Dr. Faltas: [5-14] Your Honor, I don't say this lightly, but throughout all of this and throughout many other things the most important thing I remember is Jesus Christ saying it doesn't matter what else you gain if you lose your soul, and I'm not going to lose my soul. And I

³⁶⁷ At Tr. p, lines 12-13 (Part 1) *supra*, Teresa testified "Yes, I knew that she was moving in. I knew that there was a new tenant coming." So, Dr. Faltas could not have passed herself off as the landlady even if that could have benefited her. There was no allegation that Dr. Faltas attempted to collect rent from the tenants. The lies against Dr. Faltas are coordinated, choreographed, and pre-rehearsed.

³⁶⁸ Teresa's denying having ever told a lie is her 368th lie in her 5-hour and 7-minute testimony in this case alone.

³⁶⁹ For Teresa's guilty plea to have been accepted, she would have had to testify in the plea/sentencing hearing that she was advised of all the evidence against her, including the police report, to make her plea decision knowingly and intelligently.

³⁷⁰ That is directly belied by the detailed police inventory of the merchandise Teresa took out of the Belk store.

³⁷¹ *Vide* notes 371-2, *supra*.

respect Your Honor and I like Your Honor, and I am not unaware that if, God forbid, there is a guilty verdict you will be sentencing me and I'm not unaware that a lot of discretion goes into that. But I respect Your Honor too much and I value my soul too much to be an hypocrite and try to butter Your Honor up. [15 to page 367, line 1] **These rulings have been extremely unfair to me. I don't think I'm having a fair trial, and I think my right to mount a full defense and fair defense is being compromised.** I'm sorry. The function, yes, it's a great thing that there is a moot (sic) court competition and all, but if the students are to be taught anything they should be taught that **a defendant's constitutional rights, especially a criminal defendant's constitutional rights, are paramount.** And if the jury has -- some members have difficulty with the schedule, then we need to either call a mistrial or replace the ones with -- who have the difficulty with the -- with the alternates. [2-8] I'm sorry. Your Honor said that you have commitments, but it is one circuit court, so another judge can take over. **Those -- you heard -- you heard her. She's trying to portray me as crazy. The man threatened me. I've seen many things, and now there is his criminal record showing convictions for assault and for drug dealing, and there must be a way -- and he was on the State's witness list.** [9-14] I'm sure now the State will not call him, and I want the right to call him -- **to make the State call him so I can get a fair trial, and this is very important. It's very important to get that man's criminal record on the record. I also needed to amend my witness list and -- and call some other people.** [15-22] And, you know, Your Honor, it doesn't matter. I'm a marked person. If I get convicted, they will kill me in prison. **If I get acquitted, they -- the police will -- because you saw it. You saw it. Yesterday she admitted she was getting -- she was getting information from the defendant's lawyer in the civil lawsuit, and then you saw Chief Carter. They had a meeting at the highest level; it's from top to bottom.** [23 to page 368, line 7] **You've seen that what's supposed to be -- and I don't know how Your Honor could have ruled that she's a neutral and detached magistrate. She's somebody who answers to somebody.** These are all matters of principles, and I cannot -- I look to the courts. The Honorable Judge Lee was courageous to make Her Honor's ruling in the civil matter, and this -- **maybe if Your Honor has become antipathetic to me, maybe another judge could be substituted. I'm not getting a fair trial,** and I'm very scared. I'm very scared, Your Honor. It's... She was there. You know, she was ---

[8-11] **The Court:** Okay. All right. Ma'am, you said you had some matters to put on the record before the jury came in, and I'm not sure what portion you're referring to now that you intended to put on before the jury came in. [12] **Dr. Faltas:** Before the jury ---

[13-18] **The Court:** The essence of your complaint -- your comments now are complaints concerning the Court's ruling. The Court rules. The matters of ruling are matters of record. **If in any matters I rule erroneously, a reviewing court would have the opportunity to review those things,** but I'm not going to spend time now listening to --- [19] **Dr. Faltas:** Oh.

[20-21] **The Court:** --- all of the thoughts that you have concerning these proceedings.

[22-14] **Dr. Faltas:** What I was wanting to rule -- I'm sorry -- before the jury came in was that I need to amend my witness list. [25] **The Court:** All right. You have the right to do that.

[page 369, lines 1-2] **Dr. Faltas:** Thank you. So I'd like to subpoena -- thank you. So I'll add two more people to the subpoena --- [3] **The Court:** Yes.

[4-5] **Dr. Faltas:** --- if it pleases the Court? And the Court's order is that they be served? [6-7] **The Court:** Yes, depending on who they are and where they are.

[8] **Dr. Faltas:** All right. Thank you. [9] **The Court:** All right. We'll take about four minutes. [10] **Dr. Faltas:** Thank you, Your Honor.

[11] **(Whereupon, a short break was taken.)** [12] **The Court:** All right. [13] **Ms. Weiss:** Your Honor, may it please the Court? [14] **The Court:** Yes.

[15-18] **Ms. Weiss:** I'd like to go ahead -- I think just to make things easier, I'd like to settle -- obviously settle the record of the next witness. I'd like to just go ahead and settle the records of the witnesses that we have --- [19] **The Court:** All right.

[20-25] **Ms. Weiss:** ---just to avoid any of what has been happening. The next witness that the State intends to call is Rodney Ingram. **Rodney Ingram's prior record is driving under suspension in 1996. I would argue that that is inadmissible as impeachment records and that, therefore, he would have no record that would be brought up in this trial.**

[page 370, lines 1-2] **The Court:** All right. That is -- you cannot impeach a person with a driving --- [3] **Ms. Weiss:** Under suspension. [4] **The Court:** ---under suspension record.

[5-6] **Dr. Faltas:** I would -- just to have put it on the record, I would have wanted to use that. [7-8] **The Court:** All right. All right. Bring the jury, please.

[9-10] **Ms. Weiss:** Your Honor, may we -- may we just go through the records and go ahead and settle the records very quickly? [11] **The Court:** On?

[12-14] **Ms. Weiss:** On the possible witnesses. I just -- **it's very disturbing to the State when the defendant is making up records and yelling them out in front of the jury.** I know --- [15] **Dr. Faltas:** I'm not making up records.

[16-19] **Ms. Weiss:** I would ask Your Honor to ask the jury to specifically disregard any statements -- I mean, I know any statements by the defense about records -- **but they're just -- they're fabricated and I just ---** [20] **Dr. Faltas:** Your Honor, I'm sorry ---

[21] **Ms. Weiss:** And I would like to go ahead and --- [22] **Dr. Faltas:** Objection. Objection. [23] **Ms. Weiss:** --- settle.

[24-25] **The Court:** Be quiet, ma'am. You cant hear both people at the same time. Continue, Ms. Weiss.

[page 371, lines 1-4] **Ms. Weiss:** It would take just a moment. **They're very simple short records,** and if we can just settle them for even -- for the future, **I think it will keep from disparaging any possible witnesses by the State.**

[5] **The Court:** Yes, ma'am, Dr. Faltas? [6] **Dr. Faltas:** I'm sorry? [7-8] **The Court:** Yes. You were attempting to talk while she was talking. She's now through talking. You may talk.

[9-14] **Dr. Faltas:** Your Honor, **I'm not the one fabricating things,** and you admonished me to not use the word lie when referring to her. **Why is she allowed to use the word fabrication when referring to me? Are we different creatures of God? I mean, I think there is a double standard going on here.**

[15] **The Court:** All right. Any further comments? [16] **Dr. Faltas:** Yes. Yes, Your Honor. [17] **The Court:** All right. What?

[18-24] **Dr. Faltas:** I think the driving under suspension is relevant, and I want to impeach with it and I -- Your Honor said that the disciplinary records of law enforcement people are relevant. I also want to say that my discovery -- my discovery included the financial statements and many other things. I have filed that request of the State's witnesses. I haven't been given any of that.

[25 to page 372, line 2] **The Court:** Okay. The Court did not allow any financial statements of any witnesses, and the Court will not allow you to impeach on the driving record of this witness.

³⁷² Rodney Ingram's criminal record includes using a forged or another's driver's license, a crime of dishonesty.

[3-5] **Dr. Faltas:** And -- thank you. **But the other witnesses have much more impeaching record. This Corey Curry has drug convictions and possession with intent.** [6] **The Court:** All right. Ms. Weiss?

[7-16] **Ms. Weiss:** Thank you, Your Honor. If I may, Mitch Jones is a possible witness. **He has a shoplifting from 1991.** I would argue it would not be admissible. **It's from 1991, and it's a 30-day offense. Corey Curry has a conviction for burglary third and petit larceny in 2000 which is just inside the ten-year limit.**³⁷³ The burglary third in that situation I believe would be admissible for impeachment if he is called to the stand. **He also has a possession -- simple possession of marijuana in 2001 that I would argue is not admissible**³⁷⁴. And then ---

[17-18] **Dr. Faltas:** I'm sorry. What was the other one other than the burglary third?

[19-24] **Ms. Weiss:** Petit larceny. **And a possession of marijuana second in 2005** I would argue is not admissible, and an owner-of-dangerous-animal-that-injures-a-human conviction in 2005, those are 30-day offenses. **I would argue those are not admissible either.** So that would limit Corey Curry's record to a burglary third from the year 2000, Your Honor.

[25] **Dr. Faltas:** Your Honor, may I respond?

[page 373, line 1] **The Court:** Yes.

[2-16] **Dr. Faltas:** Your Honor, **the issue** for which I have been so far exiled from my apartment and imprisoned and my privacy totally -- and my property taken and put in jail and face even more **is** that whether **I acted reasonably by trying to maintain a reasonable neighborhood watch or even watch for myself against people who are obviously dangerous and reckless,** and his conviction about ownership of a dangerous animal -- I'm not saying that he brought a dangerous animal. Actually someone did, but in any event, but I'm not -- but **I'm saying the reckless people behave recklessly, and it is obvious to a reasonable person.** And so all of Corey Curry's prior record is relevant, **relevant not only to his credibility but to the reasonableness of my thinking that he is a dangerous person especially -- especially that he made threats of sexual violence against me.**

[17-18] **The Court:** The only record the Court will allow is Curry's burglary third conviction.

[19-20] **Ms. Weiss:** Thank you, Your Honor. Rodney Ingram -- oh, we've already done Rodney Ingram. I have---

[21-22] **Dr. Faltas:** I'm sorry. Did Your Honor rule on which charge the shoplifting conviction ...

[23] **The Court:** From what year? [24] **Ms. Weiss:** 1991. [25 to page 374, line 1] **The Court:** The ten-year rule applies. It's not admissible for impeachment.

[2-3] **Ms. Weiss:** Wendy Ceo does not have any prior convictions,³⁷⁵ Your Honor.

[4-5] **Dr. Faltas:** That's not correct. That's not correct, Your Honor.

[6] **The Court:** Ma'am, have a seat. Proceed.

[7-14] **Ms. Weiss:** According to her rap sheet, she doesn't have any record. If she had anything that could even be a conviction, it would be obtaining goods by fraud in 1998 which is a Forest Acres offense and a simple assault in 2001 and I don't think -- the 1998 charge is still outside the ten-year limit, but I don't show a conviction on either of those, Your Honor. I would argue that she does not have a record to be impeached with.

[15] **The Court:** What's the person's name again?

[16] **Ms. Weiss:** Wendy Ceo. C-e-o.

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

[18] **The Court:** Yes, ma'am?

[19-25] **Dr. Faltas:** --- actually, according to what Ms. Weiss gave me, **the simple assault -- there is a conviction and this is very relevant to Ingram's guests and family threatening me, and so the simple assault is very relevant.** Besides, that obtaining goods, that is the scheme from 2000 -- from 1998 where Ingram was essentially the ringleader and two other young ladies were stealing with her. Your Honor ---

[page 375, line 1] **The Court:** Was she a co-defendant with --- [2] **Dr. Faltas:** Yes. [3] **The Court:** --- Ms. Ingram? [4] **Dr. Faltas:** Yes.

[5] **The Court:** The court will allow that.

[6-7] **Dr. Faltas:** Thank you, Your Honor. Thank you, Your Honor. Thank you.

[8] **Ms. Weiss:** Your Honor, **I don't show a conviction.**

[9] **Dr. Faltas:** Yes. Yes, also ---

[10] **The Court:** Ma'am.

[11-12] **Dr. Faltas:** That is a conviction. I'm sorry. I'm sorry. I'm so sorry. I'm so sorry, Your Honor.

[13] **The Court:** Is there a conviction or not?

[14-18] **Ms. Weiss:** Your Honor, there's no conviction on the rap sheet. I could look it up. It may have been a magistrate level case, but I'll be glad to look it up. **I would still argue that unless she is called to the stand it cannot be brought up in court.**

[19-21] **The Court:** No witness can be impeached through -- a witness's record cannot be used as a basis for impeachment by a third person.

[22 to page 376, line 1] **Ms. Weiss:** Richard Cooper has petit larceny in 1996 and fraudulent check in 2002 and disregarding a stop sign and reckless driving in 2007. The State would argue that none of those records are admissible as none of them carry over a year.

[2-5] **The Court:** The Rule 609(a)(2) says evidence that any witness has been convicted of a crime shall be admitted if it involved dishonesty or false statement, regardless of the punishment. So the ---

[6] **Ms. Weiss:** Fraudulent check.

[7] **The Court:** --- fraudulent check is impeachable.³⁷⁶

[8-9] **Ms. Weiss:** Thank you, Your Honor. **There are two convictions for that in 2002.** And Curtis Ingram ---

[10-11] **Dr. Faltas:** Your Honor, may I -- may I say on the 2007 driving record and -- may I? May I?

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

[13-23] **Dr. Faltas:** Thank you. And Your Honor told me not to apologize, but no one can possibly understand what I'm going through. In any event, the 2007 driving record, **this is a matter of the reasonableness of my actions, and someone who is a reckless driver or has evidence of**

³⁷³ Corey [misspelled "Cory"] Lamont Curry had a key conviction, well "inside the ten-year limit": [G837745](#)

³⁷⁴ Solicitor Weiss HERSELF obtained Curry's 29 November 2001 GUILTY plea to CDR 0183, a Class-D FELONY. Curry was sentenced to FIVE YEARS and barred from the vicinity of the crime scene (including 300/304 Byron Road) which is close to a school as a condition of his parole from his sentence. Vide attached documents. Weiss clearly LIED about Curry's criminal record to conceal her, Teresa's, and probably Tiffany's knowledge that Curry was a DRUG DEALER.

³⁷⁵ Teresa, the ringleader, pled in General Sessions; but her co-defendant Ceo was remanded to magistrate court where she pled [F920146](#).

³⁷⁶ After hearing that ruling, Solicitor Weiss LIED about Curtis Ingram's fraud/theft convictions. Vide note 377, *infra*.

reckless driving which was exhibited in the parking lot, especially when they took a detour towards my home and my car instead of taking the straight way out, that is relevant to why I was documenting this. So it may --
of course, all the rules are always subject to the needs of the case and the demands of justice.

[24-25] **The Court:** I'll address that issue when Cooper testifies. Is he the one with the driving record? [page 377, line 11] **Dr. Faltas:** Yes, Your Honor.

[2-3] **The Court:** And the one allegedly driving reckless in a parking lot?

[4] **Dr. Faltas:** They all ---

[5] **The Court:** Is that the individual?

[6-7] **Ms. Weiss:** Richard Cooper would be the one in the G.M.C. Yukon exiting out the exit; yes, sir.

[8-9] **The Court:** I'll address that issue when and if he testifies.

[10-12] **Dr. Faltas:** Thank you, Your Honor. And Corey Curry also has a driving record. I don't think Ms. Weiss mentioned it, but I ---

[13] **The Court:** And her driving record is not impeachable.

[14-15] **Dr. Faltas:** Okay, Your Honor, the -- is the State going to call Corey Curry or do I need to subpoena him?

[16] **The Court:** I don't know.

[17] **Dr. Faltas:** Well, that's why I needed to ---

[18-19] **The Court:** You can subpoena whom you want. I don't know if the State's calling the person or not.

[20-22] **Dr. Faltas:** Okay. All right. So I'll go ahead and subpoena him and if the court allows me to -- so I'll subpoena him.

[23] **The Court:** All right. Anyone else?

[24-25] **Ms. Weiss:** And Curtis Ingram does not have a criminal record,³⁷⁷ and Tiffany Lurke does not have a criminal record.³⁷⁸

[page 378, line 1-2] **The Court:** All right. If you'll bring the jury, please.

[3-5] **Dr. Faltas:** Are there -- Your Honor, are there other potential witnesses other than the ones Your Honor said may stay?

[6] **The Court:** Those are the only ones at issue.

[7-8] (Whereupon, the jury was brought into open court at 11:07 a.m.)

[9] **Bailiff:** Juror number 95 is the foreman. [10-15] **The Court:** Okay. Very well. You know, it almost always happens that the person that I would have appointed ends up being the foreperson. So when I got a note from this juror this morning, I indicated to my clerk we'll make him the foreperson, and you all have done that, so very good. Next witness, please.

[16-17] **Ms. Weiss:** Thank you, Your Honor. The State calls Rodney Ingram.

[18] **Dr. Faltas:** Your Honor, may I sit ...

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

***** [Vide endnote]

[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

ⁱ Solicitor Weiss had admitted in colloquy on 22 February 2010 that the Prosecution gave Dr. Faltas black-and-white copies only. Vide note 166, *supra*. It adds proof that the Prosecution always knew it had no true evidence with which to convict Dr. Faltas.

ⁱⁱ Solicitor Weiss' failure to identify the exhibit number at Tr. p 211, lines 10-11, *supra*, drew an admonition at *id*, lines 13-14; but she violated the admonition at pp 220, lines 14, 16, and 22-23; 224, lines 9-10, 12, 15, 17, 19, and 25; 225, line 7; and 226, lines 14-22; while Dr. Faltas always heeded it at p 237, lines 18-20; 241, lines 16-17; 250, lines 23-24; 252, lines 13-16 and 18-19; 253, lines 5-6; 257, lines 3-6; 260, lines 17-19; and 277, lines 12-14. That and the baseless renumbering of photos out of chronological sequence adds proof that the Prosecution intentionally tried to *falsely* multiply the number of incidents and photos and conceal exculpatory details in them.

ⁱⁱⁱ Solicitor Weiss violated the court's order that the Prosecution's evidence was limited to what it disclosed on 22 February 2010:

[Transcript A, page 99, lines 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 ---* [continued overleaf]

³⁷⁷ Curtis Ingram has TWO Richland County, SC, General Session *fraud/theft* convictions: B938480 and C090125. Vide attached tables. They, with other records, show: (1) Curtis' dishonesty, (2) these Ingrams' chronic money shortage, and (3) the falsity of Teresa's claim at Tr. p 312, lines 3-10, *supra*: "My family is well to do." These Ingrams' need and greed is relevant to Teresa's willingness to sell her soul for free rent and her body for marijuana.

³⁷⁸ Tiffany Lurke has a criminal record: (1) traffic convictions; and (2) GUILTY plea to *assault and battery* in Sumter, SC, G716389 as reduced from ABHAN, A186754, vide attached tables; but Solicitor Weiss LIED about it AGAIN on Tr. pp 426-8, *infra*:

[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 to page 427, line 1] **Ms. Weiss:** And then possibly Deputy or Corporal El Dada, Sergeant Taurus Sanders, and Investigator Blanton. Those are the ones I can tell you for sure.

[2-3] **The Court:** Okay. Very good. We'll be in recess 'til 1:00. [4] **Dr. Faltas:** Thank you, Your Honor.

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

[6-11] **Ms. Weiss:** Your Honor, Tiffany Lurke -- the rap didn't come back yesterday, so Dr. Faltas doesn't have a copy of it. She has a 2000 ABHAN that was dismissed, so she has no record. I'm still maintaining she has no record, but I did want to say the rap sheet did not come back yesterday with her ...

[12-13] **The Court:** There's no record if the charges were dismissed.

[14] **Dr. Faltas:** Could I look at it?

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

[16] (Whereupon, a lunch break was taken.)

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

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

[19 to page 428, line 6] **Ms. Weiss:** [19-24] I had stated before the break who I intended to call as witnesses. I believe that is now going to be shortened. I am going to call -- I am going to call Investigator Blanton, Sergeant Sanders, Corporal El Dada, and hopefully Tiffany Lurke. That will be the extent of the State's case this afternoon. [25 to page 428, line 6] We have contacted Dinah Steele-Mason and Larry Mason on behalf of Dr. Faltas to go ahead and be here by about 4:00. I have -- we have contacted Corey Curry. He has indicated that he is not interested in coming to the court. However, I told him that the judge had ordered that he be here tomorrow. He said he would come at 9:30 and, Your Honor, that's the extent of my abilities I believe in that matter.

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

[28-9] **Ms. Weiss:** I just wanted to put everything on the record.

[continued from previous page] [23 to page 100, line 12] **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, anything after that point would be an unwanted contact, unwanted following, surveillance. 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. Turnbleston 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.

iv [Links to Audio Recordings of Ingram-Jackson Activities Against Dr. Assa'ad-Faltas]
[2009-09-29 to 2009-10-01 Complete Audio Recordings of Eviction Trial (after jury selection):]
[2009-09-29 1001 a Dinah Steele Opening <http://sdrv.ms/10Rgwjr>]
[2009-29-09 1001 b My opening and Ingram-Jackson testimony on direct (starts circa minute 48)]
[<http://sdrv.ms/Vf5673>]
[2009-10-21 link to Ingram's call <http://sdrv.ms/VaPtzj> and <http://sdrv.ms/VpnX4H>]

v **Solicitor Weiss did NOT call ANY witness whose criminal records she failed to conceal or whose criminal records evidencing fraud were ruled admissible.** After having listed 36 witnesses, Weiss called only three law officers who had seen none of Dr. Faltas' alleged conduct, Tiffany Lurke before revealing her ABHAN arrest; Rodney Ingram after concealing his driver's license fraud conviction; and Curtis Ingram after concealing his fraud/theft convictions. Weiss later tried to conceal her lies about her witnesses' criminal records by instructing the court reporter to "delete" whatever she perceived as "colloquy." Vide attached correspondence among Weiss, Court Reporter Helms, SC's Office of Court administration, and Dr. Assa'ad-Faltas.

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF RICHLAND) IN THE COURT OF GENERAL SESSIONS
3
4 State of South Carolina)
and City of Columbia,)
5 -vs-) TRANSCRIPT OF RECORD
6 Marie Assa'ad-Faltas,) 10-GS-40-11980
MD, MPH,) 10-GS-40-11987
7 Defendant.) May 18, 2016
8) Columbia, South Carolina
9
10
11

12 B E F O R E:

13 HONORABLE ALISON RENEE LEE, JUDGE
14

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

16 DEFENDANT PRO SE
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7
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11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX

Motions -- page 4.
No sworn testimony.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
C-1	Expenses		40
C-2	Court reporter bill		40
C-3	Documents		40
C-4	Transcript before Judge Newman on February 22, 2010		40
C-5	Transcript before Judge Newman on February 23, 2010,		40
C-6	Transcript before Judge Lee on December 13, 2013		40
C-7	DVDs		41

1 THE COURT: We are here this afternoon on a motion
2 relating to docket numbers 2010-GS-40-11980 and
3 2010-GS-40-11987. It's in the matter of the State and the
4 City of Columbia vs. Marie Assa'ad-Faltas. Dr. Faltas has
5 filed a motion, ex parte motion, to be reimbursed for pro se
6 defense expenses from the South Carolina Commission on
7 Indigent Defense. Dr. Faltas is present this afternoon.

8 And, Dr. Faltas, I'll be happy to hear you on your
9 motion. As I understand it, you're seeking reimbursement
10 for expenses relating to a court case that was ultimately
11 tried here and then remanded to the city court. And I
12 believe that those -- those case have ended. At least to my
13 knowledge they have ended. And as I understand it there
14 have subsequently been expungements of the charges. And so
15 those expungements, one was signed by Judge Benjamin and one
16 was signed by Judge Dana Turner. And those expungements
17 require that all of the documents relating to that offense
18 be destroyed. So I have no file to be able to go to to go
19 back and pick it up. I do however have a number of copies
20 of documents that you have filed with the clerk of court
21 here in some cases that I have. While they may have been --
22 they may have been put in a different file because there was
23 no -- because these files have been destroyed, I do have
24 copies of the motion that you made and I have copies of the
25 information that you've sent. I believe you sent several

1 e-mails relating to some of those documents. And as I
2 understand -- and I do have a copy of your expenses, your
3 itemization of your expenses, and a spreadsheet, I believe.
4 And I think if I'm not correct, you can correct me, and I'm
5 sure you will, that they're both the same information.
6 They're just in different forms. No?

7 THE DEFENDANT: Good afternoon, Your Honor.

8 First, thank you for the hearing.

9 Second, if it pleases the Court, because I stand, thank
10 God, it's much better than when I last appeared before Your
11 Honor, but I still have knee issues. I also have shortness
12 of breath issues. So, if I may, be seated, and I hope the
13 court reporter can hear me.

14 THE COURT: I don't have any problem with you being
15 seated. I just need to make sure that you speak loudly so
16 that I can hear you. Perhaps if we can -- we can move one
17 of those microphones, maybe this one here that's in front of
18 her a little bit closer to her so that I can make sure I
19 hear. You don't have to speak into the little microphone
20 because she can hear that.

21 THE DEFENDANT: Okay. Could we test?

22 THE COURT: It's fine. You don't have to speak right
23 on top of it. Okay.

24 THE DEFENDANT: Okay. Thank you.

25 First of all, Your Honor, it's actually three cases,

1 the two G.S. numbers that you mentioned and also a case that
2 was entirely brought by the City of Columbia in municipal
3 court. And those three cases completely ended in my favor,
4 and I was pro se from beginning to end. However, they have
5 had a very long and a history of torture to me. And I am
6 sorry. The system failed me at every step. And it is time
7 for me to be made whole, at least in part. I am not asking
8 for money from Mr. Hugh Ryan's personal pocket.

9 THE COURT: Oh, I understand.

10 THE DEFENDANT: It is -- it is the state that brought
11 those false charges against me. It is every single judge of
12 this state, Your Honor included, who sat by when I was
13 trying to show that the charges are fabricated and I
14 shouldn't suffer under them and no one did anything for me.
15 And so it was totally justified for me to continue
16 researching and --

17 THE COURT: And I'm not disputing any, any of that
18 information, Dr. Faltas. What I'm here about today is to
19 determine from you --

20 THE DEFENDANT: Yes.

21 THE COURT: -- what you're claiming the expenses are in
22 the motion that you filed on Monday, the 16th of May. There
23 were -- there were several categories of expenses which you
24 claim that you were to be reimbursed for, and that's what
25 I'd like to address, is those expenses.

1 I understand that all of your court cases as it relates
2 to these particular matters have been dismissed and are
3 ended, and I understand your position as it relates to how
4 you were treated throughout the entire ordeal. So I
5 would -- while I appreciate how you feel about it, and I
6 really would like to not make it, for lack of a better word,
7 a personal issue, I understand that you --

8 THE DEFENDANT: It is personal to me. I'm sorry. I'm
9 the one who had my wrist bruised. I am the one who was put
10 in cells of stone and --

11 THE COURT: Dr. Faltas, I'm not going to entertain
12 that.

13 Okay. I do understand, and you seem to think that I
14 don't have -- that I don't have any empathy for you. I do
15 understand that and I understand exactly what your position
16 is. And what I am trying to get at today, because this is
17 the motion that's before us, is you believe that you're
18 entitled to be reimbursed for those expenses. And I'm just
19 trying to gather what those expenses are.

20 THE DEFENDANT: Absolutely. And what I'm trying to say
21 is that the law requires that I be reimbursed for pro se
22 defense expenses provided two things which -- which apply in
23 this case. Number one, that I represented myself pro se;
24 and, number two, that I was judged mentally competent to
25 represent myself pro se.

1 Now, where it is up to the judge, is to raise the
2 statutory cap, and there is case law that says that the
3 judge may raise the statutory cap.

4 So my initial idea was to apply for raising the
5 statutory cap and then have every single dollar and cent
6 verified by the commission of indigent defense. You want to
7 take a different approach, you want to verify every single
8 expense, that's fine. But I had short notice of that and I
9 e-mailed the receipts to Mr. Devlin. I hope he received
10 them. I'm sorry. I did not have a chance to reprint them.
11 I had one time printed them and submitted them to the
12 commission of indigent defense, and they said we need the
13 judge's order, and I could not get any judge to hear me for
14 years -- years. Now --

15 THE COURT: Okay. So what you're saying is that the
16 specific itemization and the receipts that support that have
17 been sent to the office of indigent defense.

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: And so what -- and I understand they
20 don't -- they do not pay anything without having a court
21 order that allows those expenses. Okay. And so what I have
22 before me is a list of -- is a list that starts in December
23 of 2009 that lists things like Kinko's copy pickup, U.P.S.
24 all of those, the postal service, Walgreens. All of those
25 are itemized and those relate to the expenses arising out of

1 this particular action.

2 THE DEFENDANT: This actually relates only to the
3 printing expenses. I have also made another one, and in the
4 proposed order I asked for the statutory cap to be raised to
5 \$20,000 and for the commission to reimburse me for
6 non-duplicative expenses. And the reason for that is that
7 some expenses were paid directly earlier from the commission
8 of indigent defense directly to the -- to, for example, a
9 court reporter. But others have not been, and these are the
10 ones that aren't. So I'm saying that I want the global cap
11 for expenses to be raised to \$20,000, that part of the
12 expenses that they have not reimbursed me yet, that they be
13 reimbursed within that cap. And of course if that
14 applies -- and I'm also seeking compound interest, and that
15 is justifiable because, in essence -- and I know this is not
16 a civil case, this is a criminal matter -- but, in essence,
17 I was the prevailing party. The state brought charges,
18 false charges against me. I exonerated myself, thank God.
19 So I'm the prevailing party. I'm entitled to costs. And
20 when there is judgment it is usually -- it also -- I could
21 lose compound interest, and I'm trying to make some law here
22 because I'm trying to get some meaning from the seven years
23 of torture, that this doesn't happen to somebody else.

24 THE COURT: And I understand that, Dr. Faltas, and I
25 will have to look at the statute and all of those -- those

1 authorities relating to this particular statute. But I
2 think when you talk about interest and you talk about being
3 the prevailing party, I think those relate to civil matters
4 and not to the criminal issues.

5 So to the extent that the statutes and O.I.D. allow for
6 interest, certainly you could be entitled to that interest
7 as well. But I'm just saying in advance I'm not sure that
8 that's authorized by the statute.

9 THE DEFENDANT: And, Your Honor, the last time I
10 appeared before Your Honor I made several arguments
11 including the South Carolina's last-argument rule that if
12 the criminal defendant presents evidence he cannot go last,
13 but if he doesn't prevent evidence he can have the last.
14 And I argued, and that's in the transcript too, that this is
15 inappropriate. And now they have changed the rule. I'm not
16 saying whether they got the idea to change the rule from me
17 or not, but I'm saying, thank God, I'm blessed with an
18 exquisite intellect and I'm appearing before a judge whom I
19 respect very much both for your integrity and your
20 intellect. I was disappointed by some recent acts of Your
21 Honor, but I still would like to think that I'm appearing
22 before the Judge Lee I knew from before. In any event, we
23 can make law, we can advance the law. And if there is
24 reason to -- to change the law that is -- it's part of the
25 lawyer's duty and of the judge's duty to advance the law.

1 And I'm saying that's only one recent example.

2 When I appeared before the Honorable Donald Beatty when
3 he was a Court of Appeals judge I argued orally pro se
4 before the Court of Appeals that when a motion for a new
5 trial is granted to a criminal defendant based on after
6 discovered evidence it should not be appealed by the
7 prosecution.

8 Two years later when His Honor became the Justice of
9 the Supreme Court he wrote an opinion saying exactly that.
10 So I'm saying there are things that I am saying now that I
11 would face arguments to extend and modify the law, and my
12 history of making innovative arguments should entitle me to
13 make those arguments and owes me serious consideration from
14 Your Honor. And if you agree with me, this is great; if you
15 don't, please give the reasoning and --

16 THE COURT: Sure. And I think, Dr. Faltas, you know,
17 we've had a long history together. I think and find that I
18 do give a reason for making my rulings.

19 They may not always be correct rulings, they may not
20 always be ones that you agree with, but I try to give a
21 reason because sometimes my hands are tied and I cannot
22 change the law. That's for a higher court to do.

23 But let me -- let me just as an aside go back and say I
24 understand that you may have some -- that you may be
25 disappointed in what you perceive to be actions, but let me

1 tell you, Dr. Faltas, that despite what you have knowledge
2 of there's also information on my side from which I haven't
3 tried to do to get information heard. And I can only do
4 that when I'm in general sessions court, which I am this
5 week, which is why your motion is coming up to be heard at
6 this particular point, because I understand that it had been
7 filed. It had never been ruled upon, and I did not agree
8 with the fact that it had not been ruled upon, and I tried
9 to take steps to see if I could get it heard in another
10 forum and that didn't work out. So the only other recourse
11 is when I hold criminal court, and this is the first time
12 I've held criminal court in almost a year to be able to
13 address those particular issues.

14 THE DEFENDANT: And I appreciate that, Your Honor, and
15 please let me just say something.

16 I have seen you advise a young lawyer. You told him
17 don't ever let them send you unprepared. You know, he
18 was -- he was told to come for another lawyer by his law
19 firm.

20 And may I just say don't ever let them make you less
21 than what you are. And -- and I stop with that because it's
22 not -- my disappointment isn't that I disagree with Your
23 Honor's ruling. My disappointment is that I believe you
24 were under pressure to make them the way you did and you
25 succumbed to that pressure. And I'm five years and five

1 months older than Your Honor. And let me tell you lovingly
2 don't ever let them again make you less than what you are.

3 THE COURT: well, and I appreciate that and I
4 appreciate how it may appear, and so I'll just say thank you
5 for that.

6 THE DEFENDANT: Okay. So, also I would like -- and,
7 again, by way of extending and advancing and improving the
8 law, I think the criminal law, at least in South Carolina,
9 because in other states like Texas, for example in Texas,
10 they have a conviction integrity unit. Whatever the general
11 himself -- and that's how it should be because he's supposed
12 to -- prosecutor is supposed to be the minister of
13 justice -- goes through convictions and sees if they were
14 wrong, and if they were wrong people get freed, and the
15 state pays them compensation.

16 Okay. South Carolina doesn't do any of that. But I
17 would like to improve the Rule 11 concept and, you know,
18 please let me make my record and how your conscience leads
19 you to improve the Rule 11 concept that when criminal
20 charges have been brought with falsity and with knowledge of
21 the falsity and with motives that would be inappropriate
22 under Rule 11 in a civil case, then the Court should on its
23 own power, under its own equity power, without the -- the
24 wrongfully accused defendant having to file a Section 1983
25 case or anything -- the -- the Court should under its own

1 equity power make the prosecution make the defendant whole.

2 For example, and I'm not asking for this under
3 expenses, but I will also make the motion under a theory of
4 importing Rule 11. I was made to stay in a motel for four
5 years, and in those four years I was made, at least three of
6 them, I was being made to pay rent to my apartment and not
7 go to my apartment, and the system refused to hear my motion
8 to modify the bond.

9 I think under a theory of importing Rule 11 into
10 criminal proceedings my family and I should be compensated
11 for the four years of my having to stay in a motel because
12 it bankrupted them.

13 But going back to the expenses and the record, first,
14 it wasn't Judge Benjamin who signed the expungement order.
15 I think it was Judge Cooper. But, in any event, the City of
16 Columbia still has the records, and that remand was illegal,
17 and I was going as a matter of also, you know, the expenses
18 of fighting the motions and counting the pages of the
19 motions and all of that because, of course, the biggest
20 injury to me of those seven years of my life and also the
21 terror in which I live that anyone can at any moment do
22 extreme impunity, falsely accuse me of something, arrest me
23 and then we suffer no consequences, but I'm saying I should
24 at least be made whole for the expenses, and those should
25 also include the printing of the motions I filed, etc.,

1 because let us remember it ended in my favor. I -- I
2 shouldn't, and these charges were so false, and everybody
3 knew they were false, and the prosecutor is supposed to
4 prosecute crime, but the prosecutor was committing the
5 crimes of subornation of perjury, of actually falsifying the
6 records, of lying to the Court. And this should no
7 longer -- we have seen it. I've said that when they came to
8 arrest me they secretly hoped that I was going to misbehave
9 and they would shoot me. And everybody was saying, oh, the
10 Faltas is crazy, this doesn't happen. Really? Jefferson,
11 Missouri, Baltimore, North Charleston. Police officers
12 shoot people all of the time and pretend that the one who
13 was shot was trying to kill the police officer.

14 I was ahead of my time in everything I did, and I am
15 not going to be silent about what was done to me. But so
16 I'm saying, first of all, the entire record is still with
17 the City of Columbia and the indictment was illegal because
18 the City of Columbia never had jurisdiction. The city
19 municipal court never had jurisdiction on first degree
20 charges and they never, ever obtained a warrant for second
21 degree charges, which arguably the Columbia Municipal Court
22 may have jurisdiction over.

23 In addition, at the trial the prosecutor insisted,
24 because the jury came back with a question is there a lesser
25 charge, and the prosecutor, I said it's okay to tell them

1 that second degree is a lesser included charge. The
2 prosecutor said, no, it is not. And I asked Judge Newman
3 what's your ruling. He said I don't know, I'm not making a
4 ruling.

5 So for -- that indictment was illegal and that is one
6 more reason I would be entitled to the theory of Rule 11
7 sanctions or something that is equivalent to Rule 11
8 sanctions in -- in criminal court to so -- so -- okay.

9 So as a matter of housekeeping I would ask Your Honor
10 to order that the city send back the record. First, it
11 should never have gone there. Second, it can be sent and
12 kept under seal pending the adjudication of these motions.
13 And, third, it is still there. It is still there.

14 THE COURT: All right.

15 THE DEFENDANT: I've seen it.

16 THE COURT: And I guess what I'm -- I'm trying to
17 figure out, what records you are referring to. The
18 transcript?

19 THE DEFENDANT: Everything. The motions, the orders,
20 everything from the G.S. cases the city still has.
21 Everything.

22 THE COURT: And that's on the harassment charges?

23 THE DEFENDANT: Yes, Your Honor. And also the unlawful
24 use of telephone.

25 THE COURT: And the expungement on the harassment

1 charges were signed by Judge Turner from municipal court.

2 THE DEFENDANT: And there was also another order but --

3 THE COURT: And then there were charges relating to the
4 charges in general sessions court relating to harassment,
5 and there were two counts. Those were expunged here. Judge
6 Benjamin signed the order in August of 2012.

7 THE DEFENDANT: Okay.

8 THE COURT: And Judge Turner signed her, the order, in
9 September of 2012. So to the extent that those records may
10 still exist, I'll put it this way. Those records -- there
11 is no records of those indictment numbers or warrant numbers
12 in -- in this courthouse because they have been destroyed
13 and expunged.

14 THE DEFENDANT: No. They were not -- they are not
15 here, not because they were destroyed and expunged. It is
16 because they were improperly sent.

17 THE COURT: I understand that there were -- some
18 charges were remanded back, and I understand that you're
19 claiming that they were remanded back improperly. But I'll
20 certainly inquire as to whether or not their records there
21 that are still, in light of the expungement signed by Judge
22 Turner, I will inquire as to whether or not those records
23 still exist. But I do have -- I think there are transcripts
24 and I think there are other records that you -- that you
25 never received copies of, and so you have those -- those

1 items which can be used to preserve this argument for an
2 appellate court.

3 THE DEFENDANT: Yes, and --

4 THE COURT: What I'd like to do is -- I understand some
5 of the charges that you are seeking to be reimbursed for,
6 particularly as it relates to the witnesses and the SLED
7 reports on those witnesses. I understand that. I
8 understand about the transcripts that you are requesting to
9 be reimbursed for.

10 There are other -- the other expenses I think I do --
11 there are categories which I guess I need to inquire as what
12 they are about. There are some charges, looks like, that
13 relate to the U.S. Federal District Court.

14 THE DEFENDANT: Okay. And -- and, Your Honor, if I may
15 approach, please, or at least not approach but show you some
16 exhibits because that was --

17 THE COURT: And, Dr. Faltas, what I heard you say
18 earlier is that some of the transcripts may have been
19 already paid for by O.I.D.

20 THE DEFENDANT: Yeah, yes, ma'am, and I did that in --
21 in the spreadsheet, what I said paid for, yes, no.

22 THE COURT: Okay. Yes. I see that.

23 THE DEFENDANT: But it -- when I opened it -- and I had
24 prepared that in 2013, and when I opened it in a different
25 format it didn't format right. I reformatted it yesterday

1 and reprinted, and if I may --

2 THE COURT: Do you have a copy of those?

3 THE DEFENDANT: Yes, yes, yes. But let me. Let me
4 find the copy first, Your Honor.

5 (Pause.)

6 THE DEFENDANT: And --

7 THE COURT: Yes, ma'am. This is -- this is the same
8 information. I just -- it just lined up a little bit
9 better. Thank you.

10 THE DEFENDANT: And may I also show Your Honor?

11 THE COURT: And this is a copy of the documents. This
12 is an extra copy?

13 THE DEFENDANT: Well, if the Court wants to keep it,
14 I'm not going to -- to object to that. But that is
15 important because that was -- the mistrial was declared
16 Friday, February 26th, 2010, and I immediately started the
17 researching what they had done, what they had presented.
18 And that includes something very objective. It's not I say,
19 they said. A very important or three important key matters
20 is that my false accuser was employed, and I had been trying
21 to block her from going to work, that she was a single woman
22 and just having boyfriends and that she was a highly
23 educated person and that she was -- she was just having her
24 friend's child and I -- and the demon horse [sic] scared the
25 child or whatever.

1 The objective thing is that in a different case which
2 she had brought against somebody else she testified under
3 oath that she had been unemployed during that same period
4 for which they falsely accused me of having blocked her from
5 going to work.

6 She was also in the -- and that is deposition that I
7 had to run and get from that other case. And one of the
8 things that I had, you know, been trying to get reimbursed
9 for, that what she admitted that she was unemployed during
10 that period that she was still married and she had lied and
11 said that she was divorced.

12 THE COURT: And for the record, that's the deposition
13 of Teresa Ingram.

14 THE DEFENDANT: Yes, Your Honor. And I also got the
15 deposition of Margarie Triffon later. It's not in this
16 booklet but it's -- so what I'm saying, the lies and
17 forgeries and fabrications against me are not a matter of
18 credibility, are not a matter of I say, they say. They are
19 matters of public record.

20 She claimed that she had been in the military for a
21 year and a half. I FOI'd her veteran's record, and she had
22 been in the reserve for only three weeks. She claimed that
23 she had no -- that she was divorced. In fact, she was still
24 married, and her husband is a major drug dealer from Sumter
25 and also operated the chop shop. And one of the reasons I

1 took pictures when I saw them hooking other cars and towing
2 them is to document, and it could have been that they could
3 have towed my truck in my absence and chop shopped it.

4 She also falsely pretended that she was just there, but
5 I also had to find records that she had been evicted. So,
6 Your Honor, these add up to 353 objective lies. And I
7 counted those from the testimony of Teresa Ingram in all
8 353.

9 Now, granted every time she was asked the same question
10 and repeated the perjury, I counted it. But it's not one or
11 two, and that's the essence of the false case against me.

12 And also, for example, one of the matters she came
13 along with Charlene Crouch and accosted me, and knowing that
14 I'm a doctor they asked me for a prescription. And part of
15 my research found that she is addicted to Vicodin and she
16 had been later arrested with Vicodin without prescription.
17 So I had to keep researching these. Some of them are from
18 the expenses from the Richland County Sheriff's Department.
19 Others are from SLED. And I'm saying I kept researching
20 from the time that the mistrial until not just after the --
21 the dismissal because it was the first degree was dismissed
22 with prejudice. But David Fernanders said that he was going
23 to bring -- I'm sorry. I want to make sure I spoke
24 correctly. The first degree harassment charges were
25 dismissed with prejudice. But David Fernanders argued that

1 that doesn't prevent him from bringing a warrant for second
2 degree harassment. And as Your Honor knows, that there is
3 no statute of limitations on any crime in South Carolina.
4 So I had to continue researching because I was under threat
5 of those false charges being brought against me.

6 THE COURT: And when -- when were the harassment
7 charges dismissed?

8 THE DEFENDANT: The first degree were dismissed, thank
9 God, on August 13th of 2012.

10 THE COURT: And there've been no subsequent charges
11 brought at this particular time? There have been no
12 subsequent charges brought? In other words, Mr. Hernandez's
13 comments of we bring charges have not been brought to date,
14 is that correct?

15 THE DEFENDANT: That's correct, but it doesn't mean
16 that he can't.

17 THE COURT: I understand, I understand. But I'm just
18 saying at this particular point. And so you continue to do
19 research from -- from 2010 when the mistrial occurred up
20 until 2012.

21 THE DEFENDANT: And sometime after that. I'm not
22 continuing to do active research today, 2016, except
23 occasionally I look at the public index.

24 And, Your Honor, I want to say something. My false
25 accusers are human beings, and what the system told them is

1 it's okay to do wrong so long as you injure Dr. Faltas too
2 when we let it slide. And look what happened to them. They
3 didn't become wonderful people. They continued on life of
4 worse and worse crimes. And I always said that regardless
5 of the legal outcome I would lose, if I didn't make me lose
6 my soul, if they make me stop loving my enemy. I love those
7 people, but I have no permission to forgive them because
8 they have not repented. And every time Jesus Christ said we
9 must forgive it was conditioned on the wrongdoer repenting.
10 But these people haven't repented and I -- you are part of
11 the system, Judge. You are part of the system. You need to
12 make the system better, at least to honor the suffering
13 I've -- I've been through. I'm not obsessed with these
14 people, but I need them to repent.

15 But let's go back to the other items. So I had to keep
16 researching that for at least -- at least until the City of
17 Columbia returned the seized material to me.

18 THE COURT: So, Dr. Faltas, so I understand the U.S.
19 Postal Service charges were being about mailing information
20 and so that's sort of either to the courts or to various
21 agencies that you need to mail them to. I understand about
22 the copy charges. But you have charges, for example, to the
23 C.V.S. pharmacy.

24 THE DEFENDANT: Okay, okay, okay. Yes, Your Honor.
25 And I thank you for reminding me, and also I needed to tell

1 you the charging to you U.S. District Court, one of the
2 witnesses listed against me -- and did I give you the one
3 that lines better?

4 THE COURT: Yes. You did.

5 THE DEFENDANT: Okay. Yeah. Narewski, Investigator
6 Narewski.

7 THE COURT: Yes.

8 THE DEFENDANT: Okay. He had two or three cases
9 against him that were for violence during arrest and for
10 being verbally abusive during arrest. And he was one of the
11 people.

12 Your Honor, he was somebody who stayed in my apartment
13 to search it, and I have the videos. Narewski was -- and he
14 went into my walk-in closet and farted, and that is on video
15 that the Columbia Police Department made.

16 THE COURT: And those -- those are charges -- I see
17 that you have a number with either ApexGraphix or through
18 some other organization that would make copies of videos for
19 you.

20 THE DEFENDANT: Yes, Your Honor, but the -- the
21 charges, the U.S. District Court, was only to --

22 THE COURT: To research records relating to his court
23 cases.

24 THE DEFENDANT: To Narewski and only -- only as far as
25 his violence and his falsification of -- of research. And,

1 now, when they came to my apartment they took everything
2 that is a picture, a recording, a video. They even
3 desecrated my cherished recordings of my baby sister's first
4 words. This had nothing to do with any potential case, and
5 I have that in several transcripts. And of course I agree
6 they should not have taken them. But, thank God, I had kept
7 the negatives in a bank vault. So they have taken away all
8 of the pictures that were printed and all of the C.D.s that
9 I had made from the pictures, but/and they refuse to give
10 them to me. And Your Honor knows that I -- you don't make
11 any digital picture and focus on probative [sic]. So the
12 charges at C.V.S. pharmacy and all of this were to take the
13 negatives that I have kept in the bank vault and that they
14 did not seize and to reprint them again.

15 Those to -- to refute the false claims that the
16 pictures showed I'm a criminal and also because some other
17 pictures are exculpatory to me. And they had taken all of
18 them that were printed, but I still had the negatives. So
19 this is -- and that are, you know, when things are moving
20 from actual film to digital very few establishments still
21 had film printing or printing from film. So C.V.S. and
22 Walgreens were the ones that still had them.

23 THE COURT: Now, let me ask you this, Dr. Faltas.

24 I see that on your -- on your itemization. For
25 example, I'll just use one example. Sergeant Passmore,

1 copies of his being sued in federal court, \$30. would those
2 also be -- would those charges also be reflected in the
3 specific itemization that they say that you have with, like,
4 U.S. District Court's -- their charges for \$5 here or twenty
5 cents or fifty cents?

6 THE DEFENDANT: Yes.

7 THE COURT: Are those -- is that -- I just want to make
8 sure they're not duplicates.

9 THE DEFENDANT: And that's -- and that's why I put it
10 in the order, and I didn't think that Your Honor wanted to
11 do the, you know, manual work. I thought you would just,
12 you know, issue the ruling and let the -- the --

13 THE COURT: So, and so all of this has also been
14 submitted to O.I.D. as well -- office of indigent defense.

15 THE DEFENDANT: I -- I did submit the actual receipt,
16 but whether it's in this particular spreadsheet, I'm not
17 sure, but, you know, it's --

18 THE COURT: And so let me make sure I understand.

19 what's the specific itemizations may not be -- may not
20 be duplicates of what's on the -- what's on the front page.

21 THE DEFENDANT: Correct, correct. So, and these are
22 only people who went from the witness list --

23 THE COURT: Yes.

24 THE DEFENDANT: -- of the prosecution.

25 THE COURT: Right. I understand that.

1 THE DEFENDANT: So, I mean, if they didn't call certain
2 witness in one trial, it doesn't mean that they would not
3 have called that witness if they had their -- had tried the
4 case.

5 THE COURT: And I think you've explained, and I can
6 readily look at, you know, there were 36 witnesses listed by
7 the prosecution. The investigation that you conducted on a
8 number of individuals as a result of being listed or as a
9 result of allegations that they made that were false, which
10 would include Dinah Mason, Larry Mason, Charlene Crouch and
11 several others, and then in addition SLED reports that you
12 were requesting on individuals, the court reporter
13 transcripts, the film processing from the C.D., making C.D.s
14 as well as the negatives from C.V.S. pharmacy and Walgreens,
15 and then there's a dollar amount that says -- looks like you
16 advanced to your own private investigator. Did you --

17 THE DEFENDANT: Correct. What had happened, Your
18 Honor, is that Judge Cooper had authorized \$750, and that
19 was before the trial, and that was even in the transcript
20 when he set it for -- it was the transcript of
21 February 5th of 2010. And I -- in it I complained. I said
22 the prosecution isn't giving me the rap sheets and -- and he
23 said she knows she has to. I said but she hadn't. And, in
24 fact, I had to kind of crash the party when I learned that
25 Judge Newman was going to be the trial judge. And he had

1 another case and a jury was out. And I'm not admitting to
2 having done anything improper. I just went in and asked
3 permission to address him and said the trial is next week, I
4 still do not have discovery. And then the -- that
5 investigator, she told me I have, you know, I've done the
6 work for \$750 and I need more money. So -- so I did advance
7 that money to her because I was, you know, on the eve of
8 trial and -- and I had to do that.

9 THE COURT: And that amount that you have listed is
10 \$200.

11 THE DEFENDANT: Yes, Your Honor. And I have the -- the
12 canceled check for it, and I think I e-mailed it. But if I
13 didn't, I still can. Excuse me. Some of the checks were
14 written from my mother's checking account but that's --

15 THE COURT: Dr. Faltas, are there other expenses that
16 you have incurred or that you're seeking reimbursement for
17 that we haven't discussed?

18 THE DEFENDANT: I think we discussed the travel, the
19 travel, for example, when -- when I asked for something
20 for -- for records, claiming the records from the sheriff's
21 department the -- they would -- I would have to go get them.

22 THE COURT: So the travel that you're talking about is
23 a mileage reimbursement for going and picking up various
24 items that you had to be gotten.

25 THE DEFENDANT: Yeah. And -- and that is in the

1 category too, and, again, I'm sorry. I'm still in the
2 mind-set of, you know, letting the O.I.D. do the --

3 THE COURT: Sure. And I don't -- I just want to make
4 sure that I understand what's being requested. I understand
5 that despite the fact that I may -- that if I were to
6 authorize payment that they would have to go through and
7 prepare, but I just want to understand the categories of
8 payments. I think we talked about the criminal histories;
9 we talked about the transcripts; we talked about the media;
10 we talked about, just mentioned, travel, telephone, fax and
11 copying charges. We talked about the interest, that you're
12 seeking the interest and --

13 THE DEFENDANT: Yeah. If I may, in the media -- in the
14 media, yeah, there were several things.

15 First, there were charges that I had to pay from the
16 City of Columbia for actually getting a C.D., for example,
17 of a call to 9-1-1. And the -- the reason we are talking --
18 and let me just say that there were other charges, other
19 criminal, of course criminal charges, that ended in my favor
20 that I had asked for expenses of those. Judge Barber denied
21 it. Tristan Shaffer filed a motion for reconsideration.
22 Judge Barber denied the reconsideration. Then Tristan
23 Shaffer appealed it to the Court of Appeals. The Court of
24 Appeals dismissed that appeal because the order was not
25 final.

1 So I will be making another motion relative to those
2 other charges, but the reason I am limiting those three
3 charges -- the two harassment and the one unlawful use of
4 telephone -- is that I was pro se from beginning to end on
5 those, and they were completely ended in my favor.

6 So, oh, the -- the media. Part of it was sometimes
7 they would give me things that were unclear but/and I had to
8 pay to convert them to a format that was -- that was clear.

9 THE COURT: And so I think that -- I think we've
10 covered all of those things, all of the subject matter for
11 which you seeking to be reimbursed, have we not?

12 THE DEFENDANT: Yes, Your Honor.

13 In addition to that spreadsheet there were other
14 transcripts that I recently got and I have the -- first of
15 all, several of them were of the -- the rest of the
16 transcript of the trial, of the general sessions trial,
17 because the prosecution had ordered only the testimony part,
18 and Judge Cooper ordered that I be given a copy of what the
19 prosecution ordered at state expense. But then when they
20 remanded it to the City of Columbia I had to get that part
21 of the transcript to where the prosecution insisted that
22 second degree is not a lesser included offense in first
23 degree.

24 So -- so and I also obtained the transcript of several
25 hearings before Judge Cooper in 2010 in which not only I but

1 also the public defender asked that the charges be dismissed
2 because they have no merit or that they be expeditely tried.
3 And at least I had to have the -- the transcript where the
4 prosecution claimed that I am mentally ill and mentally
5 incompetent to represent myself, and Judge Cooper denied
6 even requesting a mental evaluation.

7 I, Your Honor, am mentally incompetent? Can you
8 believe that? I mean, why should I not be offended? I
9 mean, Judge Joe Anderson, the federal judge, when I first
10 appeared before him 20 something years ago, he said I'm
11 dazzled at your brilliance.

12 When I -- when I appeared before the judicial merit
13 selection commission and had the courage to testify against
14 the candidacy of current Chief Justice Pleicones he said Dr.
15 Faltas is an incredibly intelligent person, and yet the --
16 the prosecution had the depravity -- the depravity because
17 it's not short of any word than depravity to go and say that
18 I'm mentally ill and should not be allowed to represent
19 myself.

20 THE COURT: And so copies of all of those transcripts
21 are what you are seeking to be reimbursed for as well.

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: And part of that is what you're asking --
24 you're asking that O.I.C. check their records of what
25 they've already paid. Some may have been to Daphne Helms,

1 and there may have been other transcripts that were ordered
2 that you're seeking reimbursement for?

3 THE DEFENDANT: Yes, Your Honor. Oh, I knew. I knew
4 what they paid for and what they didn't because I know I
5 paid the rest.

6 There was one more transcript, and that was a hearing
7 before the Lykesland magistrate on November 9th of 2009.
8 And in that one, for example, my false accuser, Teresa
9 Ingram, in the trial she said that this child that she was
10 illegally babysitting and, in fact, when I maybe can find
11 the picture I showed she was -- I can prove that she was
12 physically abusing that child. But, in any event, she said,
13 oh, she's like my niece, she calls me auntie, I love her,
14 she loves me. And when in the magistrate court I presented
15 her with the same picture, I said do you know this child,
16 and she said no. And I had the audio recordings. And, in
17 fact, I had transcribed them by hand. But then and I also
18 had subpoenaed Magistrate Davis to authenticate that he had
19 reviewed my transcript by then and they were true to the
20 audios. But the prosecution said no, no, no, we cannot use
21 them.

22 It turned out that the prosecution had taken those same
23 arguments [sic] and had them transcribed by a separate court
24 reporter, and the prosecution stood in a court of law in
25 what is supposed to be a temple of truth and elicited

1 perjury from my false accuser. Teresa is this girl like --
2 like your -- yeah, like your niece, when she knew. And she
3 had obtained the transcript where Teresa said I don't know
4 this child. So I had to get a copy of -- from Compuscript
5 of the transcript that -- that the prosecution had -- had
6 gotten an original for. But since they are not official
7 court reporter the rates were higher. But that particular
8 one, Your Honor, I had specifically spoken to Mr. Ryan and
9 told him this is the rate. And remember they kept on taking
10 me to court several times, we're going to try it this time
11 and I go, and they say, oh, no, we're not going to trial.
12 So I had to get the copy of their transcript, and that was a
13 large sum. It was \$800 or something. But, yes, and I got
14 the additional transcripts and the -- the -- I think this is
15 an original of it, and then I have those.

16 THE COURT: Dr. Faltas, you're saying this is not
17 included in what you requested so far.

18 THE DEFENDANT: Yes, Your Honor. Correct, correct.
19 (Pause for noise in the hall.)

20 THE COURT: And this is your only copy, Dr. Faltas?

21 THE DEFENDANT: Yes, Your Honor, if -- if that's okay.
22 And I also have these, this other transcript, and all of
23 those are ones that I paid, but then this is a refund, so
24 these added minus this one.

25 THE COURT: And those have all been provided to me, or

1 is this the first time?

2 THE DEFENDANT: The first time I provided. But I
3 receive -- should we evacuate the court? Always with
4 something going on next door?

5 THE COURT: I think that was somebody who is coming
6 down the hall from another place.

7 THE DEFENDANT: Oh, okay.

8 THE COURT: The holding cell is over here outside the
9 doors.

10 THE DEFENDANT: Okay.

11 THE COURT: Dr. Faltas, have we covered all of these
12 issues as it relates to the reimbursement?

13 THE DEFENDANT: I think, and I am going to put that out
14 in a separate -- in a separate order and motion and ask Your
15 Honor to consider it separately.

16 I think I should be reimbursed for the four years I
17 stayed in a motel. And that doesn't come exactly under
18 defense expenses, but since I'm before Your Honor I want to
19 make a separate motion that it was very, very clear that
20 those charges were false from the beginning. It was very,
21 very clear from the beginning that the bond condition that I
22 not return to my own apartment was violative of the Eighth
23 Amendment from the beginning and even -- even after that
24 they always knew that my false accuser, the landlady,
25 doesn't even live in Richland County. She lives in Elgin in

1 Kershaw County. But my other false accuser, Teresa Ingram,
2 she was evicted in the middle of March 2010, two weeks after
3 she failed to get the first conviction against me. And even
4 in a transcript before Judge Cooper, I told, I asked him,
5 are they afraid that I would harass her memory or are they
6 afraid that I would harass her shadow? She doesn't even
7 live there any longer. Why should I not be allowed to
8 return to my apartment?

9 THE COURT: And, Dr. Faltas, I'm going to include that
10 within this. I'll be happy to consider a separate order but
11 I don't -- and you can submit that, that invoice, and I'll
12 treat it as part of this. So there's no need to file a
13 separate motion.

14 THE DEFENDANT: Okay, okay, all right. I'll do that,
15 Your Honor. And I do understand that we will be -- and I'm
16 asking Your Honor to -- as the four years in the hotel to --
17 that is an extension of the law, but I think it's a
18 good-faith extension of the law and necessary. And, you
19 know, I haven't been dilatory or anything.

20 And in another appearance before Judge Cooper I told
21 him it's not as if I said, oh, how wonderful the Clarion is,
22 I'm just going to stay there. First, they blackballed me.
23 I couldn't rent in another apartment, and especially with
24 the criminal charges against me. And the eve before my
25 first arrest when I had the motion for preliminary

1 injunction before Your Honor, Larry Mason was on the stand,
2 and I asked him why you don't want me to build on my own
3 land. He said yes. And I said and you want me to be
4 evicted from the apartment I rent from you. He said yes.
5 And I said and you also won't give me a reference to rent
6 somewhere else. He said yes. I said, well, then I would be
7 homeless. And he said you would be homeless, it wouldn't
8 bother me a bit. And that is in a transcript.

9 THE COURT: Yes, ma'am.

10 THE DEFENDANT: So -- so there was extreme malice in
11 all of this. And so I think that it is a necessary
12 development of the law to make that refundable.

13 And, again, it won't -- it may come, have to come, from
14 the budget of the solicitor, from the budget of the state or
15 from the budget of O.I.D., whoever. It's not coming from
16 anyone's personal pocket. But it's the state who did that
17 to me and the state should make me whole.

18 THE COURT: All right. And so, Dr. Faltas, I think I
19 have all of the information on that particular -- on this
20 particular motion.

21 THE DEFENDANT: Thank you.

22 THE COURT: I will tell you that I did not set aside
23 the full afternoon to talk about your other motion.

24 THE DEFENDANT: Okay.

25 THE COURT: So what I would like to do is go ahead and

1 schedule a date now so that we know what it is to come back
2 another time to talk about the motion that you want to lift
3 Judge Barber and Judge Cooper's stay. And I'm going to do
4 it before I'm no longer chief administrative judge and I'm
5 going to ask if you can come on June the 7th.

6 THE DEFENDANT: God willing, so, yes, Your Honor.

7 THE COURT: That is a Tuesday. And if we set that at
8 10:00 o'clock, then I can hear you on that particular motion
9 at that time and I can allot -- I will allot two hours on
10 that particular matter, and then I can address that.

11 I understand that you also have a pending P.C.R., and
12 I'm not familiar at this particular point of the current
13 status of that. I know it has been filed. I know that you
14 made a request for appointment of counsel, and I think they
15 usually do appoint counsel. I am as chief administrative
16 judge responsible for corralling the P.C.R. cases, and so I
17 do have a term that's coming up in which I have to set
18 cases. Your case is a little too new to go on to that
19 particular roster, so I'm trying to get some of the old ones
20 done first. But I will inquire as to whether or not the
21 state has filed a return on that and when I can expect or
22 when you can expect -- the Court can expect that there'll be
23 a return filed on that particular P.C.R. matter.

24 Generally, an attorney is not appointed until there is
25 a return filed by the state. And then after that particular

1 point there's an attorney that's appointed to represent you.
2 I don't -- I that there -- that that is done by appointment
3 through a list in the clerk's office. I cannot tell you all
4 of the attorneys on that list. I will endeavor to -- to
5 find out who those individuals are to make sure that there's
6 no conflicts with you so that we don't have to address any
7 other issues.

8 THE DEFENDANT: Frankly, Your Honor, that the only
9 reason I asked for appointment of counsel is that the
10 Supreme Court is making me do that. But, of course as Your
11 Honor knows, I get better results for myself than lawyers
12 get for me, and I will be happy to proceed pro se if -- on
13 that if you would let me.

14 It was filed on March 3rd, and since it was a result of
15 a trial the -- the response is due within 90 days. I
16 don't -- so it will be due by -- by June 3rd, I think, or
17 June 2nd so because we have --

18 THE COURT: And I know that they have -- that the
19 attorney general's office is having a change of persons who
20 are handling P.C.R.s for Richland County. They have a new
21 attorney who is going to be assigned, and I think it's
22 effective -- I just got notice -- effective next week. So
23 there will be a new attorney and I will find out from them
24 what the status is of the cases that they have within their
25 office.

1 THE DEFENDANT: Okay. Thank you, Your Honor.

2 I have made the -- you know, just to -- so they are
3 available as a physical record, I have e-mailed those
4 extracted transcripts from the hearing and --

5 THE COURT: Those are the copies of the things that you
6 sent to me by e-mail? Is that what it is?

7 THE DEFENDANT: Yes, Your Honor. And so just to -- to
8 make them part of the paper record.

9 THE COURT: And, Dr. Faltas, while you're looking at
10 that what I am going to make a part of the record as a
11 court's exhibit so it will be part of the record in this
12 case, will be the reprint itemization that you passed up, as
13 well as the invoice from Karen Ambroziak, as well as the
14 copies of checks.

15 What I will do is I'll make the court reporter checks,
16 as well as the refund from Daphne Helms, and the cashiers'
17 checks, I'll make all of that Exhibit No. 2. And for the
18 record, that's seven pages. That will be Exhibit No. 2.

19 Exhibit No. 1 will be the corrected format of the four
20 pages of the -- regarding the itemization of your expenses.
21 That will be Exhibit No. 1. And then the bundled document
22 that you gave that has various documents but it's all --

23 THE DEFENDANT: It's a booklet.

24 THE COURT: It's bound.

25 THE DEFENDANT: Yes.

1 THE COURT: And it starts off with your -- it says
2 defendant's amended motion of the filing of a document
3 booklet. That will be Exhibit No. 3.

4 (Expenses marked Court's Exhibit No. 1; court reporter
5 bill marked Court's Exhibit No. 2; documents marked Court's
6 Exhibit No. 3.)

7 THE COURT: A 40-page transcript of the proceedings
8 before Judge Cliff Newman dated February 22nd of 2010, I'll
9 make that Exhibit No. 4.

10 (Transcript before Judge Newman on February 22, 2010,
11 marked Court's Exhibit No. 4.)

12 THE COURT: A 25-page transcript of record before Cliff
13 Newman on February the 23rd of 2010 that has some
14 highlighting on it, I'll make that Exhibit No. 5.

15 (Transcript before Judge Newman on February 23, 2010,
16 marked Court's Exhibit No. 5.)

17 THE COURT: And the transcript of record before me,
18 Alison Lee, dated December the 13th of 2013, it is a 25-page
19 transcript as well, I'll make that Exhibit No. 6.

20 (Transcript before Judge Lee on December 13, 2013,
21 marked Court's Exhibit No. 6.)

22 THE DEFENDANT: Thank you, Your Honor.

23 I was wanting to offer the videos that the Columbia
24 Police Department made of my arrest on December 2nd of 2009,
25 and they proved that they took from my apartment all of the

1 pictures and all of the C.D.s, and they justified that I had
2 to go and print from the negatives that I had in the bank
3 vault the others.

4 THE COURT: And so, as I understand it, these videos
5 formulate the basis for which you're seeking reimbursement
6 from C.V.S. and Walgreens.

7 THE DEFENDANT: Yes, Your Honor, among other things.
8 And, again, I would want them as proof of the depravity of
9 what was done to me, so.

10 THE COURT: Okay. These are three discs dated
11 December 2, 2009, entitled ransacking and robbery. And how
12 about if I make them collectively Exhibit No. 7?

13 THE DEFENDANT: Thank you.

14 (DVDs marked Court's Exhibit No. 7.)

15 THE DEFENDANT: And then if it pleases the Court if --
16 as you allowed me -- I had stayed in Providence Hospital not
17 as a patient but in their house when I was not -- for ten
18 days or so -- and so I bring a supplement that is the bill
19 for that, and if we can make that Exhibit 8. And then I
20 stayed in the Clarion Hotel for about four years. And I
21 have a printout of my itemized -- or I can put the first
22 page and the last page. And it's roughly a hundred thousand
23 dollars. And I make that, if it pleases the Court,
24 Exhibit 9. I don't have them with me, but as I understood
25 Your Honor's direction, that I may supplement with those.

1 THE COURT: Yes. But you'll supplement, and if you
2 provide me a hard copy of the supplement --

3 THE DEFENDANT: Okay.

4 THE COURT: -- then I will have that added as a
5 supplement, and we'll make a sticker for Exhibit No. 9, and
6 then we'll get that verified when I receive it.

7 THE DEFENDANT: And Exhibit 8 from the Providence
8 Hospital. I stayed in their Bruner House for ten days. And
9 the additional depravity, Your Honor, is that the City of
10 Columbia went to them and told them, told the Sisters of
11 Mercy, if you keep Dr. Faltas here we're going to revoke
12 your license to maintain the Bruner House. It was exactly
13 before Christmas and it was another virgin being put out of
14 the street on Christmas. But the Virgin Mary, Mother of
15 Christ, could go to Egypt and find refuge there. I had no
16 refuge. I was made homeless by the Sisters of Mercy under
17 threat from the City of Columbia on Christmas Eve.

18 THE COURT: And I will add that when you send that form
19 or that itemization. I'll have that entered as Exhibit
20 No. 8 as well.

21 THE DEFENDANT: Thank you.

22 THE COURT: Dr. Faltas, I'll wait if you can get that
23 information to me within the next week and I'll -- actually,
24 if you can do it before Friday, that way while I still have
25 this particular court reporter here --

1 THE DEFENDANT: Yes.

2 THE COURT: -- we can go ahead and get the stickers put
3 on and verify it.

4 THE DEFENDANT: Yes.

5 THE COURT: And then I will review all of the
6 information and I will issue a written order. I will try to
7 do that as quickly as possible.

8 THE DEFENDANT: Thank you.

9 THE COURT: But I can tell you it may not happen until
10 later, like the first part of July.

11 THE DEFENDANT: Your Honor, did you say you're going to
12 be chief administrative judge only for a short period?

13 THE COURT: Effective July 1st I will no longer be
14 chief administrative judge.

15 THE DEFENDANT: Who will be?

16 THE COURT: For civil it will be Judge Benjamin; for
17 criminal it will be Judge McMahon.

18 THE DEFENDANT: From Lexington?

19 THE COURT: From Lexington.

20 THE DEFENDANT: Okay. Well, Judge Benjamin, we know,
21 is recused, and so can I not -- and I don't know if Judge
22 Newman thinks he's recused or not. But we need to decide if
23 anything comes up if they would assign Your Honor.

24 THE COURT: I don't -- I'm aware that Judge Benjamin
25 has several matters for which she is recused, and I

1 mentioned that to her.

2 The way the chief administrative positions work is that
3 the chief -- it's supposed to be if the chief of civil is
4 not available, then the chief of criminal takes over those
5 duties, and vice versa. And so because she still does not
6 hear City of Columbia matters -- she's recused from all of
7 those so that -- it's part of her duties. That's part of
8 the discussion that I will have with her as she takes over
9 so that she can make sure that she and Judge McMahon are
10 well aware that he will end up being responsible for
11 handling some of the matters that she's recused on.

12 THE DEFENDANT: Thank you, Your Honor. What about
13 Judge Newman there? Is he --

14 THE COURT: He is here until July 1st, and then
15 July 1st he will no longer be chief.

16 THE DEFENDANT: Okay, okay.

17 THE COURT: That's when Judge McMahon comes in.

18 THE DEFENDANT: Thank you, Your Honor. Thank you.

19 And, Your Honor, may I say that it was a travesty that
20 Your Honor's nomination to the federal bench didn't go
21 through.

22 THE COURT: I appreciate it. Thank you very much.
23 And, with that, I believe we are concluded and we can go off
24 the record.

25 END OF REQUESTED TRANSCRIPT OF RECORD

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CERTIFICATE

I, the undersigned Linda D. Moffitt, Official Court Reporter for the Seventh 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 cause, relative to appeal, in the General Sessions Court for Richland County, South Carolina, on the 18th day of May 2016.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

June 23, 2021

s/Linda D. Moffitt

Linda D. Moffitt
Circuit Court Reporter

State of South Carolina) In the Court of General Sessions
County of Richland) Fifth Judicial Circuit
2010-GS-40-11980
2010-GS-40-11987

State of South Carolina,)
Plaintiff,)
vs.) Transcript of Record
Marie Assa'ad-Faltas,)
Defendant.)
_____)

June 7, 2016
Columbia, South Carolina

B E F O R E:

The Honorable Alison R. Lee, Judge

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

Marie Assa'ad-Faltas
Self-represented Defendant

Elizabeth B. Harris, CVR-M-CM
Circuit Court Reporter

I N D E X

<u>Witness/Description</u>	<u>Page No.</u>
Certificate Page.	37

E X H I B I T S

<u>No.</u>	<u>Description</u>	<u>Page No.</u>
No exhibits entered.		

1 THE COURT: We are here on -- I guess the best way to
2 caption it is *In Re: Marie Assa'ad-Faltas, M.D.* This is a
3 hearing on a motion made by Dr. Faltas to rescind the order
4 that was issued by the chief administrative judges back in
5 2010. So, there's not a, there's not a docket number and
6 not a case number, but it was an order that was issued by
7 Judge Barber and Judge Cooper and I have a copy of that
8 order. Yes, I have a copy of that order and, and I have a
9 copy...

10 (A PAUSE.)

11 THE COURT: Dr. Faltas has sent by email some
12 attachments related to the motion. Is that correct?

13 DR. FALTAS: Yes. Good morning, Your Honor.

14 THE COURT: Good morning.

15 DR. FALTAS: And if I may renew my permission to
16 address the court from a seated position for health
17 reasons?

18 THE COURT: Yes, ma'am. As long as you keep your
19 voice up to make sure that the court reporter is able to
20 record and make sure I can hear you as well.

21 DR. FALTAS: Thank you, Your Honor. I just wanted to
22 make sure that Your Honor has a copy of the motion to
23 reconsider that order which was filed both in general
24 sessions and in common pleas the next day. It was filed on
25 April 2, 2010, and back when I saw Judge Dennis was going

1 to do some hearings, I did email that because technically
2 that is still a pending motion, and technically Your Honor
3 can address it as now Your Honor sits both as the chief
4 administrative judge for general sessions -- I imagine
5 Judge Newman, *pere*, has recused himself -- and also as the
6 actual *de jure* chief administrative judge for common pleas.
7 So, Your Honor can rule on now the now six years standing
8 motion to reconsider that order.

9 THE COURT: Okay. I see a copy of that motion was
10 sent by email as well.

11 DR. FALTAS: Yes, Your Honor.

12 THE COURT: And then there's, and then there's a more
13 current motion that was filed in -- more recently.

14 DR. FALTAS: Yes, Your Honor.

15 THE COURT: Do you happen to have an extra copy, Dr.
16 Faltas?

17 DR. FALTAS: I, I can print one. I'm sorry. I was
18 looking for it this morning.

19 THE COURT: Okay.

20 DR. FALTAS: And just if I may say?

21 THE COURT: I know I have seen it; I just don't have
22 it in my possession right at this moment.

23 DR. FALTAS: Okay. If I may either during a break or
24 after the hearing get, get -- bring it because it is on my
25 thumb drive.

1 COURT REPORTER: Excuse me. I'm having some trouble
2 hearing Dr. Faltas.

3 DR. FALTAS: I have it on my thumb drive.

4 THE COURT: On your thumb drive?

5 DR. FALTAS: Yes.

6 THE COURT: Okay. If you, if you pull it down just a
7 little bit more, I think it'll pick up your voice.

8 DR. FALTAS: Okay.

9 (A PAUSE AS MICROPHONE IS ADJUSTED.)

10 THE COURT: Yes, ma'am, I'll, I'll -- let me go ahead.
11 I assume that for purposes of this hearing, we can combine
12 both the motion to reconsider and the motion to rescind.
13 They're going to address basically the same issues?

14 DR. FALTAS: Yes, Your Honor.

15 THE COURT: Okay, and I, and I -- so, I'll be happy to
16 hear you on your arguments. I have received copies of
17 other documents as well that you provided to me in an email
18 earlier this year in May, early -- May 17th I think that
19 information was provided.

20 DR. FALTAS: Yes, Your Honor.

21 THE COURT: Yes, ma'am.

22 DR. FALTAS: Okay. Your Honor, and last time I
23 appeared before Your Honor, I asked you to please not let
24 them be -- make you any less than what you know you are,
25 and I'm not going to be guilty of that. I am going to give

1 you the truth as I have come to know it, but there is also
2 something that I think is the least common denominator on
3 which you can rescind that order or grant the motion for
4 reconsideration.

5 THE COURT: All right.

6 DR. FALTAS: I will start with the least common
7 denominator, but I would ask the court's permission to give
8 you the full truth and to ask you to do everything your
9 conscience leads you to do to, to, to make me whole and to
10 redress that grave, grave injustice that has been
11 perpetrated on me for seven years now.

12 And the least common denominator would be Judge
13 Cooper's order, and really it was all Judge Cooper's work.
14 Judge Barber just basically rubberstamped it. We, we know
15 that. He just even said I concur. He didn't ---

16 THE COURT: Yes.

17 DR. FALTAS: He didn't author it or, or anything. And
18 I think Judge Barber has also been guilty of grave
19 injustice against me but not as much as Judge Cooper.

20 But in any event, the opening line, is Dr. Faltas a
21 criminal defendant in this court. I am no longer a
22 criminal defendant in this court, and it is clear that I
23 should never have been. And, Your Honor, when they came to
24 forcibly arrest me on December 2, 2009, in the morning and
25 there were ten Columbia police officers, ten, and three

1 cars -- and of course they were led by Larry Mason, who was
2 there and who is on the video. And after he opens the door
3 for them, the front door, and points, the investigator, the
4 Columbia Police Department investigator Amanda Blanton, she
5 displays the warrants and she says Wayne, Wayne, I signed
6 them for him. So, it is clear that that was a conspiracy.

