# The Supreme Court of South Carolina

City of Columbia, Respondent,

v.

Marie Faltas, Appellant.

Appellate Case No. 2021-000047
Lower Court Case No. 2010CP4007063

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City of Columbia, Respondent,

v.

Marie Faltas, Appellant.

Appellate Case No. 2021-000048
Lower Court Case No. 2010CP4008650

---

City of Columbia, Respondent,

v.

Marie Faltas, Appellant.

Appellate Case No. 2021-000049
Lower Court Case No. 2011CP4002111

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ORDER

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RICHLAND COUNTY
FILED
2021 DEC 15 AM 8:32
JEANETTE W. [illegible]
C.C.P., G.S., & F.C.

These three cases are pending on appeal.

Within ten (10) days of the date of this order, the clerk of court for Richland County is directed to provide this Court with a copy of the filings made in each of these cases. This should include all documents filed by the parties as well as any orders or other documents issued by the court of common pleas. These copies should be provided to this Court within ten (10) days of the date of this order.

John W. Kittredge A.C.J.

Beatty, C.J., not participating.

Columbia, South Carolina
December 13, 2021

cc: Amye Leigh Rushing, Esquire
The Honorable Jeanette W. McBride
Marie Assa'ad Faltas

**BEFORE THE SUPREME COURT ("S Ct") OF SOUTH CAROLINA ("SC"), ("SC S Ct")**

**SC Appellate Case Numbers 2021-000047, 000048, and 000049**

**FROM Richland County, SC Circuit Judge Clifton Newman, Cases:**

| | | |
|---|---|---|
| *City of Columbia* | *Plaintiff* | |
| v. | | 2010CP4007063 |
| *Marie Assa'ad-Faltas, MD, MPH* | *Defendant* | |
| *City of Columbia* | *Plaintiff* | |
| v. | | 2010CP4008650 |
| *Marie Assa'ad-Faltas, MD, MPH* | *Defendant* | |
| *City of Columbia* | *Plaintiff* | |
| v. | | 2011CP4002111 |
| *Marie Assa'ad-Faltas, MD, MPH* | *Defendant* | |

JEANNETTE W. McBRIDE, C.P., C.D., & C.C.
2021 OCT 22 PM 12:13
RICHLAND COUNTY FILED

**DEFENDANT'S FORMAL INQUIRY INTO DISAPPEARANCE OF CASES FROM C-TRACK**

Marie Assa'ad-Faltas, MD, MPH ("Dr. Assa'ad-Faltas") timely appealed all parts of SC Circuit Judge Clifton Newman's 8 November 2017 ORDER *other than* the grant of counsel in 2011-CP-40-03547 and from His Honor's 23 December 2020 ORDER denying *without explanation* timely motions for reconsideration. The latter ORDER was not mailed by the Clerk of Richland County's Circuit Court until 30 December 2020 and not received by Dr. Assa'ad-Faltas until 5 January 2021 due to the intervening holidays and Covid-19 mail delays. Dr. Assa'ad-Faltas saw C-Track acknowledgment of her appeals (Exhibits 1-3) but NEVER thereafter received *anything* from this Court concerning the above case which later *inexplicably* disappeared from C-Track and never yet restored there.

**With polite courage but no sycophancy, Dr. Assa'ad-Faltas asserts her rights; first as a human being; second as a member of the public entitled to honest, competent and transparent, services from government institutions; third, as one who contributed legal ideas to advance the law, nationwide generally and in SC particularly; and fourth as one who *continues to suffer* from this Court's neglect of its duties to adequately supervise and discipline SC solicitors, other persons usurping prosecutorial functions, and real/pretend "judges" of summary courts; to know the fate of documents she files and to have those documents treated like those from similarly-situated litigants without regard to race, ethnicity, creed, or national origin.**

Dr. Assa'ad-Faltas reminds this Court, as the Public Indices below show, that her July 2013 motions to appoint counsel remained unscheduled **for four years** until she, in open-court during recess of other matters, reminded then-presiding SC Circuit Judge Manning of the inordinate neglect of Dr. Assa'ad-Faltas' motions. The motions were scheduled for 21 August 2017; a ruling thereon issued on 8 November 2017. Dr. Assa'ad-Faltas timely sought reconsideration **on the day that followed;** but her motions **remained neglected for three *more* years** despite *annual* reminders of their pendency. Parenthetically, SC Circuit Judge Brown, who had "volunteered" to retain jurisdiction to "see [related cases] through at the circuit court level" has taken no *substantive* action on the other related cases since he received special assignment to them on or before 15 September 2020. (Exhibits 4-6)

Dr. Assa'ad-Faltas reiterates: (1) she could not have initiated false/frivolous criminal charges against herself; (2) were this Court *genuinely* interested in judicial economy, **it would act *against* waste of judicial resources *and of innocent people's lives* on false criminal charges** and would not waste an eighth (1/8) of its workload on writs of *certiorari* improvidently granted ("DIG") (Exhibits 7-10); and (3) the within arguments and proofs are related to this, her inquiry into, and complaint of, selective neglect of her cases and mistreatment of her person.