7 It is clear that a civil defendant in the lawsuit I
8 had brought led this to gain improper advantage in the
9 civil litigation which your order had suggested back in --
10 on December 22nd of 2009, and which in August of 2010 --
11 and I think both of them are still here. Public defender
12 Douglas Strickler and as chief deputy public defender
13 Fielding Pringle, they both quoted and cited Your Honor's
14 order to Judge Cooper, and they both told him there was no
15 merit to this case. And even Fielding Pringle said I don't
16 think they are going to successfully prosecute her at any
17 point in time.

18 So, the basic principle or the basic premise, the
19 first line, is Dr. Faltas a criminal defendant in this
20 court. I'm no longer a criminal defendant in this court,
21 so the order should fall or should expire by its own terms.

22 The second -- and you know, Your Honor, when they came
23 to arrest me, I was thinking of Jesus when he was arrested,
24 and he looked at them and he said you came with rods and as
25 if I were a thief. I was with you all the time; I spoke

1 openly in your markets. That's what Jesus said. And what
2 they had come to take from my car and my apartment are the
3 very photos that I had presented to Your Honor the day
4 before as evidence in my civil case. And then the -- when
5 Jesus answered Caiaphas, the chief priest, someone slapped
6 him, and that's from the *Gospel of St. John*, chapter 18,
7 verse 23. Jesus answered him:

8 If I have spoken evil, bear witness of the evil:

9 but if well, why smitest thou me?

10 And this is the same question. Then Judge Cooper goes
11 to say she intensely believes she is not guilty. Well,
12 what's wrong with that? I was not guilty. No one has
13 proven me guilty; there was never even probable cause. And
14 then he goes on to say, well, she thinks that because she's
15 *pro se*, she should have unfettered access to the court.

16 Well, duh. I should and everyone should, and U.S.,
17 the U.S. Supreme Court said that it's a First, First
18 Amendment right for the public to observe the functioning
19 of the court just as they have the right to, to observe the
20 functioning, functioning of the government.

21 Recently there was this judge in Pennsylvania who was
22 dubbed the face of evil. He had a conspiracy -- convicted
23 now. I'm not talking about anyone who was merely accused.
24 Convicted of sending juvenile -- juveniles to, to, to jail
25 for long sentences to profit someone who had built a

1 private jail and was doing business with, with the city or
2 the county or the state, and it was to his financial
3 profit, and the scandal was called Cash for Kids.

4 So, yes, there can be bad judges and, yes, there can
5 be judges on the take, and they were on Your Honor's case
6 for what I think -- I, I was proud of Your Honor for having
7 applied the presumption of innocence. Judge Cooper is a
8 very, very, very lenient sentencer on specific people, and
9 it just takes five or six minutes in his court to see that.

10 And I've also seen where the, the solicitor throws DUI
11 cases, and I had written a letter to Judge Cooper and to
12 Your Honor about that.

13 And again, I'm a physician. I'm about life; I'm about
14 preventing suffering. I'm about preventing disease, and
15 people can die. People can die from, from judicial
16 misconduct. They can die from prosecutorial misconduct,
17 both positive and negative, both in falsely accusing
18 people.

19 I, I told the jury in my opening statement the singer
20 Michael Jackson was falsely accused of molesting a boy to
21 whom Michael Jackson was being charitable, and the jury
22 acquitted him, but it does affect people. Michael Jackson
23 died two years afterwards.

24 I'm a physician and when Your Honor said M.D., I'm
25 also M.P.H., Master of Public Health, and epidemiology and

1 biostatistics is the science and, in part, an art of seeing
2 connections. And there is a connection, I believe, between
3 Michael Jackson being unable to sleep and having had to
4 take the Propofol, which I don't defend, but, but the false
5 accusations, they do affect people.

6 To this day, Your Honor, when I hear a car under my
7 window open and close, I get startled; it may be someone
8 coming to falsely arrest me again. So, there is nothing
9 wrong with my believing that I was not guilty because I was
10 not guilty, and I'm no longer a criminal defendant.

11 And then look at what Judge Cooper did. He didn't
12 give me any notice. He called them interviews, but what
13 they really were *ex-parte* communications with the solicitor
14 who was my opponent because the, the general sessions
15 charges were, were still standing at that time.

16 THE COURT: And, and, Dr. Faltas, with the exception
17 of the post-conviction relief application that you filed,
18 all of, all of those, all of those pending matters have
19 been taken care of or there are no longer, there are no
20 long active charges or active cases?

21 DR. FALTAS: Except also, Your Honor, the other
22 assault charge that Your Honor also affirmed, that's on
23 appeal before the state Supreme Court, and there has been
24 five contempt of court charges against me by Marion O.
25 Hanna of the Columbia Municipal Court, and none of the

1 appeals were heard because I didn't have a lawyer. So,
2 this is something that was based on that order and that I
3 was wanting.

4 And I thank Your Honor for reminding me because last
5 time, Your Honor asked me about the deadline for the PCR
6 for the attorney general to respond, and I believe it
7 expired last Friday. And I did call them, and they said
8 they hadn't done anything. And yesterday I filed a motion
9 for a default judgment and summary judgment, and I asked
10 the clerk to put a copy in ---

11 **THE COURT:** And I, and I received a copy of some
12 documents that you had filed in your post, in your
13 post-conviction relief case this morning. **I know, because**
14 **I had status conferences yesterday in other PCR matters,**
15 **that the attorney general's office does not always respond**
16 **in a timely manner.** That is something that the, that the
17 Supreme Court has, has set up with the Fifth Circuit and
18 the Eleventh Circuit as pilot programs to try to get a
19 handle on the post-conviction relief cases. So, as part of
20 my duties as chief, that's what I was doing yesterday.

21 So, I can tell you that because it was a 2016 case --
22 your case is a 2016 case and they have many others -- that
23 **I would not be surprised that there's not any type of**
24 **return from the state and that's, and that's -- that is in**
25 **many ways typical.** I learned that yesterday, and I did

1 make a comment about that to them that they needed to be
2 timely, and we needed to get a handle on that situation.

3 DR. FALTAS: Well, but, I mean, the, the rule says
4 within ninety days. It doesn't say open-ended or at the
5 convenience ---

6 THE COURT: I understand that, and I -- but I also
7 understand that, that there are rules, and there is
8 information about filing a default against the state and
9 that generally there -- under the civil rules, at least in
10 the civil cases, a default is rarely granted against the
11 state. And I think the rules may address circumstances
12 relating to the filing of defaults against the state. So
13 -- and I, and I understand that part of what my
14 responsibility is, at least for the time I have left, is to
15 try to get an orderly disposition and a hearing scheduled
16 for those cases. Your case may be one, could be one in
17 which it could proceed more quickly than others because you
18 already have transcripts, I believe, and in other cases
19 they have to request the transcripts and go through that
20 information.

21 But I do understand and I'm not making any comment on
22 your motion at all because I -- that's not something that I
23 would, I would necessarily address, but I'm aware that you
24 filed it, and I'm aware there's an issue with the state
25 responding to post-conviction relief applications.

1 DR. FALTAS: Well, and I'm saying, you know, if they
2 are rarely granted, yes, but, I mean, *pro se* defendants
3 rarely win and win as big as -- there is nothing that
4 says ---

5 THE COURT: Yes, ma'am.

6 DR. FALTAS: And all I'm asking is for the motion to
7 be given a fair hearing on its own merits and to -- because
8 you know *State vs. Langford* said we're no longer giving the
9 prosecution all ---

10 THE COURT: And, and they don't handle -- we are
11 assigned a limited number of post-conviction relief terms
12 per year, and so that hearing would have to come up during
13 one of those terms. Even your motion would have to come up
14 during one of those terms, and I can certainly, since it's
15 been filed, make them aware, make them aware of it. And
16 probably the next term is August when that, when that could
17 be addressed.

18 DR. FALTAS: Okay, and you know that they don't have
19 to oppose it on the merits. I mean, my motion makes clear,
20 first of all, I shouldn't have been forced to have a
21 lawyer, but the lawyer that I was forced to have was beyond
22 ineffective.

23 THE COURT: And, and, and not to address -- I
24 understand that's, that's a portion of the merits, but at
25 least in terms of the motion that you filed for default,

1 that would have to be heard, and what I'm saying is that
2 that motion probably would not be heard until August.

3 DR. FALTAS: Okay, that's fine, but, but, I mean, the
4 default generally. It's not just that someone else failed
5 the -- missed the deadline. It's the underlying case is
6 meritorious for ---

7 THE COURT: I understand. It's, it's a default/motion
8 to dismiss the case -- I mean, motion, motion for basically
9 summary judgment.

10 DR. FALTAS: Exactly.

11 THE COURT: Yeah.

12 DR. FALTAS: Yes. Yes.

13 THE COURT: Yes, ma'am.

14 DR. FALTAS: And so that was to answer Your Honor's
15 questions about -- and the charges that were brought
16 against me at the instigation of Larry Mason and Dinah
17 Steele and Solicitor -- then Assistant Fifth Circuit
18 Solicitor Sara Heather Savitz Weiss, and all in that
19 admitted conspiracy with Robert Cooper, then of the City of
20 Columbia legal office, were the following: two charges of
21 harassment in the first degree dismissed with prejudice;
22 one charge of unlawful use of telephone dismissed with
23 prejudice; one charge of trespass dismissed; one charge of
24 disorderly conduct acquitted; one charge of this assault
25 that is on appeal; and then this property ordinance case

1 that is now on PCR.

2 There was also, based on Judge Cooper's order, an
3 arrest that was styled trespass, and in that case, I had
4 come to the courthouse before 4:00. I asked somebody for
5 permission to remain beyond 4:00, and they said okay.
6 We're discussing that, and then when they didn't come back,
7 I left the courthouse. They ran after me and they arrested
8 me after I had left the courthouse, and then they styled it
9 trespass, and that was also dismissed with prejudice. So,
10 so, to answer Your Honor's question, yes, all the -- I'm
11 not a criminal defendant in this court, and I should no
12 longer have been.

13 THE COURT: And there -- and just to be complete, and
14 there are no civil cases that you have pending other than
15 -- do you have an appeal? There's no -- there are no civil
16 cases pending as well. Is that correct?

17 DR. FALTAS: Oh. Well, Your Honor, I think it was a
18 travesty that my civil case against Larry Mason and Dinah
19 Steele which was tested three times -- it was tested by
20 then circuit judge Childs. Her Honor granted my motion to
21 amend and add defendants and add causes of action, and of
22 course another test of the motion to amend is whether the
23 claims sought to be added were meritorious. The second, or
24 really more in time, Your Honor's order for preliminary
25 injunction, and then the third test was Your Honor denying

1 the defendants' motion to dismiss on some claims. And then
2 very quickly after Jean Toal decreed that I cannot
3 represent myself, it came before a hearing. Defendants
4 very quickly made a motion for summary judgment, and I was
5 not allowed to even respond.

6 Now, what self-respecting judge thinks it's fair that
7 -- and I give that analogy. What kind of referee would
8 just tie one team to the chairs and says, okay, the other
9 team go down to the playing field and score as many goals
10 as you want. This is exactly what happened, and this is
11 exactly what Jean Toal did to all of you. She took away
12 your self-respect, all of you circuit judges. And I think
13 it is time for the circuit judges to restore their
14 self-respect, especially now that Chief Justice Elect
15 Beatty soon, God willing, to take his term. It's time for,
16 for, for the judges to restore their self-respect, and I
17 believe that this case should be reopened.

18 Also in the case that's -- that was on appeal before
19 Your Honor, I had filed the motion to suspend that appeal
20 so that I could go back to the trial court and present my
21 after-discovered evidence. That motion was never
22 scheduled.

23 THE COURT: And so in light of that, Dr. Faltas, I
24 think that you are, that you are correct that many of the
25 -- and I, and I haven't read the order recently, so that's

1 why I'm saying many. Many of the things that were
2 mentioned in the order certainly appear to no longer be
3 applicable because of the change in status of the cases:
4 that they've already either been dismissed or there are no
5 pending matters. And so the -- some of the issues that
6 were probably raised by Judge Cooper no longer are in
7 effect, and you're right. And so, therefore, the order
8 appears not to, not to be effective -- or reason to have it
9 in effect any further.

10 Are there additional issues that you wish to address
11 about this particular issue?

12 DR. FALTAS: Yes, Your Honor, many and I, and I said
13 I'll give you the least common denominator, but then I'll
14 give you what I think your conscience should, should lead
15 you to explore further. And there is no reason Your Honor
16 would not be the next chief justice of this state after
17 Justice, Chief Justice Elect Beatty serves his term because
18 you need to lead yourself and all those judges who wronged
19 me on purpose.

20 Back to self-respect and you know, Your Honor, I often
21 say that judges are the only profession that have a name --
22 a book, actually two books, First Judges and Second Judges,
23 named after them in the *Bible*. There is no book of
24 carpenters or even book of doctors in the *Bible*. It's
25 books of judges. So, it's a holy profession.

1 The bottom line is that there is no doubt that the
2 City of Columbia Police Department knew the charges were,
3 were false and fabricated them. There is no doubt that
4 Assistant Solicitor Heather Weiss knew that and went along
5 because the City of Columbia, and that was something I
6 discovered later, was paying her an additional \$70,000 a
7 year --- and Jesus Christ said the love of money is the
8 root of all evil -- to, to be the solicitor, and there is
9 documentation for that. So, she had no conscience
10 whatsoever against throwing an innocent person in prison
11 for six years to get her sixty pieces of silver.

12 There is no doubt in my mind that Judge Cooper was
13 aware of what transpired in the trial, and there is no
14 doubt in my mind that he was reviewing what I filed in the
15 trial -- after the trial. First of all, the pretrial
16 motions and the intra-trial motions, I asked Judge Newman,
17 pere, did, did, Your Honor, did I offend you? He said no.
18 You're always most pleasant and gracious, and that's in the
19 transcript. So, I was never rude.

20 The second thing on the motion to suppress, I asked
21 His Honor I hope you don't think I made the motion
22 frivolously. He said no, I don't think you made it
23 frivolously at all. I do not think it was a frivolous
24 motion at all, and you had the right to make it.

25 So, all the pretrial and intra-trial motions were

1 addressed by Judge Newman, and they were not frivolous.

2 Whether the ultimate ruling on them is -- Judge Newman's
3 ruling was correct or not could not be tested on appeal
4 because there was no conviction.

5 So, so, so, so, I mean, I am being denied access to
6 the courthouse because I filed motions. I mean, isn't that
7 why people come to the courthouse, to file motions, some,
8 some of the reason? And then the post-trial motions and
9 the, the -- Judge Cooper's order lists the booklet that
10 Your Honor accepted as an exhibit in the last hearing.

11 THE COURT: Yes, ma'am.

12 DR. FALTAS: This is no long -- it's not I say/they
13 say. It's they say in one hearing or one trial under oath,
14 and they say something 180 degrees opposite in another
15 trial under oath. So, this is objective stuff, not
16 credibility issues, and it's 180 degrees. So, there is no
17 doubt in my mind that Judge Cooper knew, by at least the
18 time he reviewed that booklet, that the charges against me
19 were false.

20 And then I did speak to John Meadors. I wanted him to
21 review that booklet, and then Judge Cooper says that he
22 finds that I harassed John Meadors by following him around
23 the courthouse. This is really trying to intimidate a
24 whistle blower, and I said that to Judge Cooper to his
25 face, and I never -- I have -- I'm probably the one person

1 left in this state who has the courage to do that. I told
2 him you did not schedule my motions because you are unfair
3 to me, and really he should never have sat in any matter
4 related to me to begin with because -- I brought this up
5 the first time I appeared before him again. I told him,
6 Judge Cooper, I got you reversed in a prior case in the
7 Court of Appeals, and there is a presumption of
8 vindictiveness.

9 And, Your Honor, in the interim there has been the
10 very sad news of Chief Justice Pleicones's grandson taking
11 his own life. And, you know, it takes courage to live, and
12 I'm not saying that I could have solved the problems of the
13 whole world but maybe someone, maybe Chief Justice
14 Pleicones's grandson could have learned from my courage and
15 would, would have had the courage to live and not take his
16 own life if people weren't too busy ridiculing me falsely,
17 falsely accusing me, as this order does, of being erratic.

18 And then later I was required to have a mental
19 examination, and then again Marion Hanna decreed that I
20 need weekly psychiatric sessions and if I don't get them, I
21 would be in contempt of court.

22 So, I'm not saying I could have solved the problems of
23 the world, but also when I was preparing -- you know, I had
24 filed a patent on an invention having to do with building,
25 in part with building in, in a flood. Maybe if I hadn't

1 been falsely arrested and have had to spend the seven years
2 trying to defend myself, maybe my inventions could have
3 prevented the death and destruction that happened with the
4 recent flood. I don't know, but what I do know is that
5 there is no societal value of falsely accusing somebody of
6 a crime, absolutely none, and it's not something that
7 should be tolerated.

8 Judge Cooper's order wasn't just tolerating what by
9 that time he knew and everybody knew were false accusations
10 against me. He was trying to intimidate me from proving
11 it. And there have been a whole lot of pressures for me to
12 plead guilty to a reduced charge and, in fact, there was an
13 email from Heather Weiss to my standby counsel to do that.
14 And when Fielding Pringle -- she also said that David Ross
15 asked her to, to ask me if I would do that, and I refused.

16 And it's not just a matter of pride or stubbornness.
17 It's very easy. If they can get me falsely to plead guilty
18 of a reduced charge that I didn't do or to plead guilty to
19 one charge, if they bring ten charges against me, what
20 would stop them from bringing hundred charges against me
21 the next day in the hope that I would plead guilty to ten?

22 There is nothing erratic, nothing irrational. There
23 is only courage and integrity in what I did, and this order
24 that I'm asking Your Honor to rescind or asking Your Honor
25 to grant the motion to, to reconsider is to restore

1 integrity to the judicial system as far as you can. And
2 also to at least remove that barrier of ridicule of me so
3 that the people who may need to learn from my courage would
4 have it, to learn from it.

5 And speaking of suicide, Your Honor, my trial lasted
6 five days and I was allowed to present my defense only
7 starting late on the third day. Of course my sisters and
8 my mother were worried and my sister told me, well, I mean,
9 if it's in the hands of the jury, wouldn't the jury be as
10 xenophobic as your landlord and landlady? And I said what
11 can I do about that? And I told my mother how afraid I
12 was, how afraid to the point of considering suicide, and
13 she said one word in Arabic, *matkhafeesh*, which means fear
14 not.

15 And I also remember -- Your Honor may not know and Ms.
16 Harris may not know, and part of the reason I'm not audible
17 is that thirty-six years ago I had thyroid surgery and the
18 surgeon not -- probably not clipped but traumatized the
19 laryngeal nerves. So, I -- my larynx was completely
20 paralyzed for three months, and I had to have a
21 tracheostomy, and up to this day only one part of my larynx
22 works. And at one time, I was telling them that I feel I'm
23 a burden on my family with all the recovery after that.
24 And my late father, God rest his soul, told me God gives us
25 life. We have to guard it.

1 So, this courage that my parents gave me, I can give
2 to others, to others who are in vulnerable situations, and
3 this order sets me up as a clown. This order should not be
4 there. It's, it's -- it encourages people to beat on
5 someone when she's down, and it shouldn't happen.

6 THE COURT: Let, let -- Dr. Faltas, while you've been
7 talking, I've been thinking about the order and some of the
8 things that are mentioned about the filings. And, and to
9 be honest with you, I'll tell you this is -- the problem, I
10 guess, that appears is not so much with, with you
11 personally or with, or with your trying to protect your,
12 your rights.

13 It is, I think for a lot of people, it's the quantity
14 of information that's filed, along with the number of
15 individuals that the information is sent to, which I think
16 is something that the court system is not really -- the way
17 the court system operates, it's, it's really not designed
18 to have multiple judges receive the same information.

19 And I'm not saying, I'm not saying at all that you
20 necessarily do that. I just know that when you're trying
21 to get information, you want to make sure that everyone who
22 has the potential to be able to assist, whether it's the
23 chief administrative judge or the judge who's been assigned
24 to it, has copies of the materials and not rely upon the
25 information that's in the clerk's office. And I think

1 sometimes it's -- it comes across as being -- I don't want
2 to call it over burdensome, but there's a lot of
3 information to, to read and, and in your presentations you
4 provide an awful lot of history that's not always
5 succinctly given.

6 And that's, and that's not a criticism but it's
7 certainly a factor that when, you know, I get, I get a
8 document today, I get what appears to be a similar or the
9 same document the next day. But there may be some changes
10 to it, but I don't know what the changes are because I have
11 to read, I have to read both documents to figure out what's
12 new, I mean. And I'm just, I'm thinking back, you know, in
13 the case we had that there were -- you know, there would be
14 a fourth supplement or a fifth supplement and I couldn't
15 tell what was different about them. And so having to read
16 the same information over and over and over again when I've
17 got a lot of other things I have to read, too, does, does
18 kind of weigh on a lot of judges. And I think it also
19 weighs a little bit on the clerk's office.

20 Now, I know it's their job to accept and they know
21 it's their job to accept the filings that you bring in, and
22 I don't think, I don't think anyone has a desire to
23 prohibit -- at least in the clerk's office -- from
24 prohibiting your access to the courts and being able to
25 file the documents. I think it's just, it's the volume and

1 sometimes the timing and, you know, not everybody is as
2 patient and so it, it -- I think that's kind of where the
3 problem is.

4 I'm not opposed to providing you access to be able to
5 file documents, but when I, when I think about you filing
6 documents and I think about -- you know, we've had history
7 for seventeen years. That I know that you file a lot of
8 information that's pertinent, what you consider to be
9 pertinent to your case, and you want to make sure that it's
10 reviewed and that it's received. That there's not an issue
11 about it being lost in the clerk's office, that I don't
12 have to rely upon going to the clerk's office to pick it
13 up, so you send it to me. It is, it's that kind of volume
14 that I think creates -- I don't know the word to use, but I
15 think it, it's the volume in -- that causes more of a
16 problem than your demeanor.

17 And I, and I understand that there are times when you
18 come to the clerk's office, especially when you're
19 representing yourself, that you feel that you, that you
20 know that you need to have access to the courts and that
21 you want to make sure things are taken care of. And
22 sometimes the clerk's office, in their daily functions,
23 they don't set aside enough time to be able to help you and
24 address you with all of your issues, and so it's, you know,
25 it's that process where everybody's got to work together.

1 DR. FALTAS: And I respond with five points, if I may,
2 Your Honor, and the first point is I did not arrest myself.

3 THE COURT: Oh, I understand, and I don't mean to
4 imply -- I'm really kind of taking it away from the
5 specific facts in this order to, to being able to think
6 about Dr. Faltas has access to the courts, and Dr. Faltas
7 can come in any time she wants and file whatever documents.
8 How can we best handle Dr. Faltas and, and her filings
9 without there being issues and tension because I think
10 that's what's -- that is what has spilled over and created
11 other issues.

12 I, I agree that the set of circumstances that gave
13 rise to Judge Cooper issuing the order are, are not
14 directly a result of things that you did so much as things
15 that were caused and that because you were arrested,
16 because you were charged with crimes, because you were not
17 represented by the attorney and you choose to represent
18 yourself because you believed that you could be the best
19 advocate for yourself -- which is your right to do -- that
20 coming in and trying to make sure that your case stayed on
21 track and to make sure that you were able to get hearings
22 and to be able to go forward and preserve evidence and
23 testimony, that that can sometimes appear to be overbearing
24 to some people.

25 DR. FALTAS: But it didn't. Those people knew that,

1 and that's where I'm asking Your Honor to be a leader and
2 to really call your colleagues to where they were wrong.

3 No one could possibly have believed that I was
4 overbearing, given what I was facing. If they want to
5 control the volume, they should have controlled the false
6 charges. In fact, I had the city -- the municipal
7 recorder, the city recorder in my case, and she said she's
8 been there for three years and she never denied the search
9 warrant. There should be better control, and I gave Your
10 Honor the number of false criminal charges that have been
11 brought against me.

12 Well, if you all want to control the burden on the
13 court system, well, control the prosecutor's ability with
14 impunity to bring false charges against people. The
15 prosecutor listed thirty-six witnesses against me. She,
16 she had been ordered by the judge to try both indictments,
17 and she didn't. She tried only one because she knew the
18 other one was even weaker than what she tried, and still
19 nothing gets done to her.

20 Now, the other thing, yes, I am my own best advocate
21 and that is statistically proven. The only two times that
22 I was convicted of a criminal thing is when lawyers were
23 forced on me. All the other times that I represented
24 myself, I was not convicted. And the one time I was
25 convicted of front yard parking, I made sure that there

1 would be no sentence. So, statistically if we treat it as
2 a continuous variable -- meaning the length of sentence,
3 days, or as a discreet variable convicted, not convicted --
4 definitely statistically significant, unquestionable that
5 when I represent myself, I get better results.

6 Ma'am, it's no longer possible to be diplomatic with
7 that. Judge Cooper by that time knew that the charges were
8 false; he knew that the prosecutor tried me and could not
9 get a conviction. He knew that I have researched and
10 submitted objective evidence that there was perjury against
11 me. He knew that all I did was try to go to the
12 supervisor, John Meadors, and tell him in case you haven't
13 seen this objective evidence, here it is. And for Judge
14 Cooper to say that I harassed John Meadors, no, no, no, no,
15 no. There is no diplomacy. Judge Cooper was trying to
16 intimidate me, and I am appealing to Your Honor's
17 conscience to lead Judge Cooper to admit that he did not
18 adequately supervise.

19 In fact, both Doug Strickler and Fielding Pringler --
20 Pringle -- and I told him this should not be remanded to
21 the City of Columbia. Either handle it here or dismiss it,
22 and that's in a transcript. He didn't do anything, and I
23 continued to suffer for two years under the bond condition
24 and everything, and then I was right. It shouldn't have
25 been remanded because the City of Columbia doesn't have

1 jurisdiction over first degree, and they never brought the
2 second degree warrant. So, he could have ended all of this
3 with a stroke of his pen. He did not do it because of the
4 presumption of vindictiveness or even worse. And I'm
5 sorry, Your Honor, there can be no diplomacy about that.

6 I would admit that I'm a perfectionist and that's --
7 in part, you should see it as a labor of love and of
8 respect. I, I want -- if I see something and there is even
9 a typo in it, I want to file another one without the typo
10 because I think -- especially when I'm advocating before
11 Your Honor.

12 Now, sometimes I would arrive like before that order
13 at five minutes to 5, and most of the time they would
14 accommodate me. Okay, he, he could say she can come -- or
15 could have said she can come in like everybody else, but
16 she cannot come earlier and if she comes too late, it will
17 not be accepted. But for me to be singled out like that,
18 and the first word is to be said -- to be told that I'm
19 erratic, and that was after the prosecutor had filed the
20 motion to have me mentally evaluated so that I cannot
21 represent myself again because they know that when I
22 represent myself, I win. That was an attempt to intimidate
23 me, and there is no excuse for it, and Your Honor is better
24 as a person and as a judge than trying to make an excuse
25 for it.

1 THE COURT: Oh, yes, I understand. I understand your
2 position, Dr. Faltas. I do, and like I said, I'm, I'm -- I
3 would agree with you that, you know, that there, that there
4 are some things that are written here that I would not
5 agree with, and, and I also agree that because most of the
6 things that have -- were discussed in here are no longer
7 issues, that there shouldn't be a problem with you being
8 able to come in and file documents.

9 What I'm, what I'm thinking about is when it's lifted
10 and it's done and there is the need for you to come into
11 the courthouse in order to -- in the clerk's office to file
12 documents, the -- I, I, I think it will, I think it will
13 take an effort for -- and I don't mean this in a bad way.
14 I think, I think everyone's attitude needs to be adjusted,
15 and so the order either needs to be written or
16 communication needs to take place with the clerk's office
17 about how to -- about treating people fairly when they come
18 into the courthouse and when they come in to file
19 documents, and that means you and anybody else who needs to
20 come in and do that.

21 I do -- I just know that on occasion there's been some
22 frustration about the quantity of the information that
23 you're bringing in to try to file at one time and the time
24 of day that it comes in, you know, depending on what time
25 you're able to arrive at the courthouse. And, and I, and I

1 know that they want to make sure that you are taken care
2 of, but they are also trying to respect the time of day and
3 everything else.

4 DR. FALTAS: Yes. Yes, Your Honor. The second
5 response to that is that of course the judges have Rule,
6 Rule 11 power. If anything I file is excessive or
7 frivolous or anything, it's up to, to the judge. And as I
8 said in my testimony to the Judicial Merit Selection
9 Commission, the trial judges are not potted plants. You
10 know, if the, the -- my first appearance before Your Honor,
11 Your Honor correctly ruled for me and -- actually, there
12 are only four civil cases. They have like one case Mr.
13 Brown took a change of venue and all -- but all four civil
14 cases I filed in this court, and there are only four except
15 the one that was really, I was told the other team can go
16 down to the field but I sit and get gagged and bound. This
17 is the only one I lost, but all other four I won by having
18 a favorable settlement. All four of them were, were
19 settled. And, and no judge until Jean Toal decreed, no
20 trial judge had said that I was frivolous or, or anything.

21 And then remember what those people were trying to do
22 to me. They were trying to keep me in prison for six years
23 and possibly plus enhancements. Compare the volume.
24 Compare the volume. Why is my life -- I mean, what time
25 does it take from a clerk to, to file something that, that

1 I bring? Few minutes as opposed to having me put in prison
2 for six years, knowing that I didn't do that. I mean, the
3 proportionality here.

4 THE COURT: Yes, ma'am. Well, I, you know, like I
5 said, I would agree with you that based upon, you know,
6 what I've reviewed in this order, that it should be lifted.

7 DR. FALTAS: Thank you.

8 THE COURT: I would like to, to, you know, read it in
9 full again but I, I think that because there's no longer
10 the criminal issues that are -- and I, and I understand
11 fully the circumstances under, under what I know and what I
12 believe occurred, and so I understand and I have empathy
13 for, for what you experienced. And I think you are
14 absolutely correct that what happens to you in your life
15 can affect you and health wise. And I think that these
16 charges were very serious charges. As you indicated, they
17 carried up to six years in jail or longer, depending on
18 whether the charges were concurrent or consecutive. And
19 for anyone who is facing the possibility of imprisonment
20 who's, who's never had to deal with those potential issues,
21 it is frightening, and the idea that you will lose your
22 liberty is something that you would -- you know, you are
23 going to fight for, and no one can blame you for that at
24 all.

25 And so I think what may be seen by others as being

1 abusive, excessive, for someone who is representing
2 themselves *pro se*, trying to get the information out, I
3 view it a little bit differently. And, and I think also,
4 because I've had the opportunity to know you over the years
5 through the legal proceedings, I think I, I think I have an
6 idea of how you, how you handle yourself and how you face
7 things, and what I would anticipate your responses to be to
8 certain things that are said or done, and I don't
9 necessarily find that those are necessarily outrageous.

10 But as I stated earlier, I do find that sometimes the
11 documents get to be a little excessive, and so you've
12 pointed out to me that Rule 11 is something -- and that's
13 something that I think we just don't consider because
14 different judges touch the files because that's, that's our
15 system in South Carolina. It's not like federal court
16 where you get one judge and you're assigned and that judge
17 is the only person that sees those files, and so you have
18 to, you have to send out a lot of information to different
19 people to make sure that the right people are getting the
20 information who have the opportunity to rule on your
21 motions. So, I understand that, and I would like to read
22 it and, and I would anticipate that I would issue an order
23 very briefly, very briefly and very shortly.

24 DR. FALTAS: Thank you.

25 THE COURT: Related to the matter.

1 DR. FALTAS: Thank you, Your Honor. Your Honor
2 answered about the PCR. I had also transcribed and I think
3 I emailed it to Mr. Devlin, but I have the actual of the,
4 of the bond hearing when I was arrested, and that's related
5 to the expenses because it clearly says where Barbara Jean
6 Burns told me to stay in a hotel. So, that's -- if I, if I
7 may hand that ---

8 THE COURT: And that's -- and that was related to the
9 other hearing on that?

10 DR. FALTAS: Yes, yes, yes, Your Honor.

11 THE COURT: Okay.

12 DR. FALTAS: But also, but also Your Honor, you know,
13 mentioned the federal courts. I mean, the federal courts,
14 bond hearings are -- the witnesses are sworn and people can
15 cross-examine them. Again, last time I cited to Your Honor
16 three areas of the law where I said it should be different,
17 and all three were changed as I -- the last argument rule,
18 that non-appealability of a motion for a new trial, and the
19 prosecutorial control over the criminal, all three points.
20 And again I need to put that in there because I know you're
21 a great person and a great judge. And to improve the
22 system, I think the bond hearing being the witness is not
23 sworn and not cross-examined, there is a whole lot of lack
24 of due process. And this is a point I want to leave before
25 Your Honor because it can result in travesties, especially

1 the lengths of time people stay, stay on bond.

2 THE COURT: Yes, ma'am.

3 DR. FALTAS: So, so that I would like to submit that
4 and if it's okay to submit two copies so that one can be
5 for Your Honor's in-chambers use and the other added ---

6 THE COURT: All right.

7 DR. FALTAS: --- to the, to the record.

8 THE COURT: Thank you, Dr. Faltas.

9 DR. FALTAS: Thank you. So, so, this is, you know,
10 the improvement of the law for today, and I thank Your
11 Honor for being open-minded about this.

12 The last point, again I am sorry to have to bring it
13 back to this, but the motion to suspend the appeal about
14 the assault charges, the assault charge for me to bring the
15 after-discovered evidence to the trial court is still
16 pending and has not been scheduled and ---

17 THE COURT: Do you happen to know what docket number
18 that, that would be?

19 DR. FALTAS: Yes. Yes, Your Honor. 2013-CP-40-3522.

20 THE COURT: Okay.

21 DR. FALTAS: And, in fact, the clerk of court had, had
22 written to me telling me that they will not schedule it.
23 So, that wasn't a judicial decision that was ---

24 THE COURT: Okay, I'll look into that.

25 DR. FALTAS: I very much appreciate that, Your Honor.

1 THE COURT: And, and I will tell you, Dr. Faltas, I'm
2 leaving town tomorrow, so I may not get this order done
3 until next week.

4 DR. FALTAS: Okay.

5 THE COURT: But I will get it done next week.

6 **--- END OF TRANSCRIPT OF RECORD ---**

CERTIFICATE

I, THE UNDERSIGNED ELIZABETH B. HARRIS, CERTIFIED
VERBATIM 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 THIS
PORTION OF THE CAPTIONED CAUSE, RELATIVE TO APPEAL, IN
THE CIRCUIT COURT FOR RICHLAND COUNTY, SOUTH CAROLINA,
ON THE 7TH DAY OF JUNE, 2016.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN,
COUNSEL, NOR INTEREST IN ANY PARTY HERETO.

/S/ELIZABETH B. HARRIS, CVR-M-CM

COLUMBIA, SOUTH CAROLINA

DECEMBER 2ND, 2018

State of South Carolina
County of Richland

Court of Common Pleas

Marie Assa'ad-Faltas	)	
	)	
Applicant,	)	Transcript of Record
v.	)	2018-CP-40-01798
	)	
State of South Carolina	)	
	)	
<u>Respondent.</u>	)	

December 28, 2018
Columbia, South Carolina

B E F O R E:

The Honorable Clifton Newman, Judge.

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

Christopher Stephen Truluck, Esquire
Stand-by Counsel for the Applicant

Megan Jameson, Esquire
Counsel for the Respondent

Bethanie K. Creppon
Circuit Court Reporter

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P R O C E E D I N G S

* * *

THE COURT: Yes, sir.

MR. TRULUCK: Your Honor, it's a little unusual, but with Dr. Faltas' permission, she's allowing me to address the Court first.

THE COURT: Well, you're already addressing the Court and all the issues regarding this. I'm guided by the order of the supreme court, so I'm not certain that I'm following your with-Dr.-Faltas'-permission statement.

MR. TRULUCK: I'll explain, Your Honor.

THE COURT: All right.

MR. TRULUCK: Your Honor, I was initially appointed to one of Dr. Faltas' PCRs earlier this year by Judge Jocelyn Newman. I had never handled a PCR before. I wasn't on the PCR list; I was on the 608 list as a criminal attorney. It's my understanding that list was exhausted, so pursuant to the procedural rules set forth by the supreme court, Judge Jocelyn Newman elected to appoint me as Dr. Faltas' PCR attorney.

Initially I was surprised considering I've never handled a case like that before. I spoke with Judge Newman and she explained that she had hoped

1 that I would be able to work with Dr. Faltas. And
2 in the interest of assisting Dr. Faltas when, I
3 believe, that it may be difficult to find other
4 attorneys to do so, I agreed and did not object to
5 the appointment.

6 Over the course of the last, approximately, ten
7 months, Your Honor, I agreed to take two additional
8 cases for Dr. Faltas, both because there's limited
9 counsel to assist her, and to further grow a sense
10 of trust between both of us --

11 THE COURT: But pursuant to being appointed by
12 the court or based on your own free will?

13 MR. TRULUCK: Court appointment, Your Honor.
14 But it was also consensual. When she asked that
15 somebody take her case, I went to, on one occasion,
16 Judge Jocelyn Newman, and she appointed me to a
17 second PCR case and Judge Hood appointed me to a
18 summary court case that she had.

19 In all of these appointments, Your Honor, I was
20 appointed standby counsel only; specifically only to
21 assist her with pre- and post-hearing matters, and
22 that she had her right to represent herself in a
23 full pro se capacity at the individual hearings for
24 both her PCRs, and with regard to the summary court
25 matter, she is actually a defendant in that, so she

1 has full representation ability both -- through the
2 entire action. I'm only to assist her in the legal
3 matters, Your Honor.

4 I've represented her, Your Honor, now for
5 approximately ten months. I know that there's been
6 a lot of communication between my office and
7 possibly even Dr. Faltas and the AGs to your office
8 and to Ms. Reid about the nature of our
9 representation. There have been mentions of
10 requests to have me relieved. Dr. Faltas and I have
11 had those conversations --

12 THE COURT: Requests --

13 MR. TRULUCK: There have been -- I want to say
14 several, but that might be an exaggeration. But
15 certainly more than one request to have me relieved
16 over the course of that ten-month period. It has
17 never been because Dr. Faltas and I have not worked
18 well together and do not get along; it has because
19 of either differences in strategy or possibly that
20 there are some things I feel differently about and
21 do not want to do, and I believe, and I believe
22 Dr. Faltas believes, restricts her from fully
23 handling her case.

24 So we've dodged that bullet several times and
25 continue to work together. We have been successful

1 in her first PCR. She had Judge Goldsmith and Judge
2 Gravely rule for her and grant her PCR. The AG's
3 office, for a second time, has moved to reconsider
4 that grant.

5 The other PCR, Your Honor, is about to be
6 dismissed, is my understanding, by Judge Sprouse
7 without prejudice because she has issues that are
8 pending before the supreme court and/or being
9 considered before the Supreme Court of the United
10 States and she is supposed to be allowed to re-file
11 that later.

12 So for those two cases, they are very, very
13 nearly complete, Your Honor. You can say that one
14 is already complete and the final case, Your Honor,
15 is one where Dr. Faltas represents herself as the
16 defendant in which case she does not require
17 assistance.

18 THE COURT: So in the cases that you have said
19 are complete or nearly complete, then what's the
20 necessity of your being relieved?

21 MR. TRULUCK: Your Honor, and as best I can
22 characterize it on my end, Dr. Faltas has asked for
23 the opportunity to address the Court pursuant to my
24 standby counsel appointment later on this. The
25 problem is, Your Honor -- before I say this, I do

1 object to having a motion to be relieved in the
2 presence of opposing counsel, Your Honor. I have
3 mentioned that to Ms. Reid and I don't think it's
4 appropriate for her to be here while I have
5 discussions about conversations with my client that,
6 arguably, are privileged, Your Honor.

7 THE COURT: All right. Well, without entering
8 into that realm, because there are a lot of other
9 procedural aspects of you-all appearing where you
10 are today, you mention that you are appearing as
11 standby counsel.

12 MR. TRULUCK: Specifically, Your Honor, yes.

13 THE COURT: And all of your representation with
14 Dr. Faltas is as standby counsel.

15 MR. TRULUCK: That's correct, Your Honor,
16 except with regard to the summary court action. I
17 am standby counsel, but I am even less so because
18 there are --

19 THE COURT: We're not concerned with summary
20 court here today. So --

21 MR. TRULUCK: Well, actually, Your Honor, the
22 circuit court appointed me to the summary court
23 action, so I would respectfully submit that that is
24 a part of this as well, Your Honor.

25 THE COURT: Circuit court appointed you to

1 handle a summary court case?

2 MR. TRULUCK: Yes, Your Honor.

3 THE COURT: And as an initial concern, being
4 aware of the various orders, particularly the order
5 of the supreme court -- today is September 27th,
6 2017 -- and the right of Dr. Faltas to appear before
7 certain courts, mitigate with certain courts, and do
8 certain things, I want to, first, have that
9 threshold addressed before anything is addressed to
10 me including this -- the matters that you said are
11 privileged.

12 MR. TRULUCK: Thank you, Your Honor.

13 DR. FALTAS: May I add something, if it's okay?
14 May I add something about that of which Mr. Truluck
15 may not be aware, if it pleases the Court?

16 THE COURT: Yes, ma'am.

17 DR. FALTAS: Thank you. Good morning, Your
18 Honor, and thank you for the opportunity to be
19 heard.

20 THE COURT: Yes, ma'am.

21 DR. FALTAS: First, to Your Honor's -- in
22 response to Your Honor's surprise that the circuit
23 court appointed Mr. Truluck to assist me in the
24 summary court --

25 THE COURT: Yes. I'm surprised by anything

1 that I'm not familiar with.

2 DR. FALTAS: And I'm not blaming. I'm also
3 saying that, previously, even in the case that is
4 underlying this PCR in which this current motion to
5 relieve counsel is filed, it was also the circuit
6 court Judge Barber who appointed Ted Lupton for the
7 trial for which I was convicted and I claimed that
8 he has been ineffective. In fact, in the published
9 opinion from the state supreme court in City of
10 Columbia versus myself, it said that the order
11 appointing Lupton came from the circuit court.

12 So it has been a pattern of the circuit court
13 appointing counsel for summary court. In fact, in
14 another case in 2011, it was also summary court, but
15 the public defender had a conflict, and your very
16 honor, you were then also chief administrative judge
17 for general sessions, and you signed an order
18 authorizing appointment of outside counsel for me.
19 And at that time, it was also Mr. Lupton.

20 But I want to say that I've had three PCR cases
21 in this court so far; one was represented by
22 Ms. Leah Moody, and Retired Chief Justice Toal,
23 sitting as a circuit judge, granted PCR. The
24 attorney general appealed to the state supreme
25 court. And before the state supreme court, the

1 Office of Appellate Defense is nominally
2 representing me.

3 But I filed the motion requesting leave to
4 represent myself as the respondent in that case, and
5 the state supreme court issued an order saying they
6 defer consideration on it. So they're basically
7 open to it. The other thing is that on subsequent
8 research, the state supreme court itself said that
9 PCRs are not really civil and they quoted the Fourth
10 Circuit Court of Appeals saying that habeas, which
11 is the mother -- I like to use the analogy of a
12 beehive, and the writ of habeas corpus is the queen
13 bee and then the PCRs are the little worker bees.

14 In fact, the only reason PCR was considered an
15 acceptable substitute is that it would do everything
16 that the writ of habeas corpus can do, and, of
17 course, constitutionally, the writ cannot be
18 suspended except in war or insurrection. So what
19 applies to habeas applies to PCR.

20 And the state supreme court itself accepted
21 that PCR is not exactly civil; it's hybrid between
22 civil and criminal. And in my very case, they are
23 open to letting me represent myself in the appellate
24 court as a respondent. They didn't say yes, but
25 they didn't say no either. So that's another thing.

1 Now, the case that's in summary court -- and
2 it's none of my fault -- the summary courts have run
3 out of judges. And I have filed a motion for that
4 matter to be transferred here under this Court's
5 current jurisdiction. So this is a matter -- I'm
6 still the criminal defendant in that matter. It's
7 Rule 29(b) to open, based on after-discovered
8 evidence.

9 And I have filed the motion in this Court's
10 concurrent jurisdiction for it to be transferred
11 here. And that's why it was very important for me
12 appear before Your Honor, before Your Honor takes
13 even more duties in another circuit. So that's
14 something that's pending.

15 I have also filed a petition for writ of
16 certiorari to Your Honor to the summary courts where
17 I'm still a defendant and there are cases where I
18 have been convicted and I found a matter -- a
19 provision in state law that says that whenever
20 somebody is convicted in summary court, that person
21 can apply to a circuit judge for certiorari. And I
22 have done that. As always, I file and I give them a
23 copy to put in Your Honor's box, and from there I
24 trust the system.

25 So, Your Honor, this is not the first time I've

1 had this issue. Exactly nine years ago, Mark Sawyer
2 was my standby counsel in the harassment case over
3 which Your Honor presided and over which I
4 represented myself totally pro se. The solicitor
5 was doing -- playing the same game; not serving me,
6 and instead serving Mr. Sawyer.

7 We came back before Your Honor. And thank God
8 that was transcribed. And you said, no, the
9 defendant has to be served. Here, the attorney
10 general has taken it to -- I'm sorry, I have to use
11 the word malicious. They provided the judge with a
12 judge's packet electronically with a link. They
13 knew that the only person who can open the link is
14 if they e-mail it to the person. They e-mailed it
15 directly to the judge, they e-mailed it to
16 Mr. Truluck, but they refused to e-mail it directly
17 to me. When I tried to log in to it, it said, no,
18 you're prohibited.

19 And we -- Mr. Truluck and I specifically asked
20 them to send me the e-mail so I can download it.
21 They said, why don't you, Mr. Truluck, download it
22 and then copy it to her? Your Honor, this was 94
23 files with, like, what, a gigabyte. That's really
24 abusing him. There was absolutely no reason for
25 them to do that other than -- and, Your Honor, all

1 the stuff about, no, we won't talk to you, we need
2 to talk to your counsel, is all a racist portrayal
3 of me as a ghoul like as they did in the harassment
4 case, falsely presenting that I was photographing
5 the children and scaring them and I am the Egyptian
6 witch who needs to go back to where she came from
7 because of frightening the children.

8 Well, guess what. Those very pictures that
9 were presented in Your Honor's court, they show that
10 woman, my false accuser, giving that toddler a key
11 chain to play with and the toddler putting it in her
12 mouth, which is a classic choking hazard. Any
13 prosecutor who has any sense of fairness should have
14 prosecuted my false accuser for child endangerment,
15 not prosecuted me for taking a picture to document
16 that from 30 feet away. And now I have -- it has
17 gone beyond that.

18 I have documented 378 instances of perjury that
19 happened in your court. And it's not I say, they
20 say; it's they say, they say in sworn testimony
21 before you in your court.

22 My false accuser, Ingram, said she was employed
23 and unable to go to work because I was blocking her
24 with my car. In another contemporaneous case, in
25 both the deposition and the trial, she testified,

1 under oath, that she was unemployed. She pretended
2 to have been in the Navy for a year and a half. We
3 FOIA'd her veteran's record. She was only there for
4 three weeks and not in the Navy.

5 Things objective like that and this -- people
6 want to be clear from crime, well, perjury is a
7 crime. And I'm asking you, as the chief
8 administrative judge for general sessions, to
9 prosecute the prosecutor who suborn 378 perjuries.
10 And you can get David Pasco to refer it to you.

11 But it has gone on long enough. The very false
12 accuser, the very false accuser in that harassment
13 case, which, thank God, I got dismissed with
14 prejudice while acting totally pro se, is the same
15 false accuser in that assault case from which I'm
16 seeking PCR and from which I'm also seeking my Rule
17 29(b) motion to be heard. That's nine years ago.
18 That's too long for -- nine years is way too long
19 for courts to sit on perjury committed under their
20 very eye, under their very eye.

21 And the reason they are abusing Mr. Truluck,
22 the reason they are abusing Mr. Truluck is that they
23 want him. And the man has been noble and patient
24 and brilliant. And I cannot say good enough about
25 him. But I will not sit by and see him abused just

1 so they can escape with perjury. It ends right here
2 and right now.

3 Either you will tolerate perjury or you will
4 not. And that, again, Judge, the Honorable Judge
5 Clifton Newman, it happened in your court. And
6 that's something that I began researching
7 immediately after the jury deadlocked. And I think,
8 I hope, that the clerk gave Your Honor that
9 annotated transcript.

10 THE COURT: Yes. Well, Dr. Faltas, the Court
11 does not investigate perjury. The Court does not --

12 DR. FALTAS: Then refer me to another
13 solicitor, because --

14 THE COURT: The Court does not prosecute
15 perjury. If -- any person who wished to have anyone
16 investigated for any crime, can pursue that through
17 law enforcement channels who initiate warrants. I'm
18 a judge and not a police officer, and I do not issue
19 orders of arrest, other than as a result of a court
20 contempt proceeding or something of that nature.
21 But --

22 DR. FALTAS: Except, Your Honor, that -- I'm
23 sorry to interrupt.

24 THE COURT: And, in addition to that, I'm not
25 here today to entertain any -- your perjury case or

1 case of perjury against anyone else. I'm here
2 because an emergency motion was filed seeking to
3 have Mr. Truluck relieved as counsel and seeking to
4 have you given the right to represent yourself. And
5 this hearing will be limited to those two things.

6 DR. FALTAS: Correct. I am giving you the
7 background --

8 THE COURT: Well, I've heard the background
9 sufficient for me to entertain those two motions.
10 But to --

11 DR. FALTAS: All right. But --

12 THE COURT: But to expect me to hear evidence
13 of perjury of a case from years ago, that's beyond
14 the scope of what I'm willing to entertain this
15 morning.

16 DR. FALTAS: Correct. I appreciate that. But
17 I also appreciate that you let me make my record.

18 THE COURT: Yeah. Well, no, you've made your
19 record, you've interrupted Mr. Truluck to give some
20 clarification to what he was explaining, and I've
21 heard what you have to say on that point. I'll now
22 move to the State's attorney and hear what they have
23 to say.

24 MR. TRULUCK: Your Honor, I never got a chance
25 to actually address your question, if I could be

1 allowed to do so.

2 THE COURT: Which question?

3 MR. TRULUCK: Your Honor, your question was how
4 to deal with the supreme court order with regard to
5 Dr. Faltas proceeding pro se.

6 THE COURT: Yes, sir.

7 MR. TRULUCK: With your permission, Your Honor,
8 I've reviewed this order countless times because I
9 have to rely on it for how to represent Dr. Faltas
10 as standby counsel. It doesn't give me a lot of
11 guidance; in fact, it puts me in a very compromised
12 situation with regard to ethics. And I've had that
13 conversation with Dean Wilcox at the ethics school
14 about how to deal with it.

15 At the end of the day, Your Honor, the only
16 thing that's important for the motion here today is
17 that that order does not prevent her, in my opinion,
18 from representing herself pro se in a postconviction
19 relief hearing. And I'll explain why.

20 It restricts her, to the best of my
21 understanding, from filing and participating in a
22 case pro se as a plaintiff in a civil action. I
23 think that's unequivocally clear. It restricts her
24 from going beyond filing an appeal and handling the
25 matter pro se in an appellate court. I think that's

1 a fair characterization. It reserves the right for
2 her to represent herself pro se in a matter where
3 she is a defendant in a civil capacity or a criminal
4 capacity.

5 And the criminal capacity can be modified,
6 subject to McCaskill v. Wiggins, which that case,
7 U.S. Supreme Court case, all it says is that a
8 defendant -- you cannot take away their right to
9 represent themselves, and if you do anything, the
10 most you can do is appoint standby counsel to help
11 them get through the procedure so that everything
12 moves smoothly. That's it. They can't control the
13 case, they can't tell the client what to do.

14 In this order, Your Honor, there are prongs --
15 or, I would say, two avenues why she can proceed pro
16 se. The first is, Your Honor, she's an applicant in
17 a postconviction relief procedure. There's no
18 restriction to her as a rule as an applicant,
19 period. The supreme court did not address it, they
20 did not restrict it, and if a court is going to take
21 away your rights in an unusual order, they need to
22 be specific enough; otherwise, she has all of her
23 rights that she would have ever had for this order
24 to proceed as an applicant.

25 And as much as I might anticipate the Attorney

1 General's Office will say, hey, Judge Newman, this
2 is a civil action, it's in the civil court, that's
3 partly true. But, also, in the case of Ferguson v.
4 Gathright, which is a Fourth Circuit decision that
5 was embraced by the South Carolina Supreme Court in
6 Washington v. Washington -- and I can get you the
7 cites and everything on those cases -- they said
8 that in criminal and quasi-criminal cases, a
9 defendant has a Sixth Amendment right, which is the
10 whole issue with McCaskill v. Wiggins.

11 And if Dr. Faltas is in a matter where her
12 liberty interests are at risk, as they are in a
13 postconviction relief hearing, it is, at minimum, a
14 quasi-criminal hearing. And as much as the supreme
15 court does not say she cannot represent herself as
16 applicant, one, and, alternatively, if you want to
17 equate terms in there, which I don't think is
18 appropriate considering the supreme court can't
19 strip people's rights by equation, but if you were
20 to equate it, she would be a defendant, not a
21 plaintiff in a PCR case because it has
22 quasi-criminal elements to it, and if she loses, she
23 runs the risk of having her liberty rights affected.

24 And so, Your Honor, I respectfully submit that
25 not only does the order not say she cannot represent

1 herself because it doesn't address applicants --

2 THE COURT: If she loses, she has her liberty
3 rights at stake in which of the cases?

4 MR. TRULUCK: If she loses in PCR and the case
5 is sent back to the summary court, there is --

6 DR. FALTAS: The sentence -- the sentence is
7 stayed, pending the PCR. So if I lose the PCR, I
8 automatically serve the sentence.

9 MR. TRULUCK: And, Your Honor, that would apply
10 to somebody who is incarcerated as well. They would
11 have a chance to come back on bond if they got their
12 PCR overturned.

13 So, Your Honor, she has a liberty interest at
14 risk, which would put her in the category of a
15 defendant, if you were to try to read into the
16 order. But I don't think this order should be read
17 into because it restricts her rights. It should
18 only be read as far as it can be read in the black
19 letter of the writing. And it makes no comment
20 whatsoever on her ability to represent herself as an
21 applicant. She's never been identified as a
22 plaintiff in the PCR action.

23 In addition to that, Your Honor, and this goes
24 partly to the motion to relieve, so I'll try to keep
25 it within the barriers of this, over the course of

1 this ten months that Dr. Faltas and I have worked
2 together, with no reflection on Dr. Faltas, it has
3 been exhausting. We've worked on this case -- or
4 these cases every other day, if not every day,
5 including weekends, for this entire year.

6 And it's ultimately because I am playing the
7 role as a courier, as assistant, as a secretary, as
8 a paralegal, and as standby counsel. Every time I
9 get an e-mail from Dr. Faltas or every time I get an
10 e-mail from the Court or every time I get an e-mail
11 from the Attorney General's Office, I forward it on
12 to the respective parties. And I --

13 THE COURT: Do you believe that the role that
14 you just described is a role sanctioned by the
15 courts for standby counsel?

16 MR. TRULUCK: Which courts, Your Honor? You
17 mean the courts in South Carolina?

18 THE COURT: Yeah, this court.

19 MR. TRULUCK: Yes, Your Honor.

20 THE COURT: When standby counsel is appointed,
21 do you believe that standby counsel is appointed to
22 serve as a -- given the names of those things
23 you just --

24 MR. TRULUCK: Courier, secretary, paralegal --

25 THE COURT: Courier, secretary, paralegal, or

1 the role of standby counsel is to advise and be a
2 resource person to the litigant regarding the
3 criminal -- the civil or criminal rules and
4 evidentiary issues, but not to assume the role of
5 representation or to carry out any of the other
6 functions that you just described.

7 MR. TRULUCK: I believe Your Honor's second
8 definition is the appropriate one; however, I do not
9 have a code of ethics to follow. And, again, I had
10 this conversation with Dean Wilcox. He seems to
11 believe I do because we have a code of ethics.
12 There are no code of ethics for standby counsel,
13 Your Honor. I have to try to amalgamate every rule
14 that I have as my responsibility as Dr. Faltas'
15 standby counsel, and it's a constant puzzle.

16 And I agree with you, Your Honor, that my role
17 should probably only be for counsel. Frankly, Your
18 Honor, Dr. Faltas doesn't need counsel at all. She
19 understands the law. And I say this at a minimum,
20 she understands it much more, at the minimum of a
21 new attorney, minimum. She doesn't need my
22 counsel --

23 THE COURT: I'm sure she'll debate that with
24 you.

25 MR. TRULUCK: No, no. I'm saying she may

1 understand a great deal more. I'm saying the
2 minimum is that. And, Your Honor, so I,
3 essentially, am not sure what my role entirely is.
4 But I can tell you this: The Attorney General's
5 Office and anybody else that I deal with, they do
6 not want to speak to Dr. Faltas directly. And if I
7 don't forward on correspondence from them to her, I
8 feel I am remiss in my duties inasmuch as they
9 refuse to communicate with her directly.

10 THE COURT: Well, after -- well, if you are
11 relieved, then what status would that relegate
12 things to?

13 MR. TRULUCK: Well, in the case of the PCR that
14 she has won twice, right now there's a pending
15 motion for consideration by the AG's office and she
16 has filed an opposition to that reconsideration. It
17 is only for Judge Gravely to rule. If he stays with
18 granting Dr. Faltas' PCR, my relationship with her
19 would terminate in that case.

20 In the other PCR where Judge Sprouse has
21 elected to dismiss without prejudice --

22 DR. FALTAS: But he hasn't.

23 MR. TRULUCK: He has not yet, Your Honor --

24 DR. FALTAS: He might change his mind.

25 MR. TRULUCK: -- but he might change his mind.

1 But inasmuch as Judge Sprouse has indicated that he
2 is inclined to dismiss the case without prejudice
3 and asked me to write the order -- which I found
4 disturbing as her counsel to write an order that
5 would be to her detriment -- and I initially
6 objected, Dr. Faltas asked me to reconsider.

7 But if it is dismissed, my relationship with
8 Dr. Faltas in that case would also be resolved
9 because I have only been appointed to that case
10 action number, and if she re-files the future, she
11 would require new appointment.

12 With regard to the final matter where she is a
13 full defendant and can represent herself entirely,
14 which she has a right to do, that matter is
15 currently on indefinite stay. I believe there are
16 timelines that will make decisions, but right now we
17 don't know when that would be able to be heard
18 because some of the issues are with the supreme
19 court or either being considered by the supreme
20 court.

21 And while Dr. Faltas does not agree it stays
22 that hearing, the Court, Judge Newsom, has
23 recognized he's not hearing it right now until
24 that's resolved. So one case is sort of on its own
25 track, the other two are soon to be resolved, Your

1 Honor.

2 However, Dr. Faltas has indicated that she does
3 not want me to be her attorney anymore. I have held
4 off on embracing that request to this Court for ten
5 months because I have tried to stay with her because
6 I don't want her to get another attorney, I don't
7 want to abandon her, I don't want to fail in my
8 duties to this Court.

9 But the reality is, is that she can handle this
10 case herself. I see no restriction in the supreme
11 court order that says she cannot. I'm merely
12 holding her back, frankly, if only by
13 correspondence. And, Your Honor, the cases have
14 largely been resolved. I'm not abandoning her at a
15 point where she is not in control of her cases.
16 Now, again, I'm not going entirely into the motion
17 to be relieved, but she did ask me about her ability
18 to represent her pro se.

19 I believe the cases say that her Sixth
20 Amendment rights are preserved. The only
21 restrictions they have are for somebody who doesn't
22 know what they're. She does not have that problem.
23 And the supreme court order does not restrict her
24 from representing herself as an advocate or as a
25 defendant in either civil or criminal matters. And

1 this is, in my opinion, a quasi-criminal matter,
2 Your Honor. I'll stop at that. I know Dr. Faltas
3 wants --

4 THE COURT: All right. I'll hear from the
5 attorney general.

6 DR. FALTAS: I needed to add one --

7 THE COURT: I'll hear from the attorney
8 general.

9 MS. JAMESON: Thank you, Your Honor. Megan
10 Jameson on behalf of the State. I do want to note a
11 couple of things for the record. I do object to us
12 going forward today without Ms. McCallister present.
13 She is counsel of record on this 2018 case. She is
14 out of the state for the holidays. I'm appearing on
15 her behalf because this emergency motion was
16 scheduled yesterday. She's in the state of Florida
17 and could not make it back for this hearing. So I
18 do object to this hearing going forward without
19 counsel of record for the State.

20 The State is at a significant disadvantage. As
21 you can see, this is a very involved case. I'm not
22 counsel of record, I supervise Ms. McCallister, as I
23 do over all the other PCR actions that we have,
24 approximately anywhere from 2,500 to 3,000 cases.
25 I'm not as intimately familiar with this case as

1 Ms. McCallister is. So I am here on behalf of the
2 State and do object to going forward today.

3 Additionally, I would note for the record that
4 we're only here on the 2018 PCR. There's been
5 arguments by Applicant and her counsel that we're
6 here on a 2017 PCR motion to be relieved and a
7 summary judgment action. This motion, which, as of
8 this morning when I got to the courthouse, remains
9 un-filed, only references the 2018 PCR action. It
10 does not reference the 2017 PCR action that I'm also
11 not counsel of record for and it doesn't reference
12 the summary court action.

13 Additionally, the State is -- the Attorney
14 General's Office is not the opposing party to the
15 summary judgment action, so our position is we're
16 only here today on the 2018 postconviction relief
17 action.

18 I want to respond to a few things in
19 Mr. Truluck's motion. While I agree that the
20 order -- and, Your Honor, may I approach with a copy
21 of the 2014 [sic] order signed by Judge Jocelyn
22 Newman?

23 THE COURT: Yes.

24 MS. JAMESON: It is -- was filed April 24th,
25 2018. While it does use the word standby counsel,

1 it makes very clear -- I'm referencing Paragraph
2 No. 2: It is therefore ordered, with the consent of
3 Applicant and where no conflicts preventing
4 Appointee from assisting Applicant with these
5 proceedings are known, that is Appointee is
6 appointed as standby counsel in this action allowing
7 Applicant to appear pro se during the evidentiary
8 hearing and then and there examine witnesses, offer
9 evidence, and present oral arguments while ordering
10 Appointee -- which is Mr. Truluck -- to handle all
11 prehearing and posthearing matters, including
12 communications of the Court and staff and filing of
13 any documents.

14 So I take issue with Mr. Truluck's contention
15 that he's merely standby counsel and all
16 communication should be done through Dr. Faltas,
17 because that's clearly not what the order of the
18 court from April 24th references. Additionally, the
19 supreme court order from September 27th, 2017 makes
20 it very clear, in Provision No. 5, that she cannot
21 appear as a plaintiff in a civil action.

22 This is a civil action. It's filed in common
23 pleas. She clearly is a plaintiff. Pursuant to
24 Black's Law Dictionary, a plaintiff is a party who
25 brings a civil suit in a court of law. That's what

1 we're here for.

2 She brought this PCR action based on her
3 abusive conduct to the courts of South Carolina, the
4 United States Supreme Court, the federal courts, and
5 abuses to counterparties --

6 DR. FALTAS: Objection.

7 MS. JAMESON: -- like the State --

8 DR. FALTAS: Objection.

9 MS. JAMESON: -- these --

10 DR. FALTAS: Objection to her characterizing me
11 as abusive, Your Honor.

12 MS. JAMESON: These limitations were put in
13 place by the supreme court because of her conduct.
14 And that's why we're here today. She is a plaintiff
15 in a civil action. She cannot appear pro se based
16 on the supreme court's order, and, therefore, cannot
17 appear pro se.

18 If Your Honor is inclined to grant
19 Mr. Truluck's motion, we would request that another
20 attorney be appointed to represent her. She,
21 clearly, based on this order, cannot appear pro se.
22 And this is a civil action based on the black-letter
23 definitions of the law, and she is the plaintiff.
24 And I would contend that --

25 THE COURT: Well, do we operate by Black's Law

1 Dictionary or by case precedent?

2 MS. JAMESON: We operate by case precedent.
3 But I didn't hear anything that Mr. Truluck
4 mentioned -- I know he wants to interpret this as a
5 quasi-criminal procedure, but I think the supreme
6 court's order was trying as hard as it could to
7 cover all of the various instances that Dr. Faltas
8 has filed, which are in the -- I don't even want to
9 guess how many. And so this order tries to
10 encompass anything that she could possibly file in
11 the future.

12 They didn't know that we have this 2016, 2017,
13 or 2018 case going on. This was before the 2018
14 case was even filed. And so I think it's expansive
15 to cover all of the actions she has going on at any
16 time. And Provision No. 5 clearly applies here.
17 But even if Your Honor --

18 THE COURT: Let me look at Provision No. 5
19 again.

20 MS. JAMESON: And, Your Honor, do you --
21 Ms. McCallister e-mailed a copy of the order
22 yesterday. I have a copy, if you'd like.

23 THE COURT: No. I have the copy by the supreme
24 court.

25 MS. JAMESON: Provision No. 5 says: Respondent

1 may not represent pro se as a plaintiff in a civil
2 action in any court of this state. Instead, she
3 must be represented by counsel before any court in
4 this state when appearing as a plaintiff.

5 Respondent is advised that she is not precluded from
6 addressing any non-frivolous grievances she may have
7 as a plaintiff in the courts of this state, assuming
8 that she is represented by an attorney licensed to
9 practice law in South Carolina.

10 So the State's position is that Provision No. 5
11 in this order from September 27th, 2017 is
12 controlling here, and she needs to be represented by
13 counsel. If Your Honor is inclined to relieve
14 Mr. Truluck, then we would ask that another attorney
15 be appointed immediately because she is precluded
16 from appearing pro se.

17 And, additionally, Your Honor, I would note
18 that the State's position is that this is just a
19 delay tactic. The 2018 case has been dismissed
20 without prejudice by --

21 DR. FALTAS: It has not been dismissed. This
22 is a falsehood. It has not been dismissed. There
23 is no order saying that and enough is --

24 THE COURT: Dr. Faltas, this is a court of law.
25 I don't recall counsel for the State objecting -- or

1 interrupting you in any form or fashion. You cannot
2 interrupt her.

3 DR. FALTAS: Thank you, Your Honor. But I --

4 MS. JAMESON: Your Honor, Ms. McCallister, who,
5 again, is counsel of record for the State, received
6 an e-mail from Judge Sprouse's law clerk on December
7 21st, last Friday evening, indicating he was
8 granting the State's motion to dismiss without
9 prejudice. An order has not been drafted yet, which
10 is referenced in Applicant's emergency motion.

11 Mr. Truluck was asked to draft the order.
12 Mr. Truluck objected. Again, I'm not privy to any
13 of these e-mails. I'm operating at a disadvantage
14 because, again, Ms. McCallister is counsel of
15 record.

16 THE COURT: The case that Judge Sprouse was
17 handling, was it the -- is it the 2018 case?

18 MS. JAMESON: Yes, it is, Your Honor. The
19 State moved to dismiss. And the State filed a
20 second amended return and motion to dismiss on
21 December 6th, 2018, seeking dismissal without
22 prejudice. So she has leave -- Dr. Faltas has leave
23 to re-file when two conditions were met. She has a
24 pending United States Supreme Court appeal of this
25 case. And, also, there was a Rule 29(b) motion that

1 was filed that still has not been heard. So the
2 State moved to dismiss without prejudice based on
3 these two things.

4 THE COURT: What is the 29(b) motion?

5 MS. JAMESON: It was filed, I believe, in 2013,
6 and has just kind of languished. It's not something
7 our office is handling --

8 THE COURT: I'm not --

9 MR. TRULUCK: Your Honor, it's a motion to
10 reopen the case after after-discovered evidence.
11 It's the magistrate provision.

12 THE COURT: All right.

13 MS. JAMESON: And Judge Sprouse did not,
14 according to this e-mail -- and, again, it's been a
15 holiday week, so we have -- I don't believe we've
16 had a response. I'd probably defer to Mr. Truluck
17 because he's copied on those e-mails. But
18 Ms. McCallister did ask for clarification if it was
19 being dismissed without prejudice based on both of
20 those grounds or just the ground as indicated in
21 this e-mail from last Friday.

22 THE COURT: So this motion before me -- and I
23 see the -- an e-mail that was handed up that
24 references PCR No. 2018-40-01798, emergency motion
25 to relieve counsel. Was that the case that Judge

1 Sprouse has under advisement?

2 MS. JAMESON: Well, Your Honor --

3 THE COURT: Or referred by Judge Sprouse?

4 MS. JAMESON: And provisionally granted the
5 State's motion to dismiss via e-mail and we're just
6 waiting for the order to be drafted by a party.
7 Once Mr. Truluck objected to drafting,
8 traditionally, when the State's motion to dismiss is
9 granted, the State does draft those orders.

10 Ms. McCallister offered to draft that e-mail
11 because Dr. Faltas is represented by counsel, and
12 our position is she shouldn't be drafting her own
13 orders. And we've not heard back from Judge Sprouse
14 as of this morning. Again, I'm not counsel of
15 record, I'm not copied on any of these e-mail
16 chains --

17 THE COURT: Well, if I were to relieve
18 Mr. Truluck and he is, I guess -- I don't know if
19 he's under orders by Judge Sprouse to draft an order
20 or -- would he be abandoning ship when it's about to
21 dock or -- or, jurisdictionally, would I be
22 interfering with a case under advisement by Judge
23 Sprouse?

24 MS. JAMESON: With all due respect to another
25 member of the bar, yes, I do see this as a delay

1 tactic and jumping ship near the end of the case.

2 It's been --

3 MR. TRULUCK: Objection, Your Honor. I take
4 that as a personal --

5 THE COURT: Your objection is noted, but don't
6 object and then argue. She has the floor.

7 MS. JAMESON: The case is all but over. This
8 is a delay tactic, so an order cannot be entered.
9 This is a repeated pattern where we get called in to
10 court for these emergency motions. The case is
11 almost over. There is no emergency here. An order
12 of dismissal without prejudice needs to be entered
13 once the case is concluded, then she can re-file her
14 PCR action. But there doesn't appear to be, at
15 least on the State's position, an emergency, because
16 we do have a ruling, we're just waiting on an order
17 at this point, Your Honor.

18 THE COURT: All right.

19 MS. JAMESON: And so the State respectfully
20 would ask you to deny the motion because she cannot
21 appear pro se, based on the supreme court's order.
22 Based on Judge Newman's order, it's clear that while
23 the word standby is used, Dr. Faltas should not be
24 communicating with the Court or the State for any
25 pre- or post-hearing matters, which she has

1 repeatedly done.

2 One other thing I did want to point out:
3 Dr. Faltas mentioned, when she was arguing her
4 motion, and also in her written motion, she says the
5 State is denying her access to materials. The State
6 uses a Kiteworks file-sharing software, and we have
7 e-mail confirmation that that was accessed by her
8 counsel of record, Mr. Truluck, on the 19th and the
9 materials were downloaded.

10 Additionally, because there was this concern
11 that Dr. Faltas couldn't download these materials, a
12 CD was provided for her. So she's been provided
13 this in multiple avenues. And all of these
14 materials are a compilation of a judge's packet of
15 previously filed materials. But I did want to note
16 that for the record too.

17 And, additionally, the emergency motion to
18 relieve counsel discusses the State's manipulation
19 of the PCR docket. I did want to note for the
20 record that in the Fifth Judicial Circuit, all of
21 the postconviction relief hearings for the entire
22 calendar year have been set by Judge Hood in his
23 capacity as chief administrative judge. We've had
24 no manipulation or role in setting of the dockets
25 this year, and that is a gross mischaracterization

1 of how the dockets were set in Richland County this
2 year.

3 THE COURT: All right.

4 I'm going to take a few minutes' break and then
5 I'll come back to Mr. Truluck and Dr. Faltas.

6 MR. TRULUCK: Thank you, Your Honor.

7 DR. FALTAS: Thank you, Your Honor.

8 (Brief recess.)

9 THE COURT: All right. Thank you.
10 Mr. Truluck?

11 MR. TRULUCK: May it please the Court, Your
12 Honor. I apologize for speaking on an objection in
13 the middle of Ms. Jameson's response. Your Honor, I
14 get a little upset when I get allegations of delay
15 upon me when Dr. Faltas has tried to have these
16 matters heard for such a long period of time. And I
17 think Ms. Reid, your law clerk, can attest to that.
18 Additionally, Your Honor, just to clarify,
19 Dr. Faltas filed this motion. I endorse this
20 motion. This is Dr. Faltas' filed motion.

21 Finally, Your Honor, inasmuch as I've just been
22 accused of delay, whether directly or indirectly,
23 Your Honor, the final straw of all this came when
24 after ten months of relaying all this information as
25 Dr. Faltas' go-between, the State sent, as

1 Dr. Faltas told you, an encrypted file folder with
2 94 .pdf files. And in response to that, because she
3 could not open it, because she is in control of her
4 case, I wrote to Ms. McCallister, and Ms. Jameson
5 responded: I would really appreciate it if you
6 forward the e-mail to Dr. Faltas as the person in
7 control of this case. If you simply refuse, I will
8 do my best to provide her with the documents. But I
9 am of the opinion that, in this case, it's simply
10 unreasonable to refuse to forward her an e-mail so
11 that she can get the information in preparing for
12 her case. If so required, I would happy to
13 facilitate communication. But if you cannot
14 accommodate this request, I will speak to Dr. Faltas
15 about seeking an order of court directing you or
16 your office to identify her as the proper party of
17 correspondence and disclosure of discovery in all
18 matters. And her response --

19 THE COURT: Are you still talking about this
20 2018-40-01798 matter?

21 MR. TRULUCK: Yes, Your Honor.

22 THE COURT: All right.

23 MR. TRULUCK: And in response to that, they
24 declined. In fact, they even sent back my own order
25 of appointment by Judge Jocelyn Newman. And,

1 essentially, Your Honor, when I finally got a chance
2 to look at it, it was 94 files and, I think, as
3 Dr. Faltas said, a gigabyte.

4 Ms. McCallister did send me the CDs, but it
5 puts me, as her standby counsel, in a very awkward
6 position that I have to filter through and deliver
7 this information to her. And so that's part of the
8 frustration that we are going through, Your Honor,
9 with the AG's office.

10 And to put this in better context, whenever I
11 send them a message from Dr. Faltas to them at her
12 request, when they respond, they scrape her e-mail
13 address off. They go through more trouble in
14 responding to me than they do if they had just
15 replied all and copied her.

16 And, Your Honor, I think it's frustrating for
17 the State to take the position that we're causing
18 delay when Dr. Faltas is zealously committed to
19 having these matters heard.

20 THE COURT: She's speaking, I believe, in the
21 context that the matter has been heard and the judge
22 has his final order -- issuance of his final order
23 under advisement.

24 MR. TRULUCK: I agree with that, Your Honor --
25 or, well, I'm sorry, I don't disagree with what

1 you're saying. But I don't see as to how that's
2 delay on our part, because they're refusing to
3 communicate with her directly on massive amounts of
4 information and, essentially, frustrating her
5 ability to review what they did with them by having
6 me be a go-between.

7 THE COURT: What --

8 DR. FALTAS: Sir --

9 THE COURT: What would a review of these
10 documents have to do with the matter already heard
11 by the judge who he's --

12 DR. FALTAS: It wasn't a -- it wasn't heard on
13 the merits at all, Your Honor. It wasn't heard on
14 the merits at all. In fact, even my motion for the
15 State's default was not heard. The only thing he
16 took under advisement was -- was that -- so, no, the
17 merits were not reached. And, in fact, before
18 that --

19 THE COURT: I'm not in a position of reviewing
20 that judge's matter. If the -- you know, the -- for
21 weeks, you-all were seeking to have me schedule this
22 case for hearing before some judge. And I scheduled
23 it before Judge McLeod, that didn't work out; so we
24 had it scheduled before Judge Sprouse, and Judge
25 Sprouse heard the case. To whatever extent he heard

1 it, I'm not here to second-guess or anything. But
2 you-all have indicated that he is in the process of
3 issuing an order subsequent to that hearing.

4 And here you've -- and in that same case,
5 you've filed for an emergency motion for counsel to
6 be relieved in a case where the order subsequent to
7 the hearing is being anticipated. In fact, he asked
8 you to -- I don't know. Did you draft the order?

9 MR. TRULUCK: No, Your Honor. I immediately
10 responded and asked that the judge not instruct me
11 to write an order to Dr. Faltas' detriment.

12 THE COURT: And the judge probably respected
13 that, so he'll probably issue it himself or have
14 someone else draw it. If any drafting needs to be
15 done -- I mean, while you've been here, we've heard
16 a case from the attorney general, he submitted an
17 order, we signed it, and he's gone. So it's not --
18 it's not an insurmountable task by a judge.

19 MR. TRULUCK: I just want to say one more
20 thing, and then I'll sit down and let Dr. Faltas
21 address you, if you'll allow her.

22 Your Honor, I agree with everything that you've
23 said. The problem is, is that I believe the AG's
24 office is taking advantage of the relationship that
25 I have with Dr. Faltas, and I find that to be a

1 problem. I similarly find to be a problem that I in
2 no way believe that they should be here as part of a
3 motion to determine whether or not I continue to
4 represent her as counsel and whether or not you
5 would allow her to change her representation status
6 going forward, because they have no standing to
7 argue with how her case is presented.

8 That being said, Your Honor, I do reserve the
9 opportunity to address you with regard to the motion
10 to be relieved, which I have not fully touched on at
11 all yet, Your Honor. Thank you.

12 DR. FALTAS: Your Honor, I need to correct a
13 couple of things.

14 THE COURT: All right.

15 DR. FALTAS: First of all, Your Honor knows
16 that until and unless an order is signed, it may be
17 changed and reconsidered by the judge.

18 THE COURT: Yes.

19 DR. FALTAS: And even if he does sign one
20 dismissing without prejudice, I still have the right
21 to ask for reconsideration.

22 THE COURT: All right.

23 DR. FALTAS: But they're saying that it's a
24 delay. That is totally false. They asked for
25 dismissal without prejudice back in May. And they

1 tried to sneak an order for the judge to sign it
2 without even a hearing. They wrote a letter for
3 Judge Hood to go ahead and sign it without a
4 hearing. And I gave Your Honor a motion saying if
5 this is an open question of state law, please
6 certify it to the state supreme court.

7 So back in May, seven months ago, I asked Your
8 Honor, specifically, to make your ruling on the
9 issue of whether an application for certiorari to
10 the U.S. Supreme Court stays a PCR, because the
11 statute, the PCR act in South Carolina, is quite
12 clear: It has to be filed within one year from the
13 remittitur.

14 And there is the case of Green v. State where
15 somebody had a federal case pending and said that
16 tolls the PCR time. And the state supreme courts
17 unanimously said, no, the act says one year from the
18 remittitur.

19 So I think that is a false argument. I did not
20 delay. I immediately asked for you to either make a
21 ruling or certify it to the state supreme court.
22 The attorney general refused to schedule my case for
23 a hearing until December 7th of this year. And
24 then, even after it was assigned to December 7th,
25 they crowded me out. They said, no, we have to

1 change it. And they fully have half of the PCR
2 cases --

3 THE COURT: Well, I'm going to remove from
4 consideration the argument by the attorney general
5 that this is intended for delay. So that's -- I'm
6 not going to consider that argument.

7 DR. FALTAS: Okay. Thank you.

8 THE COURT: So let's move to some other point.

9 DR. FALTAS: The other thing is that she says
10 the state supreme court did not know that I may have
11 PCRs. That is totally false. The reason it is
12 totally false is that, first of all, the reason
13 behind an order or a law or a statute supersedes its
14 language. They are claiming, the state supreme
15 court, which I take issue, that I have been
16 frivolous.

17 Okay. The two PCR cases that I have filed out
18 of the three pending, the two that have been
19 resolved have been ruled in my favor. So I could
20 not have been frivolous in PCRs, and so they could
21 not have any interest in my not filing PCR pro se.

22 In addition, for heaven's sake, convicted
23 serial murderers get to file their own PCRs pro se
24 in this state. What did Dr. Faltas do to be denied
25 that right except defend herself ably pro se before

1 Your Honor and prevail? Now, the other thing is,
2 that PCR, the first one, number 16 -- 16-CP-40- --
3 2016-CP-40-1444, was filed March 2016. Retired
4 Chief Justice Toal heard the first part of it in
5 December 2016. And at the end of that hearing, she
6 said, we're not finished, I will ask Chief Justice
7 Beatty to assign me to another special term to
8 continue this case.

9 So when Ms. Megan Jameson stands up and says
10 the supreme court did not, in September of 2017,
11 know that I had PCR cases, that is totally false.
12 The state supreme court knew it because it was
13 retired Chief Justice Toal who sat on one and asked
14 for a special term to continue it. And by June
15 2017, she had issued that order from the bench.

16 THE COURT: All right.

17 DR. FALTAS: So before September, the order of
18 September 2017, the state supreme court knew that
19 I'm filing PCR cases and knew that I'm filing
20 meritorious ones. And if they had any suspicion
21 that I was filing any frivolous ones, they would
22 have, by name, removed my right from filing that.

23 Additionally, Your Honor, again, she said that
24 they provided me a CD. They did not provide me a
25 CD. They mailed a CD to Mr. Truluck, which, again,

1 makes him a courier.

2 THE COURT: Okay.

3 DR. FALTAS: So -- so --

4 THE COURT: Yes, ma'am.

5 DR. FALTAS: May I show you this, please?

6 THE COURT: I accept what you're saying as
7 true.

8 DR. FALTAS: Yeah. So, as Mr. Truluck said,
9 they go out of their way to burden Mr. Truluck. And
10 the reason it's an emergency is that we don't know
11 what Judge Sprouse is going to do, but it's an
12 emergency because Mr. Truluck has been -- on my
13 account, been put in the dilemma of refusing a court
14 order -- to draft an order or filing -- or filing --
15 or drafting an order to detriment to me. So that's
16 the emergency.

17 THE COURT: All right. Well --

18 MS. JAMESON: May I be briefly heard in reply,
19 Your Honor?

20 I do want to start off by saying Mr. Truluck
21 said we were taking advantage of the situation and
22 Dr. Faltas said we are going out of our way to
23 obstruct the case. The State has gone out of their
24 way to comply with the order signed by Circuit Court
25 Judge Jocelyn Newman from April 24th, 2014. It's

1 clear all communications need to come through
2 Mr. Truluck. So I take great objection to saying
3 that the attorneys in my office and myself have gone
4 out of our way to delay this case or unreasonable or
5 take advantage in any way. We've gone out of our
6 way to comply with a valid court order, which is the
7 last court order we have on record regarding this
8 case.

9 Additionally, I would like to note for the
10 record, what's unreasonable is the conduct of
11 Dr. Faltas towards our office, the attorneys, and
12 our legal assistants. I just counted up quickly,
13 and just since the courts have been closed, as of
14 close of business on Friday, I personally have
15 received over 14 e-mails from Dr. Faltas. And this
16 is the reason why this supreme court order needs to
17 be enforced. She's abusive to members of our staff
18 and she needs to have counsel to prohibit things
19 like this from happening. This is why it's clear
20 that she --

21 DR. FALTAS: Your Honor, I ask her to produce
22 those e-mails. This is false. I ask her to produce
23 those e-mails.

24 MS. JAMESON: Additionally, Your Honor, that is
25 why we think counsel should be appointed. If

1 Mr. Truluck wishes to be relieved and Your Honor
2 wishes to relieve him, new counsel needs to be
3 appointed.

4 Additionally, I did want to note for the record
5 Richardson v. State, which is a 2008 case from our
6 supreme court. The cite is 377 S.C. 103, and the
7 Southeast Reporter is 659 S.E. 2d 493. And that
8 case addresses the situation at hand where counsel
9 moved to be relieved -- or the attorney moved to be
10 relieved from a PCR case.

11 In Richardson v. State, it's clear that there's
12 no constitutional right to PCR counsel, it's a
13 statutory right in South Carolina. And that case
14 cautions that counsel shouldn't be relieved just for
15 delay. And here, I know Your Honor said he doesn't
16 want to entertain that argument, but the State's
17 argument is this is a delay at this point.

18 We do have the e-mail ruling from Judge Sprouse
19 provisionally dismissing without prejudice with
20 leave to re-file. And at this point, this emergency
21 motion is merely a delay tactic.

22 THE COURT: What year was that case?

23 MS. JAMESON: 2008, Your Honor.

24 I do just want to say, just to clarify, there
25 isn't a constitutional right to counsel in a

1 postconviction relief proceeding; it is a statutory
2 right, in that case, as instructed, when dealing
3 with when counsel should be relieved in
4 postconviction relief matters.

5 DR. FALTAS: Your Honor, 2008 precedes the U.S.
6 Supreme Court's rulings in the right to effective
7 PCR counsel when PCR is the first collateral review.
8 And I think it's the Ryan case. So to the extent
9 it's 208, it definitely was superseded by the U.S.
10 Supreme Court because the U.S. Supreme Court said
11 that states that provide PCR have -- have to provide
12 effective PCR counsel in the first collateral
13 review. I'm sorry. I may be blocking on the name
14 of the case, but I think it's Ryan or something.

15 MR. TRULUCK: Your Honor, if I also might
16 briefly add, Ms. Jameson may not be aware of this,
17 but to say that they've gone out of their way to
18 respect Judge Jocelyn Newman's order and that that
19 is -- they take great objection to that, is
20 categorically untrue, Your Honor.

21 On at least two occasions -- and I'm trying to
22 pull up the e-mail right now -- they have tried to
23 refuse to accept me as standby counsel saying that
24 hybridized counsel is not accepted in South
25 Carolina. And Judge Jocelyn Newman herself had to

1 chime in by e-mail and correct that misunderstanding
2 and say that she specifically appointed me as
3 hybridized counsel, and for them, essentially, to
4 recognize that.

5 So, Your Honor, inasmuch as they might take
6 great objection to it, Judge Jocelyn Newman would
7 disagree that they have been recognizing her order
8 for the purposes it was intended initially.

9 MS. JAMESON: Again, for the record, I'm at
10 great disadvantage here on behalf of the State
11 because I am not counsel of record. Lindsey
12 McCallister is counsel of record for the 2018 case.
13 The 2016 and 2017 cases are handled by assistant
14 attorney general Johnny James who is also on
15 preplanned vacation. I'm here on behalf of the
16 State because this was an emergency hearing that was
17 called.

18 Additionally, I was copied on some of those
19 e-mails. Sometimes I'm copied, sometimes I'm not.
20 But our position has consistently been that all
21 communications need to come from Mr. Truluck and go
22 to Mr. Truluck. That's consistently been our
23 position, and I vehemently object to any position
24 that we've wanted to communicate with Dr. Faltas.
25 We were trying to keep in align with this order.

1 And, again, we're only here for this 2018 case.
2 I believe what Mr. Truluck is referring to is the
3 2017 case. Again, her motion only references the
4 2018 case, and the State's position is that we're
5 only here on the 2018 case.

6 DR. FALTAS: No. The e-mail from Judge Jocelyn
7 Newman was in this case. She said, specifically,
8 hybrid. And then also, Your Honor, when she says
9 she's received 14 e-mails from me, that is also a
10 falsehood, and I ask her to produce them.

11 Additionally, this same Ms. McCallister who
12 claims to be away, as soon as Mr. Truluck said that
13 he cannot file something to my detriment, draft
14 something, she chimed in and said, can I file it
15 myself, it can be filed before the weekend. And the
16 reason --

17 THE COURT: All right. And --

18 DR. FALTAS: And the reason -- sorry. The
19 reason they are doing that is that the U.S. Supreme
20 Court is supposed to rule next Friday.

21 THE COURT: Okay.

22 I'm going to have you leave while I hear the
23 issues of Mr. Truluck regarding being anything that
24 might be considered privileged as far as -- on the
25 issue of being relieved as counsel.

1 MS. JAMESON: Would Your Honor prefer me to
2 remain at the courthouse or --

3 THE COURT: Yes, if you would. Hopefully this
4 won't take more than ten minutes.

5 MS. JAMESON: Thank you, Your Honor. I'll wait
6 outside. Thank you.

7 (Ms. Jameson exits the courtroom.)

8 THE COURT: All right. Ma'am on the front row,
9 you are?

10 MR. TRULUCK: Your Honor, this is Desiree Rest.
11 She's my paralegal.

12 THE COURT: Okay. All right. Yes, sir?

13 MR. TRULUCK: May it please the Court, Your
14 Honor. I'll try not to repeat too much of some of
15 what we've already addressed. But, essentially,
16 Your Honor, I've been Dr. Faltas' counsel for ten
17 months. Dr. Faltas' cases and Dr. Faltas, being a
18 client different than any others, have a lot going
19 on with them all the time.

20 Over the course of that time, I think I have
21 dutifully assisted Dr. Faltas -- I certainly hope I
22 have -- and at times she's asked to have me
23 relieved. It's never been any sort of animosity;
24 it's only been because we feel like we can't quite
25 go in the same direction and I don't want to inhibit

1 her case.

2 It's come to a point, Your Honor, where -- and
3 I'm not going to attack the AG's office too much
4 because I know she's not here to defend herself --
5 where I feel that they are essentially -- I do feel
6 they are using me to frustrate her case. I've said
7 that before.

8 And this last instance of them refusing to so
9 much as send a courtesy e-mail to her so that she
10 could review documents, for what reason, I have no
11 idea why they would not --

12 THE COURT: You've said all of that that you've
13 said thus far.

14 MR. TRULUCK: Yes, Your Honor. Pursuant to
15 rule --

16 THE COURT: So whatever is -- whatever is
17 privileged that the AG shouldn't be allowed to hear
18 and anything else bearing on your being relieved
19 that you haven't already said --

20 MR. TRULUCK: Your Honor, pursuant to rule --

21 THE COURT: -- let's hear that.

22 MR. TRULUCK: Pursuant to Rule 1.6, Your Honor,
23 it requires that an attorney, by mandate, shall be
24 relieved in a case where the representation will
25 result in a violation of the rules of professional

1 conduct or the law or the lawyer is discharged.

2 Your Honor, Dr. Faltas has indicated, on many
3 occasions before, but this is -- this occasion
4 appears to be more sincere than ever, such that I'm
5 here before you asking to be relieved. My client,
6 inasmuch as I'm standby counsel, is discharging me.
7 I endorse her request to have me discharged for many
8 reasons, but mostly because I do not believe I'm
9 assisting her in this case. In fact, I feel like I
10 am holding her back by having to perform duties that
11 are duplicate. And, otherwise, she's essentially in
12 control of her case entirely.

13 Similarly, Your Honor, I -- and I've already
14 made the argument about, you know, I think she can
15 represent herself pro se in this PCR case. But
16 because of that, I don't feel I'm giving her the
17 service an attorney should give when all I'm doing
18 is --

19 THE COURT: I'm addressing at this hearing only
20 the questions raised in this motion as it relates to
21 2018-CP-0798 --

22 MR. TRULUCK: Yes, Your Honor.

23 THE COURT: -- which is the motion to relieve
24 you in that case. I'm not going to address other
25 cases, other issues. I'm restricting it to this

1 hearing to that case.

2 MR. TRULUCK: Well, Your Honor, I'll be
3 specific to that as well. When Judge Sprouse asked
4 me to draft the order essentially ruling against my
5 client, I respectfully asked the law clerk to ask
6 the judge not to ask me to do that.

7 I believe Judge Sprouse was actually trying to
8 create an opportunity to craft it the way that
9 Dr. Faltas might want me to, but my knee-jerk
10 reaction was that I'm going to do something to the
11 detriment of my client. And I believe, as you do,
12 that that is being considered, but we have not
13 received any communication from Judge Sprouse.

14 In those circumstances, Your Honor, I feel that
15 I am put into a position of conflict that may not be
16 in Dr. Faltas' best interest. And, again, she has
17 asked that I be discharged. I agree with that. I
18 feel that I have done all that I can for her. And I
19 feel that, going forward, she is her best counsel.

20 Your Honor, inasmuch as you want me to restrict
21 it to that, I'll stop there. I don't know that I
22 can comment further outside of that. And
23 Dr. Faltas would like to address you with regard to
24 that as well.

25 THE COURT: All right. Yes, ma'am?

1 DR. FALTAS: If it pleases the Court, may I
2 remain seated because --

3 THE COURT: Yes.

4 DR. FALTAS: -- of my knee and breath issues?

5 Thank you, Your Honor. And I'm not addressing
6 the other case, but in the Case No. 17-CP-40-06831,
7 because I won the first time and then the attorney
8 general asked for reconsideration and we had to try
9 it over again, we asked -- and Judge Hood was
10 handling the administrative issues at that time --
11 found that that's basically doing the work twice.
12 And he allowed Mr. Truluck an additional flat fee.
13 And Mr. Herbert Young and Mr. Hugh Ryan from the
14 indigent -- commission on indigent defense, they
15 appeared and they consented to that.

16 I think, in this case, even though there has
17 not been a trial on the merits so far, there is very
18 good grounds to allow, at the very least, an
19 additional flat fee for Mr. Truluck. Number one,
20 he's not a PCR lawyer, he doesn't have a PCR
21 contract --

22 THE COURT: The issue of lawyer fees is not
23 before me.

24 DR. FALTAS: Well, I guess since Your Honor is
25 the administrative --

1 THE COURT: For the next 12 hours.

2 DR. FALTAS: Yes, for the next 12 hours. And
3 that's why I'm --

4 THE COURT: Technically, until midnight
5 tomorrow night.

6 DR. FALTAS: Yes, Your Honor, 36 hours. A lot
7 can happen in 36 hours.

8 THE COURT: Well, there won't be a lot
9 happening at the courthouse, I can assure you that.

10 DR. FALTAS: But Your Honor has seen that the
11 attorney general has said that they interpret it as
12 such to make him do duplicate work, and so I'm
13 making this request. And when Ms. Leah Moody was --

14 THE COURT: Well, I don't think there's an
15 issue or -- I don't think anyone in the judicial
16 system would disagree with the fact that Mr. Truluck
17 has gone beyond the call of duty, he's done a
18 yeoman's job, he has gone beyond, perhaps, what any
19 other lawyer who has ever been in any of these cases
20 has done in attempting to fulfill his
21 responsibility, and he needs to be commended for
22 that. I don't think that's an issue, not for this
23 Court. I mean, I --

24 DR. FALTAS: I'm saying the other cases, even
25 Your Honor has sometimes allowed additional fees for

1 lawyers. And I'm saying this is such a case.

2 THE COURT: But I'm not going to deal with the
3 issue of lawyer fees today. I'm dealing with the
4 issue of this motion which is entitled emergency
5 motion to relieve counsel.

6 DR. FALTAS: Okay. And, again, just at the
7 risk of repeating myself, the emergency is
8 Mr. Truluck's dilemma. But if you would, please,
9 take under advisement for the next 36 hours the
10 motion for fees.

11 And, otherwise, my other cases that are pending
12 in a hearing before Your Honor, I had brought that
13 up before and then filed another reminder and also a
14 motion for certiorari for Your Honor. And I -- I,
15 again, gave the clerk a copy for Your Honor, but if
16 you'd like one, I have it. Does that help?

17 THE COURT: No. None of this -- none of what
18 you're currently saying addresses the issue of his
19 motion --

20 DR. FALTAS: Yes, yes, yes --

21 THE COURT: -- to be relieved --

22 DR. FALTAS: -- yes, yes --

23 THE COURT: -- or your motion --

24 DR. FALTAS: I realize that, but it's other
25 matters before Your Honor and I --

1 THE COURT: Well, there are many matters before
2 Your Honor, thousands of matters before me.

3 DR. FALTAS: There is, Your Honor, but it's
4 been several thousands of days of my life --

5 THE COURT: All right.

6 DR. FALTAS: -- that have been taken away with
7 the false criminal charges.

8 THE COURT: Okay. We can have the attorney
9 general come back, because I think we've addressed
10 the issues regarding the motion to relieve counsel.

11 DR. FALTAS: Really, when you count the nine
12 years times 365 days a year, I have suffered
13 thousands of days for false criminal charges.
14 There's no question about that. And my life is
15 worth something and my years are worth something.

16 THE COURT: Dr. Faltas, do you have any other
17 matters pending before the South Carolina Supreme
18 Court?

19 DR. FALTAS: The attorney general appealed
20 judge -- Retired Chief Justice Toal's grant of PCR
21 to me.

22 THE COURT: And, Attorney General, is that
23 before the South Carolina Supreme Court?

24 MS. JAMESON: Yes, I believe that's the 2016
25 postconviction relief action. And we're waiting

1 on -- I'm not counsel of record for that, so I don't
2 want to advise. But we've not filed a petition for
3 certiorari yet.

4 THE COURT: I've heard and considered all of
5 the presentation this morning concerning this issue
6 of Mr. Truluck being relieved as counsel in
7 2018-CP-40-01798. That is the style action that
8 notices the request for emergency hearing is granted
9 on.

10 As stated, there's a -- pending before Judge
11 Sprouse, the case where he's about to issue an order
12 in this case. I'm granting Mr. Truluck's motion to
13 be relieved, and he is relieved upon receipt of
14 Judge Sprouse's order. Regarding the question of
15 whether or not Dr. Faltas can proceed pro se after
16 or upon the release of Mr. Truluck, that -- it
17 presents an interesting question.

18 I believe that the Supreme Court intended to
19 include matters similar to Dr. Faltas', these cases,
20 and the court's order, but the court did not say
21 that in this order. So I believe the supreme court
22 should clarify their position as to the limits in
23 which Dr. Faltas can appear in these court
24 proceedings.

25 I agree with Mr. Truluck's argument that the

1 court's interpretation of the supreme court order
2 should not be limiting -- should not be interpreted
3 beyond what is clearly stated in the order.

4 However, because this is an order issued by the
5 supreme court, the supreme court has the ability to
6 clarify its own orders. This is not a case
7 decision, this is a court order, so the court has to
8 make its own order.

9 I don't know how many times they've amended and
10 revised similar orders in relation -- in regard to
11 Dr. Faltas. And they should clarify whether this --
12 their intent is that she be prohibited from handling
13 PCR matters. But, until such time as that is done,
14 I am going to permit her to proceed pro se upon
15 Mr. Truluck being relieved in this 2018 case.

16 DR. FALTAS: Your Honor, I will be allowed to
17 proceed pro se once Mr. Truluck is relieved? I
18 just --

19 THE COURT: On the 2018 case, unless or until
20 the supreme court further clarifies its order to
21 incorporate or not incorporate the PCR, I request
22 the parties or any desiring party to request that
23 clarification from the supreme court since this is
24 an order. This is not a case that was argued and
25 where the court issues an opinion, this is a supreme

1 court order which they can amend, modify, or
2 clarify, if they so desire.

3 And that addresses the only issue that the
4 Court is entertaining today on this emergency basis.
5 To go beyond this limited issue in the absence of
6 primary counsel for the State upon less than 24
7 hours' notice will not be just.

8 DR. FALTAS: Thank you, Your Honor. Just to
9 reiterate, he's relieved once Mr. -- Judge Sprouse
10 issues --

11 THE COURT: Upon receipt of Judge Sprouse's
12 order, he's done --

13 DR. FALTAS: And I --

14 THE COURT: -- on the 2018.

15 DR. FALTAS: And I represent myself unless the
16 state supreme court says otherwise?

17 THE COURT: Yes. That's it, in a nutshell.

18 DR. FALTAS: Thank you.

19 THE COURT: Thank you all.

20 MR. TRULUCK: Would you like proposed orders?

21 THE COURT: No. We'll issue an order saying
22 that.

23 DR. FALTAS: Thank you, Your Honor. And happy
24 new year.

25 THE COURT: All right. Same to you-all.

1 DR. FALTAS: And just so you know, I wrote a
2 request for Ms. Weiss for special counsel to
3 investigate the perjury --

4 THE COURT: All right.

5 -- END OF TRANSCRIPT OF RECORD --

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C E R T I F I C A T E

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

I, the undersigned, Bethanie K. Creppon, Circuit Court Reporter for the Eleventh 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 the evidence introduced in the hearing of the captioned cause, relative to appeal in the Circuit Court for Richland County, South Carolina, on the 28th of December, 2018.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

February 11, 2019

s/ *Bethanie K. Creppon*

Bethanie K. Creppon
Circuit Court Reporter

Dismissed as Improvidently Granted ("DIG") Search of SC's Judicial Department's ("SCJD") Website returned 424 records OF WHICH 73 are NOT DIG result cases (SC Court of Appeals "SC CoA" = 31) (SC Supreme Court "SC S Ct" = 42):

SC CoA </opinions/displayOpinion.cfm?caseNo=2958> </opinions/displayOpinion.cfm?caseNo=3029> </opinions/displayOpinion.cfm?caseNo=3085>
</opinions/displayOpinion.cfm?caseNo=3124> </opinions/displayOpinion.cfm?caseNo=3194> </opinions/displayOpinion.cfm?caseNo=3269>
</opinions/displayOpinion.cfm?caseNo=3630> </opinions/displayOpinion.cfm?caseNo=3653> </opinions/displayOpinion.cfm?caseNo=3715>
</opinions/displayOpinion.cfm?caseNo=3806> </opinions/displayOpinion.cfm?caseNo=3830> </opinions/displayOpinion.cfm?caseNo=3904>
</opinions/displayOpinion.cfm?caseNo=3998> </opinions/displayOpinion.cfm?caseNo=4008> = Judge Goode's finding of a double jeopardy bar reversed
</opinions/displayOpinion.cfm?caseNo=4212> </opinions/displayOpinion.cfm?caseNo=4297> </opinions/displayOpinion.cfm?caseNo=4339>
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</opinions/displayUnPubOpinion.cfm?caseNo=2004-MO-042> </opinions/unpublishedopinions/HTMLfiles/SC/2016-MO-029.pdf>

OF the Remaining 351, two (2) are DIG only in part: </opinions/displayOpinion.cfm?caseNo=25437> and </opinions/HTMLfiles/SC/27444.pdf>

DIGs after oral argument in SC S Ct (published OPINIONS = 93) (out of 27853 – 24572 = 3281; rate 1/35.3)

Cv-Opinion No. 24572 – Cv-Opinion No. 24590 – Cv-Opinion No. 24625 – Cv-Opinion No. 24634 – Cv-Opinion No. 24635 – **Opinion No. 24852** – Opinion No. 24963 – Opinion No. 25338 – Opinion No. 25369 – Cv-Opinion No. 25472 – Cv-Opinion No. 25475 – Cv-Opinion No. 25502 – Cv-Opinion No. 25565 – Cv-Opinion No. 25604 – **Opinion No. 25620** – **Opinion No. 25622** – Cv-Opinion No. 25625 – Cv-Opinion No. 25739 – **Opinion No. 25749** – Cv-Opinion No. 25754 – Cv-Opinion No. 25755 – Cv-Opinion No. 25773 – Cv-Opinion No. 25901 – **Opinion No. 25994** – Cv-Opinion No. 26006 – Cv-Opinion No. 26060 – Cv-Opinion No. 26072 – **Opinion No. 26260** – Cv-Opinion No. 26309 – **Opinion No. 26332** – Cv-Opinion No. 26368 – **Opinion No. 26396** – Cv-Opinion No. 26545 – **Opinion No. 26570** – Cv-Opinion No. 26576 – **Opinion No. 26580** – Cv-Opinion No. 26590 – Cv-Opinion No. 26651 – **Opinion No. 26652** – Cv-Opinion No. 26727 – **Opinion No. 26746** – Cv-Opinion No. 26769 – **Opinion No. 26772** – Cv-Opinion No. 26781 – **Opinion No. 26842** – Cv-Opinion No. 26937 – **FC-Opinion No. 27046** – **Opinion No. 27068** – Cv-Opinion No. 27174 – **Opinion No. 27184** – Cv-Opinion No. 27198 – **FC-Opinion No. 27199** – **Opinion No. 27203** – **FC-Opinion No. 27213** – **MIE-Opinion No. 27216** – **Opinion No. 27221** – Cv-Opinion No. 27321 – Cv-Opinion No. 27326 – **ALC-Opinion No. 27387** – **Opinion No. 27461** – **Opinion No. 27470** – **Opinion No. 27472** – Cv-Opinion No. 27489 – Cv-Opinion No. 27496 – Cv-Opinion No. 27508 – **Opinion No. 27511** – **Opinion No. 27512** – Cv-Opinion No. 27513 – **MIE-Opinion No. 27527** – **Opinion No. 27539** – Cv-Opinion No. 27540 – Cv-Opinion No. 27542 – Cv-Opinion No. 27577 – Cv-Opinion No. 27578 – **Opinion No. 27581** – **FC-Opinion No. 27584** – **WCC-Opinion No. 27588** – **WCC-P-Opinion No. 27590** – **Opinion No. 27591** – **Opinion No. 27595** – Cv-Opinion No. 27597 – **ALC-Opinion No. 27601** – Cv-Opinion No. 27608 – **Opinion No. 27647** – Cv-Opinion No. 27652 – **Opinion No. 27676** – **Opinion No. 27752** – Cv-Opinion No. 27795 – Cv-Opinion No. 27799 – **Opinion No. 27809** – **WCC-Opinion No. 27848** – Cv-Opinion No. 27849 – Cv-Opinion No. 27853 – **TOTAL: Civil = 48; FC = 4; WCC = 3; ALC = 2; MIE = 2; Criminal = 31 (State petitions = 11, Defense petitions = 20) State-initiated PCR reviews = 3**

DISs after oral argument in SC S Ct (Unpublished = 93)

Cv-No. 2004-MO-009 – Cv-No. 2004-MO-010 – Cv-No. 2004-MO-026 – **FC-No. 2004-MO-030** – **No. 2004-MO-036** – **No. 2005-MO-003** – Cv-No. 2005-MO-005 – **No. 2005-MO-022** – Cv-No. 2005-MO-023 – Cv-No. 2005-MO-030 – Cv-No. 2006-MO-007 – Cv- No. 2006-MO-021 – **No. 2006-MO-041** – **FC-No. 2007-MO-029** – **Cv- No. 2007-MO-038** – **FC-No. 2007-MO-043** – **Cv- No. 2007-MO-050** – Cv-No. 2007-MO-074 – **No. 2008-MO-030** – Cv-No. 2008-MO-031 – Cv-No. 2008-MO-033 – Cv-2008-MO-037 = No. 26545 – Cv-No. 2009-MO-032 – Cv-No. 2009-MO-042 – Cv-No. 2009-MO-044 – **No. 2009-MO-046** – Cv- No. 2009-MO-056 – **No. 2009-MO-064** – **No. 2009-MO-065** – **No. 2011-MO-005** – Cv-No. 2011-MO-012 – **MIE-No. 2012-MO-011** – **FC-No. 2012-MO-027** – **No. 2012-MO-030** – **No. 2012-MO-037** –

No. 2012-MO-40 - Cv- No. 2012-MO-043 - No. 2012-MO-050 - No. 2012-MO-051 - No. 2012-MO-053 - Cv-No. 2012-MO-056 - No. 2013-MO-001 - Cv-No. 2013-MO-008 - No. 2013-MO-020 - Cv-No. 2013-MO-029 - No. 2014-MO-005 - Cv-No. 2014-MO-010 - No. 2014-MO-019 - No. 2014-MO-025 - Cv-No. 2014-MO-029 - No. 2014-MO-030 - No. 2014-MO-040 - WCC-No. 2014-M25O-041 - Cv-No. 2014-MO-046 - No. 2015-MO-004 - Cv-No. 2015-MO-006 - Cv-No. 2015-MO-010 - No. 2015-MO-011 - No. 2015-MO-012 - Cv-No. 2015-MO-013 - Cv-No. 2015-MO-025 - No. 2015-MO-027 - No. 2015-MO-028 - No. 2015-MO-029 - No. 2015-MO-035 - No. 2015-MO-036 - Cv-No. 2015-MO-039 - No. 2015-MO-041 - WCC-P-No. 2015-MO-059 - No. 2015-MO-063 - Cv-No. 2015-MO-064 - No. 2015-MO-067 - No. 2015-MO-069 - No. 2016-MO-001 - Cv-No. 2016-MO-003 - No. 2016-MO-012 - No. 2016-MO-022 - Cv-No. 2016-MO-030 - No. 2017-MO-010 - No. 2017-MO-013 - No. 2017-MO-014 - FC-No. 2017-MO-018 - FC-No. 2017-MO-019 - Cv-No. 2017-MO-020 - Cv-No. 2018-MO-001 - No. 2018-MO-020 FC-No. 2018-MO-021 - No. 2018-MO-022 - Cv-No. 2018-MO-024 - No. 2018-MO-031 - No. 2018-MO-032 - No. 2018-MO-35 - No. 2018-MO-042 - TOTAL: Civil = 37; FC = 7; WCC = 2; MIE = 1; Criminal = 33; State petitions = 1, Defense = 32; PCR = 13; State-initiated reviews = 4; applicant-initiated reviews = 9

DIGs after submission to SC S Ct (published OPINIONS = 4): No. 24553 - No. 24716 - No. 26382 - No. 27094

DIGs after submission to SC S Ct (Memorandum OPINIONS = 138)

No. 2004-MO-001 - No. 2004-MO-002 - No. 2004-MO-014 - No. 2004-MO-018 - No. 2004-MO-039 - No. 2004-MO-043 - No. 2004-MO-045 - No. 2004-MO-052 - No. 2004-MO-054 - No. 2004-MO-066 - No. 2005-MO-010 - No. 2005-MO-015 - No. 2005-MO-018 - No. 2005-MO-034 - No. 2005-MO-035 - No. 2005-MO-039 - No. 2005-MO-048 - No. 2006-MO-003 - No. 2006-MO-046 - No. 2007-MO-003 - No. 2007-MO-007 - Cv-No. 2007-MO-013 - No. 2007-MO-026 - No. 2007-MO-032 - No. 2007-MO-035 - No. 2007-MO-041 - No. 2007-MO-045 - No. 2007-MO-048 - No. 2007-MO-056 - No. 2007-MO-061 - No. 2007-MO-062 - No. 2007-MO-063 - No. 2007-MO-068 - No. 2007-MO-069 - No. 2007-MO-070 - No. 2007-MO-073 - No. 2008-MO-004 - No. 2008-MO-005 - No. 2008-MO-011 - No. 2008-MO-019 - No. 2008-MO-022 - No. 2008-MO-032 - No. 2008-MO-040 - No. 2008-MO-042 - No. 2008-MO-043 - No. 2008-MO-046 - No. 2008-MO-051 - No. 2009-MO-001 - No. 2009-MO-003 - No. 2009-MO-004 - No. 2009-MO-005 - No. 2009-MO-006 - No. 2009-MO-009 - No. 2009-MO-010 - No. 2009-MO-011 - No. 2009-MO-014 - No. 2009-MO-016 - No. 2009-MO-021 - No. 2009-MO-023 - No. 2009-MO-026 - No. 2009-MO-031 - No. 2009-MO-038 - No. 2009-MO-039 - No. 2009-MO-041 - No. 2009-MO-048 - No. 2009-MO-050 - No. 2009-MO-053 - No. 2009-MO-063 - No. 2010-MO-001 - No. 2010-MO-005 - No. 2010-MO-018 - No. 2010-MO-024 - No. 2011-MO-009 - No. 2011-MO-010 - No. 2011-MO-011 - No. 2011-MO-013 - No. 2011-MO-018 - No. 2011-MO-024 - No. 2011-MO-025 - No. 2011-MO-028 - No. 2011-MO-029 - No. 2011-MO-031 - No. 2011-MO-034 - No. 2011-MO-035 - No. 2012-MO-012 - No. 2012-MO-013 - No. 2012-MO-014 - No. 2012-MO-017 - No. 2012-MO-022 - No. 2012-MO-024 - No. 2012-MO-025 - No. 2012-MO-036 - No. 2012-MO-038 - Cv-No. 2012-MO-044 - No. 2012-MO-048 - No. 2013-MO-002 - No. 2013-MO-006 - No. 2013-MO-007 - No. 2013-MO-026 - No. 2013-MO-027 - No. 2013-MO-028 - No. 2013-MO-030 - No. 2014-MO-008 - FC-No. 2014-MO-013 - No. 2015-MO-008 - No. 2015-MO-016 - No. 2015-MO-024 - No. 2015-MO-038 - No. 2015-MO-044 - No. 2015-MO-058 - No. 2015-MO-066 - No. 2015-MO-071 - No. 2015-MO-074 - No. 2016-MO-002 - No. 2016-MO-004 - No. 2016-MO-006 - No. 2016-MO-007 - No. 2016-MO-008 - No. 2016-MO-016 - No. 2016-MO-021 - No. 2016-MO-025 - No. 2016-MO-027 - No. 2016-MO-028 - No. 2016-MO-031 - Cv- No. 2016-MO-032 - No. 2017-MO-017 - No. 2017-MO-021 - No. 2017-MO-022 - No. 2018-MO-002 - No. 2018-MO-003 - No. 2018-MO-004 - No. 2018-MO-005 - No. 2018-MO-006 - No. 2018-MO-007 - No. 2018-MO-008 - No. 2018-MO-033 - No. 2018-MO-036 - No. 2018-MO-037 - TOTAL: Civil = 3; FC = 1; Criminal = 1 Def. petition; PCR = 133; State-initiated reviews = 27; applicant-initiated reviews = 106

Other (3) Opinion No. 25775 - Opinion No. 26084 = Opinion No. 2005-MO-061 - Opinion No. 26463 -

Orders (4) 2005-10-19-02; 2011-04-21-02; 2015-11-06-01; 2016-03-24-02

CoA DaIG after submission (UP = 3) No. 2007-UP-412 - No. 2015-UP-576 - No. 2016-UP-007

DIGs after oral argument in SC S Ct – Published.

Cv-Opinion No. 24572 - Davis Adv. Sh. No. 4 - James Earl Wright, Employee, Claimant, Respondent, v. Michelin Tire Corporation, Employer, and Hartford Accident & Indemnity Company, Carrier, Appellants - Spartanburg County - William H. Ballenger, Judge - **Heard January 21, 1997** - Filed February 3, 1997. H. Spencer King, of Spartanburg, for Appellants. Andrew N. Poliakoff, of Spartanburg, for Respondent. **Per Curiam:** After a review of the entire record, we dismiss the writ of certiorari as improvidently granted.

Cv-Opinion No. 24590 - Davis Adv. Sh. No. 8 - James L. Brown, Jr., a/k/a James L. Brown, Petitioner, v. Dal H. Felkel and Dal H. Felkel & Associates **CERTIORARI TO THE COURT OF APPEALS** - Florence County - Ralph King Anderson, Jr., Judge - **Heard January 21, 1997** - Filed March 10, 1997. E. N. Zeigler, of Florence, for appellant. Kenneth R. Young, Jr., of Young, Young & Reiter, P.A., of Sumter and Daryl J. Corbin, of Florence, for respondent. **PER CURIAM:** We granted certiorari to review the Court of Appeals' decision in *Brown v. Felkel*, 320 S.C. 292, 465 S.E.2d 93 (Ct. App. 1995). **We dismiss certiorari as improvidently granted.**

Cv-Opinion No. 24625 - Davis Adv. Sh. No. 16 - Patricia Louise Morgan, Employee, Respondent, v. JPS Automotives, Employer, and Liberty Mutual Insurance Company, Carrier. **CERTIORARI TO THE COURT OF APPEALS** - Greenville County - Frank P. McGowan, Jr., Judge - **Heard May 7, 1997** - Filed June 2, 1997. Richard B. Kale and Jeffrey S. Jones, both of Haynsworth, Marion, McKay & Guerard, of Greenville, for Petitioners. Gregory A. Morton, of Donnan, Morton, Davis & Snyder, of Greenville, for Respondent. **PER CURIAM:** We granted certiorari to review the Court of Appeals' decision in *Morgan v. JPS Automotives*, 321 S.C. 201, 467 S.E.2d 457 (Ct. App. 1996). **We dismiss certiorari as improvidently granted.**

Cv-Opinion No. 24634 - Davis Adv. Sh. No. 17 - Nandalyn Heaitley, Respondent v. Brittingham, Dial & Jeffcoat. **CERTIORARI TO THE COURT OF APPEALS** - Lexington, County - Walter J. Bristow, Jr., Judge - **Heard December 5, 1996** - Filed June 9, 1997. Franklin G. Shuler, Jr., and Danny C. Crowe, both of Turner, Padgett, Graham & Laney, P.A., of Columbia, for Petitioner. Charles R. Norris, of Nelson, Mullins, Riley & Scarborough, of Charleston, for Respondent. **PER CURIAM:** We granted certiorari to review the Court of Appeals' decision in *Heaitley v. Brittingham, Dial & Jeffcoat*, S.C., 465 S.E.2d 763 (Ct. App. 1995). **We dismiss certiorari as improvidently granted.**

Cv-Opinion No. 24635 - Davis Adv. Sh. No. 17 - James Gilmer, both personally and as Personal Representative of the Estate of Mallie S. Gilmer, Peitioner v. John W. Martin, M.D.- Anderson County - Rodney A. Peebles, Judge - **Heard June 4, 1997** - Filed June 16, 1997. J. Stephen Welch of Welch & Crain, LLC, of Greenwood, for petitioner. John L. Choate and Allen Levin of Cozen & O'Connor, of Columbia, for respondent. **PER CURIAM:** We granted certiorari to review the Court of Appeals' decision in *Gilmer v. Martin*, S.C., 473 S.E.2d 812 (Ct. App. 1996). **We dismiss certiorari as improvidently granted.**

Opinion No. 24852 - Davis Adv. Sh. XX- **The State, Petitioner, v. Kenneth Rodriquez, a/k/a Michael Frasier. CERTIORARI TO THE COURT OF APPEALS** - Charleston County - R. Markley Dennis, Jr., Circuit Judge - **Heard October 21, 1998** - Filed November 9, 1998. Attorney General Charles M. Condon, Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Caroline Callison Tiffin, all of Columbia; and Solicitor David P. Schwacke, of North Charleston, for Petitioner. Assistant Appellate Defender Melissa J. Reed Kimbrough, of S. C. Office of Appellate Defense, of Columbia, for Respondent. **PER CURIAM:** We granted certiorari to review the Court of Appeals' decision in *State v. Rodriquez*, 323 S.C. 484, 476 S.E.2d 161 (Ct. App. 1996). **We dismiss certiorari as improvidently granted.**

Opinion No. 24963 - Shearouse Adv. Sh. No. 23 - **The State, Respondent, v. Calvin Basil Smith A/K/A Elwaldo R. James. CERTIORARI TO THE COURT OF APPEALS** - York County - Paul E. Short, Jr., Circuit Judge - **Heard April 20, 1999** - Filed July 6, 1999. Deputy Chief Attorney Joseph L. Savitz, III, of South Carolina Office of Appellate Defense, of Columbia, for petitioner. Attorney General Charles M. Condon, Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, Assistant Attorney General G. Robert Deloach, III, all of Columbia; and Solicitor Thomas E. Pope, of York, for respondent. - **PER CURIAM:** We issued a writ of certiorari to review the opinion of the Court of Appeals in *State v. Smith*, 329 S.C. 550, 495 S.E.2d 798 (Ct. App. 1998). After careful consideration of the briefs and arguments, **we have decided that the writ was improvidently granted.**

Opinion No. 25338 - **The State, Respondent, v. Ui Sun Hudson – CERTIORARI TO THE COURT OF APPEALS** - Charleston County - Charles W. Whetstone, Jr., Circuit Judge - **Heard June 19, 2001** - Filed August 6, 2001. John D. Elliott, Assistant Appellate Defender Robert M. Pachak, of the South Carolina Office of Appellate Defense, both of Columbia, and D. Ashley Pennington, of North Charleston, for petitioner. Attorney General Charles M. Condon, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Robert E. Bogan, all of Columbia, and Solicitor David Price Schwacke, of North Charleston, for respondent. Lesly A. Bowers, of Columbia, for *amicus curiae* Protection and Advocacy for People with Disabilities, Inc. **PER CURIAM:** This Court granted the petition for a writ of certiorari to review the Court of Appeals' opinion in *State v. Hudson*, 336 S.C. 237, 519 S.E.2d 577 (Ct. App. 1999). After careful consideration, **we now dismiss certiorari as improvidently granted.** s/Jean H. Toal C.J. s/James E. Moore J. s/John H. Waller, Jr. J. s/E.C. Burnett, III J. s/Costa M. Pleicones J.

Opinion No. 25369 - The State, Respondent v. Albert Garvin. - CERTIORARI TO THE COURT OF APPEALS. Beaufort County - Luke N. Brown, Jr., Circuit Judge - **Heard October 9, 2001** - Filed October 29, 2001. Assistant Appellate Defender Tara S. Taggart, of the Office of Appellate Defense of Columbia, for petitioner. Attorney General Charles M. Condon, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Charles H. Richardson, Senior Assistant Attorney General Norman Mark Rapoport, all of Columbia; and Solicitor Randolph Murdaugh, III, of Hampton, for respondent. **PER CURIAM:** This Court granted the petition for a writ of certiorari to review the Court of Appeals' opinion in State v. Garvin, 341 S.C. 122, 533 S.E.2d 591 (Ct. App. 2000). After careful consideration, **we now dismiss as improvidently granted.** s/Jean H. Toal C.J. s/James E. Moore J. s/John H. Waller, Jr. J. s/E.C. Burnett, III J. s/Costa M. Pleicones J.

Cv-Opinion No. 25472 - Isiah Rudy Loadholt, in his capacity as Sheriff of Hampton County, Petitioner, v. South Carolina State Budget and Control Board, Division of General Services, Insurance Reserve Fund, Respondent, v. Sherry Capers, Tounda Taylor, and Kim Davenport, Petitioners. CERTIORARI TO THE COURT OF APPEALS - Richland County - L. Casey Manning, Circuit Judge - **Heard May 14, 2002** - Filed May 28, 2002. William T. Toal, of Johnson, Toal & Battiste, of Columbia, for petitioner Isiah Rudy Loadholt. Joel D. Bailey, of The Bailey Law Firm, P.A., of Beaufort, for petitioners Capers, Taylor & Davenport. Andrew F. Lindemann and William H. Davidson, II, both of Davidson, Morrison and Lindemann, P.A., of Columbia, for respondent. Edward A. Frazier, of Law Office of Ed Frazier, of Lexington; and Alford Haselden, of Haselden, Owen & Boloan, of Clover, for *Amicus Curiae* South Carolina Trial Lawyers Association. **PER CURIAM:** After careful review of the appendix and briefs, **we dismiss the writ of certiorari as improvidently granted.** MOORE, A.C.J., WALLER, BURNETT, PLEICONES, JJ., and Acting Justice George T. Gregory, concur.

Cv-Opinion No. 25475 - Unisun Insurance, Respondent, v. Bruce Hawkins, Tony Hawkins and Ruby Hawkins, Defendants, of whom Bruce Hawkins is Petitioner. CERTIORARI TO THE COURT OF APPEALS - Greenville County - Charles B. Simmons, Jr., Circuit Judge - **Heard May 14, 2002** - Filed June 3, 2002. Robert D. Moseley, Jr., of Leatherwood Walker Todd & Mann, P.C., and H. Brent Fortson, both of Greenville, for petitioner. John F. Martin, of Martin Law Firm, of Charleston, for respondent. **PER CURIAM:** This Court granted the petition for a writ of certiorari to review the Court of Appeals' opinion in Unisun Ins. v. Hawkins, 342 S.C. 537, 537 S.E.2d 559 (Ct. App. 2000). After careful consideration, **we now dismiss certiorari as improvidently granted.** s/Jean H. Toal C.J. s/James E. Moore J. s/John H. Waller, Jr. J. s/E.C. Burnett, III J. s/Costa M. Pleicones J.

Cv-Opinion No. 25502 - R&G Construction, Inc., Respondent, v. Lowcountry Regional Transportation Authority. CERTIORARI TO THE COURT OF APPEALS - Beaufort County - Jackson V. Gregory, Circuit Judge - **Heard June 26, 2002** - Filed July 22, 2002. H. Fred Kuhn, Jr., of Moss & Kuhn, of Beaufort, for petitioner. William B. Harvey, III, of Harvey & Battey, of Beaufort, for respondent. **PER CURIAM:** We granted a writ of certiorari to review the decision of the Court of Appeals in R&G Constr., Inc. v. Lowcountry Regional Transp. Authority, 343 S.C. 424, 540 S.E.2d 113 (Ct. App. 2000). **We dismiss certiorari as improvidently granted.** s/Jean H. Toal C.J. s/James E. Moore J. s/John H. Waller, Jr. J. s/E.C. Burnett, III J. s/Costa M. Pleicones J.

Cv-Opinion No. 25565 - South Carolina Department of Consumer Affairs, Petitioner, v. Rent-A-Center, Inc., a/k/a Thorn Americas, Inc. CERTIORARI TO THE COURT OF APPEALS - Richland County - James W. Johnson, Jr., Circuit Judge - **Heard November 20, 2002** - Filed December 9, 2002. Helen Fennell and Danny R. Collins, of South Carolina Department of Consumer Affairs, of Columbia, for Petitioner. Thomas H. Pope, III, of Pope and Hudgens, P.A., of Newberry, for Respondent. **PER CURIAM:** This Court granted the petition for a writ of certiorari to review the Court of Appeals' opinion in South Carolina Dep't of Consumer Affairs v. Rent-A-Center, Inc., 345 S.C. 251, 547 S.E.2d 881 (Ct. App. 2001). After careful consideration, **we now dismiss certiorari as improvidently granted.** TOAL, C.J., WALLER, BURNETT and PLEICONES, JJ., and Acting Justice Henry F. Floyd concur.

Cv-Opinion No. 25604 - Joshua Davis, Petitioner, v. Orangeburg-Calhoun Law Enforcement Commission. CERTIORARI TO THE COURT OF APPEALS - Orangeburg County - Donald W. Beatty, Circuit Judge - **Heard March 4, 2003** - Filed March 10, 2003. Benjamin Allen Dunn, of Dunn Dunn & Peeples and J. Lewis Cromer, of Cromer & Mabry, both of Columbia for Petitioner. Kathryn Thomas and Derwood L. Aydlette, III, both of Gignilliat Savitz & Bettis, of Columbia for Respondent. M. Brian Magargle and Melissa A. Inzerillo, both of Haynsworth Baldwin Johnson & Greaves, of Columbia for *Amicus Curiae*. **PER CURIAM:** After full review of the Appendix and briefs, **we dismiss the writ of certiorari as improvidently granted.** TOAL, C.J., MOORE, WALLER, BURNETT and PLEICONES, JJ., concur.

Opinion No. 25620 - The State, Respondent, v. Dennis Zulfer. CERTIORARI TO THE COURT OF APPEALS - Richland County - Paul E. Short, Jr., Circuit Judge - **Heard March 19, 2003** - Filed April 7, 2003. Assistant Appellate Defender Aileen P. Clare, of Columbia; for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Charles H. Richardson, and Senior Assistant Attorney General Harold M. Coombs, Jr., and Solicitor Warren B. Giese, of Columbia for Respondent. **PER CURIAM:** We granted certiorari to review the Court of Appeals' opinion in State v. Zulfer, 345 S.C. 258, 547 S.E.2d 885 (Ct. App. 2001). After careful consideration, **we dismiss certiorari as improvidently granted.** TOAL, C.J., MOORE, WALLER, BURNETT and PLEICONES, JJ., concur.

Opinion No. 25622 - The State, Petitioner, v. Jon Pierre Lacoste. CERTIORARI TO THE COURT OF APPEALS - York

County - Wyatt T. Saunders, Jr, Circuit Judge - **Heard March 18, 2003** - Filed April 7, 2003. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Charles H. Richardson, all of Columbia; and Solicitor Thomas E. Pope, of York, for Petitioner. Assistant Appellate Defender Robert M. Pachak, of Columbia, for Respondent. **PER CURIAM:** After full review of the Appendix and briefs, **we dismiss the writ of certiorari as improvidently granted.** TOAL, C.J., MOORE, WALLER, BURNETT and PLEICONES, JJ., concur.

Cv-Opinion No. 25625 - Charles W. Bailey, Respondent, v. Ralph W. Segars, Jr. CERTIORARI TO THE COURT OF APPEALS - Darlington County - Paul M. Burch, Circuit Judge - **Heard April 1, 2003** - Filed April 7, 2003. Louis D. Nettles, of Nettles, McBride, Hoffmeyer, PA, of Florence, for Petitioner. Charles E. Carpenter, Jr., and S. Elizabeth Brosnan, both of Richardson, Plowden, Carpenter & Robinson, PA, of Columbia; and Paul V. Cannarella, of Hartsville, for Respondent. **PER CURIAM:** We granted certiorari to consider the decision of the Court of Appeals in Bailey v. Segars, 346 S.C. 359, 550 S.E.2d 910 (Ct. App. 2001). **We now dismiss that writ as improvidently granted.** TOAL, C.J., MOORE, WALLER, BURNETT and PLEICONES, JJ., concur.

Cv-Opinion No. 25739 - Case No. 96-CP-32-0968 - Wannelle Hedgepath, Andrew Hedgepath, and Kristin Hedgepath, Plaintiffs, v. American Telephone and Telegraph Company, a corporation, AT&T Nassau Metals Corporation, Gaston Copper Recycling Corporation, and Southwire Company, Defendants. Case No. 96-CP-32-1016 Karen Mack as Personal Representative of the Estate of Toby L. Sharpe, Sr., Petitioner, v. American Telephone and Telegraph Company, a corporation, AT&T Nassau Metals Corporation, Gaston Copper Recycling Corporation, and Southwire Company, of whom Gaston Copper Recycling Corporation, and Southwire Company, are Respondents, Case No. 96-CP-32-2573 Maggie Banyard, et al., Plaintiffs, v. American Telephone and Telegraph Company, a corporation, AT&T Nassau Metals Corporation, Gaston Copper Recycling Corporation, and Southwire Company, Defendants. CERTIORARI TO THE COURT OF APPEALS - Lexington County - Marc H. Westbrook, Circuit Judge - **Heard October 9, 2003** - Filed October 27, 2003. Raymon E. Lark, Jr., of Austin, Lewis & Rogers, of Columbia, for petitioner. Mark S. Barrow and William R. Calhoun, Jr., both of Sweeny, Wingate & Barrow, of Columbia, for respondents. **PER CURIAM:** We granted certiorari to review the Court of Appeals' opinion in Hedgepath v. AT&T, 348 S.C. 340, 559 S.E.2d 327 (Ct. App. 2001). After careful consideration, **we dismiss certiorari as improvidently granted.** MOORE, A.C.J., WALLER, BURNETT, PLEICONES, JJ., and Acting Justice L. Casey Manning, concur.

Opinion No. 25749 - The State, **Petitioner**, v. Leonard Brown. CERTIORARI TO THE COURT OF APPEALS - Aiken County - Rodney A. Peeples, Circuit Judge - **Heard November 5, 2003** - Filed November 10, 2003. Teresa A. Knox, Deputy Director for Legal Services, Legal Counsel Tommy Evans, Jr., and Legal Counsel J. Benjamin Aplin, all of S.C. Dept. of Probation, Parole & Pardon Services, of Columbia, for Petitioner. Deputy Chief Attorney Joseph L. Savitz, III, of S.C. Office of Appellate Defense, of Columbia, for Respondent. **PER CURIAM:** We granted certiorari to review the decision of the Court of Appeals in State v. Brown, 349 S.C. 414, 563 S.E.2d 339 (Ct. App. 2002). After careful consideration of the Appendix and briefs, **we dismiss certiorari as improvidently granted.** TOAL, C.J., MOORE, WALLER, BURNETT and PLEICONES, concur.

Cv-Opinion No. 25754 - Allendale County Bank, Respondent, v. George W. Cadle, Peerless Group, Inc., JEJ Construction, Inc., Red Earth Environmental, Inc., Steffen Robertson and Kirsten (U.S.), Inc., E & J Landscaping, Inc., and Wastemasters of South Carolina, Inc., Of whom Steffen Robertson and Kirsten (U.S.), Inc. and E & J Landscaping, Inc. are Petitioners. CERTIORARI TO THE COURT OF APPEALS - Allendale County Perry M. Buckner, Special Referee - **Heard November 4, 2003** - Filed November 24, 2003. Gary H. Smith, III, of Braithwaite, Smith, Massey & Brodie, of Aiken, for petitioner E & J Landscaping, Inc. Ladson H. Beach, Jr., of Orangeburg, and James B. Richardson, of Richardson & Birdsong, of Columbia, for petitioner Steffen Robertson and Kirsten (U.S.), Inc. Walter H. Sanders, Jr., of Fairfax, for respondent. **PER CURIAM:** We granted a writ of certiorari to review the Court of Appeals' decision in Allendale County Bank v. Cadle, 348 S.C. 367, 559 S.E.2d 342 (Ct. App. 2001). After careful consideration, **we dismiss the writ as improvidently granted.** s/Jean H. Toal C.J. s/James E. Moore J. s/John H. Waller, Jr. J. s/E. C. Burnett, III J. s/Costa M. Pleicones, J

Cv-Opinion No. 25755 - Cheap-O's Truck Stop, Inc., Respondent, v. Chris Cloyd and United Oil Marketers, Inc. Midlands Gaming, Inc., Respondent, v. Chris Cloyd, United Oil Marketers, Inc., and United Gaming. CERTIORARI TO THE COURT OF APPEALS - Lexington County - James W. Johnson, Jr., Circuit Judge - Kenneth G. Goode, Circuit Judge - **Heard November 5, 2003** - Filed November 24, 2003. Timothy G. Quinn, of Columbia, for petitioners. S. Jahue Moore and M. Ronald McMahan, Jr., of Moore, Taylor, & Thomas, P.A., of West Columbia, for respondents. **PER CURIAM:** We granted this petition for a writ of certiorari to review the Court of Appeals' decision in Cheap-O's Truck Stop, Inc. v. Cloyd, 350 S.C. 596, 567 S.E.2d 514 (Ct. App. 2002). After careful consideration, **we now dismiss certiorari as improvidently granted.** s/Jean H. Toal C.J. s/James E. Moore J. s/John H. Waller, Jr. J. s/E. C. Burnett, III J. s/Costa M. Pleicones J

Cv-Opinion No. 25773 - Robertson v. First Union National Bank Willie Robertson, Raymond Brown and Richard Pinckney, individually and d/b/a Hollywood Financial Enterprises, Inc., Petitioners, v. First Union National Bank formerly known as First Union National Bank of South Carolina and Atlantic Appraisals, Respondents, v. United States of America by and through its agency, The Department of Treasury-Internal Revenue Service, South

Carolina Department of Revenue and Taxation, Charleston County Business License User Fees Department, Respondents. **CERTIORARI TO THE COURT OF APPEALS** - Charleston County - R. Markley Dennis, Jr., Circuit Judge - **Heard November 18, 2003** - Filed January 27, 2004. Edward M. Brown, of Edward M. Brown & Associates, of Charleston, for Petitioners. Joe S. Dusenbury, Jr., of the South Carolina Department of Revenue, of Columbia; LaVerne H. Manning, of the U.S. Attorney's Office, of Columbia; Samuel W. Howell, IV, of Howell & Linkous, of Charleston; Stephen P. Groves, Sr., and H. Michael Bowers, of Nexsen, Pruet, Jacobs, Pollard & Robinson, of Charleston; W. Andrew Gowder, Jr., and Amanda Rajsich, of Pratt-Thomas, Epting & Walker, of Charleston, for Respondents. **PER CURIAM:** We granted certiorari to review the Court of Appeals' decision in Robertson v. First Union Nat'l Bank, 350 S.C. 339, 565 S.E.2d 309 (Ct. App. 2002). After careful consideration, **we dismiss certiorari as improvidently granted.** TOAL, C.J., MOORE, WALLER, PLEICONES, JJ., and Acting Justice John W. Kittredge, concur.

Cv-Opinion No. 25901 - Sherwood N. Fender, Petitioner, v. Heirs at Law of Roger Smashum, John Smashum and Arthur Smashum, if living or such heirs of them as may be living; Carolee H. Goodwine, Mae Olive Henderson, Audrey Polite Sawyer, Diana Cornish, Heirs of John Frasier, if living or such heirs of them as may be living; Bernadette Anderson, Eloise Gadson and all other persons unknown, having or claiming any right, title or estate or interest in or lien upon the real property described in the complaint herein, being designated collectively as John Doe and Sarah Roe, including all minors, persons in the armed forces, insane persons and all other persons under any other disability who might have or claim to have any right, title or interest in or lien upon the real property described in the complaint herein, Defendants, of whom Henrietta Jones, Sarah Shepard and Lucy Smith, as heirs at law of John Smashum, and Queen Smashum, as grantee of Adam Smashum, heir at law of John Smashum, are Respondents. **CERTIORARI TO THE COURT OF APPEALS** - Beaufort County - Perry M. Buckner, Circuit Judge - **Heard November 17, 2004** - Filed November 29, 2004. Alysoun Mere Eversole, of Beaufort, for Petitioner. Derek C. Gilbert, of Harvey & Battey, P.A., of Beaufort, for Respondents. **PER CURIAM:** We granted a writ of certiorari to review the Court of Appeals' decision in Fender v. Heirs at Law of Smashum, 354 S.C. 504, 581 S.E.2d 853 (Ct. App. 2003). **We dismiss the writ as improvidently granted.** TOAL, C.J., MOORE, WALLER, BURNETT, JJ., and Acting Justice Marion D. Myers, concur.

Opinion No. 25994 - Jack L. Hinton, Jr., **Respondent**, v. South Carolina Department of Probation, Parole and Pardon Services. **CERTIORARI TO THE COURT OF APPEALS** - Greenville County - Charles B. Simmons, Jr., Circuit Judge - **Heard May 5, 2005** - Filed June 6, 2005. Deputy Director Teresa A. Knox, Legal Counsel J. Benjamin Aplin, Legal Counsel Lovee McKinney Watts, all of South Carolina Department of Probation, Pardon and Parole, of Columbia, for Petitioner. William M. Hagood, III, Love, Thornton, Arnold & Thomason, of Greenville, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the Court of Appeals' opinion in Hinton v. S.C. Dep't of Probation, Parole, and Pardon Servs., 357 S.C. 327, 592 S.E.2d 335 (Ct. App. 2004). **We now dismiss the writ as improvidently granted.** TOAL, C.J., MOORE, WALLER, BURNETT and PLEICONES, JJ., concur.

Cv-Opinion No. 26006 - G & P Trucking, Petitioner, v. Parks Auto Sales Service & Salvage, Inc. **CERTIORARI TO THE COURT OF APPEALS** - Charleston County - Daniel F. Pieper, Circuit Judge - **Heard June 16, 2005** - Filed June 27, 2005. Stephen E. Darling and Kari Hubbard, of Haynsworth, Sinkler & Boyd, P.A., of Charleston, for Petitioner. Robert A. McKenzie and Gary H. Johnson, II, of McDonald, McKenzie, Rubin, Miller & Lybrand, L.L.P., of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the Court of Appeals' opinion in G&P Trucking v. Parks Auto Sales, Serv. & Salvage, Inc., 357 S.C. 82, 591 S.E.2d 42 (Ct. App. 2003). **We now dismiss certiorari as improvidently granted.** TOAL, C.J., MOORE, WALLER, BURNETT and PLEICONES, JJ., concur.

Cv-Opinion No. 26060 - Gregory Tillotson, Respondent, v. Keith Smith Builders - **CERTIORARI TO THE COURT OF APPEALS** - Greenville County - Charles B. Simmons, Jr., Circuit Judge - **Heard October 6, 2005** - Filed November 7, 2005. James W. Logan, Jr., of Logan, Jolly & Smith, LLP, of Anderson, for Petitioner. Kenneth C. Porter, of Porter & Rosenfeld, of Greenville, for Respondent. Jack D. Griffith, of Love, Thornton, Arnold & Thomason, of Greenville, for Amicus Curiae. **PER CURIAM:** We granted a writ of certiorari to review the Court of Appeals' opinion in Tillotson v. Keith Smith Builders, 357 S.C. 554, 593 S.E.2d 621 (Ct. App. 2004). **We dismiss the writ as improvidently granted.** TOAL, C.J., MOORE, WALLER, BURNETT and PLEICONES, JJ., concur.

Cv-Opinion No. 26072 - Richard N. Kennedy, Respondent, v. Scott Edward Griffin and Dick Simon Trucking, Inc. **CERTIORARI TO THE COURT OF APPEALS** - Cherokee County - Gary E. Clary, Circuit Judge - **Heard October 18, 2005** - Filed November 28, 2005. William S. Brown, of Nelson Mullins Riley & Scarborough, L.L.P., of Greenville, for petitioners. Kenneth L. Holland, of Gaffney, for respondent. **PER CURIAM:** We granted a writ of certiorari to review the Court of Appeals' decision in Kennedy v. Griffin, 358 S.C. 122, 595 S.E.2d 248 (Ct. App. 2004). **After careful consideration, we dismiss the writ as improvidently granted.** TOAL, C.J., MOORE, WALLER, BURNETT and PLEICONES, JJ., concur.

Opinion No. 26260 - **The State, Petitioner**, v. Michael Dunbar. **CERTIORARI TO THE COURT OF APPEALS** - Lexington County - Rodney A. Peebles, Circuit Judge - **Heard January 18, 2007** - Filed February 5, 2007. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Senior Assistant Attorney General Norman Mark Rapoport, all of Columbia; and Donald V. Myers, of Lexington, for petitioner. Appellate Defender Kathrine H. Hudgins, of

Columbia, for respondent. **PER CURIAM:** We granted this petition for a writ of certiorari to review the Court of Appeals' opinion in State v. Dunbar, 361 S.C. 240, 603 S.E.2d 615 (Ct. App. 2004). After careful consideration, **we now dismiss certiorari as improvidently granted.** TOAL, C.J., MOORE, WALLER, BURNETT and PLEICONES, JJ., concur.

Cv-Opinion No. 26309 - Gary E. McClain, Respondent, v. Pactiv Corporation, Howard Sellers, Tim Randall, Jody Rowland, Joseph P. Berley, Linda Milton, Joe Powell, Doug Boynton, Larry Wonoski, Joe Garrison, Ron Clark and Robin Montgomery, Defendants, of whom Pactiv Corporation and Joseph P. Berley are, Petitioners. **CERTIORARI TO THE COURT OF APPEALS.** - Aiken County - Rodney A. Peebles, Circuit Judge - **Heard March 21, 2007** - Filed April 9, 2007. Paul H. Derrick, of Jackson Lewis, LLP, of Cary, North Carolina, for Petitioners. J. Dennis Bolt, of Bolt Law Firm, of Columbia, for Respondent. **PER CURIAM:** We granted certiorari to review the Court of Appeals' decision in McClain v. Pactiv Corp., 360 S.C. 480, 602 S.E.2d 87 (Ct. App. 2004). After careful review of the appendix and briefs, **we dismiss the writ as improvidently granted.** TOAL, C.J., MOORE, WALLER, BURNETT and PLEICONES, JJ., concur.

Opinion No. 26332 - The State, Respondent, v. Kristopher M. Miller. **CERTIORARI TO THE COURT OF APPEALS** - Anderson County - J. C. Buddy Nicholson, Jr., Circuit Judge - **Heard May 22, 2007** - Filed June 4, 2007. Appellate Defender LaNell Durant, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Deborah R. J. Shupe, all of Columbia, and Solicitor Christina Theos Adams, of Anderson, for Respondent. **PER CURIAM:** We granted certiorari to review the Court of Appeals' decision in State v. Miller, 363 S.C. 635, 611 S.E.2d 309 (Ct. App. 2005). After careful consideration, **we now dismiss certiorari as improvidently granted.** TOAL, C.J., MOORE, BURNETT, PLEICONES, JJ., and Acting Justice J. Michelle Childs, concur.

Cv-Opinion No. 26368 - Teresa A. Bass, Respondent, v. Isochem and St. Paul & Marine Insurance Co. **CERTIORARI TO THE COURT OF APPEALS** - York County Paul E. Short, Jr., Circuit Judge - **Heard June 5, 2007** - Filed August 6, 2007. Stanford E. Lacy and Rebecca C. Kirkland, of Collins & Lacy, of Columbia, for petitioners. David Benson, of Elrod Jones Leader & Benson, of Rock Hill, for respondent. **PER CURIAM:** We granted a writ of certiorari to review the Court of Appeals' decision in Bass v. Isochem, 365 S.C. 454, 617 S.E.2d 369 (Ct. App. 2005). After careful consideration, **we dismiss the writ as improvidently granted.** TOAL, C.J., MOORE, BURNETT, PLEICONES, JJ., and Acting Justice Arthur E. Morehead, III, concur.

Opinion No. 26396 - The State, Petitioner, v. Christopher L. James. **CERTIORARI TO THE COURT OF APPEALS.** Edgefield County - William P. Keesley, Circuit Judge - **Heard October 18, 2007** - Filed November 19, 2007. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, Senior Assistant Attorney General Harold M. Coombs, Jr., of Columbia; and Donald V. Myers, of Lexington, for petitioner. Chief Appellate Defender Joseph L. Savitz, III, of the South Carolina Commission on Indigent Defense, Division of Appellate Defense, of Columbia, for respondent. **PER CURIAM:** We granted this petition for a writ of certiorari to review the Court of Appeals' opinion in State v. James, 362 S.C. 557, 608 S.E.2d 455 (Ct. App. 2004). After careful consideration, **we now dismiss certiorari as improvidently granted.** TOAL, C.J., MOORE, WALLER, PLEICONES, JJ., and Acting Justice J. Michael Baxley, concur.

Cv-Opinion No. 26545 = 2008-MO-037 - Berrien W. Smith, Respondent, v. J. Drayton Hastie, Jr., and Everett L. Smith, Jr., Defendants, of whom J. Drayton Hastie, Jr. is Petitioner. **CERTIORARI TO THE COURT OF APPEALS** - Charleston County - Thomas L. Hughston, Jr., Circuit Judge - **Heard June 24, 2008** - Re-filed September 8, 2008. Richard S. Rosen, of Rosen, Rosen and Hagood, of Charleston, for Petitioner. Thomas A. Pendarvis, of Beaufort, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the Court of Appeals' opinion in Smith v. Hastie, 367 S.C. 410, 626 S.E.2d 13 (Ct. App. 2005). **We dismiss the writ as improvidently granted.** TOAL, C.J., MOORE, WALLER, PLEICONES, JJ., and Acting Justice Howard P. King, concur.

Opinion No. 26570 - The State, Respondent, v. Craig Duval Davis. **CERTIORARI TO THE COURT OF APPEALS** - Horry County - Daniel F. Pieper, Circuit Judge - **Heard November 18, 2008** - Filed December 15, 2008. John S. Nichols, of Bluestein Nichols Thompson and Delgado, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, Assistant Attorney General Deborah R. J. Shupe, of Columbia, John Gregory Hembree, of Conway, for Respondent. **PER CURIAM:** We granted certiorari to review the Court of Appeals decision in State v. Davis, 371 S.C. 412, 639 S.E.2d 457 (Ct. App. 2006). After careful consideration of the record and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED.** TOAL, C.J., WALLER, BEATTY, KITTREDGE, JJ. and Acting Justice James E. Moore, concur.

Cv-Opinion No. 26576 - Robert S. Brannon and Kimberly C. Brannon, Petitioners, v. The Palmetto Bank and Howard Barnard, Defendants, of whom The Palmetto Bank is the Respondent. **CERTIORARI TO THE COURT OF APPEALS** - Greenville County - John C. Few, Circuit Judge - **Heard December 3, 2008** - Filed January 5, 2009. H. Michael Spivey and Melissa D. Spivey, of Mauldin, for Petitioners. F. Marion Hughes and Seann Gray Tzouvelekas, of Leatherwood, Walker, Todd & Mann, of Greenville, for Respondent. **PER CURIAM:** We granted a writ of certiorari to

review the Court of Appeals decision in Brannon v. Palmetto Bank, 371 S.C. 357, 638 S.E.2d 105 (Ct. App. 2006). After careful consideration of the record and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED.** TOAL, C.J., WALLER, PLEICONES, KITTREDGE, JJ., and Acting Justice James E. Moore, concur.

Opinion No. 26580 - The State, Respondent, v. William Rhett Snowden. **CERTIORARI TO THE COURT OF APPEALS** - Pickens County - Larry R. Patterson, Circuit Judge - **Heard January 6, 2009** - Filed January 12, 2009. Chief Appellate Defender Joseph L. Savitz, III, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, Assistant Attorney General Deborah R. J. Shupe, all of Columbia, and Solicitor Robert Mills Ariail, of Greenville, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the Court of Appeals' opinion in State v. Snowden, 371 S.C. 331, 638 S.E.2d 91 (Ct. App. 2006). **We now dismiss the writ as improvidently granted.** TOAL, C.J., WALLER, PLEICONES, BEATTY, JJ., and Acting Justice E. C. Burnett, III, concur.

Cv-Opinion No. 26590 - Kenneth W. Sanders, Petitioner, v. MeadWestvaco Corporation, Self-insured Employer. **CERTIORARI TO THE COURT OF APPEALS** - Newberry County - Wyatt T. Saunders, Jr., Circuit Judge - **Heard January 8, 2009** - Filed January 26, 2009. Ben C. Harrison & Jeremy A. Dantin, of Harrison, White, Smith & Coggins, PC, of Spartanburg, for Petitioner. Kirsten L. Barr, of Trask & Howell, LLC, of Mt. Pleasant, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the Court of Appeals decision in Sanders v. MeadWestvaco Corp., 371 S.C. 284, 638 S.E.2d 66 (Ct. App. 2006). After a thorough review of the record and briefs, the writ of certiorari is **DISMISSED AS IMPROVIDENTLY GRANTED.** TOAL, C.J., WALLER, PLEICONES, BEATTY and KITTREDGE, JJ., concur.

Cv-Opinion No. 26651 - Ernest Lamar Bradley and Esther K. Bradley, Petitioners, v. John Doe and AccuSweep, Inc. **CERTIORARI TO THE COURT OF APPEALS** - Dorchester County - Diane Schafer Goodstein, Circuit Judge - **Heard April 22, 2009** - Filed May 18, 2009. Donald H. Howe, of Howe & Wyndham, and Walter Bilbro, Jr., both of Charleston, for Petitioner. Margaret F. Horn, of Wilson & Heyward, of Charleston, for Respondent. **PER CURIAM:** This Court granted a petition for a writ of certiorari to review the decision of the Court of Appeals in Bradley v. Doe, 374 S.C. 622, 649 S.E.2d 153 (Ct. App. 2007). **We dismiss the writ as improvidently granted.** TOAL, C.J., WALLER, PLEICONES, BEATTY, JJ., and Acting Justice James R. Barber, concur.

Opinion No. 26652 - The State, Respondent, v. Theresa Claypoole. **CERTIORARI TO THE COURT OF APPEALS** - Lexington County - Marc H. Westbrook, Circuit Judge - **Heard March 4, 2009** - Filed May 18, 2009. Deputy Chief Appellate Defender for Capital Appeals Robert M. Dudek, of South Carolina Commission on Indigent Defense, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, all of Columbia, and Solicitor Donald V. Myers, of Lexington, for Respondent. **PER CURIAM:** We granted certiorari to review the Court of Appeals' opinion in State v. Claypoole, 371 S.C. 473, 639 S.E.2d 466 (Ct. App. 2006). **We now dismiss the writ as improvidently granted.** TOAL, C.J., WALLER, KITTREDGE, JJ., and Acting Justices James E. Moore and James A. Spruill, concur.

Cv-Opinion No. 26727 - Eugene Jamison and Delores Isaac, individually and as Personal Representative of the Estate of Virnell Isaac, Petitioners, v. Ford Motor Company. **CERTIORARI TO THE COURT OF APPEALS** - Berkeley County - R. Markley Dennis, Jr., Circuit Judge - **Heard September 15, 2009** - Filed September 28, 2009. James E. Carter, of Savannah, GA, Samuel K. Allen, of Anastopoulos and Clone, of Charleston; and Stephanie P. McDonald, of Senn, McDonald & Leinbach, of Charleston, for Petitioners. J. Kenneth Carter, Jr. and Curtis L. Ott, both of Turner, Padgett, Graham & Laney, of Columbia, for Respondent. **PER CURIAM:** After careful consideration, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED.** TOAL, C.J., WALLER, PLEICONES, BEATTY, JJ., and Acting Justice James E. Moore, concur.

Opinion No. 26746 - The State, Respondent, v. Lawrence Tucker. **CERTIORARI TO THE COURT OF APPEALS** - Calhoun County - James C. Williams, Jr., Circuit Judge - **Heard November 30, 2009** - Filed December 7, 2009. Appellate Defender Kathrine H. Hudgins, of South Carolina Commission on Indigent Defense, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, Senior Assistant Attorney General Norman Mark Rapoport, Assistant Attorney General Mark R. Farthing, all of Columbia, and Solicitor David M. Pascoe, Jr., of Summerville, for Respondent. **PER CURIAM:** This Court granted Lawrence Tucker's petition for a writ of certiorari to review the decision of the Court of Appeals in State v. Tucker, 376 S.C. 412, 656 S.E.2d 403 (Ct. App. 2008), in which the Court of Appeals affirmed Tucker's plea of guilty involving an alleged violation of the Interstate Agreement on Detainers Act (IAD). After careful consideration of the Appendix and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED.** TOAL, C.J., WALLER, PLEICONES, BEATTY, JJ., and Acting Justice James E. Moore, concur.

Cv-Opinion No. 26769 - Ted Corbett, Petitioner, v. Jordan William Weaver, a minor over the age of fourteen (14) years, and Michael Joel Weaver, Defendants, of whom Michael Joel Weaver is the Respondent. **CERTIORARI TO THE COURT OF APPEALS** - Florence County - Daniel F. Pieper, Circuit Judge - **Heard January 6, 2010** - Filed February 8, 2010. E. LeRoy Nettles, Sr., and Marian D. Nettles, both of Nettles, Turbeville & Reddeck, of Lake City, for

Petitioner. Robert C. Brown, of Brown & Brehmer, of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the Court of Appeals decision in Corbett v. Weaver, 380 S.C. 288, 669 S.E.2d 615 (Ct. App. 2008). After a thorough review of the Appendix, record, and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

Opinion No. 26772 - The State, Petitioner, v. Hercules E. Mitchell. **CERTIORARI TO THE COURT OF APPEALS.** Orangeburg County - James C. Williams, Jr., Circuit Judge - **Heard January 20, 2010** - Filed February 16, 2010. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Donald J. Zelenka, Senior Assistant Attorney General S. Creighton Waters, all of Columbia, and Solicitor David Michael Pascoe, Jr., of Orangeburg, for Petitioner. Chief Appellate Defender Robert M. Dudek, of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the Court of Appeals decision in State v. Mitchell, 378 S.C. 305, 662 S.E.2d 493 (Ct. App. 2008). After a thorough review of the Appendix, record, and briefs, the writ of certiorari is **DISMISSED AS IMPROVIDENTLY GRANTED.** PLEICONES, ACTING CHIEF JUSTICE, BEATTY, KITTREDGE, HEARN, JJ., and Acting Justice James E. Moore, concur.