**Sincerely submitted by e-mail to supctfilings@sccourts.org on 21 October 2021 and served *the same day* by e-mail as shown on Mr. James at marshall.james@columbiasc.gov, on Mr. Davidson at michaeldavidson@scag.gov, and on Ms. Saxon at jsaxon@sccid.sc.gov, all God so willing.**

**[s/] Marie Assa'ad-Faltas, MD, MPH, Defendant/Appellant *pro se* for purposes of this Inquiry and Motion**
**P.O. Box 9115, Columbia, SC 29290**
Phone (803) 783-4536 e-mail: Marie_Faltas@hotmail.com

ENTERED
OCT 22 2021
COMPLETED



SCANNED

EXHIBIT
No. 1

Your Daily Digest for Tue, Dec 22

USPS Informed Delivery <USPSInformeddelivery@informeddelivery.usps.com>
Tue 2020-12-22 7:23 AM
To: Marie_Faltas@hotmail.com <Marie_Faltas@hotmail.com>

1 attachments (1 KB)
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EXHIBIT
No. 2

| | |
|---|---|
| STATE OF SOUTH CAROLINA<br><br>COUNTY OF RICHLAND | IN THE COURT OF COMMON PLEAS<br><br>CIVIL ACTION NO: 2011CP4002111; 2010CP4007063; 2010CP4008650; 2011CP4003547; 2009CP4008013; and 2009CP4004483 |
| City of Columbia,<br><br>Plaintiff,<br><br>Marie Assa'ad-Faltas, MD, MPH,<br><br>Defendant, | **ORDER DENYING MOTION FOR PARTIAL RECONSIDERATION** |

2020 DEC 23 AM 9:26

This matter comes is before the Court on a Motion of the Defendant for Partial Reconsideration of the Order of the Court filed on November 8, 2017, regarding the matters captioned above. In the Order, the Court carefully considered and ruled on all relevant matters presented.

Having fully considered the Motion of the Defendant, this Court finds that the Motion should be denied.

The Motion of the Defendant for Partial Reconsideration is therefore DENIED.

AND IT IS SO ORDERED this 21st day of December 2020.

Clifton Newman
Presiding Judge

CLERK'S OFFICE
SUPREME COURT
COURT OF APPEALS

# South Carolina Appellate Case Management System

C-Track, the browser based CMS for Appellate Courts

Appellate C

**Cases**

- Case Search
- Participant Search

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Only filed documents can be viewed. Some documents received in a case may not be available for viewing.
Some documents originating from a lower court, including records and appendices, may not be available for viewing.

**Case Search**

| | | | | | |
|---|---|---|---|---|---|
| **Court:** | | **Case Title:** | Faltas | **Filed Date From:** | |
| **Group:** | | **Appellate Case No.:** | | **Filed Date To:** | |
| **Type:** | | **Exclude Closed Cases:** | ☑ | | |

1 to 6 of 6 rows are

**Search Results**

| Court | Appellate Case No. | Short Title | Group | Type | Subtype | Filed Date | Status |
|---|---|---|---|---|---|---|---|
| Supreme Court | 2021-000046 | Marie Faltas v. Dinah Steele et al. | Appeal | Common Pleas | Civil Appeal from Summary Ct. | 01/12/2021 | Pending |
| Supreme Court | 2021-000045 | Marie Faltas v. Dinah Steele et al. | Appeal | Common Pleas | Civil Appeal from Summary Ct. | 01/12/2021 | Pending |
| Supreme Court | 2021-000047 | Marie Faltas v. City of Columbia | Appeal | Common Pleas | Crim. Appeal from Summary Ct. | 01/12/2021 | Pending |
| Supreme Court | 2021-000049 | Marie Faltas v. City of Columbia | Appeal | Common Pleas | Crim. Appeal from Summary Ct. | 01/12/2021 | Case Transfe |
| Supreme Court | 2021-000048 | Marie Faltas v. City of Columbia | Appeal | Common Pleas | Crim. Appeal from Summary Ct. | 01/12/2021 | Pending |
| Court of Appeals | 2019-000708 | Marie Assa'ad-Faltas v. State of South Carolina | Certiorari - PCR | Common Pleas | Other | 04/29/2019 | Ready for Cc |