Cv-Opinion No. 26781 - Angela Youmans as Personal Representative of the Estate of Deonte Elmore, Respondent, v. South Carolina Department of Transportation. **CERTIORARI TO THE COURT OF APPEALS** - Allendale County - John C. Few, Circuit Judge - **Heard February 4, 2010** - Filed March 1, 2010. Marshall H. Waldron, Jr., of Griffith, Sadler & Sharp, of Beaufort, for Petitioner. Mark B. Tinsley, of Gooding & Gooding, of Allendale, and Robert Norris Hill, of Newberry, for Respondent. **PER CURIAM:** This Court granted a petition for a writ of certiorari to review the decision of the court of appeals in Youmans v. South Carolina Department of Transportation, 380 S.C. 263, 670 S.E.2d 1 (Ct. App. 2008). **We dismiss the writ as improvidently granted.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

Opinion No. 26842 - The State, Petitioner, v. James W. Bodenstedt, Jr. **CERTIORARI TO THE COURT OF APPEALS** - Pickens County - J. Michael Baxley, Circuit Judge - **Heard June 23, 2010** - Filed July 26, 2010. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General David Spencer, all of Columbia, and Solicitor Robert M. Ariail, of Greenville, for Petitioner. Senior Appellate Defender Joseph L. Savitz, III, of Commission on Indigent Defense, of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the Court of Appeals decision in State v. Bodenstedt, 381 S.C. 545, 674 S.E.2d 174 (Ct. App. 2009). **On certiorari, we were presented with the question whether the Court of Appeals erred in reversing and remanding Respondent's sentence, which the trial court amended based on Respondent's disturbances in the courtroom.** After careful consideration, **we now dismiss certiorari as improvidently granted.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

Cv-Opinion No. 26937 - Maria A. Hollins, as Parent and Guardian ad Litem for Jane Doe, a minor under the age of fourteen years, Petitioner, v. Wal-Mart Stores, Inc. **CERTIORARI TO THE COURT OF APPEALS.** Richland County - J. Ernest Kinard, Jr., Circuit Judge - **Heard February 16, 2011** - Filed March 7, 2011. David E. Massey, Summer C. Tompkins, and Debra Sherman Tedeschi, all of Columbia, for Petitioner. Stephen G. Morrison, C. Mitchell Brown, and Susan M. Glenn, all of Nelson Mullins Riley & Scarborough, of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the court of appeals opinion in Hollins v. Wal-Mart, 381 S.C. 245, 672 S.E.2d 805 (Ct. App. 2008). **We now dismiss the writ as improvidently granted.** ACTING CHIEF JUSTICE PLEICONES, BEATTY, KITTREDGE, JJ., and Acting Justices James E. Moore and John H. Waller, Jr., concur.

FC-Opinion No. 27046 - Karen Dallis Carpenter, Petitioner, v. James Edward Burr, Frank C. Gavay, Cynthia A. Gesualdi and Susan S. Fisher. **CERTIORARI TO THE COURT OF APPEALS.** Horry County - **Jocelyn B. Cate, Family Court Judge** - **Heard September 22, 2011** - Filed September 26, 2011. James L. Hills and Carolyn R. Hills, both of Hills & Hills, of Myrtle Beach, for Petitioner. Randall K. Mullins, of N. Myrtle Beach, for Respondents. **PER CURIAM:** We granted a writ of certiorari to review the Court of Appeals' decision in Carpenter v. Burr, 381 S.C. 494, 673 S.E.2d 818 (Ct. App. 2009). **We now dismiss the writ as improvidently granted.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

Opinion No. 27068 - The State, Petitioner, v. Charles Q. Jackson. **CERTIORARI TO THE COURT OF APPEALS.** Bamberg County - Doyet A. Early, III, Circuit Judge - **Heard November 2, 2011** - Filed November 21, 2011. Attorney General Alan Wilson, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, Assistant Attorney General Mark R. Farthing, all of Columbia, and J. Strom Thurmond, Jr., of Aiken, for Petitioner. Chief Appellate Defender Robert M. Dudek, of South Carolina Commission on Indigent Defense, of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the court of appeals' decision in State v. Jackson, 384 S.C. 29, 681 S.E.2d 17 (2009). **We now dismiss the writ as improvidently granted.** TOAL, C.J., PLEICONES, BEATTY, HEARN, JJ., and Acting Justice James E. Moore, concur.

Cv-Opinion No. 27174 - Kenneth B. Jenkins, Respondent, v. Benjamin Scott Few and Few Farms, Inc. - Appellate Case No. 2011-188648 **CERTIORARI TO THE COURT OF APPEALS** - Greenville County D. Garrison Hill, Circuit Judge - **Heard September 20, 2012** - Filed October 3, 2012. Robert C. Childs, III, and J. Falkner Wilkes, both of Greenville, for Petitioners. Fred W. Suggs, III, of Roe Cassidy Coates and Price, of Greenville, for Respondent. **PER CURIAM:** We granted a writ of certiorari

to review the court of appeals' decision in *Jenkins v. Fetz*, 391 S.C. 209, 705 S.E.2d 457 (Ct. App. 2010). **We now dismiss the writ as improvidently granted.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

Opinion No. 27184 - The State, Respondent, v. Gene Tony Cooper. Appellate Case No. 2010-152786 **CERTIORARI TO THE COURT OF APPEALS** - Lexington County - Daniel F. Pieper, Circuit Judge - **Heard October 17, 2012** - Filed November 7, 2012. Chief Appellate Defender Robert Michael Dudek, of South Carolina Commission on Indigent Defense, Division of Appellate Defense, of Columbia, for Petitioner. Attorney General Alan McCrory Wilson, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Donald J. Zelenka, Senior Assistant Attorney General W. Edgar Salter, III, all of Columbia; and Solicitor Donald V. Meyers, of Lexington, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the decision of the Court of Appeals in *State v. Cooper*, 386 S.C. 210, 687 S.E.2d 62 (Ct. App. 2009). **We now dismiss the writ as improvidently granted.** PLEICONES, ACTING CHIEF JUSTICE, BEATTY, KITTREDGE, HEARN, JJ., and Acting Justice E. C. Burnett, III, concur.

Cv-Opinion No. 27198 - Too Tacky Partnership, Petitioner, v. South Carolina Department of Health and Environmental Control and Mayo Read, Jr. Appellate Case No. 2009-149126 - **CERTIORARI TO THE COURT OF APPEALS** - Charleston County - Roger M. Young, Circuit Judge - **Heard November 14, 2012** - Filed December 5, 2012. John P. Seibels, Jr. and Jason S. Luck, both of The Seibels Law Firm, P.A., of Charleston, for Petitioner. Bradley D. Churdar, of Charleston, and Jacquelyn S. Dickman, of Columbia, for Respondent SCDHEC. Richard L. Tapp, Jr. and Stephen P. Groves, Sr., both of Nexsen Pruet, LLC, of Charleston, for Respondent Mayo Read. **PER CURIAM:** We granted a writ of certiorari to review the court of appeals' decision in *Too Tacky Partnership v. South Carolina Department of Health and Environmental Control*, 386 S.C. 32, 686 S.E.2d 194 (Ct. App. 2009). **We now dismiss the writ as improvidently granted.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE, JJ., and Acting Justice James E. Moore, concur.

FC-Opinion No. 27199 - In the Interest of Tracy B., A Minor Under the Age of Seventeen, Petitioner. Appellate Case No. 2011-186286 **CERTIORARI TO THE COURT OF APPEALS** - Charleston County - Paul W. Garfinkel, Family Court Judge - **Heard October 31, 2012** - Filed December 12, 2012. Robert M. Dudek, of South Carolina Commission on Indigent Defense, of Columbia, for Petitioner. Attorney General Alan M. Wilson, Chief Deputy Attorney General John W. McIntosh, Senior Assistant Deputy Attorney General Donald J. Zelenka, all of Columbia, and Solicitor Scarlett A. Wilson, of Charleston, for the State. **PER CURIAM:** We granted a writ of certiorari to review the court of appeals' decision in *In re Tracy B.*, 391 S.C. 51, 704 S.E.2d 71 (Ct. App. 2010). **We now dismiss the writ as improvidently granted.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

Opinion No. 27203 - State of South Carolina, Respondent, v. Timothy Wallace. Appellate Case No. 2011-192266 **CERTIORARI TO THE COURT OF APPEALS** - Oconee County - J.C. Nicholson, Jr., Circuit Judge - **Heard December 5, 2012** - Filed December 19, 2012. Kathrine Haggard Hudgins, of South Carolina Commission on Indigent Defense, Division of Appellate Defense, of Columbia, for Petitioner. Attorney General Alan McCrory Wilson, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Senior Assistant Deputy Attorney General Deborah R.J. Shupe, all of Columbia; and Solicitor Christina T. Adams, of Anderson, for Respondent. **PER CURIAM:** We granted a petition for a writ of certiorari to review the decision of the Court of Appeals in *State v. Wallace*, 392 S.C. 47, 707 S.E.2d 451 (Ct. App. 2011). **We now dismiss the writ as improvidently granted.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

FC-Opinion No. 27213 - William James Biggins, Petitioner, v. Karen Lee Burdette, f/k/a Karen Burdette Biggins. Appellate Case No. 2011-192286 **CERTIORARI TO THE COURT OF APPEALS** - Kershaw County - James F. Fraley, Jr., Family Court Judge - **Heard January 23, 2013** - Filed January 30, 2013. Charles D. Lee, III, of McLaren & Lee, of Columbia, for Petitioner. Russell T. Burke and Victoria L. Eslinger, both of Nexsen Pruet, LLC, of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the court of appeals' decision in *Biggins v. Burdette*, 392 S.C. 241, 708 S.E.2d 237 (Ct. App. 2011). **We now dismiss the writ as improvidently granted.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

MIE-Opinion No. 27216 - SunTrust Bank s/b/m National Bank of Commerce, including its Division, Central Carolina Bank, Respondent, v. Brandy K. Bryant, a/k/a Brandy K. McCarthy, Arnold L. Bryant, Phyllis W. Davis and Stephen Ford, as Spartanburg County Tax Collector, Defendants, of whom Phyllis W. Davis is the Petitioner. Appellate Case No. 2011-194366 - **CERTIORARI TO THE COURT OF APPEALS** - Spartanburg County - Gordon - G. Cooper, Master-in-Equity - **Heard February 6, 2013** - Filed February 13, 2013. Daniel R. Hughes and John B. Duggan, both of Duggan & Hughes, LLC, of Greer, for Petitioner. Dean A. Hayes, of Korn Law Firm, PA, of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the court of appeals' decision in *SunTrust Bank v. Bryant*, 392 S.C. 264, 708 S.E.2d 821 (Ct. App. 2011). **We now dismiss the writ as improvidently granted.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

Opinion No. 27221 - The State, Respondent, v. Adams Gibson. Appellate Case No. 2010-180806 - **CERTIORARI TO THE COURT OF APPEALS** - Richland County - Steven H. John, Circuit Judge - **Heard January 10, 2013** - Filed February 13,

2013. Appellate Defender Robert Michael Dudek, of Columbia, for Petitioner. Attorney General Alan McCrory Wilson, Chief Deputy Attorney General John W. McIntosh, Senior Assistant Deputy Attorney General Donald J. Zelenka, Assistant Attorney General Alphonso Simon, Jr., and Solicitor Daniel Edward Johnson, all of Columbia, for Respondent. **PER CURIAM:** We granted certiorari to review the Court of Appeals' direct appeal decision in State v. Gibson, 390 S.C. 347, 701 S.E.2d 766 (Ct. App. 2010). After careful consideration of the record, appendix, and briefs, **we dismiss certiorari as improvidently granted.** ACTING CHIEF JUSTICE PLEICONES, KITTREDGE, HEARN, JJ., and Acting Justices James E. Moore, and R. Markley Dennis, Jr., concur.

Cv-Opinion No. 27321 - L. Paul Trask, Jr., Personally, and as Next of Kin and as the Duly Appointed Personal Representative of the Estate of L. Paul Trask, III, deceased, and Meredith C. Trask, Petitioners, v. Beaufort County, Curtis Copeland, in his Official Capacity as Coroner of Beaufort County and Individually, and Copeland Company of Beaufort, LLC, Defendants, of whom Curtis Copeland, Individually and Copeland Company of Beaufort, LLC, are Respondents. **Appellate Case No. 2011-194646 CERTIORARI TO THE COURT OF APPEALS** - Beaufort County - Doyet A. Early, III, Circuit Judge - **Heard September 18, 2013** - Filed October 2, 2013. Stephen P. Groves, Sr., of Nexsen Pruet, LLC, of Charleston, and Thomas S. Tisdale, Jr., of Hellman & Yates, PA, of Charleston, for Petitioners. Andrew F. Lindemann, of Davidson & Lindemann, PA, of Columbia, for Respondents. **PER CURIAM:** We granted a writ of certiorari to review the court of appeals' decision in Trask v. Beaufort County, 392 S.C. 560, 709 S.E.2d 536 (Ct. App. 2011). **We now dismiss the writ as improvidently granted.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

Cv-Opinion No. 27326 - Team IA, Inc., Respondent, v. Cicero Lucas, George Lawson, IV and 5 Point Solutions, LLC, Defendants, of whom Cicero Lucas is, Petitioner. Cicero Lucas and George Lawson, IV, Third-Party Plaintiffs, v. Brent Yarborough and Team IA, Inc., Third-Party Defendants. **Appellate Case No. 2011-203166** - Lexington County - R. Knox McMahon, Circuit Judge - **Heard October 3, 2013** - Filed October 23, 2013. Terry E. Richardson, Jr., Daniel Scott Haltiwanger, and Christopher James Moore, all of Richardson Patrick Westbrook & Brickman, LLC, of Barnwell, for Petitioner. Robert Fredrick Goings, of Goings Law Firm, LLC of Columbia, for Respondent. **PER CURIAM:** After careful consideration of the Appendix and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

ALC-Opinion No. 27387 - York County and Nazareth Baptist Church of Rock Hill, Inc., Defendants, of whom York County is Petitioner, v. South Carolina Department of Health and Environmental Control and C & D Management Company, LLC. **Appellate Case No. 2012-212041 CERTIORARI TO THE COURT OF APPEALS** - Administrative Law Court - Carolyn C. Matthews - Administrative Law Judge - **Heard May 6, 2014** - Filed May 14, 2014. Amy Elizabeth Armstrong, of South Carolina Environmental Law Project, of Pawleys Island, for Petitioner. W. Thomas Lavender, Jr., Leon C. Harmon, and Joan W. Hartley, all of Nexsen Pruet, LLC, of Columbia, and Susan A. Lake, of Columbia, for Respondents. **PER CURIAM:** We granted certiorari to review the court of appeals' opinion in York County v. South Carolina Department of Health & Environmental Control, Op. No. 4940 (S.C. Ct. App. filed Feb. 8, 2012), which affirmed the administrative law court's final order upholding the South Carolina Department of Health and Environmental Control's issuance of a commercial construction, demolition waste and land-clearing debris landfill to C&D Management Company, LLC. **We now dismiss the writ as improvidently granted.** TOAL, C.J., PLEICONES, KITTREDGE, HEARN, JJ., and Acting Justice James E. Moore, concur.

Opinion No. 27461 - The State, Respondent, v. Christopher Heller. **Appellate Case No. 2012-212983 CERTIORARI TO THE COURT OF APPEALS** - Richland County - J. C. Nicholson, Jr., Circuit Judge - **Heard October 7, 2014** - Filed October 29, 2014. Chief Appellate Defender Robert M. Dudek, of Columbia, for Petitioner. Attorney General Alan M. Wilson, Chief Deputy Attorney General John W. McIntosh, Senior Assistant Deputy Attorney General Donald J. Zelenka, Assistant Attorney General J. Anthony Mabry, and Solicitor Daniel E. Johnson, all of Columbia, for Respondent. **PER CURIAM:** We granted Christopher Heller's petition for a writ of certiorari to review the decision of the Court of Appeals in State v. Heller, 399 S.C. 157, 731 S.E.2d 312 (Ct. App. 2012). **We now dismiss the writ as improvidently granted.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

Opinion No. 27470 - The State, Respondent, v. Demetrius Price. **Appellate Case No. 2012-213426 CERTIORARI TO THE COURT OF APPEALS** - Beaufort County - Thomas W. Cooper, Jr., Circuit Judge - **Heard November 20, 2014** - Filed December 23, 2014. Appellate Defender Kathrine Haggard Hudgins, of Columbia, for Petitioner. Attorney General Alan McCrory Wilson, Assistant Attorney General Mark Reynolds Farthing, Chief Deputy Attorney General John W. McIntosh, and Senior Assistant Deputy Attorney General Salley W. Elliott, all of Columbia, for Respondent. **PER CURIAM:** We granted certiorari to review the Court of Appeals' decision in State v. Price, 400 S.C. 110, 732 S.E.2d 652 (Ct. App. 2012). After careful consideration of the briefs, record, and appendix, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED.** PLEICONES, Acting Chief Justice, BEATTY, HEARN, JJ., Acting Justice James E. Moore and Acting Justice Paul M. Burch, concur.

Opinion No. 27472 - The State, Petitioner, v. Diamon D. Fripp. **Appellate Case No. 2012-212201 CERTIORARI TO THE COURT OF APPEALS** - Beaufort County - J. Ernest Kinard, Jr., Circuit Judge - **Heard December 10, 2014** - Filed December 23, 2014. Attorney General Alan Wilson, Chief Deputy Attorney General John W. McIntosh and

Senior Assistant Deputy Attorney General Salley W. Elliott, all of Columbia and Solicitor Isaac McDuffie Stone, III, of Beaufort, for Petitioner. Jared Sullivan Newman, of Jared S. Newman, P.A., of Port Royal, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the Court of Appeals' opinion in State v. Fripp, 397 S.C. 455, 725 S.E.2d 136 (Ct. App. 2012). **We now dismiss the writ of certiorari as improvidently granted** and further direct the Court of Appeals to **depublish** its opinion and assign the matter an unpublished opinion number. The above opinion shall no longer have any precedential effect. **TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Cv-Opinion No. 27489 - Robert L. Cullen, Andrew A. Corriveau and Andrea Hucks, Petitioners, v. J. Bennett McNeal, B. McNeal Partnership, L.P., Anthony R. Porter and Wright's Point Home Owners Association. **Appellate Case No. 2011-196126 CERTIORARI TO THE COURT OF APPEALS** - Beaufort County - Carmen T. Mullen, Circuit Judge - **Heard January 15, 2015** - Filed January 28, 2015. John E. North, Jr., of North & Black, PC, of Beaufort, for Petitioners. Joel D. Bailey, of The Bailey Law Firm, PA, of Beaufort, for Respondents. **PER CURIAM:** We granted a writ of certiorari to review the Court of Appeals' decision in Cullen v. McNeal, 390 S.C. 470, 702 S.E.2d 378 (Ct. App. 2010). **We now dismiss the writ as improvidently granted.** **TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Cv-Opinion No. 27496 - Maria T. Curiel and Martin L. Curiel, Respondents, v. Hampton County E.M.S. **Appellate Case No. 2013-000391 CERTIORARI TO THE COURT OF APPEALS** - Hampton County - Perry M. Buckner, Circuit Judge - **Heard January 15, 2015** - Filed February 11, 2015. E. Mitchell Griffith and Mary E. Sharp, both of Griffith, Sadler & Sharp, P.A., of Beaufort, for Petitioner. John S. Nichols, of Bluestein, Nichols, Thompson & Delgado, LLC, of Columbia, and H. Woodrow Gooding and Mark B. Tinsley, both of Gooding & Gooding, P.A., of Allendale, for Respondents. **PER CURIAM:** We granted certiorari to review the Court of Appeals' decision in Curiel v. Hampton County E.M.S., 401 S.C. 646, 737 S.E.2d 854 (Ct. App. 2012). **We now dismiss the writ as improvidently granted.** **TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Cv-Opinion No. 27508 - The Spriggs Group, P.C., Respondent, v. Gene R. Slivka. **Appellate Case No. 2013-000800 CERTIORARI TO THE COURT OF APPEALS** - Colleton County - William H. Seals, Jr., Circuit Judge - **Heard February 3, 2015** - Filed March 18, 2015. Robert T. Lyles, Jr., of Lyles & Lyles, L.L.C., of Charleston, for Petitioner. James Atkinson Bruorton, IV and Timothy James Wood Muller, of Rosen Rosen & Hagood, L.L.C., of Charleston, for Respondent. **PER CURIAM:** We granted the petition for a writ of certiorari to review the Court of Appeals' decision in The Spriggs Group, P.C. v. Slivka, 402 S.C. 42, 738 S.E.2d 495 (Ct. App. 2013). We first direct the Court of Appeals to **depublish** its opinion and assign the matter an unpublished opinion number. The above opinion shall no longer have any precedential effect. Next, we dismiss as improvidently granted the writ of certiorari. **Accordingly, we DEPUBLISH THE OPINION OF THE COURT OF APPEALS AND DISMISS CERTIORARI AS IMPROVIDENTLY GRANTED.** **TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Opinion No. 27511 - The State, **Petitioner**, v. Richard Lewis. **Appellate Case No. 2013-001571 CERTIORARI TO THE COURT OF APPEALS** - Laurens County - Frank R. Addy, Jr., Circuit Judge - **Heard March 4, 2015** - Filed March 25, 2015. Attorney General Alan M. Wilson and Senior Assistant Deputy Attorney General Salley W. Elliott, both of Columbia, for Petitioner. C. Rauch Wise, of Greenwood, for Respondent. **PER CURIAM:** We granted certiorari to review the court of appeals' decision in State v. Lewis, 403 S.C. 345, 743 S.E.2d 124 (Ct. App. 2013). **We now dismiss the writ as improvidently granted.** **TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Opinion No. 27512 - The State, Respondent, v. Lexie Dial, III. **Appellate Case No. 2013-001970 CERTIORARI TO THE COURT OF APPEALS** - Lexington County - R. Knox McMahon, Circuit Judge - **Heard March 5, 2015** - Filed April 1, 2015. H. Wayne Floyd, of West Columbia, for Petitioner. Attorney General Alan M. Wilson and Assistant Attorney General Christina Catoe Bigelow, both of Columbia, for Respondent. **PER CURIAM:** We granted certiorari to review the Court of Appeals' decision in State v. Dial, 405 S.C. 247, 746 S.E.2d 495 (Ct. App. 2013). **We now dismiss the writ as improvidently granted.** **PLEICONES, Acting Chief Justice, BEATTY, KITTREDGE, HEARN, JJ., and Acting Justice James E. Moore, concur.**

Cv-Opinion No. 27513 - Loida Colonna, Petitioner, v. Marlboro Park Hospital, Employer, and Gallagher Bassett Services, Inc., Carrier. **Appellate Case No. 2013-001599 CERTIORARI TO THE COURT OF APPEALS** - Florence County - Michael G. Nettles, Circuit Judge - **Heard March 17, 2015** - Filed April 8, 2015. Stephen Benjamin Samuels, of Samuels Law Firm, LLC, of Columbia, for Petitioner. Weston Adams, III, of McAngus Goudelock & Courie, L.L.C., of Columbia, and Helen Faith Hiser, of McAngus Goudelock & Courie, L.L.C., of Mount Pleasant, both for Respondents. **PER CURIAM:** We granted certiorari to review the Court of Appeals' decision in Colonna v. Marlboro Park Hospital, 404 S.C. 537, 745 S.E.2d 128 (Ct. App. 2013). After careful consideration of the Appendix and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED.** **TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

MIE-Opinion No. 27527 - In re: Estate of Atn Burns Livingston, Emma Lou Livingston Martin as Personal Representative of the Estate of Atn Burns Livingston and Emma Lou Livingston Martin, Respondents, v. Clyde B. Livingston, Miller Communications, Inc., Citibank South Dakota, N.A., Branch Banking and Trust Company of South Carolina, and

American First Federal, Inc., Defendants, of whom Clyde B. Livingston is, Petitioner. **Appellate Case No. 2013-001505 CERTIORARI TO THE COURT OF APPEALS** - Orangeburg County Olin Davie Burgdorf, Master-in-Equity - **Heard May 5, 2015** - Filed June 10, 2015. Andrew Sims Radeker, of Harrison & Radeker, P.A., of Columbia, for Petitioner. Richard B. Ness and Alison Dennis Hood, of Ness & Jett, LLC, of Bamberg, for Respondents. **PER CURIAM:** We granted certiorari to review the court of appeals' decision in *Estate of Livingston v. Livingston*, 404 S.C. 137, 744 S.E.2d 203 (Ct. App. 2013). **We now dismiss the writ as improvidently granted.** TOAL, C.J., BEATTY, KITTREDGE, HEARN, JJ., and Acting Justice James E. Moore, concur.

Opinion No. 27539 - **The State, Respondent**, v. Darren Scott. **Appellate Case No. 2013-002247 CERTIORARI TO THE COURT OF APPEALS** - Greenville County - G. Edward Welmaker, Circuit Judge - **Heard April 22, 2015** - Filed July 1, 2015. Chief Appellate Defender Robert Michael Dudek and Appellate Defender David Alexander, both of Columbia, for Petitioner. Attorney General Alan McCrory Wilson and Assistant Attorney General Mark R. Farthing, both of Columbia, for Respondent. **PER CURIAM:** We granted certiorari to review the court of appeals' opinion in *State v. Scott*, 405 S.C. 489, 748 S.E.2d 236 (Ct. App. 2013). **We now dismiss the writ as improvidently granted.** TOAL, C.J., BEATTY, KITTREDGE and HEARN, JJ., concur. **PLEICONES, J., concurring in result only.**

Cv-Opinion No. 27540 - Tynaysha Horton, Petitioner, v. City of Columbia. **Appellate Case No. 2014-001070 CERTIORARI TO THE COURT OF APPEALS** - Richland County - Alison Renee Lee, Circuit Judge - **Heard June 17, 2015** - Filed July 1, 2015. John S. Nichols and Blake Alexander Hewitt, both of Bluestein Nichols Thompson & Delgado, LLC, James E. Smith, Jr. and Dylan W. Goff, both of James E. Smith, Jr., P.A., all of Columbia, for Petitioner. Dana M. Thye, of Columbia, for Respondent. **PER CURIAM:** We granted certiorari to review the court of appeals' opinion in *Horton v. City of Columbia*, 408 S.C. 27, 757 S.E.2d 537 (2014). **We now dismiss the writ of certiorari as improvidently granted** and further direct the court of appeals to **depublish** its opinion and assign the matter an unpublished opinion number. The above opinion shall no longer have any precedential effect. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

Cv-Opinion No. 27542 - Hazel Jeisel Rivera, Respondent, v. Warren Jared Newton, Newton's Farm, J&J Logging, Inc., and Edgar Rivera. **Appellate Case No. 2013-000674 CERTIORARI TO THE COURT OF APPEALS** - Georgetown County - Benjamin H. Culbertson, Circuit Judge - **Heard April 7, 2015** - Filed July 1, 2015. Brandon A. Smith, of King, Love & Smith, LLC, of Greenwood, and John Dwight Hudson, of Hudson Law Offices, of Myrtle Beach, for Petitioners. Lawrence Sidney Connor, IV, of Kelaher Connell & Connor, PC, of Surfside Beach, for Respondent. **PER CURIAM:** We granted certiorari to review the court of appeals' opinion in *Rivera v. Newton*, 401 S.C. 402, 737 S.E.2d 193 (Ct. App. 2012). **We now dismiss the writ of certiorari as improvidently granted** and further direct the court of appeals to **depublish** its opinion and assign the matter an unpublished opinion number. The above opinion shall no longer have any precedential effect. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

Cv-Opinion No. 27577 - Magnolia North Property Owners' Association, Inc., Respondent, v. Heritage Communities, Inc., Heritage Magnolia North, Inc., and Buildstar Corporation. **Appellate Case No. 2012-212048 CERTIORARI TO THE COURT OF APPEALS** - Horry County - Clifton Newman, Circuit Judge - **Heard February 19, 2015** - Filed September 30, 2015. C. Mitchell Brown, William C. Wood, Jr., and Brian P. Crotty, all of Nelson Mullins Riley & Scarborough, LLP, of Columbia; and William L. Howard, Stephen L. Brown, and Jeffrey J. Wiseman, all of Young Clement Rivers, LLP, of Charleston, for Petitioners. John P. Henry and Philip C. Thompson, both of Thompson & Henry, PA, of Conway, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the court of appeals' decision in *Magnolia North Property Owners' Ass'n v. Heritage Communities, Inc.*, 397 S.C. 348, 725 S.E.2d 112 (Ct. App. 2012). **We now dismiss the writ as improvidently granted.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

Cv-Opinion No. 27578 - Tony L. Pope and Lynn S. Pope, Individually and Representing as a Class All Unit Owners for Riverwalk At Arrowhead Country Club Horizontal Property Regime, Respondents, v. Heritage Communities, Inc., Heritage Riverwalk, Inc., and Buildstar Corporation, Petitioners. Riverwalk At Arrowhead Country Club Property Owners' Association, Inc., Respondent, v. Heritage Communities, Inc., Heritage Riverwalk, Inc., and Buildstar Corporation, Petitioners. **Appellate Case No. 2012-206066 CERTIORARI TO THE COURT OF APPEALS** - Horry County - Clifton Newman, Circuit Judge - **Heard February 19, 2015** - Filed September 30, 2015. C. Mitchell Brown, William C. Wood, Jr., and Brian P. Crotty, all of Nelson Mullins Riley & Scarborough, LLP, of Columbia; and William L. Howard, Stephen L. Brown, and Russell G. Hines, all of Young Clement Rivers, LLP, of Charleston, for Petitioners. John P. Henry and Philip C. Thompson, both of Thompson & Henry, PA, of Conway, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the court of appeals' decision in *Pope v. Heritage Communities, Inc.*, 395 S.C. 404, 717 S.E.2d 765 (Ct. App. 2011). **We now dismiss the writ as improvidently granted.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

Opinion No. 27581 - **Israel Wilds, Respondent**, v. **State of South Carolina**. **Appellate Case No. 2014-001191 CERTIORARI TO THE COURT OF APPEALS** - Richland County - J. Michelle Childs, **Post-Conviction Judge** - **Heard October 7, 2015** - Filed October 14, 2015. Attorney General Alan Wilson and Senior Assistant Attorney General David Spencer, both of Columbia, for Petitioner. Tara Dawn Shurling, of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari

to review the court of appeals' decision in Wilds v. State, 407 S.C. 432, 756 S.E.2d 387 (Ct. App. 2014). **We now dismiss the writ as improvidently granted.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

FC-Opinion No. 27584 - H. Eugene Hudson, Respondent, v. Mary Lee Hudson. Appellate Case No. 2014-001347 **CERTIORARI TO THE COURT OF APPEALS** - Horry County - Timothy H. Pogue, Family Court Judge - **Heard September 22, 2015** - Filed October 28, 2015. Carolyn R. Hills, of Hills & Hills, PC, and Nicole Nicolette Mace, of The Mace Law Firm, both of Myrtle Beach, for Petitioner. Charles D. Lee, III, of McLaren & Lee, of Columbia and E. Windell McCrackin, of McCrackin Barnett & Richardson, L.L.P., of Myrtle Beach, both for Respondent. **PER CURIAM:** We granted certiorari to review the court of appeals' opinion in Hudson v. Hudson, 408 S.C. 76, 757 S.E.2d 727 (Ct. App. 2014). **We now dismiss the writ as improvidently granted.** TOAL, C.J., PLEICONES, KITTREDGE and HEARN, JJ., concur. BEATTY, J., concurring in result only.

WCC-Opinion No. 27588 - Patricia Fore, Employee, Petitioner, v. Griffco of Wampee, Inc., Employer, and Chartis Claims, Inc., Carrier. Appellate Case No. 2014-002039 **CERTIORARI TO THE COURT OF APPEALS** - Workers' Compensation Commission - **Heard October 20, 2015** - Filed November 12, 2015. Stephen B. Samuels, of Samuels Law Firm, LLC, and Peter P. Leventis, IV, of McKay Cauthen Settana & Stubley, PA, both of Columbia, for Petitioner. James H. Lichty, of Columbia, and Helen F. Hiser, of Mt. Pleasant, both of McAngus Goudelock & Courie, LLC, for Respondents. **PER CURIAM:** We granted certiorari to review the court of appeals' opinion in Fore v. Griffco of Wampee, Inc., 409 S.C. 360, 762 S.E.2d 37 (Ct. App. 2014). **We now dismiss the writ of certiorari as improvidently granted.** [1] TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur. (1. Accordingly, pursuant to the court of appeals' opinion, this matter is remanded to the Workers' Compensation Commission for a redetermination of Patricia Fore's benefits with express direction to consider Tony Owens' testimony and for Garry Smith's letter to be removed from Fore's public file.)

WCC-P-Opinion No. 27590 - Neal Beckman, Employee, Respondent, v. Sysco Columbia, LLC, Employer, and Gallagher Bassett Services, Inc., Carrier. Appellate Case No. 2014-001691 **CERTIORARI TO THE COURT OF APPEALS** - Panel South Carolina Workers' Compensation Commission - **Heard November 3, 2015** - Filed November 18, 2015. Kathryn Fiehrer Walton, of Wood Law Group, L.L.C., of Charleston, for Petitioners. Frederick W. Riesen, Jr., of Riesen Law Firm, L.L.P., of N. Charleston, and Stephen Benjamin Samuels, of Samuels Law Firm, L.L.C., of Columbia, both for Respondent. **PER CURIAM:** We granted the petition for a writ of certiorari to review the Court of Appeals' decision in Beckman v. Sysco Columbia, L.L.C., 408 S.C. 501, 759 S.E.2d 750 (Ct. App. 2014). We first direct the Court of Appeals to **depublish its opinion and assign the matter an unpublished opinion number**. The above opinion shall no longer have any precedential effect. Next, **we dismiss as improvidently granted the writ of certiorari.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

Opinion No. 27591 - The State, Respondent, v. Jason Alan Johnson. Appellate Case No. 2014-002097 **CERTIORARI TO THE COURT OF APPEALS** - York County - Lee S. Alford, Circuit Judge - **Heard October 20, 2015** - Filed November 18, 2015. Appellate Defender David Alexander, of Columbia, for Petitioner. Attorney General Alan Wilson and Assistant Attorney General William M. Blich, Jr., both of Columbia, and Solicitor Kevin S. Brackett, of York, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the court of appeals' decision in State v. Johnson, 410 S.C. 10, 763 S.E.2d 36 (Ct. App. 2014). **We now dismiss the writ as improvidently granted.** TOAL, C.J., BEATTY, KITTREDGE, HEARN, JJ., and Acting Justice James E. Moore, concur.

Opinion No. 27595 - The State, Respondent, v. Alton Wesley Gore, Jr. Appellate Case No. 2014-001496 **CERTIORARI TO THE COURT OF APPEALS** - Horry County - Edward B. Cottingham, Special Circuit Judge - **Heard October 21, 2015** - Filed December 2, 2015. Nicole Nicolette Mace and Amy Kristan Raffaldt, both of The Mace Law Firm, of Myrtle Beach, for Petitioner. Attorney General Alan McCrory Wilson and Assistant Attorney General Christina Catoe Bigelow, both of Columbia, for Respondent. **PER CURIAM:** After careful consideration of the Appendix and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

Cv-Opinion No. 27597 - Demetrius Mack, Respondent, v. Leon Lott, in his Official Capacity as Sheriff of Richland County. Appellate Case No. 2014-002229 **CERTIORARI TO THE COURT OF APPEALS** - Richland County - DeAndrea G. Benjamin, Circuit Judge - **Heard November 17, 2015** - Filed December 9, 2015. Robert D. Garfield and Andrew F. Lindemann, both of Davidson & Lindemann, P.A., of Columbia, for Petitioner. Joshua Snow Kendrick and Christopher S. Leonard, both of Kendrick & Leonard, P.C., of Columbia, and Neal Michael Lourie, of Lourie Law Firm, L.L.C., of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the Court of Appeals' decision in Mack v. Lott, 410 S.C. 28, 762 S.E.2d 719 (Ct. App. 2014). We now dismiss the writ as improvidently granted since both parties and the trial court agree that the proper standard for determining probable cause is an objective standard; that is, whether the facts known to the arresting officer at the time of the arrest, viewed from the standpoint of an objectively reasonable police officer, amount to probable cause. Because the Court of Appeals' language on this issue is arguably unclear, for the benefit of the bench and bar, we direct the Court of Appeals to **depublish** its opinion. **Accordingly, we DEPUBLISH THE OPINION OF THE COURT OF APPEALS AND DISMISS CERTIORARI AS IMPROVIDENTLY GRANTED.** PLEICONES, Acting Chief Justice, BEATTY, KITTREDGE, HEARN, JJ., and Acting Justice James E. Moore, concur.

ALC-Opinion No. 27601 - Richard Stogsdill, Petitioner, v. South Carolina Department of Health and Human Services. **Appellate Case No. 2014-002513 CERTIORARI TO THE COURT OF APPEALS - Administrative Law Court** - Carolyn C. Matthews, Administrative Law Judge - **Heard November 17, 2015** - Filed January 20, 2016. Patricia Logan Harrison, of Columbia, for Petitioner. Richard G. Hepfer, of Columbia, for Respondent. Anna Maria Darwin and Sarah Garland St. Onge, both of Columbia, for *Amicus Curiae* Protection and Advocacy for People with Disabilities, Inc.; Andrew J. Atkins, of Columbia, for *Amicus Curiae* South Carolina Chapter of the National Academy of Elder Law Attorneys; and Stephen Suggs, of Columbia, for *Amicus Curiae* South Carolina Appleseed Legal Justice Center. **PER CURIAM:** We granted a writ of certiorari to review the court of appeals' decision in *Stogsdill v. South Carolina Department of Health and Human Services*, 410 S.C. 273, 763 S.E.2d 638 (Ct. App. 2014). **We now dismiss the writ as improvidently granted.** PLEICONES, C.J., BEATTY, KITTREDGE, HEARN, JJ., and Acting Justice James E. Moore, concur.

Cv-Opinion No. 27608 - Fayrell Furr and Karole Jensen, Petitioners, v. Horry County Zoning Board of Appeals. **Appellate Case No. 2015-000271 CERTIORARI TO THE COURT OF APPEALS** - Horry County - J. Michael Baxley, Circuit Judge - **Heard December 2, 2015** - Filed March 2, 2016. Gene McCain Connell, Jr., of Kelaher Connell & Connor, P.C., of Surfside Beach, for Petitioners. Leah Montgomery Cromer and Emma Ruth Brittain, both of Thomas & Brittain, P.A., of Myrtle Beach, for Respondent. **PER CURIAM:** We granted certiorari to review the court of appeals' opinion in *Furr v. Horry Cnty. Zoning Bd. of Appeals*, 411 S.C. 178, 767 S.E.2d 221 (Ct. App. 2014). **We now dismiss the writ of certiorari as improvidently granted.** PLEICONES, C.J., BEATTY, KITTREDGE, HEARN, JJ., and Acting Justice Jean H. Toal, concur.

Opinion No. 27647 - **The State, Petitioner**, v. Graham Franklin Douglas. **Appellate Case No. 2015-000606 CERTIORARI TO THE COURT OF APPEALS** - Chesterfield County - J. Michael Baxley, Circuit Judge - **Heard March 2, 2016**. Filed July 13, 2016. Attorney General Alan M. Wilson, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Donald J. Zelenka, and Assistant Attorney General Alphonso Simon, Jr., of Columbia; and Ernest A. Finney, III, of Sumter, for Petitioner. S. Jahue Moore, of Moore, Taylor Law Firm, P.A. of West Columbia, for Respondent. **PER CURIAM:** We granted certiorari to review the court of appeals' opinion in *State v. Douglas*, 411 S.C. 307, 768 S.E.2d 232 (2014). **We now dismiss the writ as improvidently granted.** PLEICONES, C.J., BEATTY, KITTREDGE, HEARN and FEW, JJ., concur.

Cv-Opinion No. 27652 - Jane Roe, as parent and natural guardian of Judy Roe, James Roe, and Joyce Roe, Minor Children Under the Age of Eighteen, (18), Petitioners, v. Daniel Bibby Sr. and Michelle Bibby, Defendants, of whom Michelle Bibby is the Respondent. - Berkeley County - R. Markley Dennis, Jr., Circuit Judge - **Appellate Case No. 2014-002500 CERTIORARI TO THE COURT OF APPEALS** - **Heard November 5, 2015** - Filed August 10, 2016. Eric M. Poulin, of Anastopoulos Law Firm, LLC, of Charleston, for Petitioners. Eugene P. Corrigan, III and J.W. Nelson Chandler, both of Corrigan & Chandler, LLC, of Charleston, for Respondent. **PER CURIAM:** We granted certiorari to review the court of appeals' decision in *Roe v. Bibby*, 410 S.C. 287, 763 S.E.2d 645 (Ct. App. 2014). **We now dismiss the writ as improvidently granted.** PLEICONES, C.J., BEATTY, KITTREDGE, HEARN, JJ., and Acting Justice Jean H. Toal, concur.

Opinion No. 27676 - **Norman J. Hayes, Respondent**, v. **State of South Carolina**. **Appellate Case No. 2015-002294 CERTIORARI TO THE COURT OF APPEALS** - Lexington County - Edward W. Miller, **Post-Conviction Judge** - **Heard October 20, 2016** - Filed November 9, 2016. Attorney General Alan McCrory Wilson and Assistant Attorney General Patrick Lowell Schmeckpeper, both of Columbia, for Petitioner. Appellate Defender Laura Ruth Baer, of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the Court of Appeals decision in *Hayes v. State*, 413 S.C. 553, 777 S.E.2d 6 (Ct. App. 2015). After careful consideration of the appendices and briefs, the writ of certiorari is **DISMISSED AS IMPROVIDENTLY GRANTED.** PLEICONES, C.J., BEATTY, KITTREDGE, HEARN and FEW, JJ., concur.

Opinion No. 27752 - **The State, Respondent**, v. Gerald Barrett, Jr. **Appellate Case No. 2016-001306 CERTIORARI TO THE COURT OF APPEALS** - Beaufort County - Kristi Lea Harrington, Circuit Judge - **Heard November 15, 2017** - Filed November 22, 2017. Appellant Defender David Alexander, of Columbia, for Petitioner. Attorney General Alan McCrory Wilson and Assistant Attorney General William M. Blich, Jr., both of Columbia, and Solicitor Isaac McDuffie Stone, III, of Bluffton, all for Respondent. **PER CURIAM:** We granted Gerald Barrett's petition for a writ of certiorari to review the court of appeals' decision in *State v. Barrett*, 416 S.C. 124, 785 S.E.2d 387 (Ct. App. 2016). **We now dismiss the writ as improvidently granted.** HEARN, Acting Chief Justice, FEW and JAMES, JJ., and Acting Justices Arthur Eugene Morehead, III, and Jan B. Bromell Holmes, concur.

Cv-Opinion No. 27795 - Protection and Advocacy for People with Disabilities, Inc., Petitioner, v. Beverly A. H. Buscemi, Ph.D., in her official capacity as State Director, South Carolina Department of Disabilities and Special Needs and The South Carolina Department of Disabilities and Special Needs, and Kelly Hanson Floyd, Nancy Banov, W. Robert Harrell, Rick Huntress, Deborah McPherson and Dr. Otis Speight in their Official Capacities as Members of the Department of Disabilities and Special Needs Commission. **Appellate Case No. 2016-001983 CERTIORARI TO THE COURT OF APPEALS** - Richland County - Edgar W. Dickson, Circuit Judge - **Heard May 1, 2018** - Filed May 9, 2018. Anna Maria Darwin, of Greenville, and Thornwell Simons, of Columbia, both of Protection & Advocacy for People with Disabilities, Inc.; Reid T. Sherard, of Greenville, and Phillips Lancaster McWilliams, of Columbia,

both of Nelson Mullins Riley & Scarborough, LLP, for Petitioner. William H. Davidson, II and Kenneth P. Woodington, both of Davidson & Lindemann, PA, of Columbia, for Respondents. **PER CURIAM:** We granted Protection and Advocacy for People with Disabilities, Inc.'s petition for a writ of certiorari to review the decision of the Court of Appeals in Protection and Advocacy for People with Disabilities, Inc. v. Buscemi, 417 S.C. 267, 789 S.E.2d 756 (Ct. App. 2016). **We now dismiss the writ as improvidently granted.** BEATTY, C.J., KITTREDGE, HEARN, FEW and JAMES, JJ., concur.

Cv-Opinion No. 27799 - Coastal Federal Credit Union, Respondent, v. Angel Latoria Brown. **Appellate Case No. 2016-002124 CERTIORARI TO THE COURT OF APPEALS** - Charleston County R. Markley Dennis, Jr., Circuit Judge - **Heard April 19, 2018** - Filed May 16, 2018. Matthew M. Billingsley and J. Edwin McDonnell, both of South Carolina Legal Services, of North Charleston, for Petitioner. David P. Nanney, Jr., and Sarah Dalonzo-Baker, both of Kirschbaum Nanney Keenan & Griffin, PA, of Raleigh, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the court of appeals' decision in Coastal Federal Credit Union v. Brown, 417 S.C. 544, 790 S.E.2d 417 (Ct. App. 2016). After careful consideration of the Appendix and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED.** BEATTY, C.J., KITTREDGE, HEARN, FEW and JAMES, JJ., concur.

Opinion No. 27809 - The State, Respondent, v. Joshua William Porch. **Appellate Case No. 2016-002146 CERTIORARI TO THE COURT OF APPEALS** - Richland County - Alison Renee Lee, Trial Judge - **Heard May 23, 2018** - Filed May 30, 2018. Matthew A. Abee, William C. Wood Jr., Michael J. Anzelmo, and Caroline Delores Gimenez, all of Nelson Mullins Riley & Scarborough, LLP, and Chief Appellate Defender Robert Michael Dudek, all of Columbia, for Petitioner. Attorney General Alan McCrory Wilson, Deputy Attorney General Donald J. Zelenka, Senior Assistant Deputy Attorney General Melody Jane Brown, Senior Assistant Attorney General J. Anthony Mabry, Senior Assistant Attorney W. Edgar Salter III, and Solicitor Daniel Edward Johnson, all of Columbia, for Respondent. **PER CURIAM:** We granted Joshua William Porch's petition for a writ of certiorari to review the court of appeals' decision to affirm his murder conviction. See State v. Porch, 417 S.C. 619, 790 S.E.2d 440 (Ct. App. 2016). **We now dismiss the writ as improvidently granted.** KITTREDGE, Acting Chief Justice, HEARN, FEW, JAMES, JJ., and Acting Justice James E. Lockemy, concur.

WCC-Opinion No. 27848 - William Lee Turner, Employee, Petitioner, v. SAIIA Construction, Employer, and Old Republic General Insurance Corporation c/o Gallagher Bassett Services, Inc., Carrier. **Appellate Case No. 2017-000699 CERTIORARI TO THE COURT OF APPEALS** - Workers' Compensation Commission - **Heard May 2, 2018** - Filed November 21, 2018. Preston F. McDaniel, of McDaniel Law Firm, of Columbia, for Petitioner. Jason W. Lockhart, of Columbia, and Helen F. Hiser, of Mount Pleasant, both of McAngus Goudelock & Courie, LLC, for Respondents. **PER CURIAM:** We issued a writ of certiorari to review the decision of the Court of Appeals in Turner v. SAIIA Construction, 419 S.C. 98, 796 S.E.2d 150 (Ct. App. 2016). **We now dismiss the writ as improvidently granted.** BEATTY, C.J., KITTREDGE, HEARN, FEW, JJ. and Acting Justice Thomas E. Huff, concur.

Cv-Opinion No. 27849 - Arkay, LLC and Robert R. Knoth, its member, Petitioners, v. City of Charleston, City of Charleston Board of Zoning Appeals, Andrew Pinckney Inn, and Michael A. Molony. **Appellate Case No. 2016-002360 CERTIORARI TO THE COURT OF APPEALS** - Charleston County - J. C. Nicholson Jr., Circuit Judge - **Heard November 7, 2018** - Filed November 21, 2018. Capers G. Barr III, of Barr Unger & McIntosh, LLC, of Charleston, for Petitioners. Frances Isaac Cantwell and Daniel Simmons McQueeney Jr., both of Charleston; and Wilbur E. Johnson, of Young Clement Rivers, LLP, of Charleston; and Thomas S. Tisdale Jr., of Hellman, Yates & Tisdale, PA, of Charleston, all for Respondents. **PER CURIAM:** We granted a writ of certiorari to review the court of appeals' decision in Arkay, LLC v. City of Charleston, 418 S.C. 86, 791 S.E.2d 305 (Ct. App. 2016). **We now dismiss the writ as improvidently granted.** BEATTY, C.J., KITTREDGE, HEARN, FEW and JAMES, JJ., concur.

Cv-Opinion No. 27853 - First Citizens Bank and Trust Company, Inc., Respondent, v. Park at Durbin Creek, LLC; Kenneth E. Clifton; and Linda G. Whiteman; Defendants, Park at Durbin Creek, LLC and Kenneth E. Clifton, Petitioners. **Appellate Case No. 2017-000979 CERTIORARI TO THE COURT OF APPEALS** - Laurens County - Eugene C. Griffith, Jr., Circuit Judge - **Heard November 28, 2018** - Filed December 5, 2018. James Calhoun Pruitt, Jr. and Joshua Brent Raffini, both of Pruitt & Pruitt, of Anderson, for Petitioners. James H. Cassidy, Ella S. Barbery, and Joseph O. Smith, all of Roe Cassidy Coates & Price, PA, of Greenville, for Respondent. **PER CURIAM:** We granted petitioners' joint petition for a writ of certiorari to review the decision of the Court of Appeals in First Citizens Bank and Trust Company v. Park at Durbin Creek, LLC, 419 S.C. 333, 797 S.E.2d 409 (Ct. App. 2017). **We now dismiss the writ as improvidently granted.** BEATTY, C.J., KITTREDGE, HEARN, FEW and JAMES, JJ., concur.

DIGs after oral argument in SC S Ct – Memorandum OPINIONS = 93.

Cv-Memorandum Opinion No. 2004-MO-009 - Debra Henfield, Respondent, v. John Taylor and Adlerian Enterprises d/b/a Parkside Mobile Homes, of whom Adlerian Enterprises d/b/a Parkside Mobile Homes is Petitioner. **CERTIORARI TO THE COURT OF APPEALS** - Charleston County - Roger M. Young, Circuit Judge - **Heard March 3, 2004** -

Filed March 22, 2004. Stephen L. Brown and Randell C. Stoney, Jr., of Young, Clement, Rivers & Tisdale, L.L.P., Charleston, for Petitioner. A. Christopher Potts of Hitchcock & Potts, Charleston, and Lee D. Cope of Speights & Runyan, Hampton, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the decision in *Henfield v. Taylor*, Op. No. 2003-UP-290 (S.C. Ct. App. filed March 12, 2003). **We dismiss the writ as improvidently granted.** TOAL, C.J., MOORE, WALLER, PLEICONES, JJ., and Acting Justice Alison Renee Lee, concur.

Cv-Memorandum Opinion No. 2004-MO-010 – Mary B. Brown, Petitioner, v. George D. Zamias, d/b/a Rock Hill Galleria, Respondent. **CERTIORARI TO THE COURT OF APPEALS** – York County – Paul E. Short, Jr., Circuit Judge – **Heard February 18, 2004** – Filed April 5, 2004. Thomas E. Elliott, Jr., of the Elliott Law Firm, of Columbia, for Petitioners. Kenneth Ray Raynor, of Templeton & Raynor, PA, of Charlotte, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the Court of Appeals' opinion in *Brown v. Zamias*, 2002-UP-715 (S.C. Ct. App. filed Nov. 15, 2002). **We dismiss the writ as improvidently granted.** TOAL, C.J., MOORE, WALLER, PLEICONES, JJ., and Acting Justice J. Cordell Maddox, Jr., concur.

Cv-Memorandum Opinion No. 2004-MO-026 – Carolina Travel Consultants, Inc. and Ray V. Damani, d/b/a Carolina Travel Consultants, Petitioners, v. Milliken & Company – **CERTIORARI TO THE COURT OF APPEALS** – Spartanburg County – Wyatt T. Saunders, Jr., Circuit Judge – **Heard May 12, 2004** – Filed June 1, 2004. Michael B.T. Wilkes and D. Alan Lazenby, both of Michael Wilkes Law Firm, P.A., of Spartanburg, Edward R. Cole, of The Ward Law Firm, P.A., of Spartanburg, for Petitioners. Henry L. Parr, Jr. and Troy A. Tessier, both of Wyche, Burgess, Freeman & Parham, P.A., of Greenville, for Respondent. **PER CURIAM:** We granted certiorari to review the Court of Appeals' decision in *Carolina Travel Consultants, Inc. v. Milliken & Co.*, Op. No. 2003-UP-125 (Ct. App. filed February 18, 2003). **After careful consideration, we dismiss certiorari as improvidently granted.** TOAL, C.J., MOORE, WALLER, BURNETT and PLEICONES, JJ., concur.

FC-Memorandum Opinion No. 2004-MO-030 – South Carolina Department of Social Services, Respondent, v. Russell A. Miller – **CERTIORARI TO THE COURT OF APPEALS** – Sumter County – Marion D. Myers, Family Court Judge – **Heard May 12, 2004** – Filed June 14, 2004 – Jay Bender and Holly Palmer Beeson, of Baker, Ravenel & Bender, L.L.P., of Columbia, for petitioner. W. Carole Holloway, of Florence, for respondent. **PER CURIAM:** We granted a writ of certiorari to review the Court of Appeals' unpublished decision in this case. **After careful consideration, we dismiss the writ as improvidently granted.** s/Jean H. Toal C.J. s/James E. Moore J. s/John H. Waller, Jr. J. s/E. C. Burnett, III J. s/Costa M. Pleicones J.

Memorandum Opinion No. 2004-MO-036 – Edward Lee Elmore, Petitioner, v. Parker Evatt, Director, Department of Corrections, Respondent. Greenwood County – J. Ernest Kinard, Jr., Circuit Judge – **Heard May 27, 2004** – Filed July 12, 2004. Barry C. Scheck and Christopher Jensen, both of New York, John H. Blume, III, S.C. Office of Appellate Defense, and Diana L. Holt, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh and Assistant Deputy Attorney General Donald J. Zelenka, all of Columbia, for Respondents. **JUSTICE WALLER:** We granted a writ of certiorari to review the denial of Petitioner's application for post-conviction relief (PCR). *After thoroughly reviewing the appendix in this case, we find there is probative evidence supporting the findings of the PCR judge. Accordingly, we dismiss the writ as improvidently granted.* PLEICONES., and Acting Justices James C. Williams, Jr., L. Casey Manning and Clifton B. Newman, concur.

Memorandum Opinion No. 2005-MO-003 – The State, Respondent v. Hoyt Morris. **CERTIORARI TO THE COURT OF APPEALS** – York County – John C. Hayes, III, Circuit Court Judge – **Heard January 5, 2005** – Filed January 24, 2005. Acting Chief Attorney Joseph L. Savitz, III, of the Office of Appellate Defense, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Senior Assistant Attorney General Norman Mark Rapoport, all of Columbia, and Solicitor Thomas E. Pope, of York, for Respondent. **PER CURIAM:** We granted certiorari to consider the decision of the court of appeals in *State v. Hoyt Morris*, Op. No. 2003-UP-144 (S.C. Ct. App. Filed January 19, 2003). After review of the appendix and briefs, we find that post-conviction relief is petitioner's proper avenue to pursue relief, if any, **and therefore dismiss the writ as improvidently granted.** TOAL, C.J., MOORE, WALLER, BURNETT and PLEICONES, JJ., concur.

Cv-Memorandum Opinion No. 2005-MO-005 – Betty Tripp, Petitioner, v. Patricia Price, David G. Price, Jeff Harris d/b/a Harris Auto Reconditioning, Fairway Ford, Inc., and Binh Nguyen, Defendants, of whom Jeff Harris d/b/a Harris Auto Reconditioning is Respondent. **CERTIORARI TO THE COURT OF APPEALS** – Greenville County – John W. Kittredge, Circuit Judge – **Heard January 5, 2005** – Filed January 24, 2005. Robert Daniel Dodson, of Law Offices of Robert Dodson, P.A., of Columbia, for petitioner. Christopher M. Kelly, of Gallivan, White & Boyd, P.A., of Greenville, for respondent. **PER CURIAM:** We granted this petition for a writ of certiorari to review the Court of Appeals' decision in *Tripp v. Price*, Op. No. 2003-UP-336 (S.C. Ct. App. filed May 15, 2003). **After careful consideration, we now dismiss certiorari as improvidently granted.** TOAL, C.J., MOORE, WALLER, BURNETT and PLEICONES, JJ., concur.

Memorandum Opinion No. 2005-MO-022 - The State, Respondent, v. Brentley Allen Blalock - **CERTIORARI TO THE COURT OF APPEALS** - Spartanburg County - Donald W. Beatty, Circuit Judge - **Heard May 5, 2005** - Filed May 31, 2005. Jack B. Swerling, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, and Senior Assistant Attorney General Norman Mark Rapoport, all of Columbia, and Harold W. Gowdy, III, of Spartanburg, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review State v. Blalock, 357 S.C. 74, 591 S.E.2d 632 (Ct. App. 2003). After careful review of the appendix and briefs, we dismiss the writ of certiorari as improvidently granted. TOAL, C.J., MOORE, WALLER, BURNETT and PLEICONES, JJ., concur.

Cv-Memorandum Opinion No. 2005-MO-023 - Svetlik Construction Co., Inc., Plaintiff, v. Karen Zimmerman, Petitioner, v. Michael Svetlik, Sumter National Bank, County of Sumter and City of Sumter, Third Party Defendants, of whom County of Sumter and City of Sumter are Respondents. **CERTIORARI TO THE COURT OF APPEALS** - Sumter County - Howard P. King, Circuit Judge - **Heard May 18, 2005** - Filed June 6, 2005. Melvin L. Roberts, of York, for Petitioner. Harold C. Wilson, John E. James, III, and David C. Holler, all of Lee, Erter, Wilson, James, Holler & Smith, L.L.C., of Sumter, for Respondents. **PER CURIAM:** We granted a writ of certiorari to review the decision in Svetlik Constr. Co. v. Zimmerman, Op. No. 2003-UP-735 (S.C. Ct. App. filed December 16, 2003). We dismiss the writ as improvidently granted. MOORE, A.C.J., WALLER, BURNETT, PLEICONES, JJ., and Acting Justice James W. Johnson, Jr., concur.

Cv-Memorandum Opinion No. 2005-MO-030 - Beaufort County, South Carolina, and John H. Webber, Petitioners v. The Town of Port Royal, South Carolina, Rose Island Properties, Inc. and George Stephanis, Respondents. **CERTIORARI TO THE COURT OF APPEALS** - Beaufort County - A. Victor Rawl, Circuit Court Judge - **Heard June 1, 2005** - Filed June 20, 2005. Jack M. Scoville, Jr., of Georgetown, for Petitioners. William B. Regan and Francis I. Cantwell, both of Regan & Cantwell, of Charleston, and David L. Tedder, of Beaufort, for Respondents. **PER CURIAM:** After full review of the Appendix and briefs, we dismiss the writ of certiorari as improvidently granted. TOAL, C.J., MOORE, WALLER, BURNETT and PLEICONES, JJ., concur.

Cv-Memorandum Opinion No. 2006-MO-007 - Samuel D. Page, Petitioner, v. Willard G. Page, S. M. Page, Betsy Page Gilliam f/k/a Betsy Page Flinn, Carolyn Page Eaton, and Conway National Bank. **CERTIORARI TO THE COURT OF APPEALS** - Horry County - J. Stanton Cross, Jr., Circuit Judge - **Heard January 31, 2006** - Filed February 21, 2006. Janice Ann Cannan, of Myrtle Beach, and Richard Neal Weldon, of Conway, for Petitioner. Betsy Page Gilliam, of North Charleston, Carolyn Page Eaton, of Aynor, James Thomas Young, of Singleton, Burroughs & Young, PA, of Conway, Mr. Willard G. Page, of Galivants Ferry, and S. M. Page, of Darlington, for Respondents. **PER CURIAM:** We granted a writ of certiorari to review the Court of Appeals' opinion in Page v. Page, Op. No. 2004-UP-110 (S.C. Ct. App. filed February 24, 2004). We now dismiss the writ as improvidently granted. TOAL, C.J., MOORE, BURNETT, PLEICONES, JJ., and Acting Justice Howard P. King, concur.

Cv-Memorandum Opinion No. 2006-MO-021 - Perry H. Burrows, Employee, Claimant, Respondent, v. Estate of Laverne Poston, by its Personal Representative, Robert Wayne Poston, d/b/a Poston's Auto Service, Employer, and S.C. Uninsured Employers Fund, Defendants, of which S.C. Uninsured Employers Fund is Petitioner. Florence County - J. Michael Baxley, Circuit Judge - **Heard April 18, 2006** - Filed May 8, 2006. Latonya Dilligard Edwards, of Columbia, and Robert Merrel Cook, II, of Batesburg-Leesville, for Petitioner. J. Kevin Holmes and Steven E. Goldberg, of The Steinberg Law Firm, of Charleston, for Respondent. **PER CURIAM:** After careful review of the Appendix and briefs, we Dismiss Certiorari as Improvidently Granted. TOAL, C.J., MOORE, WALLER, BURNETT and PLEICONES, JJ., concur.

Memorandum Opinion No. 2006-MO-041 - The State, Respondent, v. Celeste Durant **CERTIORARI TO THE COURT OF APPEALS** - Horry County - Paula H. Thomas, Circuit Judge - **Heard November 2, 2006** - Filed December 11, 2006. Appellate Defender Robert M. Dudek, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Shawn L. Reeves, all of Columbia, and Solicitor John Gregory Hembree, of Conway, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the court of appeals decision in State v. Durant, Op. No. 2004-UP-422 (S.C. Ct. App. filed June 30, 2004). We dismiss the writ as improvidently granted. MOORE, A.C.J., WALLER, BURNETT, PLEICONES, JJ., and Acting Justice Deadra L. Jefferson, concur.

FC-Memorandum Opinion No. 2007-MO-029 - Suzannah Force Long, Respondent, v. James Neel Long **CERTIORARI TO THE COURT OF APPEALS** - Greenville County - Aphrodite K. Konduros, Family Court Judge - **Heard April 17, 2007** - Filed May 14, 2007. Joseph M. Ramseur, Jr., and Reid T. Sherard, both of Nelson Mullins Riley & Scarborough, of Greenville, for Petitioner. Robert M. Rosenfeld, of Porter & Rosenfeld, of Greenville, for Respondent. **PER CURIAM:** This Court granted certiorari to review the court of appeals' decision in Long v. Long, Op. No. 2005-UP-165 (S.C. Ct. App. filed Mar. 7, 2005). We dismiss the writ as improvidently granted. TOAL, C.J., MOORE, WALLER, BURNETT and PLEICONES, JJ., concur.

Cv-Memorandum Opinion No. 2007-MO-038 - Ex Parte: A-1 Bail Bonding Company (Surety), Petitioner, In Re: State of South Carolina, Respondent, v. Fredrick Larue, Defendant. **CERTIORARI TO THE COURT OF APPEALS** - Greenville County - Edward W. Miller, Circuit Court Judge - **Heard May 23, 2007** - Filed June 18, 2007. Andrew F. Litvin, of Columbia, for Petitioner. Solicitor Robert M. Arial and Assistant Solicitor G. Dennis Sims, both of Greenville, for Respondent. **PER CURIAM:** We granted certiorari to review the court of appeals' decision in Ex parte A-1

Bail Bonding Co., Op. No. 2005-UP-604 (S.C. Ct. App. filed Dec. 1, 2005). **We dismiss the writ as improvidently granted.** TOAL, C.J., MOORE, BURNETT, PLEICONES, JJ., and Acting Justice Michael G. Nettles, concur.

FC-Memorandum Opinion No. 2007-MO-043 - SCDSS, Petitioner, v. Wanda McKinley, Jeffrey McKinley, and Robert Chappell (deceased), Defendants, of whom Wanda McKinley is the, Respondent. In the interest of: Travis Tabias M., DOB: 7/10/90[,], Antrai Lamar M., DOB: 11/12/92[,], Doris Virginia M., DOB: 5/2/94[,], Jeffrey Benjamin M., DOB: 11/24/00[,], Sallie Amanda M., DOB: 10/8/98 - Greenville County - R. Kinard Johnson, Jr., Family Court Judge - **Heard June 19, 2007** - Filed June 25, 2007. Vanessa L. Hartman, of Greenville, for Petitioner. J. Falkner Wilkes, of Greenville, for Respondent. Robert A. Clark, of Greenville, for Guardian Ad Litem. **PER CURIAM:** After careful consideration of the appendix and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED.** TOAL, C.J., MOORE, WALLER, BURNETT and PLEICONES, JJ., concur.

Cv-Memorandum Opinion No. 2007-MO-050 - Darrell R. Johnson and Sheryl K. Johnson, Respondents, v. Fort Mill Chrysler Plymouth Dodge **CERTIORARI TO THE COURT OF APPEALS** - York County - John C. Hayes, III, Circuit Court Judge - **Heard June 19, 2007** - Filed July 23, 2007. Ronald J. Tryon and Michael E. Kozlarek, both of Parker Poe Adams & Bernstein, of Columbia, for Petitioner. Mitchell K. Byrd, of Bauer Law Firm, of Hilton Head, for Respondents. **PER CURIAM:** This Court granted certiorari to review the court of appeals' decision in *Johnson v. Fort Mill Chrysler Plymouth Dodge*, Op. No. 2005-UP-058 (S.C. Ct. App. filed May 2, 2005). **We dismiss the writ as improvidently granted.** TOAL, C.J., MOORE, WALLER, BURNETT and PLEICONES, JJ., concur.

Cv-Memorandum Opinion No. 2007-MO-074 - Russell Corporation, Respondent, v. William M. Gregg, II - Richland County - L. Casey Manning, Circuit Court Judge - **Heard December 5, 2007** - Filed December 17, 2007. Harry A. Swagart, III, of Columbia, for Petitioner. Lawrence W. Johnson, Jr., of Johnson Law Firm, and W. Duvall Spruill, of Turner, Padget, Graham & Laney, both of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the Court of Appeals' opinion in *Russell Corp. v. Gregg*, 2005-UP-556 (S.C. Ct. App. filed Oct. 17, 2005). **We dismiss the writ as improvidently granted.** TOAL, C.J., MOORE, WALLER, PLEICONES, JJ., and Acting Justice Doyet A. Early, III, concur.

Memorandum Opinion No. 2008-MO-030 - The State, Petitioner, v. Henry Poplin **CERTIORARI TO THE COURT OF APPEALS** - Richland County - G. Thomas Cooper, Jr., Circuit Judge - **Heard May 28, 2008** - Filed July 7, 2008. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, Assistant Attorney General David A. Spencer, and Warren Blair Giese, all of Columbia, for Petitioner. Deputy Chief Appellate Defender for Capital Appeals Robert M. Dudek, of South Carolina Commission on Indigent Defense, Division of Appellate Defense, of Columbia, for Respondent. **PER CURIAM:** After full review of the Appendix and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED.** TOAL, C.J., MOORE, PLEICONES, BEATTY, JJ., and Acting Justice James W. Johnson, Jr., concur.

Cv-Memorandum Opinion No. 2008-MO-031 - Mary S. Turbeville, as Personal Representative of the Estate of Edwin D. Turbeville, Sr., Petitioner, v. Thomas G. Wilson and Robert E. Turner, III. **CERTIORARI TO THE COURT OF APPEALS** - Florence County - James E. Brogdon, Jr., Circuit Judge - **Heard June 11, 2008** - Filed July 7, 2008. Marvin P. Jackson, Jr., of Florence, for petitioner. Andrew F. Lindemann of Davidson, Morrison and Lindemann, P.A., of Columbia; and Marian Williams Scalise of Richardson, Plowden & Robinson, of Myrtle Beach, for respondent. **PER CURIAM:** We granted a writ of certiorari to review the Court of Appeals' unpublished decision in this case. After careful consideration, **we dismiss the writ as improvidently granted.** TOAL, C.J., MOORE, WALLER, PLEICONES, JJ., and Acting Justice Peter L. Fuge, concur.

Cv-Memorandum Opinion No. 2008-MO-033 - R. Carlisle Roddey, Respondent, v. NationsWaste, Inc., and James Thomas Funderburk, Jr., Defendants, of whom NationsWaste, Inc. is Petitioner. Chester County - Kenneth G. Goode, Circuit Judge - **Heard June 25, 2008** - Filed July 28, 2008. Evans Taylor Barnette, and Susan F. Campbell, both of McCutchen, Blanton, Johnson & Barnette, of Columbia, for Petitioner. Joel W. Collins, Jr., Eric G. Fosmire, and Christian Stegmaier, all of Collins & Lacy, of Columbia, for Respondent. **PER CURIAM:** After careful consideration of the Appendix, briefs, and oral arguments, the writ of certiorari is **DISMISSED AS IMPROVIDENTLY GRANTED.** TOAL, C.J., MOORE, WALLER, PLEICONES and BEATTY, JJ., concur.

2008-MO-037 = Opinion No. 26545

Cv-Memorandum Opinion No. 2009-MO-032 - Peggy Salters, Respondent, v. Palmetto Health Alliance Inc., d/b/a Palmetto Baptist Medical Center; Robert Schnackenberg, M.D., individually; Eric Lewkowicz, M.D., individually; Columbia Psychiatric Associates, PA, P. Kenneth Huggins, M.D., individually, Defendants, of whom Eric Lewkowicz, M.D. is Petitioner. **CERTIORARI TO THE COURT OF APPEALS** Richland County - L. Casey Manning, Circuit Judge - **Heard June 9, 2009** - Filed June 22, 2009. Andrew F. Lindemann, William H. Davidson, II, and Lawrence S. Kerr, all of Davidson, Morrison & Lindemann, of Columbia, for Petitioner. John W. Carrigg, Jr., of Irmo, and Mark W. Hardee, of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the Court of Appeals' unpublished opinion in *Salters v. Palmetto Health Alliance, Inc. et al.*, Op. No. 2007-UP-187 (S.C. Ct. App., filed April 24, 2007). **We now dismiss the writ as improvidently granted.** TOAL, C.J., WALLER, PLEICONES, BEATTY, JJ., and Acting Justice E. C. Burnett, III, concur.

Cv-Memorandum Opinion No. 2009-MO-042 - Carolyn Songer Austin, Petitioner, v. Town of Hilton Head Island, South Carolina, W.J. Enterprises, Inc., H.D.S. Builders, LLC, Barb Loebig, and National Bank of Commerce, Defendants, W.J. Enterprises, Inc., H.D.S. Builders, LLC, Barb Loebig and National Bank of Commerce are the Respondents. **CERTIORARI TO THE COURT OF APPEALS** - Beaufort County - Thomas Kemmerlin, Special Circuit Court Judge - **Heard May 14, 2009** - Filed July 27, 2009. M. Adam Gess, of McDaniel & Gess, of Beaufort, Mark Weston Hardee, of Hardee Law Firm, of Columbia, and Robert E. Austin, Jr., of Leesburg, Florida, for Petitioner. Drew A. Laughlin, of Laughlin & Bowen, of Hilton Head Island and Stephen Spitz, of Charleston, for Respondents. **PER CURIAM:** We granted a writ of certiorari to review the Court of Appeals decision in Carolyn Songer Austin v. Town of Hilton Head Island, Op. No. 2007-UP-172 (S.C. Ct. App., filed April 17, 2007). On certiorari, we were presented with alleged violations of restrictive covenants in (1) reducing a lot in size such that it has a frontage of less than 60 feet in length, without proper written consent and (2) building a structure closer than 10 feet to an adjacent street line. After careful consideration, **we now dismiss certiorari as improvidently granted. TOAL, C.J., WALLER, PLEICONES, BEATTY and KITTREDGE, JJ., concur.**

Cv-Memorandum Opinion No. 2009-MO-044 - Gregory L. Ayers, M.D., Thomas L. Brown, M.D., Bill R. Chandler, Everette P. Fuller, M.D., and Reidville Investment Properties, LLC., Respondents, v. W. E. Freeman **CERTIORARI TO THE COURT OF APPEALS** Spartanburg County - Roger L. Couch, Circuit Judge - **Heard June 24, 2009** - Filed August 10, 2009. O. W. Bannister, of Bannister & Wyatt, of Greenville, for Petitioner. Mason A. Goldsmith, and M. Kyle Thompson, both of Love, Thornton, Arnold & Thomason, of Greenville, for Respondents. **PER CURIAM:** We granted a writ of certiorari to review the court of appeals' opinion. After careful consideration of the record and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED. TOAL, C.J., WALLER, PLEICONES, BEATTY, JJ., and Acting Justice James E. Moore, concur.**

Memorandum Opinion No. 2009-MO-046 - Douglas Terrell Weiters, Petitioner, v. State of South Carolina - Charleston County - Kenneth G. Goode, Circuit Court Judge - **Heard March 18, 2009** - Filed August 24, 2009. Assistant Appellate Defender Kathrine H. Hudgins, of South Carolina Commission on Indigent Defense, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, and Assistant Deputy Attorney General Salley W. Elliott, all of Columbia, for Respondent. **PER CURIAM:** After careful consideration of the Appendix and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED. TOAL, C.J., WALLER, PLEICONES, BEATTY and KITTREDGE, JJ., concur.**

Cv-Memorandum Opinion No. 2009-MO-056 - Palmetto Bay Club Owners Association, a South Carolina Non-Profit Corporation Administration for the Palmetto Bay Club Horizontal Property Regime, Petitioner, v. Danna Cooper Brissie - **CERTIORARI TO THE COURT OF APPEALS** - Beaufort County - Curtis L. Coltrane, Circuit Judge - **Heard October 7, 2009** - Filed October 26, 2009. Otto W. Ferrene, Jr., of Hilton Head Island, for Petitioner. Terry A. Finger, of Finger & Fraser, of Hilton Head Island, for Respondent. **PER CURIAM:** After careful consideration of the Appendix, briefs, and oral argument, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED. TOAL, C.J., WALLER, PLEICONES, BEATTY, JJ., and Acting Justice James E. Moore, concur.**

Memorandum Opinion No. 2009-MO-064 - The State, Respondent, v. Christopher Lee Pride. **CERTIORARI TO THE COURT OF APPEALS** - Union County - John C. Hayes, III, Circuit Judge - **Heard December 1, 2009** - Filed December 14, 2009. Acting Chief Appellate Defender Robert M. Dudek, of South Carolina Commission on Indigent Defense, of Columbia, and Fletcher Smith, Jr., of Greenville, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, Senior Assistant Attorney General Harold M. Coombs, Jr., of Columbia, and Solicitor Kevin Scott Brackett, of York, for Respondent. **PER CURIAM:** We granted certiorari to review the Court of Appeals' opinion in State v. Pride, Op. No. 2007-UP-544 (S.C. Ct. App. filed Dec. 5, 2007). **We now dismiss the writ as improvidently granted. TOAL, C.J., WALLER, PLEICONES, KITTREDGE, JJ., and Acting Justice James E. Moore, concur.**

Memorandum Opinion No. 2009-MO-065 - The State, Respondent, v. Christine Grove. Georgetown County - John M. Milling, Circuit Judge - **Heard November 18, 2009** - Filed December 14, 2009. Appellate Defender Robert M. Pachak, of South Carolina Commission on Indigent Defense, Division of Appellate Defense, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, of Columbia, and Solicitor John Gregory Hembree, of Conway, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review State v. Grove, Op. No. 2008-UP-278 (S.C. Ct. App. filed May 27, 2008). **We dismiss the writ as improvidently granted. TOAL, C.J., WALLER, PLEICONES, BEATTY and KITTREDGE, JJ., concur.**

Memorandum Opinion No. 2011-MO-005 - The State, Respondent, v. Eric Spratt. **CERTIORARI TO THE COURT OF APPEALS** - York County - Clifton Newman, Circuit Judge - **Heard January 19, 2011** - Filed January 31, 2011. Deputy Chief Appellate Defender Wanda H. Carter, South Carolina Commission on Indigent Defense, of Columbia, for Petitioner. Attorney General Alan Wilson; Chief Deputy Attorney General John W. McIntosh; Assistant Deputy Attorney General Salley W. Elliott, Office of the Attorney General, of Columbia, Kevin Scott Brackett, 16th Circuit Solicitor's Office, of York, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the decision of the court of appeals reversing the order of the circuit court and remanding for further proceedings. **We now dismiss the writ as improvidently granted. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Cv-Memorandum Opinion No. 2011-MO-012 - Ken H. Lester, Respondent, v. Glen P. Straker; Carolyn Songer Austin; Carl C. Hendricks, Jr.; P.J. Tanner, Sheriff of Beaufort County, Defendants, of whom Carolyn Songer Austin is Petitioner, and Glen P. Straker is Respondent. CERTIORARI TO THE COURT OF APPEALS - Beaufort County - Carmen T. Mullen, Circuit Judge - **Heard March 15, 2011** - Filed April 11, 2011. Charles E. Carpenter, Jr., and Carmen V. Ganjehsani, of Carpenter Appeals & Trial Support, of Columbia, for Petitioner. Harold A. Boney, Jr., of Beaufort, for Respondent Lester. Marquard H. Lund, III, of Hilton Head Island, for Respondent Straker. **PER CURIAM:** This Court granted a writ of certiorari to review the decision of the court of appeals in Lester v. Straker, et al., Op. No. 2009-UP-385 (S.C. Ct. App. filed July 8, 2009). **We now dismiss the writ as improvidently granted.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

MIE-Memorandum Opinion No. 2012-MO-011 - Rachel Hall, Respondent, v. Angel Rodriguez. CERTIORARI TO THE COURT OF APPEALS - Richland County - **Joseph M. Strickland, Master-in-Equity** - **Heard March 21, 2012** - Filed April 25, 2012. James B. Richardson, Jr. and Steven R. Anderson, both of Columbia, for Petitioner. William E. Booth, III, of West Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the court of appeals decision in Hall v. Rodriguez, Op. No. 2009-UP-564 (S.C. Ct. App. filed Nov. 30, 2009). **We now dismiss the writ as improvidently granted.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE, JJ., and Acting Justice James E. Moore, concur.

FC-Memorandum Opinion No. 2012-MO-027 - South Carolina Department of Social Services, Respondent, v. Shawna Rene O. and David S., of whom David S., is the Petitioner. In the interest of two minor children under the age of 18. **Appellate Case No. 2011-201426** CERTIORARI TO THE COURT OF APPEALS - Aiken County - Peter R. Nuessle, Family Court Judge - **Heard June 7, 2012** - Filed July 11, 2012. Scott J. Klosinski, of Klosinski Overstreet, of Augusta, GA., for Petitioner. Amanda Frances Whittle, of Aiken, for Respondent. **PER CURIAM:** After careful consideration of the Appendix and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

Memorandum Opinion No. 2012-MO-030 - The State, Respondent, v. Mack Green, Petitioner. **Appellate Case No. 2010-164726** CERTIORARI TO THE COURT OF APPEALS - Hampton County - Howard P. King, Circuit Judge - **Heard June 20, 2012** - Filed July 25, 2012. Kathrine Haggard Hudgins, of Columbia, for Petitioner. Attorney General Alan McCrory Wilson, Chief Deputy Attorney General John W. McIntosh, Senior Assistant Deputy Attorney General Salley W. Elliott and Senior Assistant Deputy Attorney General Deborah R.J. Shupe, all of Columbia, for Respondent. **PER CURIAM:** After careful consideration of the Appendix and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

Memorandum Opinion No. 2012-MO-037 - The State, Respondent, v. Jeffrey S. Evans, Petitioner. **Appellate Case No. 2010-180746** CERTIORARI TO THE COURT OF APPEALS - Anderson County - Alexander S. Macaulay, Circuit Judge - **Heard October 2, 2012** - Filed October 10, 2012. Appellate Defender LaNelle Cantey DuRant, of South Carolina Commission on Indigent Defense, of Columbia, for Petitioner. Attorney General Alan Wilson, Chief Deputy Attorney General John W. McIntosh, Senior Assistant Deputy Attorney General Salley W. Elliott, Assistant Deputy Attorney General David A. Spencer, all of Columbia, and, Solicitor Christina T. Adams, of Anderson, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the decision of the court of appeals affirming the Petitioner's convictions. **We now dismiss the writ as improvidently granted.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

Memorandum Opinion No. 2012-MO-40 - The State, Petitioner, v. Ricky Darren Sanders. **Appellate Case No. 2010-173047** CERTIORARI TO THE COURT OF APPEALS - Sumter County - R. Ferrell Cothran, Jr., Circuit Judge - **Heard October 3, 2012** - Filed October 24, 2012. Attorney General Alan McCrory Wilson, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, Assistant Attorney General William M. Blich, Jr., all of Columbia; and Solicitor Ernest Adolphus Finney, III, of Sumter, for Petitioner. Susan Barber Hackett, of South Carolina Commission on Indigent Defense, Division of Appellate Defense, of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the decision of the Court of Appeals in State v. Sanders, Op. No. 2010-UP-362 (S.C. Ct. App. filed July 12, 2010). **We now dismiss the writ as improvidently granted.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

Cv-Memorandum Opinion No. 2012-MO-043 - William D. Curtis, Respondent, v. Sandra Morris Blake, as Personal Representative of the Estate of Brandon T. Blake. **Appellate Case No. 2011-191906** CERTIORARI TO THE COURT OF APPEALS - Orangeburg County J. Derham Cole, Circuit Court Judge - **Heard October 16, 2012** - Filed October 24, 2012. Thomas J. Keaveny, II and Amy B. Rothschild, both of Keaveny Law Firm, of Charleston, for Petitioner. Robert Norris Hill, of Newberry, Mark Brandon Tinsley, of Gooding & Gooding, of Allendale, and C. Bradley Hutto, of Williams & Williams, of Orangeburg, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the decision of the court of appeals affirming the denial of Petitioner's motion for a new trial. **We now dismiss the writ as improvidently granted.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

Memorandum Opinion No. 2012-MO-050 - Robert Anthony James, Petitioner, v. State of South Carolina. **Appellate Case No. 2012-206346 CERTIORARI TO THE COURT OF APPEALS** - Richland County - Alison Renee Lee, Circuit Judge - **Heard June 20, 2012** - Filed November 21, 2012. Susan Barber Hackett, of South Carolina Commission on Indigent Defense, of Columbia, for Petitioner. Attorney General Alan McCrory Wilson, Chief Deputy Attorney General John W. McIntosh, Senior Assistant Deputy Attorney General Salley W. Elliott, Assistant Deputy Attorney General David A. Spencer, all of Columbia, for Respondent. E. Charles Grose, Jr., of Greenwood, and Tara S. Waters, of Laurens, for Amicus Curiae South Carolina Public Defender Association. **PER CURIAM:** We granted a writ of certiorari to review the decision of the Court of Appeals in *James v. State*, Op. No. 2011-UP-480 (S.C. Ct. App. filed Oct. 27, 2011). **We now dismiss the writ as improvidently granted.** TOAL, C.J., BEATTY, KITTREDGE, HEARN, JJ., and Acting Justice James E. Moore, concur.

Memorandum Opinion No. 2012-MO-051 - The State, Respondent, v. David M. Rocquemore. Appellate Case No. 2010-173067 **CERTIORARI TO THE COURT OF APPEALS** - Charleston County - Daniel F. Pieper, Circuit Judge - **Heard November 15, 2012** - Filed December 12, 2012. Chief Appellate Defender Robert M. Dudek, of Columbia, for Petitioner. Attorney General Alan M. Wilson, Chief Deputy Attorney General John W. McIntosh, Senior Assistant Deputy Attorney General Salley W. Elliott, Senior Assistant Deputy Attorney General Deborah R.J. Shupe, of Columbia, and Scarlett A. Wilson, of Charleston, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the decision of the court of appeals affirming the denial of Petitioner's motion for a mistrial. **We now dismiss the writ as improvidently granted.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

Memorandum Opinion No. 2012-MO-053 - The State, Respondent, v. Marques Hudson. Appellate Case No. 2010-161526 **CERTIORARI TO THE COURT OF APPEALS** - Greenville County - C. Victor Pyle, Jr., Circuit Judge - **Heard November 14, 2012** - Filed December 12, 2012. Appellate Defender LaNelle Cantey DuRant, of South Carolina Commission on Indigent Defense, Division of Appellate Defense, of Columbia, for Petitioner. Attorney General Alan McCrory Wilson, Chief Deputy Attorney General John W. McIntosh, Senior Assistant Deputy Attorney General Salley W. Elliott, Assistant Deputy Attorney General David A. Spencer, all of Columbia; and Solicitor William W. Wilkins of Greenville, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the decision of the Court of Appeals in *State v. Hudson*, Op. No. 2010-UP-141 (S.C. Ct. App. filed Feb. 22, 2010). **We now dismiss the writ as improvidently granted.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

Cv-Opinion No. 2012-MO-056 - Robert Coake and Susan Coake, Respondents, v. Kathleen Burt, n/k/a Kathleen Thomason. Appellate Case No. 2011-188246 **CERTIORARI TO THE COURT OF APPEALS** - Anderson County - J. Cordell Maddox, Jr., Circuit Judge - **Heard December 6, 2012** - Filed December 19, 2012. Harold P. Threlkeld, of Anderson, for Petitioner. James Allbright Blair III and Kirsten Elena Small, both of Nexsen Pruet, of Greenville, for Respondents. **PER CURIAM:** We granted certiorari to review the decision of the court of appeals finding the circuit court erred in directing a verdict in favor of the seller of residential real estate because the issues of the reasonableness of the purchasers' inspection of the real estate prior to closing and the damages incurred from the seller's alleged incomplete or misleading disclosures on the inspection form were questions that should have been resolved by the jury. See *Coake v. Burt*, 391 S.C. 201, 705 S.E.2d 453 (Ct. App. 2010). **We now dismiss the writ as improvidently granted.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

Memorandum Opinion No. 2013-MO-001 - Christopher Lovett Burke, Petitioner, v. State of South Carolina. **Appellate Case No. 2009-133967** - Spartanburg County - John C. Few, Trial Judge - J. Mark Hayes, II, Post-Conviction Judge - **Heard October 6, 2011** - Filed January 30, 2013. Appellate Defender Robert M. Pachak, of Columbia, for Petitioner. Attorney General Alan Wilson, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Suzanne H. White, all of Columbia, for Respondent. **PER CURIAM:** After careful consideration of the appendix and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

Cv-Memorandum Opinion No. 2013-MO-008 - Robin Carson Cantrell, Petitioner, v. Carolinas Recycling Group, Employer, and Wasau Insurance Companies, Carrier. Appellate Case No. 2011-194426 **CERTIORARI TO THE COURT OF APPEALS** - Spartanburg County - J. Mark Hayes, II, Circuit Judge - **Heard February 20, 2013** - Filed March 6, 2013. Richard H. Rhodes and William Hardwick Rhodes, both of Burts Turner & Rhodes of Spartanburg, for Petitioner. Carmelo Barone Sammataro and Cynthia C. Dooley of Turner Padgett Graham & Laney, PA, of Columbia for Respondents. **PER CURIAM:** After careful consideration of the Appendix and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

Memorandum Opinion No. 2013-MO-020 - Thomas Chad Heaton, Respondent, v. State of South Carolina. Appellate Case No. 2011-205087 **CERTIORARI TO THE COURT OF APPEALS** - Anderson County - John C. Hayes, III, Post-Conviction Judge - **Heard June 6, 2013** - Filed June 12, 2013. Attorney General Alan M. Wilson, Chief Deputy Attorney General John W. McIntosh, and Senior Assistant Deputy Attorney General Salley W. Elliott, all of Columbia, for Petitioner. Ricky K. Harris, of Spartanburg, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the

*court of appeals' decision in Heaton v. State, Op. No. 2011-UP-456 (S.C. Ct. App. filed Oct. 13, 2011), **affirming the grant of Respondent's post-conviction relief (PCR) application**. We now dismiss the writ as improvidently granted. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.*

Cv-Memorandum Opinion No. 2013-MO-029 - Ronald E. Price and Diana R.B. Price, Respondents, v. Investors Title Insurance Company. **Appellate Case No. 2011-199386 CERTIORARI TO THE COURT OF APPEALS** - Berkeley County - Kristi Lea Harrington, Circuit Judge - **Heard October 3, 2013** - Filed October 9, 2013. Hamilton Osborne, Jr., James Y. Becker, and Emily H. Farr, all of Haynsworth Sinkler Boyd, PA, of Columbia for Petitioner. Tobias G. Ward, Jr. and J. Derrick Jackson, both of Tobias G. Ward, Jr., PA, of Columbia, for Respondents. **PER CURIAM:** We granted certiorari to review the court of appeals' reversal of the circuit court's dismissal of this case. **We now dismiss the writ as improvidently granted.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

Memorandum Opinion No. 2014-MO-005 - The State, Respondent, v. Vashaun Ravenel. **Appellate Case No. 2012-209546** - Charleston County - Roger M. Young, Sr., Circuit Judge - **Heard January 8, 2014** - Filed February 26, 2014. Appellate Defender Wanda H. Carter, of Columbia, for Petitioner. Attorney General Alan McCrory Wilson and Senior Assistant Deputy Attorney General Salley W. Elliott, both of Columbia, for Respondent. **PER CURIAM:** After careful consideration of the Appendix, Record, and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

Cv-Memorandum Opinion No. 2014-MO-010 - Amy Davidson, Petitioner, v. City of Beaufort, Branch Banking & Trust of South Carolina, Collins Engineering, Inc., Brantley Construction Company, Inc., and Tidal Wave 23, LLC, Defendants, of whom Collins Engineering Inc., Brantley Construction Company, Inc., and Tidal Wave 23, LLC, are Respondents. and Phillip Davidson, Petitioner, v. City of Beaufort, Branch Banking & Trust of South Carolina, Collins Engineering Inc., Brantley Construction Company, Inc., and Tidal Wave 23, LLC, Defendants, of whom Collins Engineering, Inc., Brantley Construction Company, Inc., and Tidal Wave 23, LLC, are Respondents. **Appellate Case No. 2011-199428 CERTIORARI TO THE COURT OF APPEALS** - Beaufort County - Marvin H. Dukes, III, Special Circuit Judge - **Heard February 19, 2014** - Filed April 16, 2014. H. Fred Kuhn, Jr. and James H. Moss, both of Moss Kuhn & Fleming, PA, of Beaufort, for Petitioners. H. Michael Bowers and Laura Johnson Evans, both of Smith Moore Leatherwood, LLP, M. Dawes Cooke, Jr. and Phillip S. Ferderigos, both of Barnwell Whaley Patterson & Helms, LLC, R. Patrick Flynn and Robert J. Cardillo, both of Robertson Hollingsworth & Flynn, all of Charleston, for Respondents. **PER CURIAM:** After careful review of the Appendixes, Briefs, and Record, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED.** PLEICONES, Acting Chief Justice, BEATTY, KITTREDGE, HEARN, JJ., and Acting Justice James E. Moore, concur.

Memorandum Opinion No. 2014-MO-019 - The State, Respondent, v. Mike Salley. **Appellate Case No. 2012-212233 CERTIORARI TO THE COURT OF APPEALS** - Aiken County - Ralph F. Cothran, Circuit Judge - **Heard June 11, 2014** - Filed June 18, 2014. Appellate Defender Kathrine Haggard Hudgins, of South Carolina Commission on Indigent Defense, of Columbia, for Petitioner. Attorney General Alan McCrory Wilson, and Assistant Attorney General Mark Reynolds Farthing, both of Columbia, for Respondent. **PER CURIAM:** We granted Mike Salley's petition for a writ of certiorari to review the decision of the Court of Appeals in State v. Salley, Op. No. 2012-UP091 (S.C. Ct. App. filed Feb. 22, 2012). **We now dismiss the writ as improvidently granted.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE, JJ., and Acting Justice Dorothy Mobley Jones, concur.

Memorandum Opinion No. 2014-MO-025 - The State, Respondent, v. Darian K. Robinson. **Appellate Case No. 2010-172947 CERTIORARI TO THE COURT OF APPEALS** - Greenville County - John C. Few, Circuit Judge - **Heard June 12, 2014** - Filed July 2, 2014. Chief Appellate Defender Robert Michael Dudek, of Columbia, for Petitioner. Attorney General Alan McCrory Wilson, Chief Deputy Attorney General John W. McIntosh, Senior Assistant Deputy Attorney General Donald J. Zelenka, and Senior Assistant Attorney General W. Edgar Salter, III, all of Columbia, and Solicitor William Walter Wilkins, III, of Greenville, for Respondent. **PER CURIAM:** After careful consideration of the Record, Appendix, and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED.** PLEICONES, Acting Chief Justice, BEATTY, KITTREDGE, JJ., and Acting Justices Dorothy Mobley Jones and D. Craig Brown, concur.

Cv-Memorandum Opinion No. 2014-MO-029 - Hoang Berry, Petitioner, v. Stokes Import Collision Center. **Appellate Case No. 2013-000603 CERTIORARI TO THE COURT OF APPEALS** - Charleston County - Kristi Lea Harrington, Circuit Judge - **Heard June 10, 2014** - Filed July 9, 2014. Jason G. Soper, of Soper Law Firm, LLC, of North Charleston, for Petitioner. H. Clayton Walker, Jr. and Robert L. Reibold, both of Walker & Reibold, LLC, of Columbia, for Respondent. **PER CURIAM:** We granted certiorari to review the court of appeals' opinion in Berry v. Stokes Import Collision Center, Op. No. 2013-UP-007 (S.C. Ct. App. filed Jan. 9, 2013). **We now dismiss the writ as improvidently granted.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

Memorandum Opinion No. 2014-MO-030 - The State, Respondent, v. Nathaniel Murray. **Appellate Case No. 2012-212289 CERTIORARI TO THE COURT OF APPEALS** - Richland County - L. Casey Manning, Circuit

Judge - **Heard June 24, 2014** – Filed July 16, 2014. Assistant Public Defender Dayne C. Phillips and Appellate Defender Carmen V. Ganjehsani, both of Columbia, for Petitioner. Attorney General Alan M. Wilson, Assistant Deputy Attorney General David A. Spencer, and Solicitor Daniel E. Johnson, all of Columbia, for Respondent. **PER CURIAM:** We granted Nathaniel Murray's petition for a writ of certiorari to review the court of appeals' decision in State v. Murray, Op. No. 2012-UP-228 (S.C. Ct. App. filed Apr. 18, 2012). **We now dismiss the writ as improvidently granted.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

Memorandum Opinion No. 2014-MO-040 - The State, Respondent, v. Kevin Shane Epting, Appellate Case No. 2012-212346 - Laurens County D. Garrison Hill, Circuit Court Judge - **Heard September 25, 2014** – Filed October 22, 2014. Appellate Defender LaNelle Cantey DuRant, of Columbia, for Petitioner. Attorney General Alan McCrory Wilson, Chief Deputy Attorney General John W. McIntosh, and Assistant Attorney General William M. Blich, Jr., all of Columbia, for Respondent. **PER CURIAM:** After careful review of the record, appendix, and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

WCC-Memorandum Opinion No. 2014-MO-041 - Margaree Maple, Petitioner, v. Heritage Healthcare of Ridgeway, and Phoenix Insurance Company, Carrier. Appellate Case No. 2012-212605 **CERTIORARI TO THE COURT OF APPEALS - The Workers' Compensation Commission** - Andrea C. Roche, Commissioner - **Heard October 8, 2014** – Filed October 22, 2014. Preston F. McDaniel, of McDaniel Law Firm, of Columbia, for Petitioner. Richard Daniel Addison, of Hedrick Gardner Kincheloe & Garofalo, LLP, of Columbia, for Respondents. **PER CURIAM:** We granted certiorari to review the court of appeals' opinion in Maple v. Heritage Healthcare of Ridgeway, Op. No. 2012-UP-302 (S.C. Ct. App. filed June 27, 2012). **We now dismiss the writ as improvidently granted.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

Cv-Memorandum Opinion No. 2014-MO-046 - Melanie Taylor, Petitioner, v. Converse College. Appellate Case No. 2013-000125 **CERTIORARI TO THE COURT OF APPEALS** - Spartanburg County - J. Derham Cole, Circuit Judge - **Heard November 20, 2014** – Filed December 3, 2014. Nancy Bloodgood and Lucy C. Sanders, of Foster Law Firm, LLC, of Charleston, for Petitioner. Thomas H. Keim, Jr., of Ford & Harrison, LLP of Spartanburg, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the court of appeals' decision in Taylor v. Converse College, Op. No. 2012-UP-601 (S.C. Ct. App. Nov. 7, 2012). **We now dismiss the writ as improvidently granted.** PLEICONES, Acting Chief Justice, BEATTY, HEARN, JJ., and Acting Justices James E. Moore and Paul M. Burch, concur.

Memorandum Opinion No. 2015-MO-004 - The State, Respondent, v. Danny Ryant, Appellate Case No. 2013-000400 **CERTIORARI TO THE COURT OF APPEALS** - Orangeburg County - Edgar W. Dickson, Circuit Judge - **Heard January 13, 2015** – Filed January 28, 2015. Appellate Defender Kathrine Haggard Hudgins, of Columbia, for Petitioner. Attorney General Alan McCrory Wilson, Chief Deputy Attorney General John W. McIntosh, Senior Assistant Attorney General Donald J. Zelenka, Senior Assistant Deputy Attorney General Melody Jane Brown, all of Columbia, and Solicitor David Michael Pascoe, Jr., of Orangeburg, for Respondent. **PER CURIAM:** We granted certiorari to review the court of appeals' opinion in State v. Ryant, Op. No. 2012-UP-647 (S.C. Ct. App. filed Dec. 5, 2012). **We now dismiss the writ as improvidently granted.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

Cv-Memorandum Opinion No. 2015-MO-006 - David W. Keller, Respondent, v. ING Financial Partners, Inc., William C. Johnson, Diversified Business Concepts, Inc., and Jackson National Life Insurance Company, Defendants, of whom ING Financial Partners, Inc., William C. Johnson, and Diversified Business Concepts, Inc., are, Petitioners. Appellate Case No. 2013-000651 **CERTIORARI TO THE COURT OF APPEALS** - Greenville County - D. Garrison Hill, Circuit Judge - **Heard February 5, 2015** – Filed February 11, 2015. Ashley Bryan Abel and Thomas Chase Samples, both of Jackson Lewis, P.C., of Greenville, for Petitioners. Pierce Talmadge MacLennan, H. Donald Sellers and J. W. Matthews, III, all of Haynsworth Sinkler Boyd, P.A., of Greenville, for Respondent. Alice W. Parham Casey, of Wyche, P.A. of Columbia, for Amicus Curiae, Financial Industry Regulatory Authority, Inc. **PER CURIAM:** We granted certiorari to review the Court of Appeals' decision in Keller v. ING Fin. Partners, Inc., Op. No. 2013-UP-014 (S.C. Ct. App. filed Jan. 9, 2013). **We now dismiss the writ as improvidently granted.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

Cv-Memorandum Opinion No. 2015-MO-010 - Neshen Mitchell, Individually and as the next friend of her minor child, Hakeem T.M., Petitioners, v. Juan Marruffo, d/b/a Liberty Express, Adrian Moralez, RET Partnership, William T. McQueeney, Carl E. Roberts, Karl R. Henderson, and Steven Parham, Defendants, of whom RET Partnership, William T. McQueeney, Carl E. Roberts, Karl R. Henderson, and Steven Parham are the, Respondents. Appellate Case No. 2013-000670 **CERTIORARI TO THE COURT OF APPEALS** - Charleston County - Roger M. Young, Sr., Circuit Judge - **Heard February 4, 2015** – Filed March 4, 2015. Richard S. Rosen and Andrew D. Gowdown, both of Rosen, Rosen & Hagood, LLC, of Charleston, and J. Joseph Condon, Jr., of North Charleston, for Petitioners. Samuel R. Clawson, Timothy A. Domin, and Christina R. Fagnoli, all of Clawson and Staubes, LLC, of Charleston, for Respondents. **PER CURIAM:** We granted certiorari to review the Court of Appeals' decision in Mitchell v. Marruffo, Op. No. 2013-UP-010 (S.C. Ct. App. filed Jan. 9, 2013). **We now dismiss the writ as improvidently granted.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

Memorandum Opinion No. 2015-MO-011 - The State, Respondent, v. Gregory Wright, Appellate Case No.

2013-001973 CERTIORARI TO THE COURT OF APPEALS - Sumter County - Michael G. Nettles, Circuit Judge - **Heard March 4, 2015** - Filed March 18, 2015. Appellate Defender Robert M. Pachak, of Columbia, for Petitioner. Attorney General Alan McCrory Wilson, Assistant Attorney General William M. Blitch, Jr., both of Columbia, for Respondent. **PER CURIAM:** We granted the petition for a writ of certiorari to review the Court of Appeals' decision in *State v. Wright*, Op. No. 2013-UP-326 (S.C. Ct. App. filed July 17, 2013). **The writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

Opinion No. 2015-MO-012 - The State, Respondent, v. Demetrius Goodwin. Appellate Case No. 2013-001083 CERTIORARI TO THE COURT OF APPEALS - Richland County - W. Jeffrey Young, Circuit Judge - **Heard February 18, 2015** - Filed March 18, 2015. Appellate Defender LaNelle C. DuRant, of Columbia, for Petitioner. Attorney General Alan M. Wilson, and Assistant Attorney General Jennifer E. Roberts, both of Columbia, for Respondent. **PER CURIAM:** We granted certiorari to review the court of appeals' decision in *State v. Goodwin*, Op. No. 2013-UP-110 (S.C. Ct. App. filed Mar. 13, 2013). **We now dismiss the writ as improvidently granted.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

Cv-Memorandum Opinion No. 2015-MO-013 - Gregory M. Gottschlich and Donald L. McNeil, Petitioners, v. Strimpfel Custom Homes, Inc.; Joseph A. Reeve; Jerry L. Richardson; Coastal Surveying, Co., Inc.; Thomas N. Dye; Jan H. Dye; Ken Oliver; The Byrne Corporation, d/b/a Dunes Marketing Group; Laurich & Deeb, P.A.; Robert M. Deeb, Jr. and Charles H. Wiseman, Defendants, of whom Ken Oliver, The Byrne Corporation d/b/a Dunes Marketing Group, Laurich & Deeb, P.A., Robert M. Deeb, Jr. and Charles H. Wiseman are, Respondents. **Appellate Case No. 2013-000375 CERTIORARI TO THE COURT OF APPEALS** - Beaufort County - Marvin H. Dukes, III, Circuit Judge - **Heard January 14, 2015** - Filed March 25, 2015. Charles E. Carpenter, Jr., of Carpenter Appeals & Trial Support, LLC, of Columbia, for Petitioners. Susan Taylor Wall and Henry Wilkins Frampton, both of McNair Law Firm, PA, of Charleston, Max G. Mahaffee, of Grimball & Cabaniss, LLC, of Charleston, for Respondents. **PER CURIAM:** We granted certiorari to review the decision of the Court of Appeals in *Gottschlich v. Strimpfel Custom Homes, Inc.*, Op. No. 2012-UP-676 (S.C. Ct. App. filed Dec. 19, 2012). **We now dismiss the writ as improvidently granted.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

Cv-Memorandum Opinion No. 2015-MO-025 - Errol Washington, as Personal Representative of the Estate of Danny Washington, Petitioner, v. Alice R. Stewart, Leroy Stewart, Alvin E. Burch, a/k/a Alvin E. Birch, Rudell S. Burch, Sterling Lending Group, Inc., a South Carolina Corporation, Regent Bank, and Wachovia Bank, N.A., Defendants, of whom Alice R. Stewart, Leroy Stewart, Alvin E. Burch, a/k/a Alvin E. Birch, Rudell S. Burch and Wachovia Bank, N.A. are the Respondents. **Appellate Case No. 2012-213171 CERTIORARI TO THE COURT OF APPEALS** - Charleston County - Roger M. Young, Sr., Circuit Judge - **Heard April 21, 2015** - Filed May 6, 2015. T. Alexander Beard, of Beard Law Offices, of Mt. Pleasant, and Edward P. Guerard, Jr., of Mt. Pleasant, both for Petitioner. Trudy Hartzog Robertson and Robert Ernest Sumner, IV, both of Moore & Van Allen, PLLC, of Charleston, for Respondent. **PER CURIAM:** We granted certiorari to review the decision of the Court of Appeals in *Washington v. Stewart*, Op. No. 2012-UP-420 (S.C. Ct. App. filed July 11, 2012), which affirmed the circuit court's grant of summary judgment for Wachovia Bank on Errol Washington's claims of aiding and abetting a breach of fiduciary duty and negligence. **We now dismiss the writ as improvidently granted.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

Memorandum Opinion No. 2015-MO-027 - Kamell D. Evans, Respondent/Petitioner, v. State of South Carolina, Petitioner/Respondent. Heard December 9, 2014 - Filed May 13, 2015 **Appellate Case No. 2011-188687** - Greenville County - D. Garrison Hill, Circuit Judge. Attorney General Alan M. Wilson, Chief Deputy Attorney General John W. McIntosh, Senior Assistant Deputy Attorney General Donald J. Zelenka and Senior Assistant Attorney General Melody J. Brown, all of Columbia, for Petitioner/Respondent. William H. Ehliess, II, of Greenville, and Christopher W. Seeds, of Ithaca, New York, for Respondent/Petitioner. J. Christopher Mills, of Columbia, for Amicus Curiae, South Carolina Religious Leaders and Scholars. **PER CURIAM:** After careful review of the record, appendix, and briefs, **the writs of certiorari are dismissed as improvidently granted.** PLEICONES, BEATTY, and HEARN, JJ., concur. **TOAL, C.J., dissenting in a separate opinion in which KITTREDGE, J., concurs.**

Memorandum Opinion No. 2015-MO-028 - Jonathan Kyle Binney, Petitioner/Respondent, v. State of South Carolina, Respondent/Petitioner. Heard January 13, 2015 - Filed May 13, 2015 **Appellate Case No. 2012-212107** - Cherokee County - J. Michael Baxley, Circuit Judge. John H. Blume, of Ithaca, New York, and Emily C. Paavola, of Columbia, for Petitioner/Respondent. Attorney General Alan M. Wilson, Chief Deputy Attorney General John W. McIntosh, Senior Assistant Deputy Attorney General Donald J. Zelenka and Senior Assistant Attorney General William E. Salter, III, all of Columbia, for Respondent/Petitioner. J. Christopher Mills, for Amicus Curiae, South Carolina Religious Leaders and Scholars. **PER CURIAM:** After careful review of the record, appendix, and briefs, **the writs of certiorari are dismissed as improvidently granted.** PLEICONES, BEATTY and HEARN, JJ., concur. **KITTREDGE, J., concurring in part and dissenting in part in a separate opinion in which TOAL, C.J., concurs**

Memorandum Opinion No. 2015-MO-029 - John Kennedy Hughey, Respondent/Petitioner, v. State of South Carolina, Petitioner/Respondent. Appellate Case No. 2010-170387 - Abbeville County - Alexander S. Macaulay, Circuit Judge -

Heard January 15, 2015 – Filed May 13, 2015. Attorney General Alan McCrory Wilson, Chief Deputy Attorney General John W. McIntosh, and Senior Assistant Deputy Attorney General Donald J. Zelenka, all of Columbia, for Petitioner/Respondent. E. Charles Grose, of Greenwood, and Tara Schulz Waters, of Summerville, for Respondent/Petitioner. J. Christopher Mills, for Amicus Curiae, South Carolina Religious Leaders and Scholars. **PER CURIAM:** After careful review of the record, appendix, and briefs, **the writs of certiorari are dismissed as improvidently granted. PLEICONES, BEATTY and HEARN, JJ., concur. KITTREDGE, J., concurring in part and dissenting in part in a separate opinion in which TOAL, C.J., concurs.**

Memorandum Opinion No. 2015-MO-035 – The State, Respondent, v. Antwan McMillan. Appellate Case No. 2013-002715 **CERTIORARI TO THE COURT OF APPEALS** – Colleton County – Perry M. Buckner, III, Circuit Judge – **Heard May 20, 2015** – Filed June 17, 2015. Appellate Defender Kathrine Haggard Hudgins, of Columbia, for Petitioner. Attorney General Alan McCrory Wilson and Assistant Attorney General Mark Reynolds Farthing, both of Columbia, for Respondent. **PER CURIAM:** We granted certiorari to review the Court of Appeals' decision in State v. McMillan, Op. No. 2013-UP-317 (S.C. Ct. App. refiled Sept. 25, 2013). After careful consideration of the Appendix, Record, and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE, JJ., and Acting Justice James E. Moore, concur.**

Memorandum Opinion No. 2015-MO-036 – The State, Respondent, v. David Jakes. Appellate Case No. 2013-002571 **CERTIORARI TO THE COURT OF APPEALS** – Colleton County – Perry M. Buckner, III, Circuit Judge – **Heard May 20, 2015** – Filed June 17, 2015. Appellate Defender LaNelle Cantey DuRant, of Columbia, for Petitioner. Attorney General Alan McCrory Wilson and Assistant Attorney General Mark Reynolds Farthing, both of Columbia, for Respondent. **PER CURIAM:** We granted certiorari to review the Court of Appeals' decision in State v. Jakes, Op. No. 2013-UP-360 (S.C. Ct. App. filed Oct. 2, 2013). After careful consideration of the Appendix, Record, and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE, JJ., and Acting Justice James E. Moore, concur.**

Cv-Memorandum Opinion No. 2015-MO-039 – Jamesetta Washington, as Guardian ad Litem for Jayden W., a minor, Petitioner, v. Edmund Rhett, Jr., M.D., Low Country Obstetrics and Gynecology, P.A.; Tenet South Carolina, Inc., d/b/a East Cooper Regional Medical Center, Defendants, of whom Edmund Rhett, Jr., M.D. is the Respondent. Appellate Case No. 2014-000831 **CERTIORARI TO THE COURT OF APPEALS** – Charleston County – J. Michael Baxley, Circuit Judge – **Heard June 16, 2015** – Filed June 24, 2015. Edward L. Graham and John Layton Ruffin, both of Graham Law Firm, P.A., of Florence, for Petitioner. Robert H. Hood and Mary Agnes Hood Craig, both of Charleston; Deborah Harrison Sheffield, of Columbia, all of Hood Law Firm, L.L.C., for Respondent. **PER CURIAM:** We granted certiorari to review the Court of Appeals' decision in Washington v. Rhett, Op. No. 2014-UP-055 (S.C. Ct. App. filed Feb. 5, 2014). **We now dismiss the writ as improvidently granted. PLEICONES, Acting Chief Justice, BEATTY, KITTREDGE, HEARN, JJ., and Acting Justice James E. Moore, concur.**

Opinion No. 2015-MO-041 – The State, Respondent, v. Kevin Jerome Gilliard. Appellate Case No. 2012-213344 **CERTIORARI TO THE COURT OF APPEALS** – Anderson County – J. Cordell Maddox, Jr., Circuit Judge – **Heard June 16, 2015** – Filed July 15, 2015. Deputy Chief Appellate Defender Wanda H. Carter, of Columbia, for Petitioner. Attorney General Alan M. Wilson and Senior Assistant Deputy Attorney General Deborah R.J. Shupe, both of Columbia, for Respondent. **PER CURIAM:** We granted certiorari to review the court of appeals' decision in State v. Gilliard, Op. No. 2012-UP-351 (S.C. Ct. App. filed June 13, 2012). **We now dismiss the writ as improvidently granted. PLEICONES, Acting Chief Justice, BEATTY, KITTREDGE, HEARN, JJ., and Acting Justice James E. Moore, concur.**

WCC-P-Memorandum Opinion No. 2015-MO-059 – Virginia A. Miles, Employee, Petitioner, v. Waffle House, Inc., Employer, and Brentwood Services, Inc., Carrier. Appellate Case No. 2013-000274 **CERTIORARI TO THE COURT OF APPEALS** – **Appellate Panel South Carolina Workers' Compensation Commission** – **Heard September 22, 2015** – Filed September 30, 2015. Stephen Benjamin Samuels, of Samuels Law Firm, L.L.C., of Columbia, for Petitioner. Helen Faith Hiser, of McAngus Goudelock & Courie, L.L.C., of Mount Pleasant, for Respondents. **PER CURIAM:** We granted certiorari to review the Court of Appeals' decision in Miles v. Waffle House, Inc., Op. No. 2012-UP-552 (S.C. Ct. App. filed Jan. 9, 2013). **We now dismiss the writ as improvidently granted. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Memorandum Opinion No. 2015-MO-063 – Ayree Henderson, Respondent, v. State of South Carolina. Appellate Case No. 2014-001126 **CERTIORARI TO THE COURT OF APPEALS** – Richland County – G. Thomas Cooper, Jr., Circuit Judge – **Heard September 23, 2015** – Filed October 28, 2015. Attorney General Alan M. Wilson and Assistant Attorney General Megan H. Jameson, both of Columbia, for Petitioner. Deputy Chief Appellate Defender Wanda H. Carter, of Columbia, for Respondent. **PER CURIAM:** We granted certiorari to review the court of appeals' opinion in Henderson v. State, Op. No. 2014-UP-122 (S.C. Ct. App. filed March 19, 2014). **We now dismiss the writ as improvidently granted. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Cv-Memorandum Opinion No. 2015-MO-064 – Place on the Greene Homeowners Association, Inc., Petitioner, v. W.G.R.Q., LLC, Easy Coin Laundry, Inc., Eva Nell Berry, and Jeffrey O. Kenney. Appellate Case No. 2013-001980 **CERTIORARI TO THE COURT OF APPEALS** – Richland County – Alison R. Lee Circuit Judge – **Heard September 24, 2015** – Filed November 4, 2015.

William M. Spillane and James B. Richardson, Jr., both of Columbia, for Petitioner. Jamie M. Best, III, of Allen, Gantt & Best; John S. Nichols and Blake A. Hewitt, both of Bluestein, Nichols, Thompson & Delgado, LLC; and Brian L. Boger; all of Columbia, for Respondents. **PER CURIAM:** We granted certiorari to review the court of appeals' decision in Place on the Greene Home-owners Assn. v. W.G.R.Q., Op. No. 2013-UP-297 (S.C. Ct. App. filed July 3, 2013). **We now dismiss the writ as improvidently granted.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

Memorandum Opinion No. 2015-MO-067 - The State, Respondent, v. David Gerrard Johnson. Appellate Case No. 2014-001506 CERTIORARI TO THE COURT OF APPEALS - Florence County - Thomas A. Russo, Circuit Judge - Heard October 8, 2015 - Filed December 2, 2015. Appellate Defender Susan Barber Hackett, of Columbia, for Petitioner. Attorney General Alan McCrory Wilson, Chief Deputy Attorney General John W. McIntosh, Senior Assistant Deputy Attorney General Donald J. Zelenka, Senior Assistant Attorney General Melody Jane Brown, all of Columbia, and Solicitor Edgar Lewis Clements III, of Florence, all for Respondent. **PER CURIAM:** We granted certiorari to review the court of appeals' opinion in State v. Johnson, Op. No. 2014-UP-167 (S.C. Ct. App. filed April 9, 2014). **We now dismiss the writ of certiorari as improvidently granted.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

Opinion No. 2015-MO-069 - Russell W. Rice, Jr., Petitioner, v. State of South Carolina. Appellate Case No. 2014-002602 CERTIORARI TO THE COURT OF APPEALS - Greenville County - Robin B. Stikwell, Circuit Judge. Heard November 5, 2015 - Filed December 2, 2015. Appellate Defender Robert M. Pachak, of Columbia, for Petitioner. Attorney General Alan McCrory Wilson, Senior Assistant Deputy Attorney General Karen C. Ratigan, and John Walter Whitmire, of McCabe, Trotter & Beverly, P.C., all of Columbia, for Respondent. **PER CURIAM:** We granted certiorari to review the court of appeals' opinion in Rice v. State, Op. No. 2014-UP-361 (S.C. Ct. App. filed Oct. 15, 2014). **We now dismiss the writ of certiorari as improvidently granted.** TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.

Memorandum Opinion No. 2016-MO-001 - The State, Respondent, v. Tawanda Allen. Appellate Case No. 2014-002245 CERTIORARI TO THE COURT OF APPEALS - Williamsburg County - Clifton Newman, Circuit Judge - Heard December 1, 2015 - Filed January 6, 2016. Chief Appellate Defender Robert M. Dudek, of Columbia, for Petitioner. Attorney General Alan M. Wilson, Chief Deputy Attorney General John W. McIntosh, Senior Assistant Deputy Attorney General Donald J. Zelenka, Assistant Attorney General Alphonso Simon, Jr., all of Columbia; and Ernest A. Finney, III, of Sumter, all for Respondent. **PER CURIAM:** We granted certiorari to review the court of appeals' decision in State v. Allen, Op. No. 2014-UP-304 (S.C. Ct. App. filed July 30, 2014). **We now dismiss the writ as improvidently granted.** PLEICONES, C.J., BEATTY, KITTREDGE, HEARN, JJ., and Acting Justice Jean H. Toal, concur.

Cv-Memorandum Opinion No. 2016-MO-003 - Roger R. Riemann, Petitioner, v. Palmetto Gems & Gemological Services, Inc. and Thomas Shofner, in his individual capacity. Appellate Case No. 2015-001100 CERTIORARI TO THE COURT OF APPEALS - Lexington County - R. Knox McMahon, Circuit Judge - Heard February 10, 2016 - Filed February 24, 2016. Eugene Hamilton Matthews, Sheila Marlouvon Bias and Carmen Vaughn Ganjehsani, all of Richardson Plowden & Robinson, P.A., of Columbia, for Petitioner. Angus H. Macaulay and James Andrew Byars, both of Nexsen Pruet, L.L.C., of Columbia, for Respondents. **PER CURIAM:** We granted Roger R. Riemann's petition for a writ of certiorari to review the decision of the Court of Appeals in Riemann v. Palmetto Gems & Gemological Servs., Op. No. 2015-UP-107 (S.C. Ct. App. filed Mar. 4, 2015). **We now dismiss the writ as improvidently granted.** PLEICONES, C.J., BEATTY, KITTREDGE, HEARN, JJ., and Acting Justice Alison Renee Lee, concur.

Memorandum Opinion No. 2016-MO-012 - Charles Christopher Williams, Petitioner, v. State of South Carolina. Appellate Case No. 2013-001945 - Greenville County - G. Edward Welmaker, Post-Conviction Judge - Heard March 22, 2016 - Filed April 13, 2016. Derek Joseph Enderlin, of Ross & Enderlin, P.A., of Greenville, for Petitioner. Attorney General Alan M. Wilson, Chief Deputy Attorney General John W. McIntosh, Senior Assistant Deputy Attorney General Donald J. Zelenka, all of Columbia, and William W. Wilkins, III, of Greenville, for Respondent. Louis O'Neill, of White & Case, LLP, of New York, New York and John S. Nichols, of Bluestein Nichols Thompson & Delgado, LLC, of Columbia, for Amicus Curiae, The Federal Republic of Germany. **PER CURIAM:** We granted a writ of certiorari to review the decision of the postconviction relief judge. **We now dismiss the writ as improvidently granted.** PLEICONES, C.J., BEATTY, KITTREDGE, HEARN and FEW, JJ., concur.

Memorandum Opinion No. 2016-MO-022 The State, Respondent, v. Jon Wynn Jarrard, Sr. Appellate Case No. 2015-000334 - Horry County - Larry B. Hyman, Jr., Circuit Judge - Heard June 14, 2016 - Filed June 29, 2016. Craig Robert Stanley and Chief Appellate Defender Robert Michael Dudek, both of Columbia, for Petitioner. Attorney General Alan McCrory Wilson, Senior Assistant Deputy Attorney General Deborah R.J. Shupe, and Assistant Attorney General Mark Reynolds Farthing, all of Columbia, and Solicitor Jimmy A. Richardson, II, of Conway, for Respondent. **PER CURIAM:** After careful review of the record, appendix, and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED.** PLEICONES, C.J., BEATTY, KITTREDGE, HEARN and FEW, JJ., concur.

Cv-Memorandum Opinion No. 2016-MO-030 - James W. Trexler, Petitioner, v. The Associated Press, Barrington Broadcasting South Carolina Corp., Raycom TV Broadcasting, Inc., The Spartanburg Herald Journal, Inc., and The

Pacific & Southern Co. **Appellate Case No. 2015-001368 CERTIORARI TO THE COURT OF APPEALS** - Richland County - Joseph M. Strickland, Special Circuit Judge - **Heard September 7, 2016** – Filed October 19, 2016. William H. Johnson, of Law Offices of William H. Johnson, LLC, of Manning; W. Westbrook Wills, III, of Folly Beach; and Matthew D. Hamrick, of Charleston, all for Petitioner. Jerry Jay Bender, of Baker, Ravenel & Bender, LLP, of Columbia, for Respondents. **PER CURIAM:** We granted a writ of certiorari to review the court of appeals' decision in *Trexler v. The Associated Press*, Op. No. 2015-UP-201 (S.C. Ct. App. filed Apr. 15, 2015). After careful consideration of the Appendix and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED.** PLEICONES, C.J., BEATTY, KITTREDGE, JJ., and Acting Justice J. Mark Hayes, II, concur.

Memorandum Opinion No. 2017-MO-010 - *The State, Respondent, v. Wayne Albeon Scott, Jr.* **Appellate Case No. 2016-000067 CERTIORARI TO THE COURT OF APPEALS** - Florence County Howard King, Circuit Judge - **Heard May 2, 2017** – Filed May 31, 2017. Appellate Defender LaNelle Cantey DuRant, of Columbia, for Petitioner. Attorney General Alan McCrory Wilson, Chief Deputy Attorney General J. Robert Bolchoz, and Senior Assistant Deputy Attorney General Donald J. Zelenka, all of Columbia; Solicitor Edgar Lewis Clements, III, of Florence, all for Respondent. **PER CURIAM:** We granted Wayne Albeon Scott, Jr.'s petition for a writ of certiorari to review the Court of Appeals' decision affirming the circuit court's refusal to grant Scott immunity under the South Carolina Protection of Persons and Property Act. *State v. Scott*, Op. No. 2015-UP-513 (S.C. Ct. App. filed Nov. 12, 2015). **We now dismiss the writ as improvidently granted.** BEATTY, C.J., KITTREDGE, HEARN, FEW, JJ., and Acting Justice DeAndrea Benjamin, concur.

Memorandum Opinion No. 2017-MO-013 - *The State, Respondent, v. Ryan P. Deleston.* **Appellate Case No. 2016-001103 CERTIORARI TO THE COURT OF APPEALS** - Charleston County - Kristi Lea Harrington, Circuit Judge - **Heard May 24, 2017** – Filed July 19, 2017. Chief Appellate Defender Robert Michael Dudek and Appellate Defender Lara Mary Caudy, both of Columbia, for Petitioner. Attorney General Alan McCrory Wilson, Chief Deputy Attorney General J. Robert Bolchoz, and Deputy Attorney General Donald J. Zelenka, all of Columbia, and Solicitor Scarlett Anne Wilson, of Charleston, for Respondent. **PER CURIAM:** We granted Ryan P. Deleston's petition for a writ of certiorari to review the decision of the court of appeals affirming his conviction. **We now dismiss the writ as improvidently granted.** BEATTY, C.J., KITTREDGE, HEARN, FEW and JAMES, JJ., concur.

Memorandum Opinion No. 2017-MO-014 - *The State, Respondent, v. Tyrel R. Collins.* **Appellate Case No. 2016-000877 CERTIORARI TO THE COURT OF APPEALS** - Charleston County - Roger M. Young, Sr., Circuit Judge - **Heard May 2, 2017** – Filed July 19, 2017. Appellate Defender Susan B. Hackett, of South Carolina Commission on Indigent Defense, of Columbia, for Petitioner. Attorney General Alan Wilson, Chief Deputy Attorney General J. Robert Bolchoz, Senior Assistant Deputy Attorney General Donald J. Zelenka, and Senior Assistant Attorney General Melody J. Brown, all of Columbia; and Solicitor Scarlett A. Wilson, of Charleston, for Respondent. **PER CURIAM:** We issued a writ of certiorari to review the court of appeals' decision in *State v. Collins*, Op. No. 2016-UP-034 (S.C. Ct. App. filed Jan. 20, 2016). **We now dismiss the writ as improvidently granted.** BEATTY, C.J., KITTREDGE, HEARN, FEW, and JAMES, JJ., concur.

FC-Memorandum Opinion No. 2017-MO-018 - South Carolina Department of Social Services, Respondent, v. Mattie Walls, Carley Jason Walls, Dwayne Anderson and Barbara Anderson, Defendants, of whom Carley Jason Walls is the Petitioner. In the interest of a minor under the age of eighteen. **Appellate Case No. 2017-000426 CERTIORARI TO THE COURT OF APPEALS** - Laurens County - Joseph C. Smithdeal, Family Court Judge - **Heard October 18, 2017** – Filed October 25, 2017. Melinda Inman Butler, of The Butler Law Firm, LLC., of Union, for Petitioner. Scarlet Bell Moore, of Greenville, for Respondent. **PER CURIAM:** We granted Carley Jason Walls' petition for a writ of certiorari to review the court of appeals' decision in *South Carolina Department of Social Services v. Mattie Walls*, No. 2016-UP-482 (S.C. Ct. App. Nov. 16, 2016). **We now dismiss the writ as improvidently granted.**¹ BEATTY, C.J., KITTREDGE, HEARN, FEW and JAMES, JJ., concur. ([1] Although we dismiss certiorari as improvidently granted, we note that we have reviewed the record de novo and find the grounds for terminating Petitioner's parental rights are supported by clear and convincing evidence.

FC-Memorandum Opinion No. 2017-MO-019 - South Carolina Department of Social Services, Respondent, v. Mattie Walls, Carley Jason Walls, Dwayne Anderson, and Barbara Anderson, Defendants, of whom Mattie Walls is the Petitioner. In the interest of a minor under the age of eighteen. **Appellate Case No. 2017-000477 CERTIORARI TO THE COURT OF APPEALS** - Laurens County - Joseph C. Smithdeal, Family Court Judge - **Heard October 18, 2017** – Filed October 25, 2017. Julius Holman Hines and Tara C. Sullivan, both of K&L Gates LLP, of Charleston, and Edward S. McCallum, III, of Law Offices of Edward S. McCallum, III, of Greenwood, for Petitioner. Scarlet Bell Moore, of Greenville, for Respondent. **PER CURIAM:** We granted Mattie Walls' petition for a writ of certiorari to review the court of appeals' decision in *South Carolina Department of Social Services v. Mattie Walls*, No. 2016-UP-483 (S.C. Ct. App. Nov. 16, 2016). **We now dismiss the writ as improvidently granted.** [1] BEATTY, C.J., KITTREDGE, HEARN, FEW and JAMES, JJ., concur. ([1] Although we dismiss certiorari as improvidently granted, we note that we have reviewed the record de novo and find the grounds for terminating Petitioner's parental rights are supported by clear and convincing evidence.)

Cv-Memorandum Opinion No. 2017-MO-020 - U.S. Bank National Association Successor trustee to LaSalle Bank

National Association, as trustee under the Pooling and Servicing Agreement, dated as of April 1, 2002, among Asset Backed Funding Corporation, Litton Loan Servicing, LP and LaSalle Bank National Association, ABFC Asset Backed Certificates, Series 2002-SB-1, Respondent, v. Kelley Burr, FIA Card Services, N.A.; Discovery Bank, Issuer of the Discover Card; Unifund CCR Partners, Defendants, of whom Kelley Burr is the Petitioner. **Appellate Case No. 2015-001554 CERTIORARI TO THE COURT OF APPEALS** - Kershaw County - George C. James Jr., Circuit Judge - **Heard September 27, 2017** - Filed October 25, 2017. Andrew Sims Radeker, of Harrison & Radeker, P.A., of Columbia, for Petitioner. Jennifer Hess Thiem and Tara C. Sullivan, both of K&L Gates LLP, of Charleston, for Respondent. **PER CURIAM:** We granted Kelley Burr's petition for a writ of certiorari to review the court of appeals' decision affirming the circuit court's dismissal of her counterclaims. **We now dismiss the writ as improvidently granted.** BEATTY, C.J., KITTREDGE, HEARN, FEW, JJ., and Acting Justice D. Craig Brown concur.

Cv-Memorandum Opinion No. 2018-MO-001 - Long Grove at Seaside Farms, LLC; The Beach Company; and Gulfstream Construction Company, Inc., Respondents, v. Long Grove Property Owners' Association, Inc.; Vista Realty Partners, LLC; and Long Grove Vista, LLC; of whom Long Grove Property Owners' Association, Inc. is Petitioner. Long Grove Property Owners' Association, Inc., Third-Party Plaintiffs, v. James, Harwick & Partners, Inc., n/k/a JHP Architecture/Urban Design, P.C.; Sam Mayo, d/b/a SCM Construction, Inc.; Essex Engineering Corporation, Third-Party Defendants, of whom James, Harwick & Partners, Inc., n/k/a JHP Architecture/Urban Design, P.C., is Respondent. **Appellate Case No. 2015-002131 CERTIORARI TO THE COURT OF APPEALS** - Charleston County - J. Michael Baxley, Circuit Judge - **Heard September 28, 2017** - Filed January 10, 2018. George E. Mullen and Lauren Mullen Thomas, both of Mullen Wylie, LLC, of Hilton Head Island, for Petitioner. David J. Parrish and Steven P. Groves, Sr., both of Nexsen Pruet, LLC, of Charleston. James Lynn Werner and Katon E. Dawson, Jr., both of Parker Poe Adams & Bernstein, LLP, of Columbia, for Respondents. **PER CURIAM:** We granted Long Grove Property Owners' Association, Inc.'s petition for a writ of certiorari to review the court of appeals' decision in Long Grove at Seaside Farms, LLC v. Long Grove Prop. Owners' Ass'n, Inc., No. 2015-UP-377 (S.C. Ct. App. July 29, 2015). **We now dismiss the writ as improvidently granted.** BEATTY, C.J., KITTREDGE, HEARN, FEW and JAMES, JJ., concur.

Unpublished Opinion No. 2018-MO-020 - The State, Respondent, v. Demetrice Roosevelt James. **Appellate Case No. 2017-000700 CERTIORARI TO THE COURT OF APPEALS** - Richland County - John C. Hayes, III, Circuit Judge - **Heard May 3, 2018** - Filed May 23, 2018. Appellate Defender Kathrine H. Hudgins, of Columbia, for Petitioner. Attorney General Alan Wilson, Assistant Attorney General V. Henry Gunter, Jr., and Solicitor Daniel E. Johnson, all of Columbia, for Respondent. **PER CURIAM:** We issued a writ of certiorari to review the decision of the Court of Appeals in State v. James, Op. No. 2017-UP-028 (S.C. Ct. App. filed Jan. 11, 2017). **We now dismiss the writ as improvidently granted.** BEATTY, C.J., KITTREDGE, HEARN, FEW and JAMES, JJ., concur.

FC-Memorandum Opinion No. 2018-MO-021 - Gene Gibbs, Respondent, v. Jill Roberts Gibbs. **Appellate Case No. 2017-000470 CERTIORARI TO THE COURT OF APPEALS** - Greenville County - Gwendlyne Y. Jones, Family Court Judge - **Heard May 24, 2018** - Filed May 30, 2018. J. Falkner Wilkes, of Greenville, for Petitioner Bobby H. Mann, Jr., and Philip J. Temple, both of Temple and Mann, of Greenville, for Respondent. **PER CURIAM:** We issued a writ of certiorari to review the court of appeals' decision in Gene Gibbs v. Jill Gibbs, No. 2016-UP-454 (S.C. Ct. App. filed Nov. 9, 2016). **We now dismiss the writ as improvidently granted.** BEATTY, C.J., KITTREDGE, HEARN, FEW and JAMES, JJ., concur.

Memorandum Opinion No. 2018-MO-022 - The State, Respondent, v. James Kevin Bethel, Jr. **Appellate Case No. 2017-000096 CERTIORARI TO THE COURT OF APPEALS** - Richland County - Deadra L. Jefferson, Circuit Judge - **Heard May 23, 2018** - Filed May 30, 2018. Appellate Defender David Alexander, of Columbia, for Petitioner. Attorney General Alan McCrory Wilson, Deputy Attorney General Donald J. Zelenka, Senior Assistant Attorney General Melody Jane Brown, Assistant Attorney General Alphonso Simon, Jr., and Solicitor Daniel Edward Johnson, all of Columbia, for Respondent. **PER CURIAM:** We issued a writ of certiorari to review the decision of the court of appeals in State v. Bethel, Op. No. 2016-UP-473 (S.C. Ct. App. filed Nov. 9, 2016). **We now dismiss the writ as improvidently granted.** Acting Chief Justice, HEARN, FEW, JAMES, JJ., and Acting Justice James E. Lockemy, concur.

Cv-Memorandum Opinion No. 2018-MO-024 - Juan Michael Ramirez, Petitioner, v. Progressive Northern Insurance Company. **Appellate Case No. 2016-002312 CERTIORARI TO THE COURT OF APPEALS** - Laurens County - R. Lawton McIntosh, Circuit Judge - **Heard May 24, 2018** - Filed June 6, 2018. Edwin L. Turnage, of Harris & Graves, PA, of Greenville, for Petitioner. John R. Murphy, of Murphy & Grantland, PA, of Columbia, for Respondent. **PER CURIAM:** We granted Juan Ramirez's petition for a writ of certiorari to review the decision of the Court of Appeals in Ramirez v. Progressive N. Ins. Co., Op. No. 2016-UP-280 (S.C. Ct. App. filed June 8, 2016). **We now dismiss the writ as improvidently granted.** BEATTY, C.J., KITTREDGE, HEARN, FEW and JAMES, JJ., concur.

Memorandum Opinion No. 2018-MO-031 - Tommy S. Adams, Petitioner, v. State of South Carolina. **Appellate Case No. 2017-000739 CERTIORARI TO THE COURT OF APPEALS** - Edgefield County - William P. Keesley, Circuit Judge

- **Heard September 19, 2018** – Filed September 26, 2018 Amended October 3, 2018. *E. Charles Grose, Jr., of Greenwood, and Teresa L. Norris, of Charleston, both for Petitioner. Attorney General Alan McCrory Wilson, Senior Assistant Attorney General Melody Jane Brown, and Deputy Attorney General Donald J. Zelenka, all of Columbia, for Respondent. PER CURIAM: We issued a writ of certiorari to review the court of appeals' decision in Adams v. State, No. 2016-UP-515 (S.C. Ct. App. filed Dec. 14, 2016). We now dismiss the writ as improvidently granted. BEATTY, C.J., KITTREDGE, HEARN, JAMES, JJ., and Acting Justice Paula H. Thomas, concur.*

Memorandum Opinion No. 2018-MO-032 - The State, Respondent, v. Corey Jamal Williams. Appellate Case No. 2016-002547 CERTIORARI TO THE COURT OF APPEALS - York County - Brian M. Gibbons, Circuit Judge - **Heard September 19, 2018** – Filed September 26, 2018. Appellate Defender David Alexander, of Columbia, for Petitioner. Attorney General Alan McCrory Wilson and Senior Assistant Deputy Attorney General John Benjamin Aplin, both of Columbia and Solicitor Kevin Scott Brackett, of York; for Respondent. **PER CURIAM:** We granted Corey Jamal Williams's petition for a writ of certiorari to review the decision of the court of appeals reversing his sentence of home detention. State v. Williams, Op. No. 2016-UP-448 (S.C. Ct. App. filed November 2, 2016). We now dismiss the writ as improvidently granted. BEATTY, C.J., KITTREDGE, HEARN, FEW and JAMES, JJ., concur.

Memorandum Opinion No. 2018-MO-35 - The State, Petitioner, v. Jimmy Turner. Appellate Case No. 2016-002204 CERTIORARI TO THE COURT OF APPEALS - Marion County - William H. Seals, Jr., Circuit Judge - **Heard October 17, 2018** – Filed October 24, 2018. Attorney General Alan McCrory Wilson and Senior Assistant Deputy Attorney General John Benjamin Aplin, both of Columbia; and Solicitor Edgar Lewis Clements, III, of Florence, all for Petitioner. Appellate Defender David Alexander, of Columbia, for Respondent. **PER CURIAM:** We granted the State's petition for a writ of certiorari to review the Court of Appeals' decision to reverse Respondent's convictions due to improper bolstering by an expert witness. State v. Turner, Op. No. 2016-UP-411 (S.C. Ct. App. filed Sept. 21, 2016). We now dismiss the writ as improvidently granted. BEATTY, C.J., KITTREDGE, HEARN, FEW and JAMES, JJ., concur.

Memorandum Opinion No. 2018-MO-042 - The State, Respondent, v. Michael Edward Gentile. Appellate Case No. 2017-001277 CERTIORARI TO THE COURT OF APPEALS - Dorchester County - Maité Murphy, Circuit Judge - **Heard November 29, 2018** – Filed December 12, 2018. Appellate Defender Kathrine Haggard Hudgins, of Columbia, for Petitioner. Attorney General Alan McCrory Wilson and Assistant Attorney General William Frederick Schumacher IV, both of Columbia; and Solicitor David Michael Pascoe Jr., of Orangeburg, all for Respondent. **PER CURIAM:** We issued a writ of certiorari to review the court of appeals' decision in State v. Gentile, Op. No. 2017-UP-108 (S.C. Ct. App. filed Mar. 8, 2017). We now dismiss the writ as improvidently granted. KITTREDGE, Acting Chief Justice, FEW, JAMES, JJ., and Acting Justices Stephanie Pendarvis McDonald and Aphrodite K. Konduros, concur.

DIGs after submission to SC S Ct – Published Opinions = 4

Opinion No. 24553 - *Davis Adv. Sh. No. 2 - Vernon Davis, Petitioner, v. State* - Colleton County - Larry R. Patterson, Judge - **Submitted November 21, 1996** - Filed January 20, 1997. Assistant Appellate Defender Robert M. Pachak, of South Carolina Office of Appellate Defense, of Columbia, for Petitioner. Attorney General Charles Molony Condon, Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Teresa Nesbitt Cosby, Assistant Attorney General G. Robert DeLoach, III, all of Columbia, for Respondent. **PER CURIAM:** After a review of the entire record, we dismiss the writ of certiorari as improvidently granted.

Opinion No. 24716 - *Stephen Lamont Westbrook, Petitioner, v. State of South Carolina. York County* - E.C. Burnett, III, **Post-Conviction Judge** - John C. Hayes, III, Trial Judge - **Submitted October 22, 1997** - Filed November 17, 1997. Assistant Appellate Defender Lisa G. Echols, of South Carolina Office of Appellate Defense, of Columbia, for petitioner. Attorney General Charles Molony Condon, Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Teresa A. Knox and Assistant Attorney General Matthew M. McGuire, all of Columbia, for respondent. **PER CURIAM:** We dismiss the writ of certiorari as improvidently granted. C.J. A.J. A.J. A.J. Burnett, A.J., not participating.

FC-Opinion No. 26382 - SCDSS Child Support Enforcement/Cindy Ruff, Plaintiffs, of whom SCDSS Child Support Enforcement is Petitioner, v. Ralph Mangle. CERTIORARI TO THE COURT OF APPEALS - Greenville County - **Stephen S. Bartlett, Family Court Judge** - **Submitted September 18, 2007** - Filed September 24, 2007. Stacey L. Kaufman, of South Carolina Department of Social Services Child Support Enforcement Division, of Greenville, for petitioner. Mr. Ralph Mangle, of Simpsonville, pro se. **PER CURIAM:** We granted this petition for a writ of certiorari to review the Court of Appeals' opinion in SCDSS Child Support Enforcement/Cindy Ruff v. Mangle, 370 S.C. 226, 633 S.E.2d 903 (Ct. App. 2006). After careful consideration, we now dismiss certiorari as improvidently granted. TOAL, C.J., MOORE, WALLER, PLEICONES and BEATTY, concur.

Cv-Opinion No. 27094 - South Carolina Department of Corrections, Respondent, v. Billy Joe Cartrette - CERTIORARI TO THE COURT OF APPEALS - Jasper County - James C. Williams, Jr., Circuit Judge - **Submitted January 26, 2012** - Filed February 22, 2012 - **Billy Joe Cartrette, of Ridgeland, Pro-se Petitioner**. Lake Eric Summers and

Katherine Phillips, both of Malone, Thompson, Summers & Ott, of Columbia, for Respondent. **CHIEF JUSTICE TOAL:** We granted a writ of certiorari to review the court of appeals' decision in South Carolina Department of Corrections v. Cartrette, 387 S.C. 640, 694 S.E.2d 18 (Ct. App. 2010). **We now dismiss the writ as improvidently granted.** **PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

DIGs after submission to SC S Ct– Memorandum Opinions = 138

Memorandum Opinion No. 2004–MO–001 – Henry L. Knox, Petitioner, v. State of South Carolina. Georgetown County – J. Michael Baxley, Circuit Judge – **Submitted November 19, 2003** – Filed January 12, 2004. Katherine Carruth Link, and S.C. Office of Appellate Defense, of Columbia, for petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Chief, Capital and Collateral Litigation Donald J. Zelenka, Assistant Deputy Attorney General Allen Bullard, and Assistant Attorney General Douglas E. Leadbitter, of Columbia, for respondent. **PER CURIAM:** After careful consideration, we dismiss the writ of certiorari as improvidently granted. See Moultrie v. State, 351 S.C. 270, 569 S.E.2d 363 (2002) (no relief where there is no prejudice because charge on lesser not merited); State v. Higgins, 215 S.C. 153, 54 S.E.2d 553 (1949) (charge proper where no reference to disputed fact except in a hypothetical way). s/Jean H. Toal C.J./James E. Moore J. s/John H. Waller, Jr. J. s/E. C. Burnett, III J./Costa M. Pleicones J.

Memorandum Opinion No. 2004–MO–002 – Ivelaw P. Jones, Respondent, v. State of South Carolina. Dorchester County – Luke Brown, Jr., Trial Judge – R. Markley Dennis, Jr., Post-Conviction Judge – **Submitted December 4, 2003** – Filed January 15, 2004. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Chief, Capital and Collateral Litigation, Donald J. Zelenka, Assistant Deputy Attorney General B. Allen Bullard, Jr., Assistant Attorney General David A. Spencer, all of Columbia, for Petitioners. Assistant Appellate Defender Robert M. Pachak, of Columbia, for Respondents. **PER CURIAM:** This Court granted certiorari to review the granting of post-conviction relief for Respondent. After careful consideration, we dismiss certiorari as improvidently granted. s/Jean H. Toal C.J. s/James E. Moore J. s/John H. Waller, Jr. J. s/E. C. Burnett, III J. s/Costa M. Pleicones J.

Memorandum Opinion No. 2004–MO–014 – Anthony Hopkins, Petitioner, v. State of South Carolina – Richland County – J. Ernest Kinard, Jr., Circuit Judge – **Submitted March 17, 2004** – Filed April 8, 2004. Robert M. Pachak, of South Carolina Office of Appellate Defense, of Columbia, for petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General B. Allen Bullard, and Assistant Attorney General David Spencer, all of Columbia, for respondent. **PER CURIAM:** After careful consideration, we dismiss the writ as improvidently granted. See Wolfe v. State, 326 S.C. 158, 485 S.E.2d 367 (1997) (defendant who pleads guilty on advice of counsel must show counsel was ineffective). **TOAL, C.J., MOORE, WALLER, BURNETT and PLEICONES, JJ., concur.**

Memorandum Opinion No. 2004–MO–018 – Ricky Ruth, Respondent, v. State of South Carolina – Hampton County – Rodney A. Peeples, Trial Judge – Jackson V. Gregory, Post-Conviction Judge – **Submitted March 17, 2004** – Filed April 15, 2004. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Chief Capital and Collateral Litigation Donald J. Zelenka, Assistant Deputy Attorney General Allen Bullard, and Assistant Attorney General Douglas E. Leadbitter, Office of the Attorney General, all of Columbia, for Petitioner. Assistant Appellate Defender Aileen P. Clare, Office of Appellate Defense, of Columbia, for Respondent. **PER CURIAM:** After careful consideration of the Appendix and briefs, we dismiss the writ of certiorari as improvidently granted. s/Jean H. Toal C.J. s/James E. Moore J. s/John H. Waller, Jr. J. s/E. C. Burnett, III J. s/Costa M. Pleicones J.

Memorandum Opinion No. 2004–MO–039 – Maurice Long, Petitioner, v. State of South Carolina – Saluda County – James W. Johnson, Jr., Trial Judge – James R. Barber, III, Post-Conviction Judge – **Submitted June 23, 2004** – Filed July 26, 2004. Assistant Appellate Defender Eleanor Duffy Cleary, of Columbia, for petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, all of Columbia, for respondent. **PER CURIAM:** We granted a writ of certiorari to review the denial of petitioner's application for Post-Conviction Relief. **We dismiss the writ as improvidently granted.** **TOAL, C.J., MOORE, WALLER, BURNETT and PLEICONES, JJ., concur.**

Memorandum Opinion No. 2004–MO–043 – Walter Ray Brown, Petitioner, v. State of South Carolina. Charleston County – Lee S. Alford, Trial Judge – Deadra L. Jefferson, Post-Conviction Relief Judge – **Submitted January 22, 2004** – Filed August 9, 2004. Tara Dawn Shurling, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, and Deputy Attorney General Donald J. Zelenka, all of Columbia, for Respondent. **PER CURIAM:** Walter Brown (petitioner) asserts that his trial counsel (counsel) was ineffective for failing to adequately challenge the testimony of the State's primary witness during petitioner's trial for attempted first-degree burglary. After a full review of the record on appeal, we dismiss certiorari as improvidently granted. **TOAL, C.J., MOORE, WALLER, BURNETT and PLEICONES, JJ., concur.**

Memorandum Opinion No. 2004–MO–045 – Heyward Branham, Petitioner, v. State of South Carolina, Respondent. Darlington County – John H. Waller, Jr., Trial Judge – J. Ernest Kinard, Jr., Post-Conviction Judge – **Submitted May 13, 2004** – Filed August 16, 2004. Assistant Appellate Defender Aileen P. Clare, Office of Appellate Defense, of Columbia, for Petitioner. Attorney General Henry D. McMaster, Chief Deputy Attorney General John W. McIntosh, Chief, Capital & Collateral Litigation Donald

*J. Zelenka, Assistant Deputy Attorney General Allen Bullard, and Assistant Attorney General David Spencer, Office of the Attorney General, all of Columbia, for Respondent. **PER CURIAM:** After careful consideration of the Appendix and briefs, we dismiss the writ of certiorari as improvidently granted. s/Jean H. Toal C.J. s/James E. Moore J. s/E. C. Burnett, III J. s/Costa M. Pleicones J. WALLER, J., not participating.*

Memorandum Opinion No. 2004-MO-052 - Gail L. Pitts, Petitioner, v. State of South Carolina. Newberry County - Wyatt T. Saunders, Jr, Circuit Judge - **Submitted September 23, 2004** - Filed September 27, 2004. Acting Deputy Chief Attorney Wanda P. Hagler, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh; Chief, Capital and Collateral Litigation Donald J. Zelenka, Assistant Deputy Attorney General B. Allen Bullard, Jr., and Assistant Attorney General David Spencer, all of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the denial of petitioner's application for post-conviction relief. **We now dismiss the writ as improvidently granted. TOAL, C.J., MOORE, WALLER, BURNETT and PLEICONES, JJ., concur.**

Memorandum Opinion No. 2004-MO-054 - Theodore Bailey, Petitioner, v. State of South Carolina - Dorchester County - Rodney A. Peebles, Post-Conviction Judge - Jackson Gregory, Trial Judge - **Submitted September 23, 2004** - Filed October 11, 2004. Assistant Appellate Defender Robert M. Pachak, Office of Appellate Defense, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, and Assistant Attorney General Elizabeth McMahon, Office of the Attorney General, all of Columbia, for Respondent. **PER CURIAM:** After careful review of the Appendix and Briefs, **we dismiss the writ of certiorari as improvidently granted. TOAL, C.J., MOORE, WALLER, BURNETT and PLEICONES, JJ., concur.**

Memorandum Opinion No. 2004-MO-066 - Matthew S. Harris, Petitioner, v. State of South Carolina. Lexington County - William P. Keesley, Trial Judge - James R. Barber, III, PCR Judge - **Submitted October 20, 2004** - Filed November 22, 2004. Assistant Appellate Defender Aileen P. Clare, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Elizabeth R. McMahon, all of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the denial of Petitioner's application for post-conviction relief. After careful review of the Appendix and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED. TOAL, C.J., MOORE, WALLER, BURNETT and PLEICONES, JJ., concur.**

Memorandum Opinion No. 2005-MO-010 - Morris Sullivan, Respondent, v. State of South Carolina - Greenville County - John W. Kittredge, Circuit Judge - **Submitted February 16, 2005** - Filed February 28, 2005. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Chief, Capital and Collateral Litigation Salley W. Elliott, Assistant Attorney General Elizabeth R. McMahon, of Columbia, for Petitioner. Dwight Christopher Moore, of Sumter and South Carolina Office of Appellate Defense, of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the **grant of post-conviction relief** to respondent. **We now dismiss the writ as improvidently granted. TOAL, C.J., MOORE, WALLER, BURNETT and PLEICONES, JJ., concur.**

Memorandum Opinion No. 2005-MO-015 - Christopher L. Pettit, Petitioner, v. State of South Carolina. Lexington County - James R. Barber, III, Circuit Judge - **Submitted April 20, 2005** - Filed May 9, 2005. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Lakesha W. Jeffries, all of Columbia for Respondent. Assistant Appellate Defender Tara S. Taggart, of Office of Appellate Defense, of Columbia, for Petitioner. **PER CURIAM:** We granted a writ of certiorari to review the denial of Post-Conviction Relief to Petitioner Christopher Pettit. **We now dismiss the writ as improvidently granted. TOAL, C.J., MOORE, WALLER, BURNETT and PLEICONES, JJ., concur.**

Memorandum Opinion No. 2005-MO-018 - Jeffrey Flowers, Petitioner, v. State of South Carolina. - Greenville County - John W. Kittredge, Guilty Plea Judge - Henry F. Floyd, Post-Conviction Judge - **Submitted April 20, 2005** - Filed May 9, 2005. Assistant Appellate Defender Eleanor Duffy Cleary, of Columbia, for Petitioner. Attorney General Henry D. McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Christopher L. Newton, all of Columbia, for Respondent. **PER CURIAM:** After careful consideration of the appendix and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED. TOAL, C.J., MOORE, WALLER, BURNETT and PLEICONES, JJ., concur.**

Memorandum Opinion No. 2005-MO-034 - Travis Dewayne Johnson, #265617, Petitioner, v. State of South Carolina. Marlboro County - John M. Milling, Circuit Judge - **Submitted May 18, 2005** - Filed June 20, 2005. Assistant Appellate Defender Tara S. Taggart, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, Assistant Attorney General Karen Ratigan, all of Columbia, for Respondent. **PER CURIAM:** We issued a writ of certiorari to review the post-conviction judge's order denying relief as to one of Petitioner's indictments. **After careful review, we now dismiss that writ as improvidently granted. TOAL, C.J., MOORE, WALLER, BURNETT and PLEICONES, JJ., concur.**

Memorandum Opinion No. 2005-MO-035 - Samuel Keith Jackson, Petitioner, v. State of South Carolina, - Florence County - Joseph J. Watson, Trial Judge - J. Michael Baxley, Post-Conviction Judge - **Submitted June 2, 2005** - Filed June 20, 2005. Assistant Appellate Defender Robert M. Pachak, of Office of Appellate Defense, of Columbia, for Petitioner.

Attorney General Henry D. McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Julie M. Thames, all of Columbia, for Respondent. **PER CURIAM:** After careful consideration of the appendix and briefs, the writ of certiorari is **DISMISSED AS IMPROVIDENTLY GRANTED**. TOAL, C.J., MOORE, WALLER, BURNETT and PLEICONES, JJ., concur.

Memorandum Opinion No. 2005-MO-039 - John K. Moore, Petitioner, v. State of South Carolina. Richland County - Howard P. King, Circuit Judge - **Submitted August 11, 2005** - Filed August 15, 2005. Assistant Appellate Defender Eleanor Duffy Cleary, of the Office of Appellate Defense, of Columbia, for Petitioner. Attorney General Henry D. McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General David Spencer, all of Columbia, for Respondent. **PER CURIAM:** We granted certiorari to review the denial of petitioner's application for post-conviction relief. **After careful consideration, we dismiss certiorari as improvidently granted.** TOAL, C.J., MOORE, WALLER, BURNETT and PLEICONES, JJ., concur.

Memorandum Opinion No. 2005-MO-048 - William D. Taylor, Petitioner, v. State of South Carolina. Dorchester County - Rodney A. Peebles, Circuit Judge - **Submitted September 22, 2005** - Filed October 10, 2005. Assistant Appellate Defender Robert M. Pachak, of the Office of Appellate Defense, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Elizabeth R. McMahon, all of Columbia for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the denial of Post-Conviction Relief to Petitioner William D. Taylor. **We now dismiss the writ as improvidently granted.** TOAL, C.J., MOORE, WALLER, BURNETT and PLEICONES, JJ., concur.

Memorandum Opinion No. 2006-MO-003 - Barry Wayne Whitehead, Petitioner, v. State of South Carolina - Greenville County - Wyatt T. Saunders, Plea Judge - Edward W. Miller, Post-Conviction Judge - **Submitted January 5, 2006** - Filed January 23, 2006. Assistant Appellate Defender Eleanor Duffy Cleary, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Christopher Newton, all of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the denial of post-conviction relief (PCR) to Petitioner. **We dismiss the writ as improvidently granted.** TOAL, C.J., MOORE, BURNETT and PLEICONES, JJ., concur. WALLER, J., not participating.

Memorandum Opinion No. 2006-MO-046 - Tina Michelle Walker, Respondent, v. State of South Carolina - York County - Lee S. Alford, Post-Conviction Judge - John C. Hayes, III, Trial Judge - **Submitted November 15, 2006** - Filed December 11, 2006. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, Assistant Attorney General Molly R. Crum, Office of the Attorney General, all of Columbia, for Petitioner. Appellate Defender Robert M. Pachak, South Carolina Commission on Indigent Defense, Division of Appellate Defense, of Columbia, for Respondent. **PER CURIAM:** After careful review of the Appendix and briefs, we **Dismiss Certiorari as Improvidently Granted.** TOAL, C.J., MOORE, WALLER, BURNETT and PLEICONES, JJ., concur.

Memorandum Opinion No. 2007-MO-003 - Quentin L. Smith, Petitioner, v. State of South Carolina - Greenwood County - James W. Johnson, Jr., Circuit Court Judge - Wyatt T. Saunders, Jr., Post-Conviction Judge - **Submitted December 7, 2006** - Filed January 16, 2007. C. Rauch Wise, of Greenwood, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, and Assistant Deputy Attorney General Salley W. Elliott, all of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the denial of post-conviction relief (PCR) to Petitioner. **We dismiss the writ as improvidently granted.** TOAL, C.J., MOORE, WALLER, BURNETT and PLEICONES, JJ., concur.

Memorandum Opinion No. 2007-MO-007 - Jeffrey L. Edwards, Petitioner, v. State of South Carolina - Dillon County - John M. Milling, Circuit Judge - **Submitted January 18, 2007** - Filed February 5, 2007. Appellate Defender Eleanor Duffy Cleary, of Columbia, for petitioner. Attorney General Henry D. McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Karen C. Ratigan, all of Columbia, for respondent. **PER CURIAM:** We granted this petition for a writ of certiorari to review the circuit court's order denying petitioner's post-conviction relief application. **After careful consideration, we now dismiss certiorari as improvidently granted.** TOAL, C.J., MOORE, WALLER, BURNETT and PLEICONES, JJ., concur.

Cv-Memorandum Opinion No. 2007-MO-013 - Ephraim Reliford, Jr., Petitioner, v. Mitsubishi Motors Credit of America, Inc. **CERTIORARI TO THE COURT OF APPEALS** - Aiken County - Rodney A. Peebles, Circuit Judge - **Submitted February 14, 2007** - Filed March 5, 2007. Ephraim Reliford, Jr., of Kershaw, *pro se*. Andrew F. Lindemann, of Davidson Morrison & Lindemann, of Columbia, for Respondent. **PER CURIAM:** We dismiss the writ of certiorari as improvidently granted. TOAL, C.J., MOORE, WALLER, BURNETT and PLEICONES, JJ., concur.

Memorandum Opinion No. 2007-MO-026 - Calvin M. Williams, Petitioner v. State of South Carolina - Greenwood County - Wyatt T. Saunders, Jr, Circuit Judge - **Submitted April 18, 2007** - Filed April 30, 2007. George P. Callison, Jr., of Greenwood, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, all of Columbia, for Respondent. **PER CURIAM:** We granted certiorari to review the post-conviction

relief court's denial of relief to petitioner, Calvin M. Williams. After careful consideration, we now dismiss certiorari as improvidently granted. TOAL, C.J., WALLER, BURNETT and PLEICONES, JJ., concur. MOORE, J., not participating.

Memorandum Opinion No. 2007-MO-032 - Keith Bratcher, Petitioner, v. State of South Carolina - Greenwood County - Wyatt T. Saunders, Jr., Circuit Judge - **Submitted May 22, 2007** - Filed June 4, 2007. Deputy Chief Attorney Wanda H. Carter, of the South Carolina Commission of Appellate Defense, Division of Appellate Defense, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, all of Columbia, for Respondent. **PER CURIAM:** We granted certiorari to review the post-conviction relief court's denial of relief to petitioner, Keith Bratcher. After careful consideration, we now dismiss certiorari as improvidently granted. **TOAL, C.J., BURNETT, PLEICONES, JJ., and Acting Justice J. Michelle Childs, concur. MOORE, J., not participating.**

Memorandum Opinion No. 2007-MO-035 - Tomerio Williams, Petitioner, v. State of South Carolina - Williamsburg County - Howard P. King, Post-Conviction Judge - James Williams, Trial Judge - **Submitted May 23, 2007** - Filed June 11, 2007. Appellate Defender Robert M. Pachak, of South Carolina Commission on Indigent Defense, Division of Appellate Defense, Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Lance S. Boozer, all of Columbia, for Respondent. **PER CURIAM:** After careful consideration of the appendix and briefs, the writ of certiorari is **DISMISSED AS IMPROVIDENTLY GRANTED. TOAL, C.J., MOORE, BURNETT and PLEICONES, JJ., concur. WALLER, J., not participating.**

Memorandum Opinion No. 2007-MO-041 - Dana Tolen, **Respondent**, v. State of South Carolina - **CERTIORARI TO THE COURT OF APPEALS**- Lexington County - Marc H. Westbrook, Circuit Court Judge - **Submitted June 20, 2007** - Filed June 25, 2007. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, all of Columbia, for Petitioner. Appellate Defender LaNelle C. DuRant, of South Carolina Commission on Indigent Defense, Division of Appellate Defense, of Columbia, for Respondent. **PER CURIAM:** We granted the State's petition for a writ of certiorari to review an order granting post-conviction relief to respondent, Dana Tolen. We dismiss the writ as improvidently granted. **TOAL, C.J., MOORE, WALLER, BURNETT and PLEICONES, JJ., concur.**

Memorandum Opinion No. 2007-MO-045 - Steven B. Guy, Petitioner, v. State of South Carolina - Greenville County - John C. Few, Circuit Court Judge - **Submitted June 20, 2007** - Filed June 25, 2007. Deputy Chief Attorney Wanda H. Carter, of South Carolina Commission on Indigent Defense, Division of Appellate Defense, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Karen Ratigan, all of Columbia, for Respondent. **PER CURIAM:** After thorough consideration of the appendix and briefs, we **DISMISS CERTIORARI AS IMPROVIDENTLY GRANTED. TOAL, C.J., MOORE, WALLER, BURNETT and PLEICONES, JJ., concur.**

Opinion No. 2007-MO-048 - Ernest Bolin, **Respondent**, v. State of South Carolina - Richland County - Alison Renee Lee, Circuit Judge - **Submitted June 20, 2007** - July 9, 2007. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, Assistant Attorney General Robert L. Brown, all of Columbia, for petitioner. Appellate Defender LaNelle C. DuRant, of South Carolina Commission on Indigent Defense, Division of Appellate Defense, of Columbia, for respondent. **PER CURIAM:** We granted this petition for a writ of certiorari to review the post-conviction relief court's decision. After careful consideration, we now dismiss certiorari as improvidently granted. **TOAL, C.J., MOORE, WALLER, BURNETT and PLEICONES, JJ., concur.**

Memorandum Opinion No. 2007-MO-056 - William Gist, Petitioner, v. State of South Carolina - Union County - Lee S. Alford, Circuit Judge - **Submitted September 18, 2007** - Filed September 24, 2007. Deputy Chief Attorney Wanda H. Carter, of South Carolina Commission on Indigent Defense, Division of Appellate Defense, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Ashley A. McMahan, all of Columbia, for Respondent. **PER CURIAM:** After careful consideration of the appendix and briefs, the writ of certiorari is **DISMISSED AS IMPROVIDENTLY GRANTED. TOAL, C.J., MOORE, WALLER, PLEICONES and BEATTY, JJ., concur.**

Memorandum Opinion No. 2007-MO-061 - Barrett Bernard Bowen, **Respondent**, v. State of South Carolina - Pickens County - Larry R. Patterson, Circuit Court Judge - **Submitted October 18, 2007** - Filed October 22, 2007. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, Assistant Attorney General Karen Ratigan, all of Columbia, for Petitioner. Deputy Chief Attorney Wanda H. Carter, of South Carolina Commission on Indigent Defense, Division of Appellate Defense, of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the grant of post-conviction relief to Petitioner. We now dismiss the writ as improvidently granted. **TOAL, C.J., MOORE, WALLER, PLEICONES and BEATTY, JJ., concur.**

Memorandum Opinion No. 2007-MO-062 - Ajaron Gamble, Petitioner, v. State of South Carolina - Georgetown County - John L. Breeden, Circuit Judge - B. Hicks Harwell, Circuit Judge - **Submitted October 18, 2007** - Filed November 5, 2007. Assistant Appellate Defender Aileen P. Clare, of the South Carolina Commission on Indigent Defense, Division of Appellate Defense, of Columbia,

for petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Sabrina C. Todd, of Columbia, for respondent. **PER CURIAM:** We granted this petition for a writ of certiorari to review the circuit court's order denying petitioner's post-conviction relief application. After careful consideration, **we now dismiss certiorari as improvidently granted. TOAL, C.J., MOORE, WALLER, PLEICONES and BEATTY, JJ., concur.**

Memorandum Opinion No. 2007-MO-063 - Tyrone Lamont Simpson, Respondent, v. State of South Carolina- York County - John C. Hayes, Jr., Trial Judge - Lee S. Alford, Post-Conviction Judge - **Submitted October 18, 2007** - Filed November 5, 2007. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Molly R. Crum, all of Columbia, for Petitioner. Debra Yvonne Chapman, and Joshua Kendrick, both of Columbia, for Respondent. **PER CURIAM:** After careful consideration of the Appendix and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED. TOAL, C.J., MOORE, WALLER, PLEICONES and BEATTY, JJ., concur.**

Memorandum Opinion No. 2007-MO-068 - James L. Heyward, Respondent/Petitioner, v. State of South Carolina, Petitioner/Respondent. Berkeley County - Daniel F. Pieper, Circuit Judge - **Submitted November 15, 2007** - Filed December 10, 2007. Deputy Chief Attorney for Capital Appeals Robert M. Dudek, of South Carolina Commission on Indigent Defense, Division of Appellate Defense, Columbia, for Respondent/Petitioner. Attorney General Henry D. McMaster, Chief Deputy Attorney General John W. McIntosh, and Assistant Deputy Attorney General Donald J. Zelenka, all of Columbia, for Petitioner/Respondent. **PER CURIAM:** After careful consideration of the appendix and briefs, **both writs of certiorari are DISMISSED AS IMPROVIDENTLY GRANTED. TOAL, C.J., MOORE, WALLER, PLEICONES and BEATTY, JJ., concur.**

Memorandum Opinion No. 2007-MO-069 - Raymond Anthony Hall, Respondent, v. State of South Carolina - Spartanburg County - Roger L. Couch, Post-Conviction Judge - Gary E. Clary, Trial Judge - **Submitted December 6, 2007** - Filed December 10, 2007. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Molly Crum, all of Columbia, for Petitioner. J. Falkner Wilkes, of Greenville, for Respondent. **PER CURIAM:** After careful review of the Appendix and briefs, **we DISMISS CERTIORARI AS IMPROVIDENTLY GRANTED. TOAL, C.J., MOORE, WALLER and PLEICONES, JJ., concur. BEATTY, J., not participating.**

Memorandum Opinion No. 2007-MO-070 - Michael J. Davis, Respondent, v. State of South Carolina - Laurens County - Wyatt T. Saunders, Jr, Circuit Judge - **Submitted November 15, 2007** - Filed December 17, 2007. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Julie Thames, all of Columbia, for Petitioner. John A. O'Leary, of O'Leary & Associates, P.A, of Columbia, for Respondents. **PER CURIAM:** We granted the state's petition for a writ of certiorari to review **the grant of Post-Conviction Relief (PCR)** to Respondent, Michael J. Davis. **We dismiss the writ as improvidently granted. TOAL, C.J., MOORE, WALLER, PLEICONES and BEATTY, JJ., concur.**

Memorandum Opinion No. 2007-MO-073 - Edward Burton, Petitioner, v. State of South Carolina - Abbeville County - James E. Lockemy, Circuit Judge - **Submitted December 6, 2007** - Filed December 17, 2007. Assistant Appellate Defender Aileen P. Clare, of South Carolina Commission on Indigent Defense, Division of Appellate Defense, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, and Assistant Deputy Attorney General Salley W. Elliott, all of Columbia, for Respondent. **PER CURIAM:** We granted certiorari to review the post-conviction relief court's denial of relief to petitioner. **We now dismiss the writ as improvidently granted. TOAL, C.J., MOORE, WALLER, PLEICONES and BEATTY, JJ., concur.**

Memorandum Opinion No. 2008-MO-004 - Terrence Mitchell, Petitioner, v. State of South Carolina - Richland County - G. Thomas Cooper, Jr., Circuit Judge - **Memorandum Opinion No. 2008-MO-004 - Submitted November 15, 2007** - Filed January 14, 2008. Deputy Chief Attorney Wanda H. Carter, of South Carolina Commission on Indigent Defense, Division of Appellate Defense, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, Assistant Attorney General Ashley A. McMahan, all of Columbia, for Respondent. **PER CURIAM:** After careful consideration of the Appendix and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED. TOAL, C.J., MOORE, WALLER, PLEICONES and BEATTY, JJ., concur.**

Memorandum Opinion No. 2008-MO-005 - Marcus Fashaw, Petitioner, v. State of South Carolina - Chesterfield County - B. Hicks Harwell, Jr., Circuit Judge - **Submitted January 23, 2008** - Filed January 28, 2008. Appellate Defender Robert M. Pachak, of South Carolina Commission on Indigent Defense, Division of Appellate Defense, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Karen Ratigan, all of Columbia, for Respondent. **PER CURIAM:** After careful consideration of the appendix and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED. TOAL, C.J., MOORE, WALLER, PLEICONES and BEATTY, JJ., concur.**

Memorandum Opinion No. 2008-MO-011 - Anthony Derrick, Respondent, v. State of South Carolina. Cherokee County - J. Mark Hayes, II, Circuit Judge - **Submitted January 23, 2008** - Filed February 25, 2008. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, Assistant Attorney General Molly Crum, of Columbia, for Petitioner. Appellate Defender Robert M. Pachak, of South Carolina Commission on Indigent Defense, Division of Appellate Defense, of Columbia, for Respondent. **PER CURIAM:** We granted a

writ of certiorari to review **the grant of post-conviction relief** to Respondent, Anthony Derrick. **We now dismiss the writ as improvidently granted.** TOAL, C.J., MOORE, WALLER, PLEICONES and BEATTY, JJ., concur.

Memorandum Opinion No. 2008-MO-019 - Trentius Tucker, Respondent, v. State of South Carolina - Richland County - Thomas W. Cooper, Jr., Circuit Judge - **Submitted April 1, 2008** - Filed April 7, 2008. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, Assistant Attorney General Brian Petrano, of Columbia, for Petitioner. Deputy Chief Appellate Defender Wanda H. Carter, of South Carolina Commission on Indigent Defense, Division of Appellate Defense, of Columbia, for Respondent. **PER CURIAM:** After careful consideration of the Appendix and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED.** TOAL, C.J., MOORE, WALLER, PLEICONES and BEATTY, JJ., concur.

Memorandum Opinion No. 2008-MO-022 - Jerome Primus, Petitioner, v. State of South Carolina - Berkeley County - Perry M. Buckner, Circuit Judge - **Submitted April 16, 2008** - Filed May 12, 2008. Appellate Defender Robert M. Pachak, of South Carolina Commission on Indigent Defense, Division of Appellate Defense, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, and Assistant Deputy Attorney General Salley W. Elliott, all of Columbia, for Respondent. **PER CURIAM:** After careful consideration of the appendix and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED.** TOAL, C.J., MOORE, WALLER and PLEICONES, JJ., concur. BEATTY, J., not participating.

Opinion No. 2008-MO-032 - Gary J. Long, Jr., Petitioner, v. State of South Carolina - Sumter County - Thomas W. Cooper, Jr., Circuit Judge - **Submitted June 26, 2008** - Filed July 14, 2008. Keir M. Weyble, of Blume Weyble & Norris, LLC, of Columbia, for petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, Assistant Attorney General Lance S. Boozer, of Columbia, for respondent. **PER CURIAM:** We granted this petition for a writ of certiorari to review the circuit court's order denying petitioner's post-conviction relief application. After careful consideration, **we now dismiss certiorari as improvidently granted.** TOAL, C.J., MOORE, WALLER and PLEICONES, JJ., concur. BEATTY, J., not participating.

Memorandum Opinion No. 2008-MO-040 - Thomas Lee Coleman, Respondent, v. State of South Carolina - Jasper County - John C. Few, Circuit Judge - **Submitted September 18, 2008** - Filed September 22, 2008. Attorney General Henry Dargan McMaster, Chief Deputy John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Matthew J. Friedman, all of Columbia, for Petitioner. Appellate Defender Robert M. Pachak, of South Carolina Commission on Indigent Defense, Division of Appellate Defense, of Columbia, for Respondent. **PER CURIAM:** After careful consideration of the appendix and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED.** TOAL, C.J., WALLER, PLEICONES, BEATTY and KITTREDGE, JJ., concur.

Memorandum Opinion No. 2008-MO-042 - Edward N. Dawson, Respondent, v. State of South Carolina - Charleston County - Roger M. Young, Circuit Judge - **Submitted October 22, 2008** - Filed October 27, 2008. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, Assistant Attorney General Matthew J. Friedman, Office of the Attorney General, of Columbia, for Petitioner. Deputy Chief Appellate Defender Wanda H. Carter, South Carolina Commission on Indigent Defense, Division of Appellate Defense, of Columbia, for Respondent. **PER CURIAM:** After careful consideration of the Appendix and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED.** TOAL, C.J., WALLER, PLEICONES and BEATTY, JJ., concur. KITTREDGE, J., not participating.

Memorandum Opinion No. 2008-MO-043 - James Bledsoe, Petitioner, v. State of South Carolina - Lexington County - Marc E. Westbrook, Circuit Judge - L. Casey Manning, Post-Conviction Judge - **Submitted October 22, 2008** - Filed October 27, 2008. Appellate Defender Robert M. Pachak, of South Carolina Commission on Indigent Defense, Division of Appellate Defense, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley E. Elliott, and Assistant Attorney General Daniel E. Grigg, all of Columbia, for Respondent. **PER CURIAM:** After careful review of the Appendix and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED.** TOAL, C.J., WALLER, PLEICONES, BEATTY and KITTREDGE, JJ., concur.

Memorandum Opinion No. 2008-MO-046 - Antwain D. Ellis, Respondent, v. State of South Carolina - Richland County - L. Casey Manning, Circuit Judge - **Submitted November 19, 2008** - November 24, 2008. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General David Spencer, all of Columbia, for Petitioner. Appellate Defender Robert M. Pachak, of South Carolina Commission on Indigent Defense, Division of Appellate Defense, of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review **the grant of post-conviction relief (PCR) to Respondent, Antwain Ellis. We now dismiss the writ as improvidently granted.** TOAL, C.J., WALLER, BEATTY and KITTREDGE, JJ., concur. PLEICONES, J., not participating.

Memorandum Opinion No. 2008-MO-051 - Charles M. Stuckey, Jr., Petitioner, v. State of South Carolina - Marlboro County - John M. Milling, Circuit Judge - **Submitted December 4, 2008** - Filed December 8, 2008. Appellate Defender Robert M. Pachak, of South Carolina Commission on Indigent Defense, Division of Appellate Defense, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy

Attorney General Salley W. Elliott, Assistant Attorney General Karen Ratigan, of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the denial of Petitioner's application for post-conviction relief (PCR). **We now dismiss the writ as improvidently granted.** TOAL, C.J., WALLER, PLEICONES, BEATTY and KITTREDGE, JJ., concur.

Memorandum Opinion No. 2009-MO-001 - Radrick Q. Hill, Petitioner, v. State of South Carolina - Greenwood County - Wyatt T. Saunders, Jr, Circuit Judge - **Submitted November 19, 2008** - Filed January 12, 2009. C. Rauch Wise, of Greenwood, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Julie M. Thames, all of Columbia, for Respondent. **PER CURIAM:** After careful review of the appendix and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED.** TOAL, C.J., WALLER, PLEICONES, BEATTY and KITTREDGE, JJ., concur.

Memorandum Opinion No. 2009-MO-003 - Sheridan T. Littlejohn, **Respondent-Petitioner**, v. State of South Carolina, **Petitioner-Respondent**. - Greenville County - James E. Lockemy, Circuit Judge - **Submitted January 22, 2009** - Filed January 26, 2009. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, Assistant Attorney General Karen C. Ratigan, all of Office of the Attorney General, of Columbia, for Petitioner-Respondent. Kenneth Clifton Gibson, of Greenville, for Respondent-Petitioner. **PER CURIAM:** After careful consideration of the Appendix and briefs, **both writs of certiorari are DISMISSED AS IMPROVIDENTLY GRANTED.** TOAL, C.J., WALLER, PLEICONES, BEATTY and KITTREDGE, JJ., concur.

Memorandum Opinion No. 2009-MO-004 - Benjamin Huggins, Petitioner, v. State of South Carolina. Kershaw County - L. Casey Manning, Circuit Judge - **Submitted January 22, 2009** - Filed January 26, 2009. Tricia A. Blanchette, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Brian T. Petrano, all of Columbia, for Respondent. **PER CURIAM:** We granted certiorari to review the post-conviction relief court's denial of relief to petitioner. **We now dismiss the writ as improvidently granted.** TOAL, C.J., WALLER, PLEICONES, BEATTY and KITTREDGE, JJ., concur.

Memorandum Opinion No. 2009-MO-005 - Ervin Maurice Gadsden, **Respondent**, v. State of South Carolina, - Charleston County - William P. Keesley, Circuit Judge - **Submitted November 19, 2008** - Filed January 26, 2009. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General S. Prentiss Counts, all of Columbia, for Petitioner. Appellate Defender Robert M. Pachak, of South Carolina Commission on Indigent Defense, Division of Appellate Defense, of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the PCR judge's ruling. After careful consideration of the record and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED.** TOAL, C.J., WALLER, BEATTY and KITTREDGE, JJ., concur. PLEICONES, J., not participating.

Opinion No. 2009-MO-006 - Ronnie Harris, Petitioner, v. State of South Carolina - Greenville County - John C. Few, Circuit Judge - **Submitted January 22, 2009** - Filed February 9, 2009. Deputy Chief Appellate Defender Wanda H. Carter, of South Carolina Commission on Indigent Defense, Division of Appellate Defense, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, Assistant Attorney General Karen Ratigan, all of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the post-conviction relief court's order denying relief to Petitioner. After careful consideration of the record and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED.** TOAL, C.J., WALLER, PLEICONES, BEATTY and KITTREDGE, JJ., concur.

Memorandum Opinion No. 2009-MO-009 - James Oxendine, Petitioner, v. State of South Carolina - Richland County - James R. Barber, III, Circuit Judge - **Submitted February 19, 2009** - Filed February 23, 2009. Deputy Chief Appellate Defender Wanda H. Carter, South Carolina Commission on Indigent Defense, Division of Appellate Defense, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley E. Elliott, Assistant Attorney General Brian T. Petrano, of Columbia, for Respondent. **PER CURIAM:** After careful consideration of the Appendix and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED.** TOAL, C.J., WALLER, PLEICONES, BEATTY and KITTREDGE, JJ., concur.

Memorandum Opinion No. 2009-MO-010 - Byron Spivey, Petitioner, v. State of South Carolina. Spartanburg County - Doyet A. Early, III, Circuit Judge - **Submitted February 19, 2009** - Filed February 23, 2009. Deputy Chief Appellate Defender Wanda H. Carter, of South Carolina Commission on Indigent Defense, Division of Appellate Defense, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Molly R. Crum, of Columbia, for Respondent. **PER CURIAM:** We granted certiorari to review the post-conviction relief court's denial of relief to petitioner. **We now dismiss the writ as improvidently granted.** TOAL, C.J., WALLER, PLEICONES and KITTREDGE, JJ., concur. BEATTY, J. not participating.

Opinion No. 2009-MO-011 - Alfonso Staton, Petitioner, v. State of South Carolina - Marlboro County - John M. Milling, Post-Conviction Judge - **Submitted February 19, 2009** - Filed February 23, 2009. Deputy Chief Appellate Defender Wanda H. Carter, of South Carolina Commission on Indigent Defense, Division of Appellate Defense, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney

General Salley W. Elliott, and Assistant Attorney General Karen Ratigan, all of Columbia, for Respondent. **PER CURIAM:** After careful consideration of the Appendix and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED. TOAL, C.J., WALLER, PLEICONES, BEATTY and KITTREDGE, JJ., concur.**

Memorandum Opinion No. 2009-MO-014 - Leroy Staton, Petitioner, v. State of South Carolina - Marlboro County - Paul M. Burch, Post-Conviction Judge - **Submitted March 18, 2009** - Filed March 23, 2009. Chief Appellate Defender Joseph L. Savitz, III, of South Carolina Commission on Indigent Defense, Division of Appellate Defense, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Karen Ratigan, all of Columbia, for Respondent. **PER CURIAM:** After careful consideration of the Appendix and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED. TOAL, C.J., WALLER, PLEICONES, BEATTY and KITTREDGE, JJ., concur.**

Memorandum Opinion No. 2009-MO-016 - Adongo Johnson, Petitioner, v. State of South Carolina - Charleston County - William P. Keesley, Post-Conviction Judge - **Submitted March 18, 2009** - Filed April 13, 2009. Deputy Chief Appellate Defender Wanda H. Carter, of South Carolina Commission on Indigent Defense, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Matthew J. Friedman, all of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the denial of Petitioner's application for Post-Conviction Relief. **We now dismiss the writ as improvidently granted. TOAL, C.J., WALLER, PLEICONES, BEATTY and KITTREDGE, JJ., concur.**

Opinion No. 2009-MO-021 - Ron G. Taylor, **Respondent**, v. State of South Carolina - Lee County - Howard P. King, Circuit Judge - **Submitted April 22, 2009** - Filed April 27, 2009. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Lance S. Boozar, all of Columbia, for Petitioner. Deputy Chief Appellate Defender Wanda H. Carter, of South Carolina Commission on Indigent Defense, of Columbia, for Respondent. **PER CURIAM:** Respondent Ron G. Taylor was granted post-conviction relief by the lower court. We granted the State's petition for a writ of certiorari. After a careful review of the record, appendix, and briefs, **the writ is DISMISSED AS IMPROVIDENTLY GRANTED. TOAL, C.J., WALLER, PLEICONES, BEATTY and KITTREDGE, JJ., concur.**

Memorandum Opinion No. 2009-MO-023 - William D. Tanks, Petitioner, v. State of South Carolina. Lexington County - Clyde N. Davis, Jr., Circuit Judge - **Submitted April 22, 2009** - May 26, 2009. Appellate Defender M. Celia Robinson, of South Carolina Commission on Indigent Defense, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the denial of Petitioner's application for post-conviction relief (PCR). **We now dismiss the writ as improvidently granted. TOAL, C.J., WALLER, PLEICONES, BEATTY and KITTREDGE, JJ., concur.**

Memorandum Opinion No. 2009-MO-026 - Charles Smith, Petitioner, v. State of South Carolina - Richland County - Alison Renee Lee, Circuit Court Judge - **Submitted May 28, 2009** - Filed June 1, 2009. Appellate Defender Robert M. Pachak, of South Carolina Commission on Indigent Defense, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Chief Attorney General Salley Elliott, Assistant Attorney General Brian T. Petrano, all of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the denial of Petitioner's application for post-conviction relief (PCR). **We now dismiss the writ as improvidently granted. TOAL, C.J., WALLER, PLEICONES, BEATTY and KITTREDGE, JJ., concur.**

Memorandum Opinion No. 2009-MO-031 - Tommy Riley, Petitioner, v. State of South Carolina - Richland County - James R. Barber, Circuit Judge - **Submitted May 28, 2009** - Filed June 22, 2009. Appellate Defender LaNelle C. DuRant, of South Carolina Commission on Indigent Defense, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley Elliott, and Assistant Attorney General Brian T. Petrano, all of Columbia, for Respondent. **PER CURIAM:** We granted certiorari to review the post-conviction relief court's denial of relief to petitioner, Tommy Riley. After careful consideration, **we now dismiss certiorari as improvidently granted. TOAL, C.J., WALLER, PLEICONES, BEATTY and KITTREDGE, JJ., concur.**

Memorandum Opinion No. 2009-MO-038 - Stacy Raysor, **Respondent**, v. State of South Carolina - Richland County - John C. Hayes, III, Circuit Court Judge - **Submitted June 24, 2009** - Filed July 13, 2009. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Brian T. Petrano, all of Columbia, for Petitioner. Joshua Kendrick, of Columbia, for Respondent. **PER CURIAM:** The Court of Appeals granted certiorari to review the post-conviction relief court's grant of relief to respondent Stacy Raysor. Pursuant to Rule 204(b), SCACR, this Court certified the case for review. **We now dismiss the writ as improvidently granted.** [1] **TOAL, C.J., WALLER, PLEICONES, BEATTY and KITTREDGE, JJ., concur.** [1] We note that respondent was granted summary judgment, and the matter was remanded to the Richland County Court of General Sessions for resentencing. **We clarify that the resentencing shall take place before a judge different from the original judge who presided over respondent's guilty plea.**

Opinion No. 2009-MO-039 - Cory T. Credell, Petitioner, v. State of South Carolina - Orangeburg County - Lee S. Alford, Circuit Judge - **Submitted June 24, 2009** - Filed July 13, 2009. Deputy Chief Appellate Defender Wanda H.

Carter, of South Carolina Commission on Indigent Defense, of Columbia, and Jeffrey Bloom, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Mary S. Williams, all of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the denial of Petitioner's application for Post-Conviction Relief. **We now dismiss the writ as improvidently granted. TOAL, C.J., WALLER, PLEICONES, BEATTY and KITTREDGE, JJ., concur.**

Memorandum Opinion No. 2009-MO-041 - William James Lillie, Petitioner, v. State of South Carolina - Greenville County - Edward W. Miller, Circuit Judge - **Submitted May 28, 2009** - Filed July 20, 2009. Appellate Defender LaNelle C. DuRant, of South Carolina Commission on Indigent Defense, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott and Assistant Attorney General Karen Ratigan, all of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the denial of Petitioner's application for Post-Conviction Relief. **We now dismiss the writ as improvidently granted. TOAL, C.J., WALLER, PLEICONES, BEATTY and KITTREDGE, JJ., concur.**

Memorandum Opinion No. 2009-MO-048 - Clifton Curtis, Petitioner, v. State of South Carolina - Edgefield County - William P. Keesley, Circuit Judge - **Submitted September 17, 2009** - Filed September 21, 2009. Deputy Chief Appellate Defender Wanda H. Carter, of South Carolina Commission on Indigent Defense, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, Assistant Attorney General Gregory P. Jones, Jr., all of Columbia, for Respondent. **PER CURIAM:** After careful consideration of the Appendix and briefs, the writ of certiorari is **DISMISSED AS IMPROVIDENTLY GRANTED. TOAL, C.J., WALLER, PLEICONES, BEATTY and KITTREDGE, JJ., concur.**

Memorandum Opinion No. 2009-MO-050 - Frederick Y. Culp, Petitioner, v. State of South Carolina. York County - G. Edward Welmaker, Circuit Judge - **Submitted September 17, 2009** - Filed September 21, 2009. Deputy Chief Appellate Defender Wanda H. Carter, of South Carolina Commission on Indigent Defense, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Ashley A. McMahan, all of Columbia, for Respondent. **PER CURIAM:** We granted certiorari to review the post-conviction relief court's denial of relief to petitioner. **We now dismiss the writ as improvidently granted. TOAL, C.J., WALLER, PLEICONES, BEATTY and KITTREDGE, JJ., concur.**

Opinion No. 2009-MO-053 - Andy Gilchrist, Petitioner, v. State of South Carolina. Aiken County - Doyet A. Early, III, Post-Conviction Judge - **Submitted September 17, 2009** - Filed October 12, 2009. Deputy Chief Appellate Defender Wanda H. Carter, of South Carolina Commission on Indigent Defense, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Mary S. Williams, all of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the denial of Petitioner's application for Post-Conviction Relief. **We now dismiss the writ as improvidently granted. TOAL, C.J., WALLER, PLEICONES, BEATTY and KITTREDGE, JJ., concur.**

Memorandum Opinion No. 2009-MO-063 - Deral Lamont Stanley, Petitioner, v. State of South Carolina - Horry County - J. Michael Baxley, Post-Conviction Judge - Edward B. Cottingham, Trial Judge - **Submitted December 2, 2009** - Filed December 7, 2009. Appellate Defender Robert M. Pachak, of South Carolina Commission on Indigent Defense, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Christina J. Catoe, all of Columbia, for Respondent. **PER CURIAM:** After careful review of the Appendix and Briefs, the writ of certiorari is **DISMISSED AS IMPROVIDENTLY GRANTED. TOAL, C.J., WALLER, PLEICONES, BEATTY and KITTREDGE, JJ., concur.**

Memorandum Opinion No. 2010-MO-001 - Ernest Sibert, **Respondent**, v. State of South Carolina - Greenville County - James E. Lockemy, Circuit Judge - **Submitted December 2, 2009** - Filed January 11, 2010. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Karen C. Ratigan, all of Columbia, for Petitioner. Deputy Chief Wanda H. Carter, of South Carolina Commission on Indigent Defense, for Respondent. **PER CURIAM:** We granted the state's petition for a writ of certiorari to review the trial court's grant of Post-Conviction Relief (PCR) to Respondent, Ernest Berry Sibert. The PCR court held Sibert was entitled to a new Drug Court termination hearing and a new sentencing on the charge of distribution of crack, 3rd offense. We find the PCR court properly remanded for a new termination hearing and, accordingly, we dismiss the writ of certiorari as improvidently granted. **TOAL, C.J., WALLER, PLEICONES, BEATTY and KITTREDGE, JJ., concur.**

Memorandum Opinion No. 2010-MO-005 - Eric Bernard Epps, Petitioner, v. State of South Carolina - Florence County - Michael Nettles, Post-Conviction Judge - **Submitted February 4, 2010** - Filed March 1, 2010. Appellate Defender LaNelle C. DuRant, of South Carolina Commission on Indigent Defense, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott,

and Assistant Attorney General Julie M. Thames, all of Columbia, for Respondents. **PER CURIAM:** After careful consideration of the Appendix and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Opinion No. 2010-MO-018 – Kenneth B. Scott, Jr., Petitioner, v. State of South Carolina – Greenville County – John C. Few, Circuit Court Judge – Alexander S. Macaulay, Circuit Court Judge – **Submitted May 13, 2010** – Filed July 26, 2010. Tara Shurling, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott and Assistant Attorney General Karen C. Ratigan, all of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the post-conviction relief court's order denying relief to Petitioner. After careful consideration of the record and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED. TOAL, C.J., PLEICONES, KITTREDGE and HEARN, JJ., concur. BEATTY, J., not participating.**

Memorandum Opinion No. 2010-MO-024 – Gregory Kente' Neely, Petitioner, v. State of South Carolina. Richland County – L. Casey Manning, Circuit Court Judge – **Submitted September 23, 2010** – Filed September 27, 2010. Appellate Defender Robert M. Pachak, of South Carolina Commission on Indigent Defense, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott and Assistant Attorney General Brian T. Petrano, all of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the denial of Petitioner's application for post-conviction relief (PCR). **We now dismiss the writ as improvidently granted. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Memorandum Opinion No. 2011-MO-009 – Alvin B. Zellars, Petitioner, v. State of South Carolina. Charleston County – G. Edward Welmaker, Circuit Judge – **Submitted March 16, 2011** – March 21, 2011. Appellate Defender Elizabeth Franklin-Best, of South Carolina Commission on Indigent Defense, of Columbia, for Petitioner. Attorney General Alan Wilson, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Matthew Friedman, all of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the denial of Petitioner's application for post-conviction relief (PCR). **We now dismiss the writ as improvidently granted. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Memorandum Opinion No. 2011-MO-010 – Bruce Allen Roddey, Petitioner, v. State of South Carolina – York County – John C. Hayes, III, Circuit Court Judge – **Submitted February 11, 2011** – Filed March 21, 2011. Appellate Defender M. Celia Robinson, of South Carolina Commission on Indigent Defense, of Columbia, for Petitioner. Attorney General Alan Wilson, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Ashley McMahan, all of Columbia, for Respondent. **PER CURIAM:** After careful consideration of the appendix and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Memorandum Opinion No. 2011-MO-011 – Framon D. Frasier, Respondent, v. State of South Carolina – Charleston County – R. Markley Dennis, Jr., Circuit Judge – **Submitted February 16, 2011** – Filed March 21, 2011. Attorney General Alan Wilson, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Matthew J. Friedman, all of Columbia, for Petitioner. Appellate Defender LaNelle C. DuRant, of South Carolina Commission on Indigent Defense, of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the post-conviction relief court's order granting relief to Petitioner. After careful consideration of the record and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Memorandum Opinion No. 2011-MO-013 – Joey Johnson, Petitioner, v. State of South Carolina – Anderson County – R. Knox McMahon, Circuit Judge – **Submitted April 20, 2011** – Filed April 25, 2011. Appellate Defender Kathrine H. Hudgins, South Carolina Commission on Indigent Defense, of Columbia, for Petitioner. Attorney General Alan Wilson, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, Assistant Attorney General A. West Lee, Office of the Attorney General, all of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the decision of the circuit court dismissing Johnson's post-conviction relief application and denying him relief. **We now dismiss the writ as improvidently granted. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Memorandum Opinion No. 2011-MO-018 – Mikal J. Ruffin, Petitioner, v. State of South Carolina – Cherokee County – Roger L. Couch, Circuit Judge – **Submitted May 25, 2011** – Filed July 11, 2011. Raymond Elston MacKay, of Anderson, for Petitioner. Attorney General Alan Wilson; Chief Deputy Attorney General John W. McIntosh; Assistant Deputy Attorney General Salley W. Elliott; and Assistant Attorney General Suzanne H. White, all of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the post-conviction relief court's order denying relief to Petitioner. After careful consideration of the appendix and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Memorandum Opinion No. 2011-MO-024 – Staffon Ray, Petitioner, v. State of South Carolina – Richland County – Alison Renee Lee, Circuit Judge – **Submitted September 22, 2011** – Filed September 26, 2011. Appellate Defender LaNelle C. DuRant, of South Carolina Commission on Indigent Defense, of Columbia, for Petitioner. Attorney General Alan Wilson,

Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Brian Petrano, all of Columbia, for Respondent. **PER CURIAM:** Staffon Ray pled guilty to charges of first-degree burglary and petit larceny. He was sentenced to concurrent prison terms of sixteen years for first-degree burglary and thirty days for petit larceny, with credit for time served. No direct appeal was taken. Ray applied for post-conviction relief (PCR), alleging his guilty plea was involuntary and defense counsel was ineffective for failing to properly investigate his case. This Court granted Ray's petition for a writ of certiorari to review a circuit court order denying his PCR application. **We now dismiss the writ of certiorari as improvidently granted. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Memorandum Opinion No. 2011-MO-025 - David Harrell, Jr., Petitioner, v. State of South Carolina - Dorchester County - Diane Schafer Goodstein, Circuit Judge - **Submitted September 22, 2011** - Filed September 26, 2011. Joshua Kendrick, of Columbia, for Petitioner. Attorney General Alan Wilson, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Mary S. Williams, all of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the denial of Petitioner's application for post-conviction relief (PCR). **We now dismiss the writ as improvidently granted. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Memorandum Opinion No. 2011-MO-028 - Chavis Obrian Jordan, Petitioner, v. State of South Carolina - Chesterfield County - Paul M. Burch, Post-Conviction Judge - **Submitted October 19, 2011** - Filed October 24, 2011. Appellate Defender Robert M. Pachak, of South Carolina Commission on Indigent Defense, of Columbia, for Petitioner. Attorney General Alan Wilson, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Karen Ratigan, all of Columbia, for Respondent. **PER CURIAM:** After careful consideration of the Appendix and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Memorandum Opinion No. 2011-MO-029 - David Michael Burress, Petitioner, v. State of South Carolina - Greenville County - Edward W. Miller, Circuit Judge - **Submitted October 19, 2011** - Filed October 24, 2011. Appellate Defender LaNelle C. DuRant, of South Carolina Commission on Indigent Defense, of Columbia, for Petitioner. Attorney General Alan Wilson, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, Assistant Attorney General Karen Ratigan, of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the circuit court's denial of post-conviction relief for Petitioner. **We now dismiss the writ as improvidently granted. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Memorandum Opinion No. 2011-MO-031 - Curtis Patterson, Petitioner, v. State of South Carolina - Aiken County - Costa M. Pleicones, Plea Judge - Doyet A. Early, III, Post-Conviction Judge - **Submitted November 16, 2011** - Filed November 21, 2011. Appellate Defender Kathrine H. Hudgins, of South Carolina Commission on Indigent Defense, of Columbia, for Petitioner. Attorney General Alan Wilson, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Mary S. Williams, all of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the denial of Petitioner's application for post-conviction relief (PCR). **We now dismiss the writ as improvidently granted. TOAL, C.J., BEATTY, KITTREDGE and HEARN, JJ., concur. PLEICONES, J., not participating.**

Memorandum Opinion No. 2011-MO-034 - James Michael Lucas, Petitioner, v. State of South Carolina - Lexington County - R. Markley Dennis, Trial Judge - Diane Schafer Goodstein, Post-Conviction Judge - **Submitted December 1, 2011** - Filed December 5, 2011. Appellate Defender Susan Barber Hackett, of South Carolina Commission on Indigent Defense, of Columbia, for Petitioner. Attorney General Alan Wilson, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Kaelon E. May, of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the denial of Petitioner's application for post-conviction relief (PCR). **We now dismiss the writ as improvidently granted. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Memorandum Opinion No. 2011-MO-035 - Cedric Martino, Petitioner, v. State of South Carolina - Colleton County - Michael Nettles, Circuit Judge - **Submitted December 1, 2011** - Filed December 5, 2011. Jeremy Adam Thompson, of Columbia, for Petitioner. Attorney General Alan Wilson, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Matthew J. Friedman, all of Columbia, for Respondent. **PER CURIAM:** After careful consideration of the Appendix and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Memorandum Opinion No. 2012-MO-012 - Tommy Novack Lloyd, Petitioner, v. State of South Carolina - Richland County - L. Casey Manning, Circuit Judge - **Submitted April 18, 2012** - Filed May 9, 2012. Deputy Chief Appellate Defender Wanda H. Carter, of Columbia, for Petitioner. Attorney General Alan Wilson, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, Assistant Attorney General Brian T. Petrano, of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the denial of Petitioner's application for post-conviction relief (PCR). **We now dismiss the writ as improvidently granted. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Memorandum Opinion No. 2012-MO-013 - McKenzie Corey Shelton, Petitioner, v. State of South Carolina - Laurens County - D. Garrison Hill, Circuit Judge - **Submitted April 18, 2012** - Filed May 9, 2012. Appellate Defender Robert M.

Pachak, of Columbia, for Petitioner. Attorney General Alan Wilson, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Ashley McMahan, all of Columbia, for Respondent. PER CURIAM: After careful consideration of the Appendix and briefs, the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED. PLEICONES, ACTING CHIEF JUSTICE, BEATTY, KITTREDGE and HEARN, JJ., concur. TOAL, C.J., not participating.

Memorandum Opinion No. 2012-MO-014 - Derek J. Brown, Petitioner, v. State of South Carolina - Laurens County - D. Garrison Hill, Circuit Judge - **Submitted April 18, 2012** - Filed May 9, 2012. William T. Toal, of Johnson Toal & Battiste, of Columbia, for Petitioner. Attorney General Alan Wilson, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Ashley McMahan, all of Columbia, for Respondent. **PER CURIAM: After careful consideration of the Appendix and briefs, the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED. PLEICONES, ACTING CHIEF JUSTICE, BEATTY, KITTREDGE and HEARN, JJ., concur. TOAL, C.J., not participating.**

Memorandum Opinion No. 2012-MO-017 - Dana Rikard, Petitioner, v. State of South Carolina - Lexington County - James W. Johnson, Jr., Trial Judge - John M. Milling, Post-Conviction Judge - **Submitted May 23, 2012** - Filed May 30, 2012. Appellate Defender Kathrine H. Hudgins, of Columbia, for Petitioner. Attorney General Alan Wilson, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Kaelon May, of Columbia, for Respondent. **PER CURIAM: We granted a writ of certiorari to review the denial of Petitioner's application for post-conviction relief (PCR). We now dismiss the writ as improvidently granted. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Unpublished Opinion No. 2012-MO-022 - Albert Scruggs, Petitioner, v. State of South Carolina. **Appellate Case No. 2009-133949** - Richland County - L. Casey Manning, Circuit Judge - **Submitted May 22, 2012** - Filed June 13, 2012. Kathrine Haggard Hudgins, of Columbia, SC, for Petitioner Albert Scruggs. Attorney General Alan McCrory Wilson, Chief Deputy Attorney General John W. McIntosh, Senior Assistant Deputy Attorney General Salley W. Elliott, Assistant Attorney General Brian T. Petrano, all of Columbia, SC, for Respondent State of South Carolina. **PER CURIAM: We granted a writ of certiorari to review the circuit court's denial of Albert Scruggs' application for post-conviction relief. We now dismiss the writ as improvidently granted. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Memorandum Opinion No. 2012-MO-024 - Johnnie Smith, Jr., Petitioner, v. State of South Carolina. **Appellate Case No. 2009-133326** - York County - John C. Hayes, III, Circuit Judge - **Submitted May 2, 2012** - Filed June 27, 2012. Wanda H. Carter, of Columbia, for Petitioner Johnnie Smith, Jr. Attorney General Alan McCrory Wilson, Chief Deputy Attorney General John W. McIntosh, Senior Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Ashley Anne McMahan, all of Columbia, for Respondent State of South Carolina. **PER CURIAM: We granted certiorari to review the circuit court's denial of Johnnie Smith's application for post-conviction relief. We now dismiss the writ as improvidently granted. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Memorandum Opinion No. 2012-MO-025 - Clay A. Blake, Petitioner, v. State of South Carolina, Respondent. **Appellate Case No. 2010-155846** - Georgetown County Benjamin H. Culbertson, Circuit Court Judge - **Submitted May 2, 2012** - Filed June 27, 2012. Robert Michael Dudek, of Columbia, for Petitioner. Attorney General Alan McCrory Wilson, Chief Deputy Attorney General John W. McIntosh, Senior Assistant Deputy Attorney General Salley W. Elliott, and Christina J. Catoe, all of Columbia, for Respondent. **PER CURIAM: After careful consideration of the Appendix and briefs, the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Memorandum Opinion No. 2012-MO-036 - Waymon S. Harbin, Jr., Respondent, v. State of South Carolina. Appellate Case No. 2009-139675 - Anderson County J. Cordell Maddox, Jr., Circuit Court Judge - **Submitted September 20, 2012** - Filed September 26, 2012. Attorney General Alan McCrory Wilson, Senior Assistant Deputy Attorney General Salley W. Elliott, Chief Deputy Attorney General John W. McIntosh, Assistant Attorney General Kaelon Elizabeth May, all of Columbia, for Petitioner State of South Carolina. Bruce A. Byrholdt, of Chapman Byrholdt & Yon, of Anderson, for Respondent. **PER CURIAM: After careful consideration of the Appendix and briefs, the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Memorandum Opinion No. 2012-MO-038 - Jamul Ratub El, Petitioner, v. State of South Carolina. **Appellate Case No. 2009-140686** - York County - Lee S. Alford, Circuit Judge - **Submitted September 20, 2012** - Filed October 10, 2012. Appellate Defender Susan B. Hackett, of South Carolina Commission on Indigent Defense, of Columbia, for Appellant. Attorney General Alan M. Wilson, Chief Deputy Attorney General John W. McIntosh, Senior Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General J. Rutledge Johnson, all of Columbia, for Respondent. **PER CURIAM: We granted a writ of certiorari to review the denial of Petitioner's application for post-conviction relief. We now dismiss the writ as improvidently granted. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Cv-Memorandum Opinion No. 2012-MO-044 - Walter Mortgage Company, Respondent, v. Natasha L. Green and Shilon L. Green, Petitioners. **Appellate Case No. 2011-189826** - Chesterfield County William O. Spencer, Jr., as Special Referee - **Submitted October 17, 2012** - Filed October 24, 2012. Natasha L. Green and Shilon L. Green, of McBee, pro se, Petitioner. Charles Harry McDonald and Joseph Kershaw Spong, of Robinson McFadden & Moore, of Columbia, for

Respondent. **PER CURIAM:** After careful consideration of the Appendix and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Memorandum Opinion No. 2012-MO-048 - Lamar A. Graves, Petitioner, v. State of South Carolina. Appellate Case No. 2010-168758 - Spartanburg County - J. Mark Hayes, II, Circuit Judge - Submitted October 1, 2012 - Filed November 21, 2012. Appellate Defender Robert M. Pachak, of South Carolina Commission on Indigent Defense, of Columbia, for Petitioner. Attorney General Alan McCrory Wilson, Chief Deputy Attorney General John W. McIntosh, Senior Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Suzanne Hollifield White, all of Columbia, for Respondent. PER CURIAM: We granted a writ of certiorari to review the postconviction relief court's decision in Lamar A. Graves, #313160 v. State of South Carolina, 2009-CP-42-3439 (7th Judicial Cir. July 28, 2010). **We now dismiss the writ as improvidently granted. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Memorandum Opinion No. 2013-MO-002 - Cazario Marshall, Respondent, v. State of South Carolina. Appellate Case No. 2010-161448 - Allendale County - Paul M. Burch, Trial Judge - Perry M. Buckner, Post-Conviction Judge - Submitted January 24, 2013 - Filed February 6, 2013. Attorney General Alan Wilson, Chief Deputy Attorney General John W. McIntosh, Senior Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Suzanne H. White, all of Columbia, for the State. Appellant Defender Kathrine H. Hudgins of Columbia for Respondent. PER CURIAM: We granted the State's writ of certiorari **to review the grant of Respondent's application for post-conviction relief (PCR)**. **We now dismiss the writ as improvidently granted. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Memorandum Opinion No. 2013-MO-006 - Francis O. Campbell, Petitioner, v. State of South Carolina. Appellate Case No. 2010-170846 - Richland County - Howard Ballenger, Trial Judge - J. Michelle Childs, Post-Conviction Judge - Submitted February 20, 2013 - Filed February 27, 2013. Wanda H. Carter, of Columbia, for Petitioner. Attorney General Alan Wilson, Chief Deputy Attorney General John W. McIntosh, Senior Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Robert D. Corney, all of Columbia, for the State. PER CURIAM: We granted a writ of certiorari to review the denial of Petitioner's application for post-conviction relief (PCR). **We now dismiss the writ as improvidently granted. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Memorandum Opinion No. 2013-MO-007 - Eduardo Martinez, Petitioner, v. State of South Carolina. Appellate Case No. 2009-148626 - Charleston County - Kristi Lea Harrington, Circuit Judge - Submitted January 7, 2013 - Filed February 27, 2013. Kathrine Haggard Hudgins of Columbia for Petitioner. Ashleigh Rayanna Wilson of Columbia for Respondent. PER CURIAM: After careful consideration of the Appendix and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Memorandum Opinion No. 2013-MO-026 - Timothy Dion Rogers, Respondent, v. State of South Carolina. Appellate Case No. 2011-182846 - Dorchester County - Diane Schafer Goodstein, Post-Conviction Judge - Submitted September 16, 2013 - Filed September 25, 2013. Attorney General Alan McCrory Wilson, Chief Deputy Attorney General John W. McIntosh, Senior Assistant Deputy Attorney General Donald J. Zelenka and Senior Assistant Attorney General William Edgar Salter, III, of Columbia, for Petitioner. Diana L. Holt, of Columbia, for Respondent. PER CURIAM: We granted the State's petition for a writ of certiorari **to review the grant of Respondent's application for post-conviction relief (PCR)**. **We now dismiss the writ as improvidently granted. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Memorandum Opinion No. 2013-MO-027 - Charles Pagan, Petitioner, v. State of South Carolina. Appellate Case No. 2010-154481 - Florence County L. Casey - Manning, Trial Judge - Thomas A. Russo, Post-Conviction Judge - Submitted September 17, 2013 - Filed September 25, 2013. Robert M. Pachak, of Columbia, for Petitioner. Attorney General Alan Wilson, Chief Deputy Attorney General John W. McIntosh, Senior Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Tyson A. Johnson, all of Columbia, for the State. PER CURIAM: We granted a writ of certiorari to review the denial of Petitioner's application for post-conviction relief. **We now dismiss the writ as improvidently granted. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Memorandum Opinion No. 2013-MO-028 - Thomas McCall Jr., Petitioner, v. State of South Carolina. Appellate Case No. 2010-173546 - Florence County - William H. Seals, Jr., Circuit Judge - Submitted September 16, 2013 - Filed September 25, 2013. Appellate Defender Kathrine H. Hudgins, of Columbia, for Petitioner. Attorney General Alan M. Wilson and Assistant Deputy Attorney General David A. Spencer, both of Columbia, for Respondent. PER CURIAM: We granted certiorari to review the circuit court's dismissal of Thomas McCall's application for post-conviction relief. **We now dismiss the writ as improvidently granted. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Memorandum Opinion No. 2013-MO-030 - Court Braxton Bell, Petitioner, v. The State. Appellate Case No. 2010-178807 - Anderson County - R. Lawton McIntosh, Circuit Judge - Submitted September 17, 2013 - Filed October 9, 2013. LaNelle Cantey DuRant of Columbia, South Carolina, for Petitioner, Braxton Bell. Attorney General Alan M. Wilson, Assistant Attorney General Walt Whitmire, both of Columbia, South Carolina, for Respondent State of South Carolina. PER CURIAM: We granted certiorari to review the post-conviction relief court's decision in Braxton Bell v. State of South Carolina,

2008-CP-04-4101 (10th Judicial Cir. Nov. 10, 2010), denying and dismissing with prejudice Petitioner's application for post-conviction relief and finding that Petitioner did not receive ineffective assistance of counsel. **We now dismiss the writ as improvidently granted. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Memorandum Opinion No. 2014-MO-008 - Ricky Dale Gilstrap, Petitioner, v. State of South Carolina. Appellate Case No. 2011-190808 - Greenville County - Robin B. Stilwell, Post-Conviction Judge - **Submitted January 7, 2014** - Filed March 12, 2014. Appellate Defender Carmen Vaughn Ganjehsani, of South Carolina Commission on Indigent Defense, of Columbia, and Dayne C. Phillips, of Lexington, for Petitioner. Attorney General Alan McCrory Wilson, and Senior Assistant Deputy Attorney General Karen Christine Ratigan, both of Columbia, for Respondent. **PER CURIAM:** We granted Ricky Dale Gilstrap's petition for a writ of certiorari to review the denial of his application for post-conviction relief. **We now dismiss the writ as improvidently granted. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

FC-Opinion No. 2014-MO-013 - Judy B. South, Respondent, v. Brian L. South. Appellate Case No. 2012-212192 **CERTIORARI TO THE COURT OF APPEALS** - Richland County - **Angela R. Taylor, Family Court Judge** - **Submitted May 15, 2014** - Filed May 28, 2014. Robert L. Jackson, of Jackson & Jackson, of Columbia, for Petitioner. Judy B. South, Pro Se Respondent, of St. Petersburg, Florida. **PER CURIAM:** We granted a writ of certiorari to review the court of appeals' decision in South v. South, Op. No. 2012-UP-165 (S.C. Ct. App. filed March 7, 2012). **We now dismiss the writ as improvidently granted. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Memorandum Opinion No. 2015-MO-008 - Tijuan Peake, Petitioner, v. State of South Carolina. Appellate Case No. 2013-001271 - Union County - Edgar W. Dickson, Circuit Judge - **Submitted February 19, 2015** - Filed March 4, 2015. Appellate Defender LaNelle Cantey DuRant, of Columbia, for Petitioner. Attorney General Alan M. Wilson and Assistant Attorney General J. Rutledge Johnson, both of Columbia, for Respondent. **PER CURIAM:** We granted certiorari to review the circuit court's dismissal of Tijuan Peake application for post-conviction relief. **We now dismiss the writ as improvidently granted. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Memorandum Opinion No. 2015-MO-016 - Eunice McCall, Petitioner, v. State of South Carolina. Appellate Case No. 2012-213542 - Lee County - W. Jeffrey Young, Circuit Court Judge - **Submitted March 18, 2015** - Filed April 8, 2015. Appellate Defender Susan Barber Hackett, of Columbia, for Petitioner. Attorney General Alan McCrory Wilson, and Megan Elizabeth Harrigan, both of Columbia, for Respondent. **PER CURIAM:** After careful consideration of the briefs and appendices, **we dismiss the writ of certiorari as improvidently granted. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Memorandum Opinion No. 2015-MO-024 - Court Bryan L. Mulligan, Respondent, v. State of South Carolina. Appellate Case No. 2013-002130 - Dorchester County - Carmen T. Mullen, Circuit Judge - **Submitted April 1, 2015** - Filed April 29, 2015. Attorney General Alan M. Wilson and Assistant Attorney General Megan E. Harrigan, both of Columbia, for Petitioner. Tara Dawn Shurling, of Law Office of Tara Dawn Shurling, P.A., of Columbia, for Respondent. **PER CURIAM:** We granted the State's petition for a writ of certiorari **to review the grant of Respondent's application for post-conviction relief (PCR)**. **We now dismiss the writ as improvidently granted. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Memorandum Opinion No. 2015-MO-038 - Bruce Wilson, Petitioner, v. State of South Carolina. Appellate Case No. 2013-001275 - Richland County - James C. Williams, Circuit Judge - Clifton Newman, Circuit Judge - **Submitted June 15, 2015** - Filed June 24, 2015. Appellate Defender LaNelle Cantey DuRant, of Columbia, for Petitioner. Attorney General Alan Wilson and Assistant Attorney General J. Clayton Mitchell, both of Columbia, for Respondent. **PER CURIAM:** Petitioner's first application for post-conviction relief was denied by Judge Williams. No notice of appeal was filed. Petitioner sought a writ of certiorari from an order issued by Judge Newman denying Petitioner a belated review of Judge Williams' order pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991). This Court granted the petition for a writ of certiorari from Judge Newman's order, dispensed with further briefing, and issued a writ of certiorari to review Judge Williams' order. We have carefully considered the briefs and applicable law, and **we now dismiss certiorari as improvidently granted. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Memorandum Opinion No. 2015-MO-044 - Domonique Brown, Petitioner, v. State of South Carolina. Appellate Case No. 2012-212940 - Laurens County - Thomas A. Russo, Circuit Judge - **Submitted June 17, 2015** - Filed July 29, 2015. Christopher Todd Brumback, Bryan Scott Haskins, and Spencer Davis Langley, all of Brumback & Langley, LLC, of Greenville, for Petitioner. Attorney General Alan McCrory Wilson and Assistant Attorney General James Rutledge Johnson, both of Columbia, for Respondent. **PER CURIAM:** We granted certiorari to review the circuit court's dismissal of Domonique Brown's application for post-conviction relief. **We now dismiss the writ as improvidently granted. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Memorandum Opinion No. 2015-MO-058 - Yesenia Ramirez, Petitioner, v. State of South Carolina. Appellate Case No. 2014-000025 - Spartanburg County - R. Lawton McIntosh, Circuit Judge - **Submitted September 22, 2015** - Filed September 30, 2015. Appellate Defender Lara Mary Caudy, of South Carolina Commission on Indigent Defense, of Columbia, for Petitioner.

Attorney General Alan McCrory Wilson and Assistant Attorney General Alicia A. Olive, both of Columbia, for Respondent. **PER CURIAM:** We granted Yesenia Ramirez's petition for a writ of certiorari to review the dismissal of her application for post-conviction relief (PCR). **We now dismiss the writ as improvidently granted. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Opinion No. 2015-MO-066 - Court Travis Montre Smith, Petitioner, v. State of South Carolina. Appellate Case No. 2013-001696 - Spartanburg County - J. Mark Hayes, II, Circuit Judge - **Submitted October 15, 2015** - Filed November 18, 2015. Appellate Defender Kathrine H. Hudgins, of Columbia, for Petitioner. Attorney General Alan M. Wilson and Senior Assistant Deputy Attorney General Karen C. Ratigan, both of Columbia, for Respondent. **PER CURIAM:** We granted certiorari to review the dismissal of Travis Montre Smith's application for post-conviction relief. **We now dismiss the writ as improvidently granted. TOAL, C.J., BEATTY, KITTREDGE and HEARN, JJ., concur. PLEICONES, J., not participating.**

Memorandum Opinion No. 2015-MO-071 - Barry Allen Evans, Petitioner, v. State of South Carolina. Appellate Case No. 2013-001863 Appeal from Anderson County R. Lawton McIntosh, Circuit Judge - **Submitted September 15, 2015** - Filed December 2, 2015. Appellate Defender Lara Mary Caudy, of Columbia, for Petitioner. Assistant Attorney General John Walter Whitmire and Attorney General Alan McCrory Wilson, both of Columbia, for Respondent. **PER CURIAM:** After careful consideration of the Appendix and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Memorandum Opinion No. 2015-MO-074 - Stanley Golson, Petitioner, v. State of South Carolina. Appellate Case No. 2014-000446 -Lexington County - Frank R. Addy, Jr., Circuit Judge - **Submitted December 15, 2015** - Filed December 23, 2015. Appellate Defender Robert M. Pachak, of South Carolina Commission on Indigent Defense, of Columbia, for Petitioner. Attorney General Alan McCrory Wilson and Assistant Attorney General Patrick Lowell Schmeckpeper, both of Columbia, for Respondent. **PER CURIAM:** We granted Stanley Golson's petition for a writ of certiorari to review the dismissal of his application for Post-Conviction Relief. **We now dismiss the writ as improvidently granted. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

Memorandum Opinion No. 2016-MO-002 - Rikam Ikkesch Dozier, Petitioner, v. State of South Carolina. Appellate Case No. 2014-000694 - Lexington County - Edgar W. Dickson, Post-Conviction Judge - **Submitted December 1, 2015** - Filed February 3, 2016. Aimee Jendrzewski Zmroczek, of Columbia, for Petitioner. Attorney General Alan Wilson and Assistant Attorney General Patrick Lowell Schmeckpeper, both of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the denial of Petitioner Rikam Dozier's application for post-conviction relief. After careful consideration of the Appendix and briefs, **the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED. PLEICONES, C.J., BEATTY, KITTREDGE, HEARN, JJ., and Acting Justice Jean H. Toal, concur.**

Memorandum Opinion No. 2016-MO-004 - Reginald Montgomery, Petitioner, v. State of South Carolina. Appellate Case No. 2014-001288 - Orangeburg County - J.C. Nicholson, Trial Judge - Diane Schafer Goodstein, Post-Conviction Judge - **Submitted March 15, 2016** - Filed March 23, 2016. Appellate Defender Kathrine Haggard Hudgins, of Columbia, for Petitioner. Attorney General Alan McCrory Wilson and Assistant Attorney General James Clayton Mitchell, III, both of Columbia, for Respondent. **PER CURIAM:** We granted Reginald Montgomery's petition for a writ of certiorari to review the dismissal of his application for post-conviction relief. **We now dismiss the writ as improvidently granted. PLEICONES, C.J., BEATTY, KITTREDGE, HEARN and FEW, JJ., concur.**

Memorandum Opinion No. 2016-MO-006 - Brenda Gail Cutro, Petitioner, v. State of South Carolina. Appellate Case No. 2012-212782 - Richland County - Alison Renee Lee, Post-Conviction Judge - **Submitted March 15, 2016** - Filed March 23, 2016. David Alexander, of Columbia, for Petitioner. Attorney General Alan McCrory Wilson and Assistant Deputy Attorney General David A. Spencer, both of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the decision of the postconviction relief judge. **We now dismiss the writ as improvidently granted. PLEICONES, C.J., BEATTY, KITTREDGE, HEARN and FEW, JJ., concur.**

Memorandum Opinion No. 2016-MO-007 - The State, Respondent, v. Erick E. Hewins. Appellate Case No. 2015-000595 **CERTIORARI TO THE COURT OF APPEALS** - Greenville County - G. Edward Welmaker, Circuit Judge - **Submitted March 15, 2016** - Filed March 23, 2016. Erick E. Hewins, of McCormick, pro se, Petitioner. Attorney General Alan McCrory Wilson, Assistant Attorney General Mary Leddon, and Assistant Attorney General Susannah Rawl Cole, all of Columbia; and Solicitor William Walter Wilkins, III, of Greenville, all for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the court of appeals' decision in State v. Hewins, Op. No. 2014-UP-478 (S.C. Ct. App. filed Dec. 23, 2014) (per curiam). **We now dismiss the writ as improvidently granted. PLEICONES, C.J., BEATTY, KITTREDGE and HEARN, JJ., concur. FEW, J., not participating.**

Memorandum Opinion No. 2016-MO-008 - Eddie Pilcher, Petitioner, v. State of South Carolina. Appellate Case No. 2014-000406 - Spartanburg County J. Derham Cole, Post-Conviction Judge - **Submitted February 16, 2016** - Filed March 30, 2016. Appellate Defender Benjamin John Tripp, of Columbia, for Petitioner. Attorney General Alan McCrory

Wilson and Assistant Attorney General Alicia A. Olive, both of Columbia, for Respondent. PER CURIAM: After careful consideration of the Appendix and briefs, the writ of certiorari is DISMISSED AS IMPROVIDENTLY GRANTED. PLEICONES, C.J., BEATTY, KITTREDGE and HEARN, JJ., concur. FEW, J., not participating.

Memorandum Opinion No. 2016-MO-016 - Jaleel Page, Petitioner, v. State of South Carolina. Appellate Case No. 2014-001189 - York County - John C. Hayes, III, Post-Conviction Judge - Submitted April 15, 2016 - Filed April 27, 2016. Appellate Defender Tiffany L. Butler, of Columbia, for Petitioner. Attorney General Alan M. Wilson and Assistant Attorney General James R. Johnson, both of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the decision of the postconviction relief judge. **We now dismiss the writ as improvidently granted. PLEICONES, C.J., BEATTY, KITTREDGE, HEARN and FEW, JJ., concur.**

Memorandum Opinion No. 2016-MO-021 - Elijah Baylock Jr., Petitioner, v. State of South Carolina. Appellate Case No. 2014-002110 - Berkeley County - Deadra L. Jefferson, Post-Conviction Judge - Submitted June 15, 2016 - Filed June 29, 2016. Appellate Defender Lara Mary Caudy, of Columbia, for Petitioner. Attorney General Alan McCrory Wilson and Assistant Attorney General Justin James Hunter, both of Columbia, for Respondent. **PER CURIAM:** We granted Elijah Baylock Jr.'s petition for a writ of certiorari to review the dismissal of his application for post-conviction relief. **We now dismiss the writ as improvidently granted. PLEICONES, C.J., BEATTY, KITTREDGE, HEARN and FEW, JJ., concur.**

Memorandum Opinion No. 2016-MO-025 - Travaughn Thomas, Petitioner, v. State of South Carolina. Appellate Case No. 2014-001870 - Greenville County - Robin B. Stilwell, Post-Conviction Judge - Submitted June 16, 2016 - Filed July 20, 2016. Appellate Defender Susan B. Hackett, of Columbia, for Petitioner. Senior Assistant Deputy Attorney General Karen C. Ratigan, of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the decision of the postconviction relief judge. **We now dismiss the writ as improvidently granted. PLEICONES, C.J., BEATTY, KITTREDGE, HEARN and FEW, JJ., concur.**

Memorandum Opinion No. 2016-MO-027 - Nearim Blackwell-Selim, Petitioner, v. State of South Carolina. Appellate Case No. 2015-000020 - Horry County - Steven H. John, Plea Judge - John C. Hayes, III, Post-Conviction Judge - Submitted September 15, 2016 - Filed October 12, 2016. Appellate Defender Wanda H. Carter, of Columbia, for Petitioner. Attorney General Alan McCrory Wilson and Senior Assistant Deputy Attorney General Johanna C. Valenzuela, both of Columbia; and Amanda N. Bonine of Bluffton, for Respondent. **PER CURIAM:** We granted Nearim Blackwell-Selim's petition for a writ of certiorari to review the dismissal of her application for post-conviction relief. **We now dismiss the writ as improvidently granted. PLEICONES, C.J., BEATTY, KITTREDGE, HEARN and FEW, JJ., concur.**

Memorandum Opinion No. 2016-MO-028 - Willie J. Adams, Petitioner, v. State of South Carolina. Appellate Case No. 2014-002165 - Fairfield County - W. Jeffrey Young, Post-Conviction Judge - Submitted September 15, 2016 - Filed October 12, 2016. Kathrine H. Hudgins, of Columbia, for Petitioner. Attorney General Alan Wilson and Senior Assistant Deputy Attorney General Johanna C. Valenzuela, both of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the post-conviction relief (PCR) court's dismissal of Petitioner Willie J. Adams's application for PCR. **We now dismiss the writ as improvidently granted. PLEICONES, C.J., BEATTY, KITTREDGE, HEARN and FEW, JJ., concur.**

Memorandum Opinion No. 2016-MO-031 - Randall S. Tyler, Petitioner, v. State of South Carolina. Appellate Case No. 2013-000795 - Lexington County - W. Jeffrey Young, Post-Conviction Judge - Submitted October 17, 2016 - Filed October 26, 2016. Appellate Defender David Alexander, of Columbia, for Petitioner. Attorney General Alan McCrory Wilson and Assistant Attorney General Patrick Lowell Schmeckpeper, both of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the Post-Conviction Relief (PCR) court's dismissal of Petitioner Randall S. Tyler's application for PCR. **We now dismiss the writ as improvidently granted. PLEICONES, C.J., BEATTY, KITTREDGE, HEARN and FEW, JJ., concur.**

Cv-Memorandum Opinion No. 2016-MO-032 - Blue Ridge Electric Cooperative, Inc., Petitioner, v. Kathleen J. Gresham. Appellate Case No. 2015-001836 CERTIORARI TO THE COURT OF APPEALS - Greenville County - R. Lawton McIntosh, Circuit Judge - Submitted November 15, 2016 - Filed December 7, 2016. Larry C. Brandt, of Larry C. Brandt, P.A., of Walhalla; Steven W. Hamm and Jo Anne Wessinger Hill, both of Richardson Plowden & Robinson, P.A., of Columbia; all for Petitioner. Kathleen Jennings Gresham, of Landrum, Pro Se Respondent. **PER CURIAM:** We granted Blue Ridge Electric Cooperative, Inc.'s petition for a writ of certiorari to review the decision of the Court of Appeals in Blue Ridge Elec. Coop. v. Gresham, Op. No. 2015-UP-031 (S.C. Ct. App. filed Jan. 14, 2015). **We now dismiss the writ as improvidently granted. PLEICONES, C.J., BEATTY, HEARN and FEW, JJ., concur. KITTREDGE, J., not participating.**

Memorandum Opinion No. 2017-MO-017 - Keith Antravus DeSue, Petitioner, v. State of South Carolina. Appellate Case No. 2015-000542 - Greenville County - Eugene C. Griffith, Jr., Circuit Judge - Submitted September 15, 2017 - Filed October 4, 2017. Appellate Defender Lara Mary Caudy, of Columbia, for Petitioner. Attorney General Alan McCrory Wilson and Assistant Attorney General DeShawn Herman Mitchell, both of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the Post-Conviction Relief ("PCR") court's dismissal of Petitioner Keith A. DeSue's application for PCR. **We now dismiss the writ as improvidently granted. BEATTY, C.J., KITTREDGE, HEARN, FEW and JAMES, JJ., concur.**

Memorandum Opinion No. 2017-MO-021 - Jason Sanford, Petitioner, v. State of South Carolina. **Appellate Case No. 2015-000410** - Anderson County - Carmen T. Mullen, Circuit Judge - **Submitted September 27, 2017** - Filed November 1, 2017. Appellate Defender Kathrine H. Hudgins, of Columbia, for Petitioner. Attorney General Alan McCrory Wilson and Assistant Attorney General Lindsey A. McCallister, both of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the Post-Conviction Relief ("PCR") court's dismissal of Petitioner Jason Sanford's application for PCR. **We now dismiss the writ as improvidently granted.** **BEATTY, C.J., KITTREDGE, HEARN, FEW and JAMES, JJ., concur.**

Memorandum Opinion No. 2017-MO-022 - Alonda B. Desaussure, Petitioner, v. State of South Carolina. **Appellate Case No. 2015-000137** - Charleston County - G. Thomas Cooper, Jr., Circuit Judge - **Submitted November 15, 2017** - Filed November 22, 2017. Appellate Defender Laura Ruth Baer, of Columbia, for Petitioner. Attorney General Alan McCrory Wilson and Assistant Attorney General Justin James Hunter, both of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the Post-Conviction Relief ("PCR") court's dismissal of Petitioner Alonda B. Desaussure's application for PCR. **We now dismiss the writ as improvidently granted.** **KITTREDGE, Acting Chief Justice, HEARN, FEW and JAMES, JJ., concur. BEATTY, C.J., not participating.**

Memorandum Opinion No. 2018-MO-002 - Randall Price, Petitioner, v. State of South Carolina. **Appellate Case No. 2015-001037** - Spartanburg County - Deadra L. Jefferson, Circuit Judge - **Submitted January 16, 2018** - Filed January 31, 2018. Deputy Chief Appellate Defender Wanda H. Carter, of South Carolina Commission on Indigent Defense, of Columbia, for Petitioner. Attorney General Alan M. Wilson and Assistant Attorney General Valerie Garcia Giovanoli, both of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the Post-Conviction Relief (PCR) court's dismissal of Randall Price's application for PCR. **We now dismiss the writ as improvidently granted.** **BEATTY, C.J., KITTREDGE, HEARN, FEW and JAMES, JJ., concur.**

Memorandum Opinion No. 2018-MO-003 - Sammy Cowan, Petitioner, v. State of South Carolina. **Appellate Case No. 2015-001335** - Anderson County - Alexander S. Macaulay, Post-Conviction Judge - **Submitted January 16, 2018** - Filed January 31, 2018. Kathrine H. Hudgins, of Columbia, for Petitioner. Attorney General Alan Wilson and Assistant Attorney General Lindsey A. McCallister, both of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the post-conviction relief (PCR) court's dismissal of Petitioner Sammy Cowan's application for PCR. **We now dismiss the writ as improvidently granted.** **BEATTY, C.J., KITTREDGE, HEARN, FEW and JAMES, JJ., concur.**

Memorandum Opinion No. 2018-MO-004 - Curtis Ray Nealey, Petitioner, v. State of South Carolina. **Appellate Case No. 2015-000881** - Darlington County - R. Ferrell Cothran Jr., Circuit Judge - **Submitted January 16, 2018** - Filed February 7, 2018. Appellate Defender Robert M. Pachak, of Columbia, for Petitioner. Attorney General Alan M. Wilson and Assistant Attorney General Jessica E. Kinard, both of Columbia, for Respondent. **PER CURIAM:** We granted Curtis Nealey's petition for a writ of certiorari to review the post-conviction relief (PCR) court's decision to deny relief. **We now dismiss the writ as improvidently granted.** **KITTREDGE, Acting Chief Justice, HEARN, FEW and JAMES, JJ., concur. BEATTY, C.J., not participating.**

Memorandum Opinion No. 2018-MO-005 - Terrance McCall, Petitioner, v. State of South Carolina. **Appellate Case No. 2014-002285** - Spartanburg County - Roger L. Couch, Circuit Judge - **Submitted January 16, 2018** - Filed February 7, 2018. Deputy Chief Appellate Defender Wanda H. Carter, of Columbia, and Tiffany Lorraine Butler, of Duff & Childs, LLC, of Columbia, for Petitioner. Attorney General Alan M. Wilson and Assistant Attorney General Valerie Garcia Giovanoli, both of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the post-conviction relief (PCR) court's denial of Petitioner Terrance McCall's application for PCR. **We now dismiss the writ as improvidently granted.** **KITTREDGE, Acting Chief Justice, HEARN, FEW and JAMES, JJ., concur. BEATTY, C.J., not participating.**

Memorandum Opinion No. 2018-MO-006 - Marshall Dewitt McGaha, Petitioner, v. State of South Carolina. **Appellate Case No. 2015-001464** - Greenville County - Edward W. Miller, Post-Conviction Judge - **Submitted February 13, 2018** - Filed February 21, 2018. Appellate Defender Kathrine H. Hudgins, of Columbia, for Petitioner. Attorney General Alan Wilson and Assistant Attorney General DeShawn H. Mitchell, both of Columbia, for the State. **PER CURIAM:** We granted a writ of certiorari to review the post-conviction relief (PCR) court's dismissal of Petitioner Marshall Dewitt McGaha's application for PCR. **We now dismiss the writ as improvidently granted.** **BEATTY, C.J., KITTREDGE, HEARN, FEW and JAMES, JJ., concur.**

Memorandum Opinion No. 2018-MO-007 - Altony Brooks, Petitioner, v. State of South Carolina. **Appellate Case No. 2015-001610** - Berkeley County - W. Jeffrey Young, Post-Conviction Judge - **Submitted October 18, 2017** - Filed February 28, 2018. Appellate Defender Robert M. Pachak, of Columbia, for Petitioner. Attorney General Alan Wilson and Assistant Attorney General Justin Hunter, both of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the post-conviction relief (PCR) court's dismissal of Petitioner Altony Brooks' application for PCR. **We now dismiss the writ as improvidently granted.** **BEATTY, C.J., KITTREDGE, HEARN, FEW and JAMES, JJ., concur.**

Memorandum Opinion No. 2018-MO-008 - David Carmichael, Respondent, v. State of South Carolina. **Appellate Case No. 2015-000424** - Richland County - Robert E. Hood, Circuit Judge - **Submitted February 15, 2018** - Filed February 28, 2018. Attorney General Alan McCrory Wilson and Assistant Attorney General James Clayton Mitchell, III, of Columbia, for

Petitioner. Chief Appellate Defender Robert Michael Dudek, of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the Post-Conviction Relief (PCR) court's decision to grant David Carmichael's application for PCR. We now dismiss the writ as improvidently granted. **BEATTY, C.J., KITTREDGE, HEARN, FEW and JAMES, JJ.**

Memorandum Opinion No. 2018-MO-033 - Edward Rorecuse Young, Respondent, v. State of South Carolina. Appellate Case No. 2015-000785 - Greenville County - Eugene C. Griffith, Jr., Post-Conviction Judge - Submitted September 19, 2018 - Filed October 3, 2018. Attorney General Alan Wilson and Assistant Attorney General DeShawn H. Mitchell, both of Columbia, for Petitioner. Chief Appellate Defender Robert Michael Dudek, of Columbia, for Respondent. **PER CURIAM:** We issued a writ of certiorari to review the post-conviction relief (PCR) court's grant of Edward Rorecuse Young's application for PCR. We now dismiss the writ as improvidently granted. **BEATTY, C.J., KITTREDGE, HEARN, FEW and JAMES, JJ., concur.**

Memorandum Opinion No. 2018-MO-036 - Travell L. Hill, Respondent-Petitioner, v. State of South Carolina, Petitioner-Respondent. Appellate Case No. 2015-001459 - Greenville County Daniel Derwitt Hall, Circuit Judge - Submitted October 17, 2018 - Filed October 24, 2018. C. Rauch Wise, of Greenwood, for Respondent/Petitioner. Attorney General Alan McCrory Wilson, and Assistant Attorney General DeShawn Mitchell, both of Columbia, for Petitioner/Respondent. **PER CURIAM:** We issued writs of certiorari to review the post-conviction relief (PCR) court's grant of Travell Hill's application for PCR. We now dismiss the writs as improvidently granted. **BEATTY, C.J., KITTREDGE, HEARN, FEW and JAMES, JJ., concur.**

Memorandum Opinion No. 2018-MO-037 - Dan L. Temple, Petitioner, v. State of South Carolina. Appellate Case No. 2016-001756 - Oconee County - Scott Sprouse, Circuit Judge - Submitted November 15, 2018 - Filed December 5, 2018. Appellate Defender Lara Mary Caudy, of Columbia, for Petitioner. Attorney General Alan M. Wilson and Assistant Attorney General Lindsey A. McCallister, both of Columbia, for Respondent. **PER CURIAM:** We issued a writ of certiorari to review the post-conviction relief (PCR) court's denial of Petitioner Dan Temple's application for PCR. We now dismiss the writ as improvidently granted. **BEATTY, C.J., KITTREDGE, HEARN, FEW and JAMES, JJ., concur.**

Other = 6

Opinion No. 25775 - David E. Thompson, Petitioner, v. State of South Carolina. Dillon County - B. Hicks Harwell, Jr., Circuit Judge - Submitted September 25, 2003 - Filed January 27, 2004 Katherine Carruth Link, and South Carolina Office of Appellate Defense, of Columbia, for petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Chief of Capital & Collateral Litigation Donald J. Zelenka, and Assistant Attorney General B. Allen Bullard, Deputy Assistant Attorney General William Bryan Dukes, all of Columbia, for respondent. **JUSTICE MOORE:** We granted a writ of certiorari to consider whether the circuit court was without subject matter jurisdiction to accept petitioner's plea to two counts of criminal conspiracy. We now dismiss the writ as improvidently granted.

2005-MO-061 - Tolen v. State

Opinion No. 26084 - Memorandum Opinion No. 2005-MO-061 - Frank Tolen, Jr., Respondent, v. State of South Carolina. - Saluda County - Kenneth G. Goode, Circuit Judge - Submitted November 16, 2005 - Filed December 19, 2005. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, Assistant Attorney General Adrienne L. Turner, and Assistant Attorney General Sabrina C. Todd, of Columbia, for Petitioner. Acting Deputy Chief Attorney Wanda H. Carter, of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the grant of post-conviction relief (PCR) to Respondent, Frank Tolen, Jr. We dismiss, in part, as improvidently granted, and vacate the remainder of the PCR court's rulings. We dismiss certiorari as improvidently granted with respect to the PCR court's ruling on the issue of the State's failure to give proper notice of intent to seek a sentence of life imprisonment without parole pursuant to S.C. Code Ann. § 17-25-45(H) (2003). The remainder of the holdings of the PCR court are vacated, and the matter is remanded for a new trial. **DISMISSED IN PART AS IMPROVIDENTLY GRANTED, VACATED IN PART AND REMANDED. TOAL, C.J., MOORE, BURNETT and PLEICONES, JJ., concur. WALLER, J., not participating.**

Opinion No. 26463 - Terrence Haggins, Respondent, v. State of South Carolina. CERTIORARI TO THE COURT OF APPEALS - Lancaster County - Kenneth G. Goode, Circuit Judge - Submitted February 21, 2008 - Filed March 24, 2008. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General David A. Spencer, all of Columbia, for Petitioner. - Deputy Chief Appellate Defender Wanda H. Carter, of South Carolina Commission on Indigent Defense, Division of Appellate Defense, of Columbia, for Respondent. **PER CURIAM:** The State petitioned the Court of Appeals pursuant to Rule 227, SCACR, for a writ of certiorari to review a circuit court order granting respondent's application for post-conviction relief (PCR). The Court of Appeals denied the State's petition by letter without issuing a formal order or opinion. [1] We granted the State's petition for a writ of certiorari made pursuant to Rule 226, SCACR, to review the Court of Appeals' denial and now dismiss the writ as improvidently granted. We hold that, as a matter of policy, we will not entertain Rule 226 petitions where the Court of Appeals has exercised its discretion and denied a Rule 227 petition, and no formal opinion or order has been filed. [¶] This Court has held that it will grant certiorari to the Court of Appeals "only where special reasons justify the exercise of

that power.” *In re Exhaustion of State Remedies in Criminal and Post-Conviction Relief Cases*, 321 S.C. 563, 471 S.E.2d 454 (1990), cited with approval in *Douglas v. State*, 369 S.C. 213, 631 S.E.2d 542 (2006) (holding counsel not required to seek certiorari after criminal direct appeal decided by Court of Appeals) and in *Dunlap v. State*, 371 S.C. 585, 641 S.E.2d 431 (2007) (extending rationale of *Douglas* to PCR cases, and holding counsel not required to seek certiorari from the Court of Appeals decision).

[¶] A decision by the Court of Appeals to grant or deny a writ of PCR certiorari is a matter committed to that court's discretion. The decision to deny PCR certiorari can never be deemed “a special reason” justifying the exercise of our discretion, nor can an informal “letter denial” meet any of the five criteria we consider when determining whether to grant certiorari to a decision of the Court of Appeals. *See* Rule 226(b), SCACR. [2] [¶] We therefore hold that we will not entertain Rule 226 petitions for writ of certiorari to review “letter denials” in PCR matters. Accordingly, this writ is [¶] **DISMISSED AS IMPROVIDENTLY GRANTED.** [¶] **TOAL, C.J., MOORE, WALLER, PLEICONES and BEATTY, JJ., concur.** [¶] [1] As is the practice in this Court, parties are informed that their petitions for writs of certiorari have been denied by letter from the appellate court clerk's office. [¶] [2] Where there are novel questions of law; where there is a dissent in the decision of the Court of Appeals; where the decision of the Court of Appeals is in conflict with a prior decision of the Supreme Court; where substantial constitutional issues are directly involved; and/or where a federal question is included and the decision of the Court of Appeals conflicts with a decision of the United States Supreme Court.

Memorandum Opinion No. 2005-MO-058 - Capricia Hampton, Petitioner, v. State of South Carolina - Saluda - County - J. Michael Baxley, Trial Judge - James R. Barber, Post-Conviction Judge - **Submitted November 16, 2005** - Filed December 12, 2005. Assistant Appellate Defender Eleanor Duffy Cleary, of Columbia, for Petitioner. Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, Assistant Attorney General Sabrina C. Todd, all of Columbia, for Respondent. **PER CURIAM:** We granted a writ of certiorari to review the circuit court's order denying Petitioner's application for post-conviction relief (PCR) and granting her a belated review of her direct appeal issue pursuant to *White v. State*, 263 S.C. 110, 208 S.E.2d 35 (1974). On Petitioner's Question 1 and her direct appeal issue, we affirm pursuant to Rule 220(b)(1), SCACR, and the following authority: *Caprood v. State*, 338 S.C. 103, 525 S.E.2d 514 (2000) (the findings of the PCR court will be upheld when there is any evidence of probative value to support them); *State v. Irick*, 344 S.C. 460, 545 S.E.2d 282 (2001) (“The trial judge's determination of admissibility will not be disturbed absent abuse of discretion resulting in prejudice to the complaining party.”); *State v. Taylor*, 333 S.C. 159, 168, 508 S.E.2d 870, 874 (1998) (“In homicide cases, evidence that the accused and the decedent had previous difficulty is admissible. The evidence is admissible to show the animus of the parties and to aid the jury in deciding who was the probable aggressor. The general details of the difficulty, however, are inadmissible.”). On Petitioner's Question 2, after careful review of the Appendix and Briefs, we dismiss the writ of certiorari as improvidently granted. **AFFIRMED AND DISMISSED AS IMPROVIDENTLY GRANTED. TOAL, C.J., MOORE, BURNETT and PLEICONES, JJ., concur. WALLER, J., not participating.**

Memorandum Opinion No. 2011-MO-033 - Demetrius Jones, Petitioner, v. State of South Carolina - Marion County - Benjamin H. Culbertson, Circuit Judge - **Submitted November 16, 2011** - Filed November 28, 2011. Appellate Defender LaNelle C. DuRant, of the South Carolina Commission on Indigent Defense, of Columbia, for Petitioner. Attorney General Alan Wilson, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, and Senior Assistant Attorney General David Spencer, all of Columbia, for Respondent. **PER CURIAM:** Demetrius Jones pled guilty to voluntary manslaughter, armed robbery, and assault and battery of a high and aggravated nature (ABHAN). He was sentenced to twenty-five years' imprisonment for voluntary manslaughter and armed robbery, respectively, and to ten years' imprisonment for ABHAN. The sentences were to be served concurrently. No direct appeal was taken. Jones filed an application for post-conviction relief (PCR) in which he claimed his plea counsel had an actual conflict of interest as he simultaneously represented another co-defendant on the same charges. This Court granted Jones's petition for a writ of certiorari to review a circuit court order denying his PCR application. We now dismiss the writ of certiorari as improvidently granted. **TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**

2005-10-19-02 The Supreme Court of South Carolina

Julie Hair, Jeffrey Stout and Stephanie Coker, as Personal Representatives of the Estate of Sharon B. Roberson, Respondents, v. Willie Joe Roberson, Petitioner. - **ORDER** - By order dated August 12, 2005, we granted certiorari to review the Court of Appeals' holding that there is no requirement that the family court make specific findings when requiring a spouse to secure an alimony obligation with a life insurance policy and its finding, in the alternative, that other statements in the family court order indicated that the requisite factors were considered. We granted certiorari based, in part, on the Court of Appeals' reliance on *Wooten v. Wooten*, 356 S.C. 473, 589 S.E.2d 769 (Ct. App. 2003), which has since been reversed by this Court in *Wooten v. Wooten*, 364

S.C. 532, 615 S.E.2d 98 (2005). However, because the death of Ms. Roberson has rendered the issue of securing alimony with a life insurance policy moot, we now dismiss the writ of certiorari as improvidently granted. IT IS SO ORDERED. s/Jean H. Toal, J. s/James E. Moore, J. s/John H. Waller, Jr., J. s/E. C. Burnett, III, J. s/Costa M. Pleicones, J. Columbia, South Carolina - October 19, 2005

2011-04-21-02 - The Supreme Court of South Carolina

Maria A. Hollins, as Parent and Guardian ad Litem for Jane Doe, a minor under the age of fourteen years, Petitioner, v. Wal-Mart Stores, Inc., Respondent. [¶] **ORDER** [¶] This Court granted petitioner's request for a writ of certiorari to review the Court of Appeals' decision in *Hollins v. Wal-Mart Stores, Inc.*, 381 S.C. 245, 672 S.E.2d 805 (Ct. App. 2008). After briefing and oral argument, the Court dismissed the writ of certiorari as improvidently granted. *Hollins v. Wal-Mart Stores, Inc.*, Op. No. 26937 (S.C. Sup. Ct. filed March 7, 2011). Petitioner has filed a petition for rehearing, and respondent moves to strike the petition for rehearing. [¶] Rule 221(a), SCACR, prohibits petitions for rehearing from the denial of a writ of certiorari to the Court of Appeals. For purposes of Rule 221(a), a dismissal of a writ of certiorari as improvidently granted is equivalent to the denial of a petition for a writ of certiorari since both dispositions indicate this Court has determined there is no need to discuss or further review the merits of the case. *Cf., Ellison v. State*, 382 S.C. 189, 676 S.E.2d 671 (2009) (prohibiting further review in post-conviction relief actions when the Court of Appeals determines the matter does not merit discussion). Accordingly, no petition for rehearing is permitted from a dismissal of a writ of certiorari as improvidently granted. We, therefore, grant the motion to strike the petition for rehearing in this matter. [¶] IT IS SO ORDERED. [¶] s/Costa M. Pleicones A.C.J. s/Donald W. Beatty J. s/John W. Kittredge J. Moore, A.J., and Waller, A.J., not participating - Columbia, South Carolina - April 21, 2011

2015-11-06-01 The Supreme Court of South Carolina

Carolina First Bank, n/k/a TD Bank, NA, Petitioner, v. BADD, LLC, William McKown and Charles A. Christenson, Defendants, of whom BADD, LLC and William McKown are Respondents. BADD, LLC and William McKown, Third Party Plaintiffs, v. William Rempher, Third Party Defendant. Appellate Case No. 2013-000107 – **ORDER** - We granted the respondents' petition for rehearing following the issuance of Op. No. 27486 (S.C. Sup. Ct. filed January 28, 2015). After rehearing the case, we adhere to our original opinion and therefore **dismiss the petition for rehearing as improvidently granted.** s/Jean H. Toal, J. s/Costa M. Pleicones, J. s/Donald W. Beatty, J. s/John W. Kittredge, J. s/Kaye G. Hearn, J. Columbia, South Carolina November 6, 2015

2016-03-24-02 - The Supreme Court of South Carolina

Richard Stogsdill, Petitioner, v. South Carolina Department of Health and Human Services, Respondent. Appellate Case No. 2014-002513 – **ORDER** - After granting a writ of certiorari to review the decision of the South Carolina Court of Appeals in this case, this Court issued an opinion on January 20, 2016, dismissing the writ as improvidently granted. That same day, the remittitur was sent to the Administrative Law Court. [¶] Petitioner has now filed a motion requesting that this Court vacate its opinion pursuant to Rule 60(b)(3), SCRCP, and seeking leave to supplement the record in this matter pursuant to Rule 212(b), SCACR. Alternatively, Petitioner seeks a rehearing pursuant to Rule 221(a), SCACR. [¶] Initially, to the extent Petitioner petitions the Court to vacate its opinion under Rule 60, SCRCP, we remind Petitioner that the South Carolina Rules of Civil Procedure are inapplicable in appellate proceedings. *See* Rule 73, SCRCP ("Procedure on appeal to the South Carolina Supreme Court or the South Carolina Court of Appeals shall be in accordance with the South Carolina Appellate Court Rules."); Rule 81, SCRCP (providing the SCRCP "shall apply to every *trial court* of civil jurisdiction within this state" (emphasis added)). To the extent Petitioner's motion seeks a rehearing of this Court's decision, such a request is improper because petitions for rehearing are not entertained following this Court's dismissal of a writ of certiorari as improvidently granted. *See* Rule 221(a), SCACR ("No petition for rehearing shall be allowed from an order denying a petition for a writ of certiorari . . ."); *Hollins v. Wal-Mart Stores, Inc.*, 392 S.C. 313, 709 S.E.2d 625, 626 (2011) (finding that, for purposes of Rule 221(a), SCACR, a dismissal of a

writ of certiorari as improvidently granted is equivalent to the denial of a petition for a writ of certiorari since both dispositions indicate this Court has determined there is no need to discuss or further review the merits of the case). [¶] Further, since the opinion of this Court was not subject to any petition for rehearing, the remittitur was properly sent when the opinion was filed. The sending of the remittitur ended appellate jurisdiction over this case, and no further motions will be entertained after the remittitur is sent. *Wise v. S.C. Dep't of Corr.*, 372 S.C. 173, 174, 642 S.E.2d 551, 551 (2007). [¶] Therefore, Petitioner's motion is hereby stricken and dismissed. [¶] s/Costa M. Pleicones[,], C.J. s/Donald W. Beatty[,], J. s/John W. Kittredge[,], J. s/Kaye G. Hearn[,], J. Moore, A.J., not participating [¶] Columbia, South Carolina March 24, 2016

Court of Appeals DIGs after submission = 3

Unpublished Opinion No. 2007-UP-412 - Randy Tucker Hall, Petitioner v. State of South Carolina - York County - John C. Hayes, III, Trial Judge - Howard P. King, Sentencing Judge - Lee S. Alford, PCR Judge - Submitted September 1, 2007 - Filed October 4, 2007. James W. Boyd, of Rock Hill, for Petitioner. Attorney General Henry Dargan McMaster; Chief Deputy Attorney General John W. McIntosh; Assistant Deputy Attorney General Salley W. Elliott, and Assistant Attorney General Julie M. Thames, all of Columbia, for Respondent. - PER CURIAM: We granted a writ of certiorari to review the denial of Petitioner's application for post-conviction relief. After thorough review, we dismiss the writ as improvidently granted. [1] **HUFF and STILWELL, JJ., and GOOLSBY, A.J., concur.** [1] We decide this case without oral argument pursuant to Rule 215, SCACR.

Opinion No. 2015-UP-576 - Christopher Santiago, Petitioner, v. State of South Carolina. Appellate Case No. 2012-207568 - Beaufort County Perry M. Buckner, III, Post-Conviction Judge - Submitted December 7, 2015 - Filed December 30, 2015. Richard A. Harpootlian, of Richard A. Harpootlian, PA, and Graham L. Newman, of Chappell Smith & Arden, both of Columbia, and M. David Scott, of Jordan, Rauton & Scott, LLC of Lexington, for Petitioner. Attorney General Alan McCrory Wilson, Chief Deputy Attorney General John W. McIntosh, Senior Assistant Deputy Attorney General Karen Christine Ratigan, Assistant Attorney General Ashleigh Rayanna Wilson, Assistant Deputy Attorney General James Rutledge Johnson, and Assistant Attorney General John Croom Colvin Hunter, all of Columbia, for Respondent. PER CURIAM: After careful consideration of the Appendix and briefs, we now dismiss the writ as improvidently granted. HUFF and THOMAS, JJ., and CURETON, A.J., concur. [¶] 1 See *Ellison v. State*, 382 S.C. 189, 191, 676 S.E.2d 671, 672 (2009) (wherein our supreme court extended its decision in two cases to not entertain petitions for a writ of certiorari "to cases in which the Court of Appeals has issued an order denying a writ of certiorari in a PCR matter and in cases in which the Court of Appeals initially issues an order granting a writ of certiorari in such matters but later issues an opinion dismissing the writ as improvidently granted without further discussion of the case") (emphasis added). [¶] 2 We decide this case without oral argument pursuant to Rule 215, SCACR.

Unpublished Opinion No. 2016-UP-007 - Odis Dwayne Simonds, Respondent, v. State of South Carolina. Appellate Case No. 2012-213515 - York County John C. Hayes, III, Circuit Judge - Submitted December 7, 2015 - Filed January 13, 2016. Attorney General Alan McCrory Wilson and Assistant Attorney General James Rutledge Johnson, both of Columbia, for Petitioner. Tommy Arthur Thomas, of Irmo, for Respondent. PER CURIAM: We granted a writ of certiorari to review the grant of Respondent's application for post-conviction relief. After thorough review, we dismiss the writ as improvidently granted. SHORT, GEATHERS, and MCDONALD, JJ., concur. (1 We decide this case without oral argument pursuant to Rule 215, SCACR.)

DIG MOs	Heard/Submitted MIE ALC			FC	WCC	Cv	Crim	PCR	
Year/Total	93H	138S	1H	7H, 1S	2H	37H, 3S	33H, 1S	13H	133S
2018 = 42	9H	10S		1H		2H	4H	2H	10S
2017 = 22	6H	3S		2H		1H	3H		3S
2016 = 32	5H	12S				2H, 1S	2H, 1S	1H	10S
2015 = 74	19H	9S			1H	6H	7H	5H	9S
2014 = 49	9H	2S		1S	1H	3H	5H		1S
2013 = 34	4H	7S				2H		2H	7S
2012 = 56	10H	11S	1H	1H		2H, 1S	5H	1H	10S
2011 = 40	2H	13S				1H	1H		13S
2010 = 33		4S							4S
2009 = 67	7H	20S				4H	2H	1H	20S
2008 = 53	4H	11S				3H	1H		11S
2007 = 74	5H	17S		2H		3H, 1S			16S
2006 = 49	3H	2S		1H		1H	1H		2S
2005 = 63	5H	7S				3H	2H		7S
2004 = 72	5H	10S				4H		1H,	10S

Total = 762 (rate 762/237 = 1/3.5)

Total of opinions: 3281 + 762 = 4043 Total DIGs 351 - 8 duplicates = 343

rate: 4043/343 = 1/11.8

Sitewide Search Results Number of Matched Records: 285 and 171, raw total = 456, of which 56 are duplicates, DIGs, or not PCR's, leaving at total of 2 orders + 133 (SC MOs) + 164 (published SC) + 64 (CoA Ups) + 38 (CoA published)= 401 PCR's.

Court Order – 2006-03-09-01: William Rush, Petitioner v. ORDER In this post-conviction relief case, petitioner has filed a notice of an order dated December 8, 2005. [/courtOrders/displayOrder.cfm?orderNo=2006-03-09-01](#)

Rule-reversing opinion: S Ct Opinion – 27334:The State, Petitioner, v. Robert Watkins, Respondent. Appellate Case No. 2011 – 195272 – CERTIORARI TO THE COURT OF APPEALS – Greenville County – Larry R. Patterson, Circuit Judge – Heard Octob [/opinions/HTMLfiles/SC/27334.pdf](#)

Court Order – 2006-10-18-02: Dycippa L. Garner, Petitioner [/courtOrders/displayOrder.cfm?orderNo=2006-10-18-02](#)

Court Order – 2006-12-06-03: Franklin Dennison, Petitioner [/courtOrders/displayOrder.cfm?orderNo=2006-12-06-03](#)

Court Order – 2008-05-07-01: David Wayne Graham, Petitioner [/courtOrders/displayOrder.cfm?orderNo=2008-05-07-01](#)

Court Order – 2018-10-18-01: Robin Gray Reese, Petitioner No. 2017-001110 [/courtOrders/displayOrder.cfm?orderNo=2018-10-18-01](#)

1. P/A Opinion – 2004-MO-003: Alfred W. LaSure, Petitioner Edgefield County – Gary E. Clary, Trial Judge – G. Thomas Cooper, Jr [/opinions/displayUnPubOpinion.cfm?caseNo=2004-MO-003](#)
2. P/G, AD Opinion – 2004-MO-004: Jody Bryant, Petitioner – Orangeburg County – Luke N. Brown, Trial Judge – Diane Schafer Goodstein [/opinions/displayUnPubOpinion.cfm?caseNo=2004-MO-004](#)
3. P/A Opinion – 2004-MO-005: Jerome Bradley, Jr., Petitioner – Pickens County – Henry F. Floyd, Trial Judge – James E. Brogdon, J [/opinions/displayUnPubOpinion.cfm?caseNo=2004-MO-005](#)
4. P/R&R Opinion – 2004-MO-007: James L. Williams, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2004-MO-007](#)
5. P/V Opinion – 2004-MO-015: Kenneth M. Mobley, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2004-MO-015](#)
6. P/G, AD Opinion – 2004-MO-016: Casey C. Lewis, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2004-MO-016](#)
7. R/R Opinion – 2004-MO-019: Michael Minor, **Respondent** – Horry County – David H. Maring, Trial Judge – J. Michael Baxley, Post-C [/opinions/displayUnPubOpinion.cfm?caseNo=2004-MO-019](#)
8. R/R Opinion – 2004-MO-020: Horace Agurs, **Respondent** [/opinions/displayUnPubOpinion.cfm?caseNo=2004-MO-020](#)
9. P/R Opinion – 2004-MO-021: Knoland Scarber, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2004-MO-021](#)
10. P/G, AD Opinion – 2004-MO-024: Robert Eugene Waldrop, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2004-MO-024](#)
11. P/G, AD Opinion – 2004-MO-032: Marvin Young, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2004-MO-032](#)
12. P/G, AD Opinion – 2004-MO-034: Lamar Capress Hicks, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2004-MO-034](#)
13. P/G, AD Opinion – 2004-MO-040: Allen Dale Crocker, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2004-MO-040](#)
14. R/R – Opinion – 2004-MO-044: Spencer L. Gordon, **Respondent** [/opinions/displayUnPubOpinion.cfm?caseNo=2004-MO-044](#)
15. P/G, AD Opinion – 2004-MO-051: George Witt, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2004-MO-051](#)
16. P/A Opinion – 2004-MO-059: Travis Self, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2004-MO-059](#)
17. P/V Opinion – 2004-MO-060: Jimmy Dean Jones, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2004-MO-060](#)
18. P/R Opinion – 2004-MO-061: Troy Burks, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2004-MO-061](#)
19. P/G, AD Opinion – 2004-MO-062: Jamie Burnside, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2004-MO-062](#)
20. P/G, AD Opinion – 2004-MO-063: Sammy Brownlee, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2004-MO-063](#)
21. P/A Opinion – 2004-MO-064: James R. Wilson, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2004-MO-064](#)
22. P/A Opinion – 2004-MO-067: Marquiz C. Wright, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2004-MO-067](#)
23. R/V – Opinion – 2004-MO-071: David C. Christmas, **Respondent** [/opinions/displayUnPubOpinion.cfm?caseNo=2004-MO-071](#)
24. P/R&R Opinion – 2004-MO-072: Ricky Dean Edwards, Petitioner – Horry County – John Milling, Trial Judge – Paula H. T [/opinions/displayUnPubOpinion.cfm?caseNo=2004-MO-072](#)
25. P/R in part Opinion – 2005-MO-001: Donnie Harkins, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2005-MO-001](#)
26. P/A Opinion – 2005-MO-002: Alfred Osborne, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2005-MO-002](#)
27. P/G, AD Opinion – 2005-MO-004: Stanley B. Carter, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2005-MO-004](#)
28. R/R – Opinion – 2005-MO-006: D'Angelo Stradford, **Respondent** [/opinions/displayUnPubOpinion.cfm?caseNo=2005-MO-006](#)
29. P/G, AD Opinion – 2005-MO-007: Treadway Manning, Jr., Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2005-MO-007](#)
30. P/G, AD Opinion – 2005-MO-013: Melba Jean Nealy, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2005-MO-013](#)
31. P/G, AD Opinion – 2005-MO-014: Robert Little, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2005-MO-014](#)
32. P/R Opinion – 2005-MO-019: William Hamilton, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2005-MO-019](#)
33. P/G, AD Opinion – 2005-MO-025: Herbert D. Floyd, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2005-MO-025](#)
34. P/R Opinion – 2005-MO-026: Ricky LaFayette Murray, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2005-MO-026](#)
35. P/G, AD Opinion – 2005-MO-027: Willie Roy Sanders, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2005-MO-027](#)
36. P/A Opinion – 2005-MO-028: James A. Stahl, Petitioner, v [/opinions/displayUnPubOpinion.cfm?caseNo=2005-MO-028](#)
37. R/R – Opinion – 2005-MO-031: John T. Smith, #233610, **Respondent** [/opinions/displayUnPubOpinion.cfm?caseNo=2005-MO-031](#)
38. P/A Opinion – 2005-MO-033: Quincy Lee Curry, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2005-MO-033](#)
39. P/R&R Opinion – 2005-MO-037: James C. Miller, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2005-MO-037](#)
40. R/R – Opinion – 2005-MO-040: Larkland Richards, **Respondent** [/opinions/displayUnPubOpinion.cfm?caseNo=2005-MO-040](#)
41. P/V Opinion – 2005-MO-041: Frederick Augustine, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2005-MO-041](#)
42. R/R – Opinion – 2005-MO-042: Gregory L. Hughes, **Respondent** [/opinions/displayUnPubOpinion.cfm?caseNo=2005-MO-042](#)
43. P/V Opinion – 2005-MO-049: Michael Corey, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2005-MO-049](#)
44. R/R – Opinion – 2005-MO-050: Larry Moseley, **Respondent** [/opinions/displayUnPubOpinion.cfm?caseNo=2005-MO-050](#)
45. P/Remand Opinion – 2005-MO-051: Tony Austin Aiken, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2005-MO-051](#)

46. *R/A - Opinion - 2005-MO-056: David Thompson, Respondent* /opinions/displayUnPubOpinion.cfm?caseNo=2005-MO-056

47. P/A Opinion - 2005-MO-058: Capricia Hampton, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2005-MO-058

48. R/R - Opinion - 2005-MO-060: Dwayne C. Deleston, Petitioner-Respondent /opinions/displayUnPubOpinion.cfm?caseNo=2005-MO-060

49. *R/DIG +V+Remand - Opinion - 2005-MO-061: Frank Tolen, Jr., Respondent* /opinions/displayUnPubOpinion.cfm?caseNo=2005-MO-061

50. P/A Opinion - 2006-MO-001: Steven Harper, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2006-MO-001

51. P/G, AD Opinion - 2006-MO-006: Robert G. Clayton, Jr., Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2006-MO-006

52. P/G, AD Opinion - 2006-MO-008: Timothy Downs, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2006-MO-008

53. *P-R/A - Opinion - 2006-MO-011: Gabe Bowens, III, Petitioner-Respondent* /opinions/displayUnPubOpinion.cfm?caseNo=2006-MO-011

54. R/R - Opinion - 2006-MO-017: BENCH MEMORANDUM Kenneth M. Wigfall, Respondent /opinions/displayUnPubOpinion.cfm?caseNo=2006-MO-017

55. P/G, AD Opinion - 2006-MO-018: Wilford Lamont Shannon, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2006-MO-018

56. *R/A - Opinion - 2006-MO-024: James Michael Charing, Respondent, v. Ozmint* /opinions/displayUnPubOpinion.cfm?caseNo=2006-MO-024

57. P/G, AD Opinion - 2006-MO-025: John Henry Tillman, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2006-MO-025

58. P/G, AD Opinion - 2006-MO-026: Buddy Newsome, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2006-MO-026

59. P/G, AD Opinion - 2006-MO-028: Oliver Eugene Wilson, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2006-MO-028

60. P/G, AD Opinion - 2006-MO-029: Clifton L. Davis, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2006-MO-029

61. R/R - Opinion - 2006-MO-031: Rocksell Wright, Respondent /opinions/displayUnPubOpinion.cfm?caseNo=2006-MO-031

62. P/G, AD Opinion - 2006-MO-032: James Bernard Thompson, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2006-MO-032

63. R/R - Opinion - 2006-MO-035: Court Quentin L. Ford, Respondent /opinions/displayUnPubOpinion.cfm?caseNo=2006-MO-035

64. *R-P/R+A - Opinion - 2006-MO-036: Quentin L. Ford, Respondent-Petitioner* /opinions/displayUnPubOpinion.cfm?caseNo=2006-MO-036

65. *P/R Opinion - 2006-MO-037: Mark Rourk, Petitioner* /opinions/displayUnPubOpinion.cfm?caseNo=2006-MO-037

66. P/A Opinion - 2006-MO-040: Jimmy Edward Gandy, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2006-MO-040

67. P/A Opinion - 2006-MO-042: Brian W. Major, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2006-MO-042

68. P/G, AD Opinion - 2006-MO-047: James A. Fleming, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2006-MO-047

69. R/R - Opinion - 2006-MO-048: Mark Alan Robinson, Respondent /opinions/displayUnPubOpinion.cfm?caseNo=2006-MO-048

70. P/G, AD Opinion - 2006-MO-049: Keith Pearson, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2006-MO-049

71. P/G, AD Opinion - 2007-MO-002: Corey Williams, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2007-MO-002

72. P/A Opinion - 2007-MO-004: Michael F. Bailey, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2007-MO-004

73. P/G, AD Opinion - 2007-MO-005: Barry K. Runyans, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2007-MO-005

74. P/G, AD Opinion - 2007-MO-008: Milton Thompson, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2007-MO-008

75. P/G, AD Opinion - 2007-MO-009: Walker G. Camp., Jr., Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2007-MO-009

76. P/A Opinion - 2007-MO-010: Raymond J. Ladson, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2007-MO-010

77. *P/R&R Opinion - 2007-MO-012: Kerry Garner, Petitioner* /opinions/displayUnPubOpinion.cfm?caseNo=2007-MO-012

78. P/G, AD Opinion - 2007-MO-015: Harold F. Wilson, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2007-MO-015

79. P/G, AD Opinion - 2007-MO-016: Greg Gaines, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2007-MO-016

80. R/R - Opinion - 2007-MO-025: Emmet Ray Nall, Respondent /opinions/displayUnPubOpinion.cfm?caseNo=2007-MO-025

81. R/R - Opinion - 2007-MO-033: Ben L. Mitchell, Respondent /opinions/displayUnPubOpinion.cfm?caseNo=2007-MO-033

82. *P/R Opinion - 2007-MO-054: Corey L. Sparkman, Petitioner* /opinions/displayUnPubOpinion.cfm?caseNo=2007-MO-054

83. *P/R Opinion - 2007-MO-057: Timothy A. Turner, Petitioner* /opinions/displayUnPubOpinion.cfm?caseNo=2007-MO-057

84. P/G, AD Opinion - 2007-MO-059: George Williams, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2007-MO-059

85. R/R - Opinion - 2007-MO-060: Randy Drummond, Respondent /opinions/displayUnPubOpinion.cfm?caseNo=2007-MO-060

86. P/G, AD Opinion - 2007-MO-064: Michael Quinn, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2007-MO-064

87. P/G, AD Opinion - 2007-MO-065: Robby Lee McFalls, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2007-MO-065

88. R/R - Opinion - 2007-MO-066: James R. Standard, Respondent /opinions/displayUnPubOpinion.cfm?caseNo=2007-MO-066

89. *P/R Opinion - 2008-MO-001: Robert M. Watkins, Petitioner* /opinions/displayUnPubOpinion.cfm?caseNo=2008-MO-001

90. P/R&R Opinion - 2008-MO-006: Vander McCray, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2008-MO-006

91. P/G, AD Opinion - 2008-MO-007: Rashaun Colbert, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2008-MO-007

92. P/G, AD Opinion - 2008-MO-008: Alexander Weaver, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2008-MO-008

93. *P/R Opinion - 2008-MO-017: Russell O. Johnson, Petitioner* /opinions/displayUnPubOpinion.cfm?caseNo=2008-MO-017

94. *R/A - Opinion - 2008-MO-018: Jack L. Northrop, Respondent - Charleston County - Kenneth G. Goode, Circuit Judge - Submitted February 21, 2008* /opinions/displayUnPubOpinion.cfm?caseNo=2008-MO-018

95. P/A Opinion - 2008-MO-021: Clarence Small, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2008-MO-021

96. P/A Opinion - 2008-MO-024: Christopher L. Burke, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2008-MO-024

97. P/G, AD Opinion - 2008-MO-026: Al-Tericke Praylow, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2008-MO-026

98. P/G, AD Opinion - 2008-MO-039: Terrance O. Scott, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2008-MO-039

99. P/A Opinion - 2008-MO-041: Steven Roy Earley, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2008-MO-041

100. P/G, AD Opinion - 2008-MO-045: Calvin Pace, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2008-MO-045

101. P/A Opinion - 2008-MO-047: Myron Kelley, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2008-MO-047

102. *P/R Opinion - 2008-MO-048: Johnny L. Cantrell, Petitioner* /opinions/displayUnPubOpinion.cfm?caseNo=2008-MO-048

103. P/G, AD Opinion - 2008-MO-049: Marshall Mack, Jr., Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2008-MO-049

104. P/G, AD Opinion - 2008-MO-050: Tony Stevenson Johnson, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2008-MO-050

105. *P/R Opinion - 2008-MO-052: Jerry Michael Collins, Petitioner* /opinions/displayUnPubOpinion.cfm?caseNo=2008-MO-052

106. *P/R&R Opinion - 2008-MO-053: Travis D. Corley, Petitioner* /opinions/displayUnPubOpinion.cfm?caseNo=2008-MO-053

107. P/A Opinion - 2009-MO-002: Alan Duane Rose, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2009-MO-002

108. P/A Opinion - 2009-MO-007: Elijah Hannah, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2009-MO-007](#)

109. R/R - Opinion - 2009-MO-008: David Jones, **Respondent** [/opinions/displayUnPubOpinion.cfm?caseNo=2009-MO-008](#)

110. R/R - Opinion - 2009-MO-012: Frank McKenzie, **Respondent** [/opinions/displayUnPubOpinion.cfm?caseNo=2009-MO-012](#)

111. R/R - Opinion - 2009-MO-015: Uri Dabash, **Respondent** [/opinions/displayUnPubOpinion.cfm?caseNo=2009-MO-015](#)

112. R/R - Opinion - 2009-MO-022: Ralph L. Williams, **Respondent** [/opinions/displayUnPubOpinion.cfm?caseNo=2009-MO-022](#)

113. P/G, AD Opinion - 2009-MO-027: Dale Epps, Petitioner. [/opinions/displayUnPubOpinion.cfm?caseNo=2009-MO-027](#)

114. P/A Opinion - 2009-MO-028: Rodney A. Barner, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2009-MO-028](#)

115. P/R *Opinion - 2009-MO-033: Tony Leonard, **Petitioner** [/opinions/displayUnPubOpinion.cfm?caseNo=2009-MO-033](#)*

116. P/G, AD Opinion - 2009-MO-043: Donald Burton, Petitioner. [/opinions/displayUnPubOpinion.cfm?caseNo=2009-MO-043](#)

117. P/A Opinion - 2009-MO-045: Mickeal Larron Joe, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2009-MO-045](#)

118. P/A Opinion - 2009-MO-047: Dale Robert Bullis, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2009-MO-047](#)

119. P/A Opinion - 2009-MO-049: Gregory Fulton, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2009-MO-049](#)

120. P/R *Opinion - 2009-MO-062: Jermaine Jordan, **Petitioner** [/opinions/displayUnPubOpinion.cfm?caseNo=2009-MO-062](#)*

121. R/R - Opinion - 2009-MO-067: Jamone Boulware, **Respondent** [/opinions/displayUnPubOpinion.cfm?caseNo=2009-MO-067](#)

122. P/A Opinion - 2010-MO-004: Benjamin Heyward, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2010-MO-004](#)

123. P/A Opinion - 2010-MO-012: Hoyt A. Morris, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2010-MO-012](#)

124. P/G, AD Opinion - 2010-MO-021: Alonzo White, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2010-MO-021](#)

125. P/A Opinion - 2010-MO-022: Timothy L. Evans, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2010-MO-022](#)

126. P/A Opinion - 2010-MO-023: Dominique J. Shannon, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2010-MO-023](#)

127. P/R *Opinion - 2010-MO-025: Donald S. Becker, **Petitioner** [/opinions/displayUnPubOpinion.cfm?caseNo=2010-MO-025](#)*

128. P/G, AD Opinion - 2010-MO-026: Lavon Mintz, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2010-MO-026](#)

129. P/A Opinion - 2010-MO-032: Sterling Harley, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2010-MO-032](#)

130. R/A - Opinion - 2010-MO-033: Eric Crain, **Respondent** [/opinions/displayUnPubOpinion.cfm?caseNo=2010-MO-033](#)

131. P/G, AD Opinion - 2011-MO-004: William Parson, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2011-MO-004](#)

132. P/A Opinion - 2011-MO-007: Demarcus Simuel, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2011-MO-007](#)

133. R/A+R - Opinion - 2011-MO-008: John W. Hayward, **Respondent** [/opinions/displayUnPubOpinion.cfm?caseNo=2011-MO-008](#)

134. P/A Opinion - 2011-MO-014: Demetrius Baker, Petitioner. [/opinions/displayUnPubOpinion.cfm?caseNo=2011-MO-014](#)

135. P/G, AD Opinion - 2011-MO-015: Jett Frederick, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2011-MO-015](#)

136. P/A Opinion - 2011-MO-017: Elaine T. Patterson, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2011-MO-017](#)

137. P/A Opinion - 2011-MO-019: Byron Spivey, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2011-MO-019](#)

138. P/A Opinion - 2011-MO-020: Larry Melton, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2011-MO-020](#)

139. P/G, AD Opinion - 2011-MO-021: Eric D. Wallace, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2011-MO-021](#)

140. P/A Opinion - 2011-MO-023: Maurice L. Franklin, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2011-MO-023](#)

141. P/G, AD Opinion - 2011-MO-026: John Edward Lyles, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2011-MO-026](#)

142. P/R *Opinion - 2011-MO-030: Juan M. Ward, **Petitioner** [/opinions/displayUnPubOpinion.cfm?caseNo=2011-MO-030](#)*

143. P/R *Opinion - 2012-MO-008: Charles Lenbyrd McCray, **Petitioner** [/opinions/displayUnPubOpinion.cfm?caseNo=2012-MO-008](#)*

144. P/A Opinion - 2012-MO-021: Eric D. Tessner, Petitioner [/opinions/unpublishedopinions/HTMLfiles/SC/2012-MO-021.pdf](#)

145. P/G, AD Opinion - 2012-MO-033: Devon Leon Houston, Petitioner [/opinions/unpublishedopinions/HTMLfiles/SC/2012-MO-033.pdf](#)

146. P/G, AD Opinion - 2012-MO-034: Curtis Bryant, Petitioner. [/opinions/unpublishedopinions/HTMLfiles/SC/2012-MO-034.pdf](#)

147. P/A Opinion - 2012-MO-035: Julius Powell, Petitioner [/opinions/unpublishedopinions/HTMLfiles/SC/2012-MO-035.pdf](#)

148. P/A Opinion - 2012-MO-045: Frank Furtick, Jr., Petitioner [/opinions/unpublishedopinions/HTMLfiles/SC/2012-MO-045.pdf](#)

149. P/A Opinion - 2012-MO-052: Reginald Clea, Petitioner [/opinions/unpublishedopinions/HTMLfiles/SC/2012-MO-052.pdf](#)

150. P/A Opinion - 2012-MO-054: Allen J. Capers, Petitioner [/opinions/unpublishedopinions/HTMLfiles/SC/2012-MO-054.pdf](#)

151. P/Remand *Opinion - 2013-MO-010: Ernest Battle, **Petitioner** [/opinions/unpublishedopinions/HTMLfiles/SC/2013-MO-010.pdf](#)*

152. P/R&R *Opinion - 2013-MO-019: Somjai Fung Fue Starnes, **Petitioner** [/opinions/unpublishedopinions/HTMLfiles/SC/2013-MO-019.pdf](#)*

153. P/G, AD Opinion - 2013-MO-023: Nicanor Perez Rodriguez, Petitioner [/opinions/unpublishedopinions/HTMLfiles/SC/2013-MO-023.pdf](#)

154. P/A Opinion - 2013-MO-025: Courtney Sease, Petitioner [/opinions/unpublishedopinions/HTMLfiles/SC/2013-MO-025.pdf](#)

155. P/A Opinion - 2013-MO-032: Sylvester Toomer, Petitioner [/opinions/unpublishedopinions/HTMLfiles/SC/2013-MO-032.pdf](#)

156. P/A Opinion - 2014-MO-033: Mason Johnson, Petitioner [/opinions/unpublishedopinions/HTMLfiles/SC/2014-MO-033.pdf](#)

157. R/R - Opinion - 2014-MO-036: Horace Abney Jr., **Respondent** [/opinions/unpublishedopinions/HTMLfiles/SC/2014-MO-036.pdf](#)

158. P/G, AD Opinion - 2014-MO-038: Phillip F. Watts, Petitioner [/opinions/unpublishedopinions/HTMLfiles/SC/2014-MO-038.pdf](#)

159. P/A Opinion - 2014-MO-044: Harold Anthony Trout, Petitioner [/opinions/unpublishedopinions/HTMLfiles/SC/2014-MO-044.pdf](#)

160. P/A Opinion - 2014-MO-047: Jeffery T. Lucas, Petitioner [/opinions/unpublishedopinions/HTMLfiles/SC/2014-MO-047.pdf](#)

161. P/A Opinion - 2014-MO-049: Tiffany Sanders, Petitioner [/opinions/unpublishedopinions/HTMLfiles/SC/2014-MO-049.pdf](#)

162. P/G, AA Opinion - 2014-MO-194: Walter Terran Gaines, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2014-UP-194.pdf](#)

163. P/A Opinion - 2015-MO-003: Hashin Alli Oneil, Petitioner [/opinions/unpublishedopinions/HTMLfiles/SC/2015-MO-003.pdf](#)

164. P/G, AD Opinion - 2015-MO-017: Michael Wayne Henderson, Petitioner [/opinions/unpublishedopinions/HTMLfiles/SC/2015-MO-017.pdf](#)

165. P/R&R *Opinion - 2015-MO-018: Oshawyn J. Robinson, **Petitioner** [/opinions/unpublishedopinions/HTMLfiles/SC/2015-MO-018.pdf](#)*

166. P/G, AD Opinion - 2015-MO-020: Bernard O. Gilliard, Petitioner [/opinions/unpublishedopinions/HTMLfiles/SC/2015-MO-020.pdf](#)

167. P/R&R *Opinion - 2015-MO-023: Jimmy Charles Kendall, III, **Petitioner** [/opinions/unpublishedopinions/HTMLfiles/SC/2015-MO-023.pdf](#)*

168. P/R *Opinion - 2015-MO-026: Derrick Hollingsworth, **Petitioner** [/opinions/unpublishedopinions/HTMLfiles/SC/2015-MO-026.pdf](#)*

169. P/R *Opinion - 2015-MO-037: DeAngelo Mickell, **Petitioner** [/opinions/unpublishedopinions/HTMLfiles/SC/2015-MO-037.pdf](#)*

170. P/G, AD Opinion - 2015-MO-042: Williams, Petitioner - Greenville County - D. Garrison Hill, Trial Judge - G. Edward Welmaker, Post Conviction Judge - [/opinions/unpublishedopinions/HTMLfiles/SC/2015-MO-042.pdf](#)

171. [R/A – Opinion – 2015-MO-043: Davoris Smiley, Respondent /opinions/unpublishedopinions/HTMLfiles/SC/2015-MO-043.pdf](#)
172. P/G, AD Opinion – 2015-MO-048: Kenneth Sherman, Petitioner [/opinions/unpublishedopinions/HTMLfiles/SC/2015-MO-048.pdf](#)
173. [P/R&R Opinion – 2015-MO-052: Vladimir W. Pantovich, Petitioner /opinions/unpublishedopinions/HTMLfiles/SC/2015-MO-052.pdf](#)
174. [P/Common-law writ issued, sentence amended Opinion – 2015-MO-056: Arthur R. Ladia, Petitioner /opinions/unpublishedopinions/HTMLfiles/SC/2015-MO-056.pdf](#)
175. [R-P/Remand – Opinion – 2015-MO-060: Fredy DeLeon, Respondent – Petitioner /opinions/unpublishedopinions/HTMLfiles/SC/2015-MO-060.pdf](#)
176. [R/DIG – Opinion – 2015-UP-063 Ayree Henderson, Respondent /opinions/unpublishedopinions/HTMLfiles/COA/2015-MO-063.pdf](#)
177. [P/A, V&R Opinion – 2015-MO-073: James Randolph Frady, Petitioner /opinions/unpublishedopinions/HTMLfiles/SC/2015-MO-073.pdf](#)
178. [P/R&R Opinion – 2016-MO-005: Luther Garner, Petitioner /opinions/unpublishedopinions/HTMLfiles/SC/2016-MO-005.pdf](#)
179. R/R – Opinion – 2016-MO-013: Nathaniel Teamer, Respondent [/opinions/unpublishedopinions/HTMLfiles/SC/2016-MO-013.pdf](#)
180. P/A Opinion – 2016-MO-014: Darren A. Simmons, Petitioner [/opinions/unpublishedopinions/HTMLfiles/SC/2016-MO-014.pdf](#)
181. [R/R but R – Opinion – 2016-MO-015: Tommy S. Adams, Respondent /opinions/unpublishedopinions/HTMLfiles/SC/2016-MO-015.pdf](#)
182. [P/R&R Opinion – 2016-MO-018: John Forrest Ham, Jr., Petitioner /opinions/unpublishedopinions/HTMLfiles/SC/2016-MO-018.pdf](#)
183. [P/R&R Opinion – 2017-MO-001: Lloyd Wright, Petitioner /opinions/unpublishedopinions/HTMLfiles/SC/2017-MO-001.pdf](#)
184. R/V – Opinion – 2017-MO-004: Letron S. Davis, Respondent [/opinions/unpublishedopinions/HTMLfiles/SC/2017-MO-004.pdf](#)
185. P/A Opinion – 2017-MO-005: Robert S. Horton, Petitioner [/opinions/unpublishedopinions/HTMLfiles/SC/2017-MO-005.pdf](#)
186. P/G, AD Opinion – 2017-MO-006: Maurice Glover, Petitioner [/opinions/unpublishedopinions/HTMLfiles/SC/2017-MO-006.pdf](#)
187. [P/R Opinion – 2018-MO-009: Onrae Williams, Petitioner /opinions/unpublishedopinions/HTMLfiles/SC/2018-MO-009.pdf](#)
188. [P/R Opinion – 2018-MO-011: Jerod Keykendall Harris, Petitioner – Spartanburg County – R. Keith Kelly, Post – Conviction Judge /opinions/unpublishedopinions/HTMLfiles/SC/2018-MO-011.pdf](#)
189. [P/R Opinion – 2018-MO-013: Frankie Lee Bryant, III, Petitioner /opinions/unpublishedopinions/HTMLfiles/SC/2018-MO-013.pdf](#)
190. P/G, AD Opinion – 2018-MO-014: Steven Spagnoli, Petitioner [/opinions/unpublishedopinions/HTMLfiles/SC/2018-MO-014.pdf](#)
191. P/G, AD Opinion – 2018-MO-019: Gregory Lee Murphy, Petitioner [/opinions/unpublishedopinions/HTMLfiles/SC/2018-MO-019.pdf](#)
192. P/A Opinion – 2018-MO-023: Amy Renee Lane, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2018-MO-023.pdf](#)
193. P/G, AD Opinion – 2018-MO-025: Bernard McFadden, Petitioner [/opinions/unpublishedopinions/HTMLfiles/SC/2018-MO-025.pdf](#)
194. P/A Opinion – 2018-MO-026: Shonta Helton, Petitioner [/opinions/unpublishedopinions/HTMLfiles/SC/2018-MO-026.pdf](#)

P/G, AD = 62; P/A = 52; P/V=4; P/R=26; P/R&R = 13; P/Other = 2; (45) R/V = 2; R/R =24; R/A=7; State = 34; App =160; TOTAL = 194

1. P/A, S Ct Opinion – 24571: Davis Adv. Sh. No. 4 Gary Wayne Skeen, Petitioner – Barnwell County – Rodney A. Peebles, Circuit Judge – Marc H. Westbrook, Post-Convic [/opinions/displayOpinion.cfm?caseNo=24571](#)
2. R/R, S Ct Opinion – 24578: Davis Adv. Sh. No. 6 Darrell S. Brooks, Respondent – Oconee County – Frank Eppes, Trial Judge – Gerald C. [/opinions/displayOpinion.cfm?caseNo=24578](#)
3. R/R, S Ct Opinion – 24579: Davis Adv. Sh. No. 6 Rodney Dale Satterwhite, Respondent – McCormick County – William P. Keesley, Trial Judge [/opinions/displayOpinion.cfm?caseNo=24579](#)
4. [P/A+R+V, S Ct Opinion – 24598: Davis Adv. Sh. No. 10 Richard Padgett, Petitioner, Colleton County – Gerald C. Smoak, Trial Judge – Luke N. Brown, Jr., Post-Con /opinions/displayOpinion.cfm?caseNo=24598](#)
5. [P/R&R, S Ct Opinion – 24600: Davis Adv. Sh. No. 11 Charles Gladden, Petitioner – Cherokee County – E.C. Burnett, III, Trial /opinions/displayOpinion.cfm?caseNo=24600](#)
6. R/R, S Ct Opinion – 24614: Davis Adv. Sh. No. 14 William Wolfe, Respondent – Union County – Larry R. Patterson, Trial Judge – H. Dean [/opinions/displayOpinion.cfm?caseNo=24614](#)
7. [R/A+R, S Ct Opinion – 24615: Davis Adv. Sh. No. 14 Thomas D. Crooks, Jr., Respondent – Richland County – L. Henry McKellar, Trial Judge – /opinions/displayOpinion.cfm?caseNo=24615](#)
8. R/R, S Ct Opinion – 24636: Davis Adv. Sh. No.19 Billy Joe Davis, Respondent – Anderson County – H. Dean Hall, Trial Judge – Thomas J. Ervin, Post-Conviction Judge – Submitted May [/opinions/displayOpinion.cfm?caseNo=24636](#)
9. R/R, S Ct Opinion – 24651: Davis Adv. Sh. No. 21 – Cedrick Wilson, Respondent – Charleston County – R. Markley Dennis, Judge – Submitted May 21, 1997 – Filed July 21, 1997 [/opinions/displayOpinion.cfm?caseNo=24651](#)
10. [P/R&R, S Ct Opinion – 24657: Davis Adv. Sh. No. 22 Kurtis Christopher Jackson, Petitioner – Beaufort County – Jackson V. Gregory, Judge – Submitted February 20, 1997 – Filed July 28, 1997 /opinions/displayOpinion.cfm?caseNo=24657](#)
11. [P/V&R, S Ct Opinion – 24690: Jeremiah S. Craddock, Petitioner – Pickens County – Gerald C. Smoak, Judge – Submitted September 9, 1997 – Filed September 22, 1997 /opinions/displayOpinion.cfm?caseNo=24690](#)
12. [P-R/R&R, S Ct Opinion – 24695: Davis Adv. Sh. No. 29 – Derrick Kernald Hope, Petitioner/Respondent – York County – Robert L. McFadden, Trial Judge – John C. Hayes /opinions/displayOpinion.cfm?caseNo=24695](#)
13. [P/V&R, S Ct Opinion – 24715: Davis Adv. Sh. No. 32 – Norman Bryson, Petitioner – Laurens County – Edward B. Cottingham, Post-Conviction Judge – Submitted October 28, 1997 File /opinions/displayOpinion.cfm?caseNo=24715](#)
14. R/R, S Ct Opinion – 24723: Davis Adv. Sh. No. 35 – Morgan Quincy Smith, Respondent – Florence County – Marc H. Westbrook, Trial Judge – B. Hicks Harwell, Jr., Post-Conviction Judge [/opinions/displayOpinion.cfm?caseNo=24723](#)
15. P/A, S Ct Opinion – 24738: Davis Adv. Sh. No. 3 – Jack Simpson, #168120, Appellant, v. State of South Carolina, Attorney General, Warden Ricky Harrison, Respondents – Chester County – Don S. Rushing, Judge – Heard January 22, 1997 [/opinions/displayOpinion.cfm?caseNo=24738](#)
16. R/R, S Ct Opinion – 24741: Davis Adv. Sh. No. 3 – Noah Robinson, Respondent – Greenville County – James E. Moore, Trial Judge – Frank P. McGowan, Jr., Post-Conviction Judge [/opinions/displayOpinion.cfm?caseNo=24741](#)
17. R/R, S Ct Opinion – 24742: Davis Adv. Sh. No. 3 – Gary Moorehead, Respondent – Horry County – Daniel E. Martin, Sr., – Submitted November 19, 1997 – Filed January 12, 1998 [/opinions/displayOpinion.cfm?caseNo=24742](#)

18. P/A, S Ct Opinion – 24746: Davis Adv. Sh. No. 3 – David L. Burgess, II, Petitioner – Union County – William T. Howell, Trial Judge – H. Dean Hall, Post-Conviction Judge </opinions/displayOpinion.cfm?caseNo=24746>
19. R/R, S Ct Opinion – 24749: Davis Adv. Sh. No. 4 – Todd Jackson, Respondent – Richland County – Joseph A. Wilson, II, Trial Judge – Gary E. Clary, Post-Conviction Judge </opinions/displayOpinion.cfm?caseNo=24749>
20. R/R, S Ct Opinion – 24750: Davis Adv. Sh. No. 4 – Richard Carter, Respondent – Anderson County – H. Dean Hall, Post-Conviction Judge – Frank Eppes, Trial Judge </opinions/displayOpinion.cfm?caseNo=24750>
21. P/R, S Ct Opinion – 24795: Davis Adv. Sh. No. 20 John Henry Simmons, Jr., *Petitioner* – Richland County – John H. Waller, Jr., Trial Judge
</opinions/displayOpinion.cfm?caseNo=24795>
22. P/R, S Ct Opinion – 24811: Davis Adv. Sh. No. 25 – James A. Pauling, *Petitioner* – Richland County – Joseph
</opinions/displayOpinion.cfm?caseNo=24811>
23. P/R, S Ct Opinion – 24812: Davis Adv. Sh. No. 25 – Alvin Owens, *Petitioner* – Horry County – Sidney T
</opinions/displayOpinion.cfm?caseNo=24812>
24. R/R, S Ct Opinion – 24820: Davis Adv. Sh. No. 26 – Ronnie L. Phillips, Respondent </opinions/displayOpinion.cfm?caseNo=24820>
25. R/R, S Ct Opinion – 24822: Davis Adv. Sh. No. 27 – Danny Lee Sullivan, Respondent – Greenville County – Frank Eppes, Trial Judge – Thomas L. Hughston, Jr., Post-Conviction </opinions/displayOpinion.cfm?caseNo=24822>
26. P/A, S Ct Opinion – 24828: Davis Adv. Sh. No. 28 – Willie Lee Douglas, Petitioner – Florence County – Ralph King Anderson, Trial Judge </opinions/displayOpinion.cfm?caseNo=24828>
27. P/A, S Ct Opinion – 24832: Davis Adv. Sh. No. XX – Donald Allen Jones, Petitioner – Lancaster County – Honorable George F. Coleman </opinions/displayOpinion.cfm?caseNo=24832>
28. R/R, S Ct Opinion – 24844: Davis Adv. Sh. No. XX – Charles Granger, Jr., Respondent – Greenville County – Frank Eppes, Trial Judge – Gerald C. Smoak, Post-Conviction Judge </opinions/displayOpinion.cfm?caseNo=24844>
29. R/R, S Ct Opinion – 24845: Davis Adv. Sh. No. XX – Roger Jones, Respondent – Beaufort County – L. Henry McKellar, Judge – Submitted October 21, 1 </opinions/displayOpinion.cfm?caseNo=24845>
30. R/R, S Ct Opinion – 24861: Davis Adv. Sh. No. XX – Kenneth H. Brown, Respondent – Orangeburg County – Daniel E. Martin, Sr., Post-Conviction Judge – Paul M. Burch, Trial Judge </opinions/displayOpinion.cfm?caseNo=24861>
31. R/R, S Ct Opinion – 24865: Davis Adv. Sh. No. XX – Albert Legare, Respondent – Charleston County – Jackson V. Gregory, Trial Judge – Larry R. Patterson, Post-Conviction Judge </opinions/displayOpinion.cfm?caseNo=24865>
32. R/R, S Ct Opinion – 24869: Davis Adv. Sh. No. XX – Benjamin Bannister, Respondent – Dorchester County – Jackson V. Gregory, Trial Judge – Victor Rawl, Post-Conviction Judge </opinions/displayOpinion.cfm?caseNo=24869>
33. R/R, S Ct Opinion – 24884: Davis Adv. Sh. No. 3 – Wilson A. Palacio, Respondent – Charleston County – Luke N. Brown, Jr., Circuit Judge John C. Hayes, III, Post-Convic </opinions/displayOpinion.cfm?caseNo=24884>
34. R/A, S Ct Opinion – 24892: Davis Adv. Sh. No. 4 – Troy E. Tilley, Respondent – Horry County – Don S. Rushing, T
</opinions/displayOpinion.cfm?caseNo=24892>
35. R/A, S Ct Opinion – 24901: Davis Adv. Sh. No. 7 – Clifton David Scott, Respondent – Greenville County – Hubert E. Long,
Trial Judge – Thomas L. Hughston </opinions/displayOpinion.cfm?caseNo=24901>
36. P/R, S Ct Opinion – 24909: Davis Adv. Sh. No. 9 – Raymond Weinbauer, *Petitioner* – Sumter County – David F. McInnis, Circuit
Judge Thomas W. Cooper, Jr., Post-Conviction Judge </opinions/displayOpinion.cfm?caseNo=24909>
37. R/A+R, S Ct Opinion – 24914: Shearouse Adv. Sh. No. 10 – Harold Gibson, Respondent/Petitioner – York County – Robert L.
M </opinions/displayOpinion.cfm?caseNo=24914>
38. P/A, S Ct Opinion – 24930: Shearouse Adv. Sh. No. 13 – Legrand Norris, Petitioner – Lexington County – Julius H. Baggett, Trial Judge – Thomas J. Ervin, Post </opinions/displayOpinion.cfm?caseNo=24930>
39. P/A, S Ct Opinion – 24940: Shearouse Adv. Sh. No. 16 – Leon Stevenson, Petitioner – Spartanburg County – John C. Hayes, III, Trial Judge – Gary E. Clary, </opinions/displayOpinion.cfm?caseNo=24940>
40. R/R, S Ct Opinion – 24956: Shearouse Adv. Sh. No. 21 Arlando Gaines, Respondent – Dorchester County – Luke N., Brown, Trial Judge – A. Victor Rawl, Post-Conviction Judge </opinions/displayOpinion.cfm?caseNo=24956>
41. P/R, S Ct Opinion – 24962: Shearouse Adv. Sh. No. 22 S.E. 2d – Calvin Nelson Turner, *Petitioner* – York County John C. Hayes, III,
Judge – Submitted May 27, 1999 </opinions/displayOpinion.cfm?caseNo=24962>
42. P/A, S Ct Opinion – 24974: Shearouse Adv. Sh. No. 25 – Irving Foye, Petitioner – Charleston County – Luke N. Brown, Jr., Trial Judge – Daniel E. Martin, Sr., Post-Conviction Judge </opinions/displayOpinion.cfm?caseNo=24974>
43. P/R, S Ct Opinion – 24986: Shearouse Adv. Sh. No. 27 – Marshall Davis, *Petitioner* – Colleton County – Gerald C. Smoak, Trial
Judge – Jackson V. Gregory, Post-Conviction Judge </opinions/displayOpinion.cfm?caseNo=24986>
44. P/R, S Ct Opinion – 24990: Herman Brightman, *Petitioner* – Orangeburg County – Daniel E. Martin, Sr., Judge –
Submitted March 16, 1999 – Filed August </opinions/displayOpinion.cfm?caseNo=24990>
45. P/A, S Ct Opinion – 25005: Shearouse Adv. Sh. – Steve Carter, Petitioner – Dillon County – Mark H. Westbrook, Post-Conviction Judge – Submitted October 5, 1999 </opinions/displayOpinion.cfm?caseNo=25005>
46. P/R, S Ct Opinion – 25008: Shearouse Adv. Sh. No. – Deborah Ann Stevenson, *Petitioner* – Anderson County – H. Dean Hall,
Judge – Submitted October 20, 1999 – Filed November 1, </opinions/displayOpinion.cfm?caseNo=25008>
47. P/R, S Ct Opinion – 25015: Shearouse Adv. Sh. No. – Herbert Wayne Odom, *Petitioner* – Sumter County – David F. McInnis,
Trial Judge – M. Duane Shuler, Post-Conviction Judge </opinions/displayOpinion.cfm?caseNo=25015>
48. P/R, S Ct Opinion – 25019: Shearouse Adv. Sh. No. – Ronald Dove, *Petitioner* – Anderson County – James E. Lockemy, Trial
Judge – Rodney A. Peebles, Post-Conviction Judge </opinions/displayOpinion.cfm?caseNo=25019>

49. *R/A, S Ct Opinion – 25025: Shearouse Adv. Sh. No. s - Timothy James Pittman, Respondent - York County - Frank Eppes, Trial Judge - John C. Hayes, III, Post-Conviction Judge* </opinions/displayOpinion.cfm?caseNo=25025>
50. *P/R, S Ct Opinion – 25033: Joseph Paul Hudgins, Petitioner, v. Michael W. Moore, Director - Anderson County - Gary E. Clary, Circuit Judge* </opinions/displayOpinion.cfm?caseNo=25033>
51. *P/A, Remand for re-sentencing S Ct Opinion – 25034: Robert H. Southerland, Petitioner - Lexington County - Marc H. Westbrook, Circuit Judge - Heard November 2, 1999 - Filed De* </opinions/displayOpinion.cfm?caseNo=25034>
52. *R/A+R, S Ct Opinion – 25039: Robert J. Caprood, Respondent - Colleton County - J. Ernest Kinard, Jr., Circuit Judge - Submitted September 22, 1999 - Filed January* </opinions/displayOpinion.cfm?caseNo=25039>
53. *R/R, S Ct Opinion – 25043: George M. Pierce, II, Respondent* </opinions/displayOpinion.cfm?caseNo=25043>
54. *R/R, S Ct Opinion – 25049: Willie Lewis Martin, Respondent* </opinions/displayOpinion.cfm?caseNo=25049>
55. *R/R, S Ct Opinion – 25052: Jerry Nathan Deal, Respondent* </opinions/displayOpinion.cfm?caseNo=25052>
56. *R/A, S Ct Opinion – 25059: Burney Don Green, Respondent* </opinions/displayOpinion.cfm?caseNo=25059>
57. *P/R&R, S Ct Opinion – 25068: Roger D. Cooper, Petitioner - Oconee County - Alexander S. Macaulay, Trial Judge - Henry F. Floyd, Pos* </opinions/displayOpinion.cfm?caseNo=25068>
58. *P/A, S Ct Opinion – 25074: Michael Poston, Petitioner/Respondent - Darlington County John H. Waller, Jr., Trial Ju* </opinions/displayOpinion.cfm?caseNo=25074>
59. *R/R, S Ct Opinion – 25075: Lavonne Roddy, Jr., Respondent - Greenville County C. Victor Pyle, Jr., Trial Judge Thomas J. Ervin,* </opinions/displayOpinion.cfm?caseNo=25075>
60. *R/R, S Ct Opinion – 25078: Adrien V. Brown, Respondent - Charleston County - Jackson V. Gregory, Trial Judge - John C. Hayes,* </opinions/displayOpinion.cfm?caseNo=25078>
61. *R/A, S Ct Opinion – 25083: Roy Lee Blakeney, Respondent - Beaufort County - Jackson V. Gregory, Circuit Judge Howard P. King, Post-Conviction Judge* </opinions/displayOpinion.cfm?caseNo=25083>
62. *P/R, S Ct Opinion – 25086: Ricky Lee Allen, Petitioner - Pickens County - Larry R. Patterson, Trial Judge -* </opinions/displayOpinion.cfm?caseNo=25086>
63. *P/V&R, S Ct Opinion – 25087: Darryl Vincent Jernigan, Petitioner ORDER* </opinions/displayOpinion.cfm?caseNo=25087>
64. *R/R, S Ct Opinion – 25098: Frank Toomer, Respondent - Beaufort County - Jackson V. Gregory* </opinions/displayOpinion.cfm?caseNo=25098>
65. *P-R/V&R, S Ct Opinion – 25114: John Wesley Knox, Petitioner/respondent - Union County - Jackson V. Gregory, Circuit Judge - Submitte* </opinions/displayOpinion.cfm?caseNo=25114>
66. *P/R&R, S Ct Opinion – 25115: Chavis Thompson, Petitioner* </opinions/displayOpinion.cfm?caseNo=25115>
67. *P/A, S Ct Opinion – 25146: Marvin J. Locke, Petitioner - York County - H. Dean Hall, Circuit Judge - Submitted May 30, 2000* </opinions/displayOpinion.cfm?caseNo=25146>
68. *P/R, S Ct Opinion – 25155: Wesley Edmond, Petitioner - Greenville County - Paul M. Burch, Trial Judge* </opinions/displayOpinion.cfm?caseNo=25155>
69. *P/A, S Ct Opinion – 25178: Daniel Anderson, Petitioner - Richland County- L. Henry McKellar, Post Conviction* </opinions/displayOpinion.cfm?caseNo=25178>
70. *P/R, S Ct Opinion – 25181: James Harvey Jackson, Petitioner - Greenville County - C. Victor Pyle, Jr., Judge* </opinions/displayOpinion.cfm?caseNo=25181>
71. *R/A, S Ct Opinion – 25183: Richard Campbell, Respondent - Aiken County - Frank Eppes, Trial Judge - Rodney A. Pee* </opinions/displayOpinion.cfm?caseNo=25183>
72. *P/R&R, S Ct Opinion – 25206: Jeffery McFadden, Petitioner* </opinions/displayOpinion.cfm?caseNo=25206>
73. *P/R, S Ct Opinion – 25227: Sam Brown, Petitioner - Williamsburg County - M. Duane Shuler, Trial Judge - Paula H. Thomas, Post-Conv* </opinions/displayOpinion.cfm?caseNo=25227>
74. *P/R, S Ct Opinion – 25280: Bert Braddock, Petitioner - Dorchester County - Gerald C. Smoak, Trial Judge - James E. Lockemy, Sentenci* </opinions/displayOpinion.cfm?caseNo=25280>
75. *P/A, S Ct Opinion – 25308: Jay Walter Tate, Jr., Petitioner - Cherokee County - J. Derham Cole, Post-Conviction Judge - Heard May 22, 2001* </opinions/displayOpinion.cfm?caseNo=25308>
76. *P/Remanded to determine voluntariness of withdrawal, S Ct Opinion – 25309: John Brannon, Petitioner - Spartanburg County - Donald W. Beatty, Post-Conviction Judge - Submitted May 24,* </opinions/displayOpinion.cfm?caseNo=25309>
77. *R/Affirmed as Modified, S Ct Opinion – 25312: Eastern J. Ezell, Respondent -Dorchester County - David F. McInnis, Trial Judge - Costa M. Pleicones, Post-Conviction Judge* </opinions/displayOpinion.cfm?caseNo=25312>
78. *P/A, S Ct Opinion – 25314: Leland Humbert, Petitioner - Florence County - Ralph King Anderson, Jr., Trial Judge - James E. Brogdon, Jr., Post-Conviction Judge* </opinions/displayOpinion.cfm?caseNo=25314>
79. *P/R, S Ct Opinion – 25339: Malissa Thomas, Petitioner - Florence County - M. Duane Shuler, Trial Judge - James E. Brogdon, Jr., Post-Conviction Judge* </opinions/displayOpinion.cfm?caseNo=25339>
80. *P/R, S Ct Opinion – 25340: Thomas Dawkins, Petitioner - Richland County - John Hamilton Smith, Trial Judge - Gerald C. Smoak, Po* </opinions/displayOpinion.cfm?caseNo=25340>
81. *R/R, S Ct Opinion – 25343: David Rollison, Respondent - Greenville County - John W. Kittredge, Trial Judge - Larry R. Patterson, Pos* </opinions/displayOpinion.cfm?caseNo=25343>
82. *P/A, S Ct Opinion – 25344: Eric Gill, Petitioner - York County - William T. Howell, Trial Judge - J. Derham Cole, Post-Conviction* </opinions/displayOpinion.cfm?caseNo=25344>

83. P/A, S Ct Opinion – 25348: James P. Hughes, Petitioner – Williamsburg County – Thomas W. Cooper, Jr., Post-Conviction Judge – M. Duane Shuler, Trial Judge </opinions/displayOpinion.cfm?caseNo=25348>
84. R/R in part, S Ct Opinion – 25353: Ellis Franklin, Respondent/Petitioner, v. William D. Catoe, Director </opinions/displayOpinion.cfm?caseNo=25353>
85. *P/R&R, S Ct Opinion – 25378: Phillip P. Watts, Sr., Petitioner – York County – Frank Eppes, Trial Judge – J. Derham Cole, Post-Convict* </opinions/displayOpinion.cfm?caseNo=25378>
86. P/A, S Ct Opinion – 25381: Lawrence Merle Bruno, Petitioner – Greenville County – C. Victor Pyle, Jr., Trial Judge – Larry R. Patterson, Post-Conv </opinions/displayOpinion.cfm?caseNo=25381>
87. R/R, S Ct Opinion – 25382: Ray T. Mayo, Respondent </opinions/displayOpinion.cfm?caseNo=25382>
88. *P/Remanded, S Ct Opinion – 25391: Jermano Gary, Petitioner – Kershaw County – J. Ernest Kinard, Jr., Circuit Judge* </opinions/displayOpinion.cfm?caseNo=25391>
89. R/R, S Ct Opinion – 25392: Philbert R. Fuller, Respondent – Spartanburg County – J. Derham Cole, Trial Judge – Wyatt T. </opinions/displayOpinion.cfm?caseNo=25392>
90. R/R, S Ct Opinion – 25393: Richard Solomon, Respondent </opinions/displayOpinion.cfm?caseNo=25393>
91. *P/R&R, S Ct Opinion – 25399: Harold Fitzgerald Wilson, Petitioner – Georgetown County – David H. Maring, Trial Judge – Paula H. Thomas, Post-Conviction* </opinions/displayOpinion.cfm?caseNo=25399>
92. *P/R, S Ct Opinion – 25409: Stacy Wade, Petitioner – Dillon County – James E. Lockemy, Trial Judge, Daniel F. Pieper,* </opinions/displayOpinion.cfm?caseNo=25409>
93. *P/R, S Ct Opinion – 25416: Lee Roy Ingle, Petitioner – Sumter County – Thomas W. Cooper, Jr., Circuit Judge – Submitted Septem* </opinions/displayOpinion.cfm?caseNo=25416>
94. *P/R&R, S Ct Opinion – 25427: Charles W. Patrick, Petitioner – Abbeville County – James W. Johnson, Jr., Trial Judge – Larry R. Patterson, Post-Conviction* </opinions/displayOpinion.cfm?caseNo=25427>
95. *P/R, S Ct Opinion – 25433: Ronald Wilson Legge, Petitioner – Florence County – Ralph King Anderson, Jr., Trial Judge – John L. Breeden, Jr., Post-Conv* </opinions/displayOpinion.cfm?caseNo=25433>
96. P/A, S Ct Opinion – 25443: Freddie Jackson, Petitioner – Greenwood County – Henry F. Floyd, Trial Judge – Larry R. Patterson, Post-Conv </opinions/displayOpinion.cfm?caseNo=25443>
97. *P/R, S Ct Opinion – 25447: George Rufus Wertz, Petitioner – Newberry County – William P. Keesley, Post-Conviction Judge – Submitt* </opinions/displayOpinion.cfm?caseNo=25447>
98. *P/R, S Ct Opinion – 25481: Ray Gilchrist, Petitioner – Greenwood County – David H. Maring, Sr., Trial Judge – Rodney A. Peebles, Post-Conviction J* </opinions/displayOpinion.cfm?caseNo=25481>
99. *P/R, S Ct Opinion – 25487: David Ray Matthews, Petitioner – Darlington County – John H. Waller, Jr., Trial Judge – Edward B. Cottingham, Post-Conviction Judge* </opinions/displayOpinion.cfm?caseNo=25487>
100. *P/R, S Ct Opinion – 25488: Shawn Pauling, Petitioner – Lexington County – Frank Eppes, Trial Judge – Marc H. Westbrook, Post-Conviction Judge* </opinions/displayOpinion.cfm?caseNo=25488>
101. *P/R, S Ct Opinion – 25490: Maurice Anthony Odom, Petitioner* </opinions/displayOpinion.cfm?caseNo=25490>
102. P/A, S Ct Opinion – 25511: Harold Broom, Petitioner – Cherokee County – J. Derham Cole, Trial Judge – R. Markley De </opinions/displayOpinion.cfm?caseNo=25511>
103. *R/A, S Ct Opinion – 25512: Gene Tony Cooper, Jr., Respondent Michael Moore, Commissioner* </opinions/displayOpinion.cfm?caseNo=25512>
104. P/A, S Ct Opinion – 25515: Roderick L. Green, Petitioner – Georgetown County – Paula H. Thomas, Trial Judge – L. Henry McKellar, Post-Conviction Judge </opinions/displayOpinion.cfm?caseNo=25515>
105. P/A, S Ct Opinion – 25519: Shawn Paul Humphries, Petitioner – Greenville County – Henry F. Floyd, Trial Judge – H. Dean Hall, Post-Conviction Judge </opinions/displayOpinion.cfm?caseNo=25519>
106. *R/A+R, S Ct Opinion – 25521: Daryl Dean Sanchez, Respondent/Petitioner* </opinions/displayOpinion.cfm?caseNo=25521>
107. P/A, S Ct Opinion – 25524: Robert Frasier, Petitioner </opinions/displayOpinion.cfm?caseNo=25524>
108. *P/R&R, S Ct Opinion – 25528: Charles Gardner, Petitioner – Anderson County – Frank Eppes, Trial Judge – H. Dean Hall, Post-Conviction* </opinions/displayOpinion.cfm?caseNo=25528>
109. *P/A+R, S Ct Opinion – 25531: Ronald Tate, Petitioner – Greenville County – Frank Eppes, Trial Judge – Larry R. Patte* </opinions/displayOpinion.cfm?caseNo=25531>
110. P/A, S Ct Opinion – 25539: Marcus A. Joseph, Petitioner – Clarendon County – Thomas W. Cooper, Jr., Circuit Judge Marcus A. Josep </opinions/displayOpinion.cfm?caseNo=25539>
111. P/A, S Ct Opinion – 25542: Johnny Lee Lucas, Petitioner – Dorchester County – Luke N. Brown, Trial Judge – Costa M. Pleicones, Post-Conviction Judge </opinions/displayOpinion.cfm?caseNo=25542>
112. *P/R, S Ct Opinion – 25551: Wendell Dawson, Petitioner – Charleston County – Marc H. Westbrook, Trial Judge – Paul E. Short, Jr., Post-Convicti* </opinions/displayOpinion.cfm?caseNo=25551>
113. *P/Remanded, S Ct Opinion – 25567: Robert Whitehead, Petitioner – Jasper County – L. Henry McKellar, Post-Conviction Judge* </opinions/displayOpinion.cfm?caseNo=25567>
114. *P/R&R, S Ct Opinion – 25573: Roger Coats, Petitioner – Greenville County – Joseph J. Watson, Post-Conviction Re* </opinions/displayOpinion.cfm?caseNo=25573>
115. R/R, S Ct Opinion – 25582: Robert Lee Burnett, Respondent – Spartanburg County – Gary E. Clary, Circuit </opinions/displayOpinion.cfm?caseNo=25582>
116. P/A, S Ct Opinion – 25588: Malcolm Lonnie Green, Petitioner – Bamberg County – Luke N. Brown, Jr., Trial Judge – Rodney A. Pee </opinions/displayOpinion.cfm?caseNo=25588>

117. R/R, S Ct Opinion – 25634: Bryan M. Gantt, **Respondent** – Richland County – L. Casey Manning, Circuit Judge
</opinions/displayOpinion.cfm?caseNo=25634>
118. R/R, S Ct Opinion – 25646: Bench Memorandum Clifton E. Harris, **Respondent** – Greenville County – Wyatt T. Saunders, Jr., Circuit Judge
</opinions/displayOpinion.cfm?caseNo=25646>
119. R/R, S Ct Opinion – 25656: Quentin Anderson, **Respondent** – Orangeburg County – Diane Schafer Goodstein, Circuit Judge
</opinions/displayOpinion.cfm?caseNo=25656>
120. *P/N, S Ct Opinion – 25668: John H. Williams, **Petitioner** – Georgetown County – Howard P. King, Circuit Judge*
</opinions/displayOpinion.cfm?caseNo=25668>
121. R/R, S Ct Opinion – 25678: David Jackson, Jr., **Respondent** – Greenville County – Gary E. Clary, Trial Judge – Wyatt T. Saunders, Jr., Post-Conviction Judge
</opinions/displayOpinion.cfm?caseNo=25678>
122. *P/R&R, S Ct Opinion – 25692: James W. Sprouse, **Petitioner** – Newberry County – and Laurens County – Frank L. Eppes, N*
</opinions/displayOpinion.cfm?caseNo=25692>
123. R/R, S Ct Opinion – 25693: Larry R. Todd, **Respondent** – Horry County – Paul Moore, Trial Judge – </opinions/displayOpinion.cfm?caseNo=25693>
124. P/A, S Ct Opinion – 25706: David Gibson and Donnie Ray Gibson, **Petitioners** – Oconee County – C. Victor Pyl
</opinions/displayOpinion.cfm?caseNo=25706>
125. P/A, S Ct Opinion – 25712: Alphonso Duckson, **Petitioner** – Lexington County – Rodney A. Peeples, Post Conviction
</opinions/displayOpinion.cfm?caseNo=25712>
126. P/A, S Ct Opinion – 25719: Bench Memorandum Geoffrey R. Payne, **Petitioner** – McCormick County – Marc H. Westbrook, Trial Judge
</opinions/displayOpinion.cfm?caseNo=25719>
127. P/DIG, S Ct Opinion – 25775: David E. Thompson, **Petitioner** – Dillon County – B. Hicks Harwel
</opinions/displayOpinion.cfm?caseNo=25775>
128. R/R, S Ct Opinion – 25789: Antonio Tisdale, **Respondent** – Charleston County – Paul M. Burch, Circuit Judge A. Victor Rawl, Post-Conviction Judge
</opinions/displayOpinion.cfm?caseNo=25789>
129. *P/R, S Ct Opinion – 25795: Jerome Mackey, **Petitioner** – Pickens County – Frank Eppes, Trial Judge – A. Victor Rawl, Post Conviction Judge – Submitted Octobe*
</opinions/displayOpinion.cfm?caseNo=25795>
130. P/G, AD, S Ct Opinion – 25796: Joseph R. Sheppard, **Petitioner** – Greenville County – Henry F. Floyd, Post-Conviction Judge – Costa M. Pleico
</opinions/displayOpinion.cfm?caseNo=25796>
131. P/A+R, S Ct Opinion – 25798: Robert H. Koon, **Petitioner** – Cherokee County Paul E. Short, Jr., Circuit Judge
</opinions/displayOpinion.cfm?caseNo=25798>
132. *P/R, S Ct Opinion – 25813: Henry Matthews, **Petitioner** – Charleston County – Edward B. Cottingham, Trial Judge – A. Victor Rawl*
</opinions/displayOpinion.cfm?caseNo=25813>
133. *P/R, S Ct Opinion – 25814: Failure to Investigate Robert Lee Nance, **Petitioner**, v. R. Dodge Frederick, Director – Florence County – John H. Waller, Jr., Tria*
</opinions/displayOpinion.cfm?caseNo=25814>
134. R/R, S Ct Opinion – 25826: Lewis C. Patterson, **Respondent** – Greenwood County – Gary E. Clary, Tri
</opinions/displayOpinion.cfm?caseNo=25826>
135. R/R, S Ct Opinion – 25832: Andreas Fernanders, **Respondent** – Spartanburg County – Gary E. Clary, Post-Conviction
</opinions/displayOpinion.cfm?caseNo=25832>
136. R/R, S Ct Opinion – 25833: Donney S. Council, **Respondent**, v. William D. Catoe, Commissioner and Henry Dargan McMaster, S. C. Attorney General
</opinions/displayOpinion.cfm?caseNo=25833>
137. *P/A+R&R, S Ct Opinion – 25850: Larry Eugene Hall, **Petitioner**, v. William D. Catoe*
</opinions/displayOpinion.cfm?caseNo=25850>
138. P/A, S Ct Opinion – 25858: Benjamin Harden, **Petitioner** – Richland County – L. Casey Manning, Post-Conviction Judge
</opinions/displayOpinion.cfm?caseNo=25858>
139. *P/R, S Ct Opinion – 25861: Herman Henry “Bud” Von Dohlen, **Petitioner** – Berkeley Co*
</opinions/displayOpinion.cfm?caseNo=25861>
140. R/R, S Ct Opinion – 25865: James G. Blakely, a.k.a. Jimmy Gatewood Blakely, **Respondent** – Greenville County – Joseph
</opinions/displayOpinion.cfm?caseNo=25865>
141. R/R, S Ct Opinion – 25867: Edward Huggler, **Respondent** – Lancaster County – Paul E. Short, Jr., Tr
</opinions/displayOpinion.cfm?caseNo=25867>
142. R/A, S Ct Opinion – 25870: Jason Roberts, **Respondent** – Laurens County – J. Cordell Maddox, Jr., Circuit J
</opinions/displayOpinion.cfm?caseNo=25870>
143. R/R, S Ct Opinion – 25908: BENCH MEMORANDUM Raymond Magazine, **Respondent** – Sumter County – Thomas W. Cooper, Jr., Circuit Judge Howard P. King, Post-Conviction
</opinions/displayOpinion.cfm?caseNo=25908>
144. P/A, S Ct Opinion – 25910: Johnny Wayne Sutton, **Petitioner** – Lancaster County – Paul E. Short, Jr., Circuit Judge – Submitted October 20, 20
</opinions/displayOpinion.cfm?caseNo=25910>
145. *P/R&R, S Ct Opinion – 25914: Earnest E. Vaughn, **Petitioner** – Anderson County – John M. Milling, Circuit Judge*
</opinions/displayOpinion.cfm?caseNo=25914>
146. R/R, S Ct Opinion – 25917: BENCH MEMORANDUM James A. Sellers, **Respondent** – Horry County – Sidney T. Floyd, Trial Judge – Paula H. Thomas, Post-Conviction Judge
</opinions/displayOpinion.cfm?caseNo=25917>
147. R/R, S Ct Opinion – 25950: Luke A. Williams, III, **Respondent** – Edgefield County – Marc H. Westbrook, Post-Conviction Judge
</opinions/displayOpinion.cfm?caseNo=25950>
148. R/R, S Ct Opinion – 25954: Cecil Heyward Dempsey, **Respondent** – Orangeburg County – Donald W. Beatty, Trial Judge – Rodney A. P
</opinions/displayOpinion.cfm?caseNo=25954>
149. P/A, S Ct Opinion – 25957: Robert Lee Leamon, **Petitioner** – Greenville County – Charles B. Simmons, Jr., Trial Judge – John W. Kittredge, Post-Conviction Judge
</opinions/displayOpinion.cfm?caseNo=25957>

150. R/R, S Ct Opinion – 25958: BENCH MEMORANDUM Herman Winns, **Respondent-Petitioner** – Berkeley County – R. Markley Dennis, Jr., Circuit Judge Daniel F. Piep </opinions/displayOpinion.cfm?caseNo=25958>
151. *P/A+R, S Ct Opinion – 25963: George Allen Evans, Petitioner – York County – Lee S. Alford, Circuit Judge – John C. Hayes, III, Trial Judge* </opinions/displayOpinion.cfm?caseNo=25963>
152. P/A, S Ct Opinion – 25973: Jimmy Gary Gilchrist, Petitioner – McCormick County – James R. Barber, III, Circuit Judge – Submitted M </opinions/displayOpinion.cfm?caseNo=25973>
153. P/A, S Ct Opinion – 26000: Joseph W. Page, Petitioner – Marion County – James E. Brogdon, Jr., Circuit Judge – Submitted May </opinions/displayOpinion.cfm?caseNo=26000>
154. P/A, S Ct Opinion – 26005: Laurice Garvin, Petitioner – Barnwell County – Rodney A. Peebles, Trial Judge – Marc H. W </opinions/displayOpinion.cfm?caseNo=26005>
155. *P/R, S Ct Opinion – 26013: Sam Stevens, Petitioner – Spartanburg County – J. Derham Cole* </opinions/displayOpinion.cfm?caseNo=26013>
156. R/R, S Ct Opinion – 26025: Andrew W. Bright, Jr., Respondent – Lancaster County – Kenneth G. Goode, Post-Conviction Judge </opinions/displayOpinion.cfm?caseNo=26025>
157. P/A, S Ct Opinion – 26045: Martin Bray, Petitioner – Berkeley County – Daniel F. Pieper, Circuit Judge </opinions/displayOpinion.cfm?caseNo=26045>
158. P/A, S Ct Opinion – 26049: Leroy E. Glaze, Petitioner – Beaufort County – Gerald C. Smoak, Trial Judge – John M. Milling, Post-Conviction Judge – Submitted </opinions/displayOpinion.cfm?caseNo=26049>
159. R/R, S Ct Opinion – 26091: Stephen Ray Ellenburg, Respondent – Oconee County – J. Cordell Maddox, Circuit Judge – Submitted Novemb </opinions/displayOpinion.cfm?caseNo=26091>
160. *P/R, S Ct Opinion – 26095: Dan A. Dearybury, Petitioner – Spartanburg County – Donald W. Beatty, Post-Conviction Judge – Submitted December 1, 200* </opinions/displayOpinion.cfm?caseNo=26095>
161. *P/R, S Ct Opinion – 26101: Robert Lee Nance, Petitioner, v. Jon E. Ozmint* </opinions/displayOpinion.cfm?caseNo=26101>
162. *P/A+R, S Ct Opinion – 26114: Keith Lasean Simpson, Respondent-Petitioner, v. Michael Moore, Commissioner, and Henry Dargan McMaster, Attorney General* </opinions/displayOpinion.cfm?caseNo=26114>
163. *P/Remanded, S Ct Opinion – 26115: Mar-Reece Aldean Hughes, Petitioner – York County – Paul M. Burch, Circuit Judge – Heard* </opinions/displayOpinion.cfm?caseNo=26115>
164. R/R, S Ct Opinion – 26121: Johnell Porter, Respondent – ORDER Respondent (Porter) filed a petition for rehearing in which he asked the Court to reconsider its opinion reversing the post-conviction relief court's </opinions/displayOpinion.cfm?caseNo=26121>
165. R/R, S Ct Opinion – 26141: Mikell A. Pinckney, Respondent – Lexington County – Kenneth G. Goode, Circuit Judge – Submitted Marc </opinions/displayOpinion.cfm?caseNo=26141>
166. *R/A+R, S Ct Opinion – 26150: Michael Kurtz, Respondent – Union County – John C. Hayes, III, Circuit Judge – Submitted March 22, 2006 – Filed May 15, 2006* </opinions/displayOpinion.cfm?caseNo=26150>
167. *P/R, S Ct Opinion – 26153: Ernest Matthew Riddle, Petitioner, v. Jon Ozmint – Cherokee County – J. Derham Cole, Post-Conviction Judge – James B. Ste* </opinions/displayOpinion.cfm?caseNo=26153>
168. R/R, S Ct Opinion – 26161: BENCH MEMORANDUM Silas Smith, Respondent – Greenville County – Henry F. Floyd, Circuit Judge John C. Few, Post Conviction Relief Judge </opinions/displayOpinion.cfm?caseNo=26161>
169. *P/R, S Ct Opinion – 26173: George Langford Douglas, Petitioner – Lexington County – Edward B. Cottingham, Trial Judge – Kenneth G. Goode, Post-Conviction Judge* </opinions/displayOpinion.cfm?caseNo=26173>
170. R/R, S Ct Opinion – 26197: Bobby Watson, Respondent – Chesterfield County – John M. Milling, Circuit Judge – Submitted June 21, 2006 – Filed Augus </opinions/displayOpinion.cfm?caseNo=26197>
171. R/R, S Ct Opinion – 26230: Gary Wayne Bennett, Respondent – Horry County – Steven H. John, Circuit Judge – Submitted June 21, 2006 </opinions/displayOpinion.cfm?caseNo=26230>
172. *P/R, S Ct Opinion – 26234: Phillip Morris, Petitioner – Greenville County – Edward W. Miller, Circuit Judge – Submitted November 15, 2006* </opinions/displayOpinion.cfm?caseNo=26234>
173. R/R, S Ct Opinion – 26249: Creuncle D. Suber, Respondent – Newberry County – William P. Keesley, Circuit Judge </opinions/displayOpinion.cfm?caseNo=26249>
174. R/R, S Ct Opinion – 26250: William R. Talley, Respondent – Greenville County – Edward W. Miller, Circuit Judge </opinions/displayOpinion.cfm?caseNo=26250>
175. R/R, S Ct Opinion – 26257: Gary Waiters, Respondent – Jasper County – James E. Lockemy, Circuit Judge – Submitted December </opinions/displayOpinion.cfm?caseNo=26257>
176. R/R, S Ct Opinion – 26276: Willie James, Respondent – Florence County – Joseph J. Watson, Circuit Judge B. Hicks Harwell, Jr., Post Conv </opinions/displayOpinion.cfm?caseNo=26276>
177. R/R, S Ct Opinion – 26284: Erasmus Edwards, Respondent – Richland County – Alison Renee Lee, Circuit Judge – Submitted February 14, 2007 </opinions/displayOpinion.cfm?caseNo=26284>
178. *P/R&R, S Ct Opinion – 26296: James Custodio, Petitioner – Richland County – B. Hicks Harwell, Jr., Circuit Judge – Submitted February 14, 2007* </opinions/displayOpinion.cfm?caseNo=26296>
179. R/R, S Ct Opinion – 26391: Anthony Marlar, Respondent – Anderson County – J. C. Buddy Nicholson, Jr., Circuit Judge </opinions/displayOpinion.cfm?caseNo=26391>
180. P/A, S Ct Opinion – 26405: James A. Smith, Petitioner – Colleton County – John C. Few, Circuit Judge – Submitted September 20, 2 </opinions/displayOpinion.cfm?caseNo=26405>

181. R/R, S Ct Opinion – 26438: Larry Lorenzen, Respondent – Aiken County – Doyet A. Early, III, Circuit Judge – Submitted Decembe </opinions/displayOpinion.cfm?caseNo=26438>
182. R/R, S Ct Opinion – 26458: Patrick Delvon Harris, Respondent – Richland County – G. Thomas Cooper, Jr., Circuit Judge – Subm </opinions/displayOpinion.cfm?caseNo=26458>
183. P/A S Ct Opinion – 26464: Ernest E. Richardson, Petitioner – Oconee County – Alexander S. Macaulay, Circuit Judge – Submitted March 19, 2008 </opinions/displayOpinion.cfm?caseNo=26464>
184. R/R, S Ct Opinion – 26469: Clarence D. Speaks, Jr., Respondent – Greenville County – John W. Kittredge, Circuit Judge Edward W. Miller, Post Conviction Relief </opinions/displayOpinion.cfm?caseNo=26469>
185. *P/R, S Ct Opinion – 26483: Tyrone Shumpert, Petitioner – Laurens County – Wyatt T. Saunders, Jr., Post-Conviction Judge – Submitted April 16* </opinions/displayOpinion.cfm?caseNo=26483>
186. *P/R, S Ct Opinion – 26484: Regina Denise McKnight, Petitioner – Horry County – James E. Brogdon, Circuit Judge B. Hicks Harwell, Jr., Post-Conviction Judge* </opinions/displayOpinion.cfm?caseNo=26484>
187. *P/R, S Ct Opinion – 26495: Jeremy Tisdale, Petitioner – Berkeley County – Roger M. Young, Sr., Circuit Judge – Submitted Ap* </opinions/displayOpinion.cfm?caseNo=26495>
188. *P/R, S Ct Opinion – 26523: Bruce Randall Miller, Petitioner – Greenville County – Edward W. Miller* </opinions/displayOpinion.cfm?caseNo=26523>
189. *P/R, S Ct Opinion – 26525: Freddie Vernell Lomax, Petitioner – Greenville County – Edward W. Miller, Circuit Judge* </opinions/displayOpinion.cfm?caseNo=26525>
190. *R/A, S Ct Opinion – 26543: 26543 – Council v. State – In this death-penalty post-conviction relief case, we affirm the PCR judge's decision to vacate Respondent's sentence of death and grant a new sentencing hearing. We reverse the PCR judge's decision to continue indefinitely*
191. *P/R&R, S Ct Opinion – 26569: Phillip Eugene Turner, Petitioner – Spartanburg County – Roger L. Couch, Special Circuit Judge* </opinions/displayOpinion.cfm?caseNo=26569>
192. *P/R&R, S Ct Opinion – 26608: Jeffrey Eugene Davie, Petitioner – York County – John C. Hayes, III, Circuit Judge – Submitted November 19, 2008* </opinions/displayOpinion.cfm?caseNo=26608>
193. *P/R&R, S Ct Opinion – 26609: Joseph Holman, Petitioner – Bamberg County – Doyet A. Early, III, PCR Judge – Submitted January 22, 2009 – Filed March 9, 200* </opinions/displayOpinion.cfm?caseNo=26609>
194. *P/R, S Ct Opinion – 26615: Milton Hiott, Petitioner – Bamberg County – Reginald I. Lloyd, Post-Conviction Judge –* </opinions/displayOpinion.cfm?caseNo=26615>
195. *P/R&R, S Ct Opinion – 26618: Donald D. Berry, Petitioner – Cherokee County – Doyet A. Early, III, Post-Conviction Judge* </opinions/displayOpinion.cfm?caseNo=26618>
196. R/R, S Ct Opinion – 26633: Ernest Battle, Respondent – Charleston County – Thomas L. Hughston, Circuit Judge William P. Keesley, Post Conviction Judge </opinions/displayOpinion.cfm?caseNo=26633>
197. R/R, S Ct Opinion – 26647: Virgil Jones, Respondent – Richland County – John C. Hayes, III, Circuit Judge – Submitted March 18, 2009 – Filed May 12 </opinions/displayOpinion.cfm?caseNo=26647>
198. *P/R, S Ct Opinion – 26653: Anthony Rivera, Petitioner – Berkeley County – Daniel Peeper, Trial Judge – Roger M. Young, Post-Conviction Judge* </opinions/displayOpinion.cfm?caseNo=26653>
199. *P/R, S Ct Opinion – 26678: Craig S. Rolan, Petitioner – Greenville County – James E. Lockemy, Circuit Judge – Submitted December 4, 2008 – Filed June* </opinions/displayOpinion.cfm?caseNo=26678>
200. *P/A+R&R, S Ct Opinion – 26679: Andre Kevin Rosemond, Petitioner, v. William D. Catoe, Commissioner, and Charles M. Condon, South Carolina Attorney General, Respondents.* </opinions/displayOpinion.cfm?caseNo=26679>
201. R/R, S Ct Opinion – 26683: Terrence D. Terry, Respondent – Greenville County – Michael G. Nettles, Circuit Judge – Submitted May </opinions/displayOpinion.cfm?caseNo=26683>
202. *P/R, S Ct Opinion – 26885: Demarcus Simuel, Petitioner – Union County – James R. Barber, Circuit Judge – Submitted September 23, 2010* </opinions/displayOpinion.cfm?caseNo=26885>
203. P/A, S Ct Opinion – 26688: Ervin McMillian, Petitioner – Richland County – James R. Barber, Post-Conviction Judge </opinions/displayOpinion.cfm?caseNo=26688>
204. R/R, S Ct Opinion – 26691: Brandon Leandre Brown, Respondent – Florence County – Michael Nettles, Circuit Judge – Submitted June 24, 2009 </opinions/displayOpinion.cfm?caseNo=26691>
205. P/A as modified, S Ct Opinion – 26697: James Stalk, Petitioner – CERTIORARI TO THE COURT OF APPEALS – Lancaster County – Kenneth G. Goode, Circuit Judge – Submitted May 2 </opinions/displayOpinion.cfm?caseNo=26697>
206. R/R, S Ct Opinion – 26719: Pete S. Bryant, Respondent – Orangeburg County – James C. Williams, Jr., Circuit Judge – Submitted December 4, 2008 </opinions/displayOpinion.cfm?caseNo=26719>
207. *R/A, S Ct Opinion – 26771: J. Lamar Kolle, Respondent – Horry County – John L. Breeden, Circuit Judge – Submitted Octob* </opinions/displayOpinion.cfm?caseNo=26771>
208. *P/R, S Ct Opinion – 26773: Larry William Smith, Petitioner – Darlington County – Paul M. Burch, Circuit Judge* </opinions/displayOpinion.cfm?caseNo=26773>
209. P/A, S Ct Opinion – 26796: Tommy Hutto, Petitioner – Aiken County – Reginald I. Lloyd, Circuit Judge – Heard October </opinions/displayOpinion.cfm?caseNo=26796>
210. P/A, S Ct Opinion – 26817: Adrian D. Robinson, Petitioner – York County G. Edward Welmaker, Circuit Judge – Submitted March 17, 2010 </opinions/displayOpinion.cfm?caseNo=26817>
211. *P/R&R, S Ct Opinion – 26832: Nicholas Boan, Petitioner – Marlboro County – Paul M. Burch, PCR Judge – John M. Milling, Trial Judge* </opinions/displayOpinion.cfm?caseNo=26832>

212. P/D, AA, S Ct Opinion – 26841: Samuel Anthony Wilder, Petitioner ORIGINAL JURISDICTION – Charleston County – John C. Few, Circuit Judge – Submitted March 17, 2010 </opinions/displayOpinion.cfm?caseNo=26841>
213. *P/R&R, S Ct Opinion – 26852: Angle Joe Perrie Vasquez, a/k/a/ Angle Joe Perrie Vazquez, Petitioner – Horry County – John M. Milling, Circuit Judge* </opinions/displayOpinion.cfm?caseNo=26852>
214. *P/R&R, S Ct Opinion – 26975: Lucas Bailey, Petitioner – Aiken County Doyet A. Early, III* </opinions/displayOpinion.cfm?caseNo=26975>
215. P/A, S Ct Opinion – 26977: Terrence Edwards, Petitioner – Abbeville County – J. Mark Hayes, II, Circuit Judge – Submitted S </opinions/displayOpinion.cfm?caseNo=26977>
216. P/G, AA, S Ct Opinion – 26992: Sammyeil B. Barber, Respondent/Petitioner – York County </opinions/displayOpinion.cfm?caseNo=26992>
217. R/R, S Ct Opinion – 27012: Kelle Holden, Respondent – Greenville County – Edward W. Miller, Circuit Judge – Submitted June 22, 2011 </opinions/displayOpinion.cfm?caseNo=27012>
218. P/A, S Ct Opinion – 27033: Gary DuBose Terry, Petitioner – Lexington County John C. Few, Circuit Judge – Heard June 21, 2011 – Filed August 29, 2011 </opinions/displayOpinion.cfm?caseNo=27033>
219. P/A+Remanded, S Ct Opinion – 27104: Osiel Gomez Narciso, Petitioner – Beaufort County – J. Cordell Maddox, Jr., Circuit Judge – Heard January 25, </opinions/displayOpinion.cfm?caseNo=27104>
220. P/A, S Ct Opinion – 27105: Marcus Hyman, Petitioner – Florence County – Michael G. Nettles, Circuit Judge – Heard October 18, 2011 – Filed March </opinions/displayOpinion.cfm?caseNo=27105>
221. R/R, S Ct Opinion – 27109: Robert M. Bayly, Respondent – Hampton County – Alexander S. Macaulay, Circuit Judge </opinions/displayOpinion.cfm?caseNo=27109>
222. P/A, S Ct Opinion – 27167: Michael Joseph Fleming, Petitioner – Greenville County – Robin B. Stilwell, Post – Conviction Judge – S </opinions/HTMLfiles/SC/27167.pdf>
223. *P/R&R, S Ct Opinion – 27173: Larry Gene Moore, Petitioner – Spartanburg County – J. Mark Hayes, II, Circuit Judge* </opinions/HTMLfiles/SC/27173.pdf>
224. *P/R, S Ct Opinion – 27214: John Curtis McCoy, Petitioner – Spartanburg County – J. Derham Cole, Post – Conviction Judge – Submitted No* </opinions/HTMLfiles/SC/27214.pdf>
225. P/A, S Ct Opinion – 27253: Clarence Gibbs, Petitioner No. 2009 – 137347 – Georgetown County – Larry B. Hyman, Jr., Circuit Judge – Submitted June 1, 2012 – </opinions/HTMLfiles/SC/27253.pdf>
226. P/A, S Ct Opinion – 27272: Robert Troy Taylor, Petitioner No. 2009 – 123871 – Georgetown County – Michael G. Nettles, Circuit Judge – Submitted September </opinions/HTMLfiles/SC/27272.pdf>
227. P/A as modified, S Ct Opinion – 27287: Gregory McHam, Petitioner – Spartanburg County – Roger L. Couch, Circuit Judge – Submitted February 1, 20 </opinions/HTMLfiles/SC/27287.pdf>
228. *P/R&R, S Ct Opinion – 27337: Richard G. Jordan, Petitioner – Richland County – G. Thomas Cooper, Jr., Trial Judge – L. Casey Manning, Post – Conviction Ju* </opinions/HTMLfiles/SC/27337.pdf>
229. *P/R, S Ct Opinion – 27421: John Edward Weik, Petitioner – Dorchester County – Perry M. Buckner, Post – Conviction Judge* </opinions/HTMLfiles/SC/27421.pdf>
230. R/R, S Ct Opinion – 27454: Matthew Jamison, Respondent – Richland County – William P. Keesley, Post – Conviction Judge </opinions/HTMLfiles/SC/27454.pdf>
231. *R/A+R, S Ct Opinion – 27457: Antonio D. Bordeaux, Respondent No. 2012 – 212349 Beaufort County – Michael G. Nettles, Circuit Judge* </opinions/HTMLfiles/SC/27457.pdf>
232. *P/R, S Ct Opinion – 27514: Kenneth W. Workman, Petitioner 2013 – 002789 Lower Court Case No. 2012 – CP – 23 – 02386 – Greenville County – The Honorable C. Victor Pyle* </opinions/HTMLfiles/SC/27514.pdf>
233. *P/R, S Ct Opinion – 27531: Anthony Sanders, Petitioner No. 2012 – 213162 – Dorchester County – DeAndrea G. Benjamin, Circuit Judge – Submitted May 1* </opinions/HTMLfiles/SC/27531.pdf>
234. *P/R, S Ct Opinion – 27596: Clarence Kendall Cook, Petitioner No. 2013 – 000366 Marlboro County – Brooks P. Goldsmith, Circuit Judge – Submitted October 15, 2015 – Filed D* </opinions/HTMLfiles/SC/27596.pdf>
235. *P/R, S Ct Opinion – 27614: Fred R. Rutland, Petitioner 2014 – 000381 – Lexington County – L. Casey Manning, Post – Conviction Judge – Submitted* </opinions/HTMLfiles/SC/27614.pdf>
236. R/R, S Ct Opinion – 27622: Nathaniel Teamer, Respondent – Spartanburg County – Brooks P. Goldsmith, Post – Conviction Judge – Submit </opinions/HTMLfiles/SC/27622.pdf>
237. *P/R, S Ct Opinion – 27636: Jacques Gibson, Petitioner 2014 – 001074 – Richland County – The Honorable Diane Schafer Goodstein, Post – Conviction Judge – Subm* </opinions/HTMLfiles/SC/27636.pdf>
238. *P/V&R, S Ct Opinion – 27641: Kenneth Simmons, Petitioner 2014 – 000387 – Dorchester County – Doyet A. Early, III, Post – Conviction Judge – Heard* </opinions/HTMLfiles/SC/27641.pdf>
239. *P/R, S Ct Opinion – 27648: Nelson H. Castro, Petitioner 2015 – 000021 – Horry County – The Honorable Larry B. Hyman, Jr., Circuit Judge The Honorable Kristi Lea Harrin* </opinions/HTMLfiles/SC/27648.pdf>
240. R/R, S Ct Opinion – 27672: Russell Earley, Respondent No. 2014 – 001566 Sumter County – George C. James, Jr., Post – Conviction Judge – Submitted February 16, 2016 – Filed Octob </opinions/HTMLfiles/SC/27672.pdf>
241. R/R, S Ct Opinion – 27685: Louis Michael Winkler, Jr., Respondent 2014 – 000904 – Horry County – James E. Lockemy, Trial Judge – Benjamin H. Culbertson, Post – Conv </opinions/HTMLfiles/SC/27685.pdf>
242. P/A, S Ct Opinion – 27687: Maurice C. Kinard, Petitioner. 2015 – 001205 Richland County – The Honorable Diane S. Goodstein, Circuit Judge The Honorable Brooks P. Goldsmith, Post – Conv </opinions/HTMLfiles/SC/27687.pdf>

243. *P/R&R, S Ct Opinion – 27691: James D. Robertson, Petitioner 2012 – 205909 – York County – Lee S. Alford, Circuit Judge – Heard October 8, 2015* /opinions/HTMLfiles/SC/27691.pdf
244. *P/R, S Ct Opinion – 27695: Michael Gonzales, Petitioner. 2015 – 001553– Spartanburg County – Roger L. Couch, Post – Conviction Judge* /opinions/HTMLfiles/SC/27695.pdf
245. *P/A+R, S Ct Opinion – 27696: Ruben Ramirez, Petitioner 2015 – 002063– Greenville County – The Honorable G. Edward Welmaker, Post – Conviction* /opinions/HTMLfiles/SC/27696.pdf
246. *P/A, S Ct Opinion – 27701: Bobby Wayne Stone, Petitioner 2013 – 001968 ORDER We deny both Petitions for Rehearing. We also deny the motion to stay remittitur. The attached opinion is substituted* /opinions/HTMLfiles/SC/27701.pdf
247. *R/R, S Ct Opinion – 27726: Farid A. Mangal, Respondent No. 2016 – 000610 – Spartanburg County – J. Mark Hayes II, Trial Judge – J. Derham Cole, Post – Convicti* /opinions/HTMLfiles/SC/27726.pdf
248. *P/R&R, S Ct Opinion – 27732: Renwick D. Mose, Petitioner Appellate Case No. 2015 – 000609 – Williamsburg County – R. Ferrell Cothran, Jr., Circuit Judge – Submitted February 9* /opinions/HTMLfiles/SC/27732.pdf
249. *R/A, S Ct Opinion – 27745: Anthony Neil Briggs, Respondent No. 2014 – 000693 – Spartanburg County – J. Derham Cole, Trial Judge – Robin B. Stilwell, Post – Conviction Judge* /opinions/HTMLfiles/SC/27745.pdf
250. *P/A, S Ct Opinion – 27761: Marion Bowman, Petitioner 2012 – 213468 – Dorchester County – James E. Lockemy, Post – Conviction Judge – Heard April 13, 2017* /opinions/HTMLfiles/SC/27761.pdf
251. *P/R, S Ct Opinion – 27762: Michael Lee Robinson, Petitioner 2015 – 001773 – Greenville County – Perry H. Gravely, Post – Conviction Judge – Submitted Novemb* /opinions/HTMLfiles/SC/27762.pdf
252. *P/R, S Ct Opinion – 27764: Stephen Smalls, Petitioner 2016 – 001079 Richland County – Henry F. Floyd, Trial Judge – J. Ernest Kinard Jr., Post – Co* /opinions/HTMLfiles/SC/27764.pdf
253. *R/R, S Ct Opinion – 27767: Marshall Heath Collins, Respondent Appellate Case No. 2014 – 002397 – Pickens County – James R. Barber, III, Circuit Judge – Submitted May 15, 2017* /opinions/HTMLfiles/SC/27767.pdf
254. *P/R, S Ct Opinion – 27769: Gregg Taylor, Petitioner 2015 – 001118 – Berkeley County – J. C. Nicholson, Jr., Post – Conviction Judge – Submitted October 1* /opinions/HTMLfiles/SC/27769.pdf
255. *P/A, S Ct Opinion – 27772: Kenneth Hilton, Petitioner – No. 2015 – 002140 – Cherokee County – J. Derham Cole, Plea Judge – Roger L. Couch, Post – Conviction Judge – Submi* /opinions/HTMLfiles/SC/27772.pdf
256. *R/R, S Ct Opinion – 27784: Michael Milledge, Respondent – Greenville County – James R. Barber, III, Circuit Judge – Submitted September 21, 2* /opinions/HTMLfiles/SC/27784.pdf
257. *R/R, S Ct Opinion – 27794: Brandon Garren, Respondent – No. 2015 – 000756 – Pickens County – Eugene C. Griffith, Jr., Post – Conviction Judge – Submitted* /opinions/HTMLfiles/SC/27794.pdf
258. *P/R, S Ct Opinion – 27796: Samuel Brown Jr. Petitioner – No. 2016 – 002537 – Berkeley County – Kristi Lea Harrington, Plea Judge – Jean Hoefer Toal, Post – Conviction Judge* /opinions/HTMLfiles/SC/27796.pdf
259. *P/R, S Ct Opinion – 27805: Jerome Curtis Buckson Petitioner – No. 2016 – 001430 – Spartanburg County – J. Derham Cole, Trial Judge – J. Mark Hayes II, Post* /opinions/HTMLfiles/SC/27805.pdf
260. *P/R, S Ct Opinion – 27843: Darrell L. Goss Petitioner- No. 2016 – 002186 Charleston County – J. C. Nicholson Jr., Trial Judge – Deadra L. Jef* /opinions/HTMLfiles/SC/27843.pdf
261. *OTHER: P/A, S Ct Opinion – 24779: Melvin Busby, Bobby Blake, Danny Green, Calvin Rankin, Anthony Simpson, Lee Evans, Ronnie Sullivan, David Capps, Jerry Latimer, Sherman Rider, Rodney T. Arnold, Charles Smith, Freddie Berry, Dale* /opinions/displayOpinion.cfm?caseNo=24779
262. *OTHER: P/V&R, S Ct Opinion – 24995: Malik Abdul Al-Shabazz, Petitioner – Richland County – L. Casey Manning, Post-Conviction Judge –* /opinions/displayOpinion.cfm?caseNo=24995
263. *OTHER: P/Habeas Granted, S Ct Opinion – 25332: Richard Anthony Tucker, Petitioner, v. William Catoe, Director, and Charles M. Condon, Attorney General* /opinions/displayOpinion.cfm?caseNo=25332
264. *OTHER: S Ct Opinion – 25641: Ex Parte Charles W. Whetstone, Jr., Appellant, In Re: Thomas Ivey, Applicant/Respondent, v. William D. Catoe, Director, Respondent. ORIGINAL JURISDICTION* /opinions/displayOpinion.cfm?caseNo=25641
265. *OTHER: R/A as modified, S Ct Opinion – 26672: Brian Major, #176677, Respondent, v. South Carolina Department of Probation Parole and Pardon Services, Appellant* /opinions/displayOpinion.cfm?caseNo=26672

P/G, AA or AD = 2; P/A = 52; P/R = 62; P/R&R = 24; P/V&R = 5; P-/R&R = 1; R/R = 76; R/A = 14; BY: State = 96; Applicants = 145; TOTAL = 265

1. *R/A, CoA Opinion – 2006-UP-013: The State, Appellant, v. Henry Poplin, Respondent* /opinions/displayUnPubOpinion.cfm?caseNo=2006-UP-013
2. *P/G, AD, CoA Opinion – 2006-UP-021: Steven D. Sharpe, Petitioner* /opinions/displayUnPubOpinion.cfm?caseNo=2006-UP-021
3. *P/G, AD, CoA Opinion – 2006-UP-152: Michael Kevin McFarland, Petitioner* /opinions/displayUnPubOpinion.cfm?caseNo=2006-UP-152
4. *P/G, AD, CoA Opinion – 2006-UP-215: Samuel Keith Jackson, Petitioner* /opinions/displayUnPubOpinion.cfm?caseNo=2006-UP-215
5. *P/G, AD, CoA Opinion – 2006-UP-216: Anthony Joseph Rhue, Petitioner* /opinions/displayUnPubOpinion.cfm?caseNo=2006-UP-216
6. *P/A, CoA Opinion – 2006-UP-218: Luther R. Smith, Petitioner* /opinions/displayUnPubOpinion.cfm?caseNo=2006-UP-218
7. *P/G, AD, CoA Opinion – 2006-UP-370: Jamal A. Demorcy, Petitioner* /opinions/displayUnPubOpinion.cfm?caseNo=2006-UP-370
8. *P/G, AD, CoA Opinion – 2007-UP-359: Travis L. Allen, Petitioner* /opinions/displayUnPubOpinion.cfm?caseNo=2007-UP-359
9. *P/G, AD, CoA Opinion – 2007-UP-363: Patrick Colbert, Petitioner* /opinions/displayUnPubOpinion.cfm?caseNo=2007-UP-363
10. *R/R, CoA Opinion – 2007-UP-371 Roywickus Cade, Respondent* /opinions/displayUnPubOpinion.cfm?caseNo=2007-UP-371
11. *P/DIG, CoA Opinion – 2007-UP-412: Randy Tucker Hall, Petitioner* /opinions/displayUnPubOpinion.cfm?caseNo=2007-UP-412
12. *P/G, AD, CoA Opinion – 2007-UP-385: Terry Randall Crocker, Petitioner – Spartanburg County – Roger L. Couch, Circuit Judge – Submitted September 12 2007* /opinions/displayUnPubOpinion.cfm?caseNo=2007-UP-385
13. *P/A, CoA Opinion – 2007-UP-411: Douglas R. Clark, Petitioner* /opinions/displayUnPubOpinion.cfm?caseNo=2007-UP-411

14. R/R, CoA Opinion – 2007-UP-523: Mario Benson, **Respondent** [/opinions/displayUnPubOpinion.cfm?caseNo=2007-UP-523](#)
15. P/G, AD, CoA Opinion – 2008-UP-263: William Hamilton, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2008-UP-263](#)
16. P/G, AD, CoA Opinion – 2008-UP-264: Tampa Israel Boyd, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2008-UP-264](#)
17. P/G, AD, CoA Opinion – 2008-UP-265: Johnny R. Husk, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2008-UP-265](#)
18. P/G, AD, CoA Opinion – 2008-UP-266: Leon Folks, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2008-UP-266](#)
19. P/G, AD, CoA Opinion – 2008-UP-269: Paul Singleton, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2008-UP-269](#)
20. P/G, AD, CoA Opinion – 2008-UP-270: Dontrell Walker, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2008-UP-270](#)
21. P/G, AD, CoA Opinion – 2008-UP-271: William Hunt, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2008-UP-271](#)
22. P/G, AD, CoA Opinion – 2008-UP-275: Anthony Oliphant, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2008-UP-275](#)
23. P/G, AD, CoA Opinion – 2008-UP-276: Bobby A. Sabb, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2008-UP-276](#)
24. P/G, AD, CoA Opinion – 2008-UP-280: Steve Alvin Sisk, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2008-UP-280](#)
25. P/G, AD, CoA Opinion – 2009-UP-014: Steven R. Glover, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2009-UP-014](#)
26. *P/R&R, CoA Opinion – 2009-UP-015: Jason Alan Hertzog, Petitioner* [/opinions/displayUnPubOpinion.cfm?caseNo=2009-UP-015](#)
27. P/G, AD, CoA Opinion – 2009-UP-072: James Dean Bolin, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2009-UP-072](#)
28. P/G, AD, CoA Opinion – 2009-UP-098: Francisco Dimas, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2009-UP-098](#)
29. P/G, AD, CoA Opinion – 2009-UP-099: Adam DeWayne Hutchins, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2009-UP-099](#)
30. R/R, CoA Opinion – 2009-UP-100: Roy Edward Hook, **Respondent** [/opinions/displayUnPubOpinion.cfm?caseNo=2009-UP-100](#)
31. *P-R/A, CoA Opinion – 2009-UP-268: Charles P. Graham, Petitioner-Respondent* [/opinions/displayUnPubOpinion.cfm?caseNo=2009-UP-268](#)
32. P/G, AD, CoA Opinion – 2009-UP-301: Robert E. Lawlis, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2009-UP-301](#)
33. P/G, AD, CoA Opinion – 2009-UP-308: Quinton Bates, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2009-UP-308](#)
34. P/G, AD, CoA Opinion – 2009-UP-309: Michael T. McCrea, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2009-UP-309](#)
35. P/A, CoA Opinion – 2009-UP-342: Danny Wooten, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2009-UP-342](#)
36. P/G, AD, CoA Opinion – 2009-UP-534: Roland Pryor, Sr., Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2009-UP-534](#)
37. P/G, AD, CoA Opinion – 2009-UP-591: Keith Briggs, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2009-UP-591](#)
38. *P/R&R, CoA Opinion – 2010-UP-173: Freddie Edwards, Appellant* [/opinions/displayUnPubOpinion.cfm?caseNo=2010-UP-173](#)
39. P/G, AD, CoA Opinion – 2010-UP-185: Charles D. Dublin, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2010-UP-185](#)
40. P/G, AD, CoA Opinion – 2010-UP-186: Dycippa Garner, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2010-UP-186](#)
41. P/A (Habeas dismissed) CoA Opinion – 2010-UP-239: Lawrence Barron, Appellant [/opinions/displayUnPubOpinion.cfm?caseNo=2010-UP-239](#)
42. R/R, CoA Opinion – 2010-UP-339: Edmund Goins, **Respondent** [/opinions/displayUnPubOpinion.cfm?caseNo=2010-UP-339](#)
43. P/A, CoA Opinion – 2010-UP-374: Herman Eugene Langley, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2010-UP-374](#)
44. P/G, AD, CoA Opinion – 2010-UP-512: Andrew Chance, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2010-UP-512](#)
45. P/A, CoA Opinion – 2011-UP-013: Bennie Lee Wyatt, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2011-UP-013](#)
46. P/A, CoA Opinion – 2011-UP-418: Fredy DeLeon, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2011-UP-418](#)
47. *R/A, CoA Opinion – 2011-UP-456: Thomas Chad Heaton, Respondent* [/opinions/displayUnPubOpinion.cfm?caseNo=2011-UP-456](#)
48. P/A, CoA Opinion – 2011-UP-480: Robert Anthony James, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2011-UP-480](#)
49. R/R, CoA Opinion – 2011-UP-489: Marcus Martin, **Respondent** [/opinions/displayUnPubOpinion.cfm?caseNo=2011-UP-489](#)
50. P/A, CoA Opinion – 2011-UP-497: Cookie Tracey Medlock, Petitioner [/opinions/displayUnPubOpinion.cfm?caseNo=2011-UP-497](#)
51. *P/R&R, CoA Opinion – 2011-UP-508: Marcus J. Parker, Petitioner* [/opinions/displayUnPubOpinion.cfm?caseNo=2011-UP-508](#)
52. R/R&R, CoA Opinion – 2012-UP-284: Antonio D. Bordeaux, **Respondent** [/opinions/displayUnPubOpinion.cfm?caseNo=2012-UP-284](#)
53. *R/A, CoA Opinion – 2012-UP-437: Matthew Jamison, Respondent* [/opinions/unpublishedopinions/HTMLfiles/COA/2012-UP-437.pdf](#)
54. P/A, CoA Opinion – 2012-UP-438: Barrett Bernard Harris, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2012-UP-438.pdf](#)
55. P/G, AA, CoA Opinion – 2012-UP-527: Ronnie Lee Cash, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2012-UP-527.pdf](#)
56. *R/A, CoA Opinion – 2012-UP-587: Ernest Pressley, Respondent* [/opinions/unpublishedopinions/HTMLfiles/COA/2012-UP-587.pdf](#)
57. P/G, AD, CoA Opinion – 2013-UP-086: Bruce Lee Hudson, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2013-UP-086.pdf](#)
58. P/G, AD, CoA Opinion – 2013-UP-107: Eron Tascoe, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2013-UP-107.pdf](#)
59. P/G, AD, CoA Opinion – 2013-UP-210: Mickey Terrell Dover, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2013-UP-210.pdf](#)
60. P/G, AD, CoA Opinion – 2013-UP-214: Tamel Davis, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2013-UP-214.pdf](#)
61. P/G, AD, CoA Opinion – 2013-UP-269: Vincent A. Torres Robinson, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2013-UP-269.pdf](#)
62. P/A, CoA Opinion – 2013-UP-272: James Bowers, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2013-UP-272.pdf](#)
63. P/G, AD, CoA Opinion – 2013-UP-305: Damian Lingard, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2013-UP-305.pdf](#)
64. P/G, AD, CoA Opinion – 2013-UP-321: George Ramantanin, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2013-UP-321.pdf](#)
65. P/G, AD, CoA Opinion – 2013-UP-355: Albert Twain Harris, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2013-UP-355.pdf](#)
66. P/G, AD, CoA Opinion – 2013-UP-374: Eric B. Jones, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2013-UP-374.pdf](#)
67. P/G, AD, CoA Opinion – 2013-UP-395: Bryant James, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2013-UP-395.pdf](#)
68. P/A, CoA Opinion – 2013-UP-441: Antonio Moore, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2013-UP-441.pdf](#)
69. P/G, AA, CoA Opinion – 2013-UP-457: Christopher Edward Strobe, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2013-UP-457.pdf](#)
70. P/A, CoA Opinion – 2014-UP-013: Roderick Bradley, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2014-UP-013.pdf](#)
71. P/G, AA, CoA Opinion – 2014-UP-115: Antwon Garrett, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2014-UP-115.pdf](#)
72. *R/A, CoA Opinion – 2014-UP-122: Ayree Henderson, Respondent* [/opinions/unpublishedopinions/HTMLfiles/COA/2014-UP-122.pdf](#) *R/DIG – 2015-UP-063 Ayree Henderson, Respondent* [/opinions/unpublishedopinions/HTMLfiles/COA/2015-MO-063.pdf](#)
73. P/G, AD, CoA Opinion – 2014-UP-138: Dwayne R. Clark, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2014-UP-138.pdf](#)
74. P/A, CoA Opinion – 2014-UP-194: Walter Terran Gaines, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2014-UP-194.pdf](#)
75. *P/R&R, CoA Opinion – 2014-UP-231: William Outlaw, Petitioner* [/opinions/unpublishedopinions/HTMLfiles/COA/2014-UP-231.pdf](#)
76. P/A, CoA Opinion – 2014-UP-233: Stanley Wise, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2014-UP-233.pdf](#)
77. P/A, CoA Opinion – 2014-UP-238: Elkin Perez, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2014-UP-238.pdf](#)
78. P/A, CoA Opinion – 2014-UP-240: Robert A. Warren, Jr., Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2014-UP-240.pdf](#)
79. R/R, CoA Opinion – 2014-UP-259: Michael Gerald Dunbar, **Respondent** [/opinions/unpublishedopinions/HTMLfiles/COA/2014-UP-259.pdf](#)
80. P/A, CoA Opinion – 2014-UP-260: Raymond Edmonds, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2014-UP-260.pdf](#)

81. P/A, CoA Opinion – 2014-UP-264: Larry Dean Casey, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2014-UP-264.pdf](#)
82. P/A, CoA Opinion – 2014-UP-266: Mark R. Bolte, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2014-UP-266.pdf](#)
83. P/A, CoA Opinion – 2014-UP-271: Chas Lamous Smith, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2014-UP-271.pdf](#)
84. **R/A, CoA Opinion – 2014-UP-286: Benjamin L. Cooper, Respondent** [/opinions/unpublishedopinions/HTMLfiles/COA/2014-UP-286.pdf](#)
85. P/G, AA, CoA Opinion – 2014-UP-297: Dorothy Harden, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2014-UP-297.pdf](#)
86. P/A, CoA Opinion – 2014-UP-309: Tippy Marie Retana, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2014-UP-309.pdf](#)
87. P/A, CoA Opinion – 2014-UP-361: Russell W. Rice, Jr., Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2014-UP-361.pdf](#)
88. P/G, AA, CoA Opinion – 2014-UP-403: Andre Martin, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2014-UP-403.pdf](#)
89. P/A, CoA Opinion – 2014-UP-413: Cecil Allen Simmons, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2014-UP-413.pdf](#)
90. **R/R, CoA Opinion – 2014-UP-432: Jeremiah Dicapua, Respondent** [/opinions/unpublishedopinions/HTMLfiles/COA/2014-UP-432.pdf](#)
91. P/A, CoA Opinion – 2014-UP-451: Tony Lynn, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2014-UP-451.pdf](#)
92. P/A, CoA Opinion – 2014-UP-461: Jamal Lindsey, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2014-UP-461.pdf](#)
93. P/G, AD CoA Opinion – 2015-UP-019: Frank Green, Jr., Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2015-UP-019.pdf](#)
94. P/G, AD, CoA Opinion – 2015-MO-048: Kenneth Sherman, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2015-MO-048.pdf](#)
95. P/A, CoA Opinion – 2015-UP-052: Joshua Forrest, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2015-UP-052.pdf](#)
96. **R/R, CoA Opinion – 2015-UP-071: Michael A. Hough, Respondent** [/opinions/unpublishedopinions/HTMLfiles/COA/2015-UP-071.pdf](#)
97. **P/R, CoA Opinion – 2015-UP-174: Tommy S. Adams, Petitioner** [/opinions/unpublishedopinions/HTMLfiles/COA/2015-UP-174.pdf](#)
98. **P/R, CoA Opinion – 2015-UP-176: Charles Ray Dean, Petitioner** [/opinions/unpublishedopinions/HTMLfiles/COA/2015-UP-176.pdf](#)
99. P/A, CoA Opinion – 2015-UP-191: Carmen Latrice Rice, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2015-UP-191.pdf](#)
100. **R/R, CoA Opinion – 2015-UP-299: Troy Robinson, Respondent** [/opinions/unpublishedopinions/HTMLfiles/COA/2015-UP-299.pdf](#)
101. **R/A, CoA Opinion – 2015-UP-336: Michael L. Witcher, Respondent** [/opinions/unpublishedopinions/HTMLfiles/COA/2015-UP-336.pdf](#)
102. P/A, CoA Opinion – 2015-UP-344: Robert Duncan McCall, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2015-UP-344.pdf](#)
103. P/A, CoA Opinion – 2015-UP-346: Vante R. Birch, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2015-UP-346.pdf](#)
104. **R/A, CoA Opinion – 2015-UP-358: Thomas Osborne, Respondent** [/opinions/unpublishedopinions/HTMLfiles/COA/2015-UP-358.pdf](#)
105. **P/R&R, CoA Opinion – 2015-UP-452: Willis Dorsey, Petitioner** [/opinions/unpublishedopinions/HTMLfiles/COA/2015-UP-452.pdf](#)
106. P/A, CoA Opinion – 2015-UP-465: Dushun Staten, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2015-UP-465.pdf](#)
107. P/A, CoA Opinion – 2015-UP-474: Edward Andrell Whitner, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2015-UP-474.pdf](#)
108. P/A, CoA Opinion – 2015-UP-536: Vondell Sanders, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2015-UP-536.pdf](#)
109. **P/R, CoA Opinion – 2015-UP-559: West Webb Mitchum, Petitioner** [/opinions/unpublishedopinions/HTMLfiles/COA/2015-UP-559.pdf](#)
110. **R/A, CoA Opinion – 2016-UP-011: James Clayton Helms, Respondent** [/opinions/unpublishedopinions/HTMLfiles/COA/2016-UP-011.pdf](#)
111. P/A, CoA Opinion – 2016-UP-012: Whelthy McKune, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2016-UP-012.pdf](#)
112. P/A, CoA Opinion – 2016-UP-015: Onrae Williams, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2016-UP-015.pdf](#) (SC S Ct **P/R Opinion – 2018-MO-009: Onrae Williams, Petitioner** [/opinions/unpublishedopinions/HTMLfiles/SC/2018-MO-009.pdf](#))
113. **R/R, CoA Opinion – 2016-UP-023: Frankie Lee Bryant III, Respondent** [/opinions/unpublishedopinions/HTMLfiles/COA/2016-UP-023.pdf](#) (SC S Ct **P/R Opinion – 2018-MO-013: Frankie Lee Bryant, III, Petitioner** [/opinions/unpublishedopinions/HTMLfiles/SC/2018-MO-013.pdf](#))
114. **P/A+V+R, CoA Opinion – 2016-UP-102: Oscar James Fortune, Petitioner** [/opinions/unpublishedopinions/HTMLfiles/COA/2016-UP-102.pdf](#)
115. **R/R, CoA Opinion – 2016-UP-131: Demetrius Lewis, Respondent** [/opinions/unpublishedopinions/HTMLfiles/COA/2016-UP-131.pdf](#)
116. **R/R, CoA Opinion – 2016-UP-132: Willis Weary, Respondent** [/opinions/unpublishedopinions/HTMLfiles/COA/2016-UP-132.pdf](#)
117. **R/R, CoA Opinion – 2016-UP-174: Jerome Curtis Buckson, Respondent** [/opinions/unpublishedopinions/HTMLfiles/COA/2016-UP-174.pdf](#)
118. **P/R&R, CoA Opinion – 2016-UP-178: Herman Lee Hughes, Jr., Petitioner** [/opinions/unpublishedopinions/HTMLfiles/COA/2016-UP-178.pdf](#)
119. P/A, CoA Opinion – 2016-UP-185: Jacqueline Tedder, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2016-UP-185.pdf](#)
120. P/A, CoA Opinion – 2016-UP-260: Michael A. Williams, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2016-UP-260.pdf](#)
121. **P/R&R, CoA Opinion – 2016-UP-309: Kamala Creighton, Petitioner** [/opinions/unpublishedopinions/HTMLfiles/COA/2016-UP-309.pdf](#)
122. **R/R+A&Remand, CoA Opinion – 2016-UP-316: Helen Marie Douglas, Respondent** [/opinions/unpublishedopinions/HTMLfiles/COA/2016-UP-316.pdf](#)
123. P/A, CoA Opinion – 2016-UP-382: Darrell L. Goss, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2016-UP-382.pdf](#)
124. P/A, CoA Opinion – 2016-UP-395: Darrell Efird, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2016-UP-395.pdf](#)
125. **P/R+A, CoA Opinion – 2016-UP-415: Christopher O'Neal Pringle, Petitioner** [/opinions/unpublishedopinions/HTMLfiles/COA/2016-UP-415.pdf](#)
126. P/A, CoA Opinion – 2016-UP-515: Tommy S. Adams, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2016-UP-515.pdf](#)
127. P/G, AD, CoA Opinion – 2018-UP-028: Joshua Monroe, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2018-UP-028.pdf](#)
128. P/G, AD, CoA Opinion – 2018-UP-041: Rion Beaty, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2018-UP-041.pdf](#)
129. P/G, AD, CoA Opinion – 2018-UP-049: Charlton L. Hill, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2018-UP-049.pdf](#)
130. P/G, AD, CoA Opinion – 2018-UP-245: Samuel Brown, Petitioner [/opinions/unpublishedopinions/HTMLfiles/COA/2018-UP-245.pdf](#)

P/G, AD = 51; P/A = 41; **P/R = 6; P/R&R = 7; R/A = 10**; R/R = 14; P-R/A = 1; **INITIATED BY: State = 25**; Applicants = 105; TOTAL = 130

1. **P/V – CoA No. 4225: Anthony Marlar, Petitioner – Anderson County – J. C. Buddy Nicholson, Jr., Circuit Judge – Heard September 14, 2006 – Filed March 26, 2007 – VACATED AND REMANDED – BEATTY, J.:**
2. P/A – CoA No. 4297: Rafeal Brown, Petitioner – Marlboro County – John M. Milling, Circuit Judge – Heard September 11, 2007 – Filed October 5, 2007 – AFFIRMED – ANDERSON, J.: [/opinions/displayOpinion.cfm?caseNo=4297](#)
3. **R/R – CoA No. 4298: James Stalk, Respondent** – Lancaster County – Kenneth G. Goode, Circuit Judge Post Conviction Judge – Paul E. Short, Jr., Circuit Judge – Plea Judge – [/opinions/displayOpinion.cfm?caseNo=4298](#)
4. P/A – (S Ct R) CoA Opinion 4302: Milton Hiott, Appellant – Bamberg County Reginald I. Lloyd, Circuit Judge – Heard September 12, 2007 – Filed October 11, 2007 AFFIRMED [/opinions/displayOpinion.cfm?caseNo=4302](#)
5. P/A – CoA No. 4308 – Tommy Hutto, Petitioner – Aiken County – Reginald I. Lloyd, Circuit Judge – Heard September 12, 2007 – Filed October 26, 2007 – AFFIRMED [/opinions/displayOpinion.cfm?caseNo=4308](#)
6. **R/R – CoA No. 4323: Richard C. Dalton, Respondent** – Spartanburg County – Roger L. Couch, Circuit Judge Post Conviction Judge [/opinions/displayOpinion.cfm?caseNo=4323](#)

7. P/A - CoA No. 4398: Dexter Antonio Williams, Petitioner - Richland County - L. Casey Manning, Circuit Judge Alison Renee Lee, Post-Conviction
[/opinions/displayOpinion.cfm?caseNo=4398](#)
 8. P/A - CoA No. 4399: Nathaniel K. Pelzer, Petitioner - Richland County - Thomas W. Cooper, Circuit Judge - Alison Renee Lee, Post-Conviction
[/opinions/displayOpinion.cfm?caseNo=4399](#)
 9. R/R - CoA No. 4420: Mauricio Leon, **Respondent** - Spartanburg County - Roger L. Couch, Circuit Judge - Submitted May 1, 2008 - Filed June 27, 2008 - REVERSED - HEARN, C.J.: [/opinions/displayOpinion.cfm?caseNo=4420](#)
 10. R/R - CoA No. 4457: Ricky C. Pelzer, **Respondent** - Richland County - Alison Renee Lee, Circuit Judge - Heard October 22, 2008 - Filed November 18, 2008 - Withdrawn, Substituted, and Refiled February 3, 2009 - REVERSED - CURETON, A.J.: [/opinions/displayOpinion.cfm?caseNo=4457](#)
 11. P/A - CoA No. 4901: Kareen Donyell Lee, Petitioner - Greenville County - G. Edward Welmaker, Circuit Judge - Heard, October 5, 2011 - Filed November 2, 2011 - Withdrawn, Substituted and Refiled December 21, 2011 - AFFIRMED - KONDUROS, J.:
 12. P/G, AA - CoA No. 4915: Anthony J. Clark, Petitioner - Richland County - G. Thomas Cooper, Jr., Circuit Judge - Heard October 20, 2011 - Filed December 7, 2011 - REVERSED. GRANT BELATED REVIEW, AFFIRMED - HUFF, J.:
 13. P/A - CoA No. 4938: Marlon Jermaine Smith, Petitioner - Horry County - J. Michael Baxley, Circuit Judge - Heard October 20, 2011 - Filed February 8, 2012 - AFFIRMED - HUFF, J.: [/opinions/displayOpinion.cfm?caseNo=4938](#)
 14. R/R - CoA No. 4946: Joseph Walker, **Respondent** - Aiken County - Doyet A. Early, III, Circuit Court Judge - Heard October 5, 2011 - Filed February 22, 2012 - REVERSED - FEW, C.J.: [/opinions/displayOpinion.cfm?caseNo=4946](#)
 15. **R/A - CoA No. 5091: Tommy Burgess, Respondent - Heard January 10, 2013 - Filed February 20, 2013 - AFFIRMED**
 16. **P/R - CoA No. 5092: Mark Edward Vail, Petitioner - Heard October 16, 2012 - Filed February 20, 2013 - REVERSED**
 17. P/A - CoA No. 5190: Morris Antonio Sullivan Petitioner. 2010 - 151951 - Greenville County - D. Garrison Hill, Trial Judge - G. Edward Welmaker, Post - Conviction
[/opinions/HTMLfiles/COA/5190.pdf](#)
 18. **R-P/A - CoA No. 5193: Israel Wilds, Respondent/Petitioner - No. 2008 - 092411 - Richland County - Marc H. Westbrook, Trial Judge - J. Michelle Childs**
[/opinions/HTMLfiles/COA/5193.pdf](#)
 19. **P/R - CoA No. 5194: Gerald Smith Petitioner. 2010 - 164866 - Richland County - Clifton Newman, Plea Judge - Reginald Lloyd, Sentencing Judge L. Casey Manning,**
[Post /opinions/HTMLfiles/COA/5194.pdf](#)
 20. P/A - CoA No. 5207: Ted E. Abney, Petitioner - Heard November 13, 2013 - Filed March 19, 2014 AFFIRMED [/opinions/HTMLfiles/COA/5207.pdf](#)
 21. R/R - CoA No. 5212: Sandra Richardson, **Respondent** - Kershaw County - L. Casey Manning, Trial Judge - G. Thomas Cooper, Jr., Post - Conviction
[/opinions/HTMLfiles/COA/5212.pdf](#)
 22. **P/R&R - CoA No. 5223: Ronald I. Roberts, Petitioner - Charleston County - Paul M. Burch, Trial Judge - Roger M. Young, Sr., Post - Conviction Judge**
[/opinions/HTMLfiles/COA/5223.pdf](#)
 23. **P/R - CoA No. 5267: Steve Bagwell, Petitioner - Greenville County - C. Victor Pyle Jr., Circuit Judge Robin B. Stilwell, Post - Conviction**
[/opinions/HTMLfiles/COA/5267.pdf](#)
 24. **R/A - CoA No. 5277 - Chico Bell, Respondent - Richland County James R. Barber, III, Circuit Judge - Heard September 8, 2014 - Filed November 5, 2014 - AFFIRMED** [/opinions/HTMLfiles/COA/5277.pdf](#)
 25. **P/R - CoA No. 5295: Edward Freiburger Petitioner - Richland County - Henry F. Floyd, Trial Judge - G. Thomas Cooper, Jr., Post - Conviction**
[/opinions/HTMLfiles/COA/5295.pdf](#)
 26. **P/R - CoA No. 5316: Orlando Smith, Petitioner Submitted March 4, 2015 - Filed May 13, 2015 - REVERSED AND REMANDED - Greenville County - Letitia H. Verdin,**
[Circuit Judge](#)
 27. P/A - CoA No. 5317 - Michael Gonzales, Petitioner - Heard December 8, 2014 - Filed May 13, 2015 - AFFIRMED
 28. **P/R - CoA No. 5335: Norman J. Hayes Petitioner - Lexington County - L. Casey Manning, Plea Judge - G. Thomas Cooper, Probation Revocation Judge**
[/opinions/HTMLfiles/COA/5335.pdf](#)
 29. P/A - CoA No. 5337: Ruben Ramirez Petitioner. 2012 - 208626 - Greenville County - Edward W. Miller, Plea Judge - G. Edward Welmaker, Post - Conviction Relie
[/opinions/HTMLfiles/COA/5337.pdf](#)
 30. **P/R - CoA No. 5340: George Wigington, Petitioner. 2011 - 193670 - Spartanburg County - Doyet A. Early, III, Trial Judge - Roger L. Couch, Post - Conviction**
[/opinions/HTMLfiles/COA/5340.pdf](#)
 31. R/R - CoA No. 5352 - Ken Lucero, **Respondent** - Heard June 2, 2015 - Filed September 9, 2015 - REVERSED
 32. **P/R - CoA No. 5359 - Bobby Joe Reeves, Petitioner - Appellate Case No. 2011-187246 - Heard June 1, 2015 - Filed November 12, 2015 - REVERSED Trial for child abuse: 2002; sentence: 15 years; State sought certiorari (S Ct): 21 April 2016; cert den: 27 March 2017. Sentence or Applicant expired before PCR was finally resolved.**
 33. **P/R - CoA No. 5372: Farid A. Mangal, Petitioner - Spartanburg County - J. Mark Hayes, II, Trial Judge - J. Derham Cole, Post**
[/opinions/HTMLfiles/COA/5372.pdf](#)
 34. P/A - CoA No. 5378: Stephen Smalls Petitioner - Richland County - Henry Floyd, Trial Judge - J. Ernest Kinard, Jr., Post - Conviction Relief J
[/opinions/HTMLfiles/COA/5378.pdf](#)
 35. P/A - CoA No. 5380: Jomer Hill Petitioner - Greenville County - G. Edward Welmaker, Trial Judge - D. Garrison Hill, Post - Conviction Relief Ju
[/opinions/HTMLfiles/COA/5380.pdf](#)
 36. P/A - CoA No. 5408: Martina R. Putnam Petitioner - Sumter County - George C. James, Trial Judge - W. Jeffrey Young, Post - Conviction Judge -
[/opinions/HTMLfiles/COA/5408.pdf](#)
 37. P/A - CoA No. 5420: Darryl Frierson Petitioner - Richland County - J. Michelle Childs, Circuit Judge - Clifton Newman, Post - Conviction [/opinions/HTMLfiles/COA/5420.pdf](#)
 38. R/R - CoA No. 5448: Shanna Kranchick, **Respondent** - Heard February 10, 2015 - Filed October 26, 2016 REVERSED - [/opinions/HTMLfiles/COA/5448.pdf](#)
- OTHER: Contempt in PCR hearing affirmed: CoA Opinion - 4195: David Rhoad, Appellant - Aiken County - Doyet A. Early, III, Circuit Judge - Submitted November 1, 2006 [/opinions/displayOpinion.cfm?caseNo=4195](#)

R/R = 8; P/G, AD = 1; P/A = 15; **P/V = 1; P/R = 10; (11)** R/A = 3; INITIATED BY: State=11; Applicant = 27 (prevailing = 14); TOTAL = 38

GRAND TOTALS: (627) State = 166, prevailing = 124; (R/A = 25) Applicants = 424, prevailing = 171.

P/G, AD = 62; P/A = 52; P/V = 4; P/R = 26; P/R&R = 13; P/Other = 2; (45) R/V = 2; R/R = 24; R/A = 7; State = 34; App = 160; TOTAL = 194

P/G, AA or AD = 2; P/A = 52; **P/R = 62; P/R&R = 24; P/V&R = 5;** P-/R&R = 1;(92) R/R = 76; R/A = 14; BY: State = 96; Applicants = 145; TOTAL = 265

P/G, AD = 51; P/A = 41; **P/R = 6; P/R&R = 7; R/A = 10;** (23) R/R = 14; P-R/A = 1; **INITIATED BY: State = 25;** Applicants = 105; TOTAL = 130

R/R = 8; P/G, AD = 1; P/A = 15; **P/V = 1; P/R = 10; (11)** R/A = 3; INITIATED BY: State=11; Applicant = 27 (prevailing = 14); TOTAL = 38

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Marie Assa'ad-Faltas,	)	C/A No. 8:20-cv-00800-TLW-JDA
	)	
Petitioner,	)	
	)	
v.	)	ORDER RE: ADDITIONAL BRIEFING
	)	
State of South Carolina,	)	
City of Columbia South Carolina,	)	
	)	
Respondents.	)	
	)	

Petitioner initiated this action with a 25-page, typed, single-spaced petition. [Doc. 1.] Subsequently, the Court ordered Petitioner to submit her petition on the Court's standard form. [Doc. 33.] However, the Court indicated it would file the form as an attachment to the original petition "to preserve the issues raised in this case and give liberal construction to the pleadings." [*Id.* at 2.] After receiving the requested form, along with three supplements and numerous exhibits, the Court authorized service of process and specifically construed the original petition and the Court form as the "Petition" in this matter. [Doc. 53 at 1.] Accordingly, Petitioner's grounds for relief include allegations from both documents.

Based on Petitioner's filings, the Court construes the following as Petitioner's grounds for relief:

GROUND ONE: Denial of constitutional right to self-representation

Supporting facts: Petitioner petitioned the Supreme Court of South Carolina to hold that the statutes used to arrest, re-arrest, impose bond, and prosecute her were unconstitutional; however, the "court reacted with a series of ever-growing limitations on [her] right to advocate pro se in SC s[t]ate courts." [Doc. 1-2 at 5.]

GROUND TWO: Ineffective assistance of counsel

Supporting facts: “My forced counsel at pretrial and trial were shockingly ineffective and often harmful. I was denied appellate counsel altogether but was not allowed to prosecute my direct appeals pro se.” [*Id.* at 7.]

Pretrial counsel was ineffective for: (1) not attending jury qualification [*id.*]; (2) sending abusive emails insisting that Petitioner was “clearly guilty,” a “paranoid narcissist,” and “one step away from needing a criminal responsibility exam,” all after the City prosecutor had written to pretrial counsel that the City would not accept remediation from Petitioner because “the City need[ed] a conviction” [*id.*]; (3) not informing Petitioner of the defense strategy other than to pressure her to plead guilty [Doc. 1 at 8, 18–19]; (4) “refus[ing] to argue that the charge, even if proven, can legitimately carry jail time” [*id.* at 8]; (5) not timely securing an order of substitution [*id.*]; (6) not sharing his defense strategy with trial counsel [*id.* at 8, 18–19]; (7) failing to “detect and argue” that the International Property Maintenance Code does not apply to vacant land [*id.* at 15–16, 17–18]; and (8) failing to subpoena John Ansell as a witness [*id.* at 19].

Trial counsel was ineffective for: (1) threatening to slap Petitioner and yelling at her to “shut up” [Doc. 1-2 at 7]; (2) refusing to let her testify on redirect, stating, “You already killed yourself with the jury” [*id.*]; (3) “refus[ing] to argue questions crucial to the charges against her and to the possible sentence in the case underlying No. 13-1280 (4th Cir.)” [Doc. 1 at 9]; (4) failing to “detect and argue” that the International Property Maintenance Code does not apply to vacant land [*id.* at 15–16]; and (5) failing to understand the underlying facts of the case and timeline of events [*id.* at 17].

Post-conviction relief (“PCR”) counsel was ineffective for: (1) failing to raise all available claims [*id.* at 1] and (2) “refus[ing] to file an opposition to the State’s motion for reconsideration, which would have been a good opportunity to brief the additional sustaining

grounds” [*id.* at 10].

PCR appellate counsel was ineffective for failing to raise all additional sustaining grounds in opposition to the State’s petition for a writ of certiorari, particularly the ground that the State may not appeal PCR decisions. [*Id.* at 1, 11.]

GROUND THREE: Denial of statutory right to a sufficient number of venire jurors from which to draw a panel and constitutional right to a jury representative of the community and a jury of peers

Supporting facts: “The trial was called and continued six times because Columbia’s Municipal Court (“CMC”) did not summon enough jurors. The SC statu[t]e governing jury trials in SC magistrate and municipal courts mandates the summoning of at least 40 venire jurors; and SC case law re[q]uires the presence of at least 30 qualified jurors from among whom to draw a panel. On [Petitioner’s] trial day, there were only 24 venire jurors. That small number, below the statutory and case-law specifications, is statistically impossible to represent the diverse community. Nor were lawfully admitted permanent resident aliens allowed on the jury.” [Doc. 1-2 at 8.]

“When a jury was convened, it was tainted by Officer[] Hempe’s and . . . Judge Bogan’s actions.” [Doc. 1 at 11.]

GROUND FOUR: Denial of the right to the last argument

Supporting facts: South Carolina was the only state where a criminal defendant may have the last word only if she did not put any evidence in defense, which had the effect of punishing those who tried to mount a complete defense and/or rewarding those who did not. Petitioner challenged this rule at the trial court level and raised it again at the first stage of direct appeal. By the time PCR was granted on other grounds, the Supreme Court of South Carolina had ruled in *State v. Beaty* that the older last-argument rule violated due process rights. [Doc. 1-2 at 10–11.]

GROUND FIVE: Sovereignty

Supporting facts: The City of Columbia is not a sovereign and, thus: (1) the CMC is not a court because only a sovereign may own and operate a court [Doc. 1 at 1–2, 11]; (2) it may not criminalize any conduct [*id.* at 11]; and (3) the City prosecutor has no authority to prosecute criminal offenses [*id.*]. [*See also id.* at 24.]

GROUND SIX: Conflict of interest

Supporting facts: (1) The City prosecutor and his office “were/are adverse to Petitioner in civil matters” [*id.* at 11]; (2) “City of Columbia’s Council appoints [the CMC] judges who, as agents of Petitioner’s adversaries cannot possibly be fair to her and, in fact, were extremely one-sided and unfair” [*id.*]; and (3) “Petitioner was tried before Carl L. Solomon who represents *the* City and now shares private office space with Columbia Mayor Steve Benjamin, for whose election and re-election Solomon had campai[g]ned” [*id.*].

GROUND SEVEN: Denial of Sixth Amendment right to a speedy trial [*id.*]

GROUND EIGHT: Prosecutorial misconduct

Supporting facts: (1) “Petitioner tried early to show that the charge is baseless as merely marking the boundaries of one’s land cannot be an unlawful act[b]ut [a City employee] told Petitioner ‘Trash is whatever I say trash is’ and instructed his subordinate . . . to selectively prosecute Petitioner” [*id.* at 12]; and (2) the City prosecutor “abused his usurped powers and prevented Petitioner from” arguing selective prosecution before the Municipal Court judge [*id.* at 12–14].

GROUND NINE: The PCR court correctly decided the preemption issue [*id.* at 18]

GROUND TEN: The PCR court incorrectly decided the takings issue

Supporting facts: The PCR Court “did not heed developments in the law in the full year between [the] ruling from the bench and

[the] two-page written order summarily branding everything else as ‘patently without merit.’” [*Id.* at 24 (internal citation omitted).]

GROUND ELEVEN: Decisions granting post-conviction relief should not be appealable

Supporting facts: “SC PCR grants should be unappealable because they descended from *habeas* proceedings which were historically heard *ex parte* and because SC’s appellate courts['] glacial pace of adjudicating appeals of PCR grants deny the criminal defendant’s rights to speedy retrial where the PCR grant is affirmed.” [*Id.* at 11, 15.]

In their return and memorandum of law in support of their motion for summary judgment, Respondents address the grounds contained in the Court form—Grounds One, Three, Four, and part of Ground Two—but do not address the remaining grounds.* [See Doc. 57.] In other filings, Respondents have addressed Ground Five [Doc. 82 at 3–4] and Ground Eleven [*id.* at 1–3; Doc. 75 at 2–3].

To facilitate a complete and thorough review of Petitioner’s claims, Respondents are ORDERED to brief:

- 1) the portions of Ground Two not previously addressed in the return and memorandum of law in support of the motion for summary judgment, i.e. the claims in Ground Two that were presented in the original filing, Docket Entry Number 1, and
- 2) Grounds Six, Seven, Eight, Nine, and Ten.

Respondents shall limit their additional brief to one filing addressing only these issues

*Indeed, Respondents acknowledge that they have not addressed many of the claims in Petitioner’s original filing but state that they will gladly address any additional claims. [Doc. 57 at 8 n.4.]

outlined by the Court. Petitioner will be permitted to respond and will also be limited to one filing, without supplements or exhibits, addressing only the newly briefed grounds. The Court will not consider any portion of any filing that does not comply with this Order.

Respondents shall file their brief by September 10, 2021, and Petitioner shall file her response by October 1, 2021.

IT IS SO ORDERED.

s/Jacquelyn D. Austin
United States Magistrate Judge

August 19, 2021
Greenville, South Carolina