1 to 6 of 6 rows are

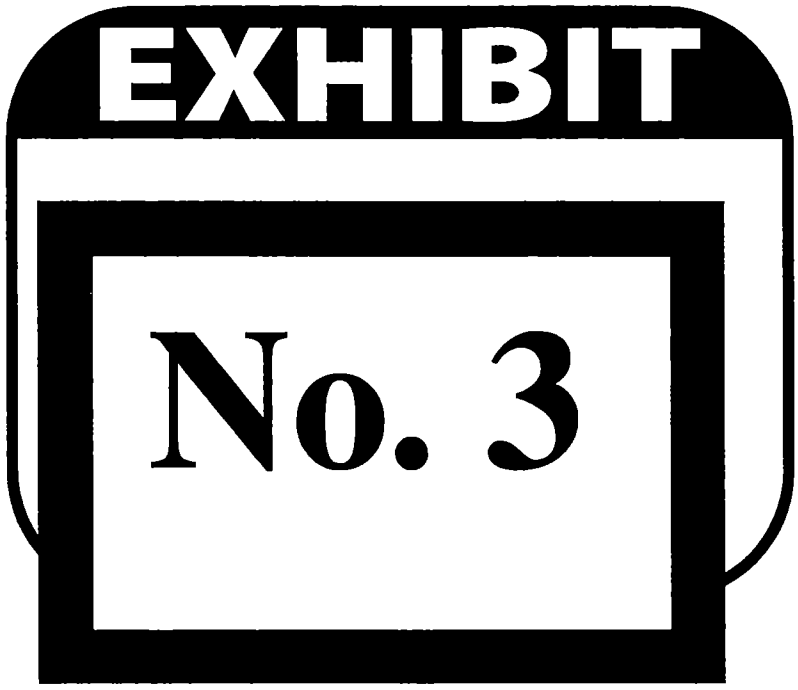

EXHIBIT
No. 4

# The Supreme Court of South Carolina

Austin Woods Apartments, Plaintiff,

v.

Marie Assa'ad-Faltas, MD, MPH, Defendant.

Richland County
2018-CP-40-00963

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

v.

State of South Carolina
and the City of Columbia, SC, Defendants.

Richland County
2019-CP-40-00112

City of Columbia and
the State of South Carolina, Plaintiffs,

v.

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

Richland County
2019-CP-40-01374

2020 OCT 14 PM 1:00
RICHLAND COUNTY
FILED

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

v.

State of South Carolina
and the City of Columbia, SC, Defendants.

Richland County
2019-CP-40-02217

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

v.

State of South Carolina
and the City of Columbia, SC, Defendants.

Richland County
2019-CP-40-02218

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

v.

State of South Carolina
and the City of Columbia, SC, Defendants.

Richland County
2019-CP-40-02219

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ORDER

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IT IS ORDERED that the Honorable D. Craig Brown be vested with exclusive jurisdiction to hear and dispose of the above cases. Judge Brown shall

decide all matters pertaining to these cases, and pursuant to this assignment shall retain jurisdiction over these cases regardless of where he may be assigned to hold court and may schedule such hearings as may be necessary at any time without regard as to whether there is a term of court scheduled.

Donald W. Beatty
Chief Justice

Columbia, South Carolina
September 15, 2020

| | | |
|---|---|---|
| STATE OF SOUTH CAROLINA | ) | COURT OF COMMON PLEAS |
| | ) | 2019-CP-40-02217 |
| COUNTY OF RICHLAND | ) | 2019-CP-40-02218 |
| | ) | 2019-CP-40-02219 |
| | ) | 2019-CP-40-00112 |
| | ) | |
| | ) | |
| | ) | |
| MARIE-THERESE | ) | |
| ASSA'AD-FALTAS, MD, MPH, | ) | |
| Applicant, | ) | |
| | ) | |
| vs. | ) | TRANSCRIPT OF RECORD |
| | ) | |
| STATE OF SOUTH CAROLINA, AND | ) | |
| THE CITY OF COLUMBIA, SC, | ) | |
| Respondent. | ) | |
| _____ | ) | |

EXHIBIT
No. 5

February 20, 2020
Columbia, South Carolina

B E F O R E:

THE HONORABLE D. CRAIG BROWN, JUDGE

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

CASSITY ANN BREWER, ESQ.
Attorney for the Applicant

LINDSEY ANN McCALLISTER, ESQ.
Attorney for the Respondent

Transcribed by:
CHERYL A. SMITH
Circuit Court Reporter
from DCRP, Digital
Courtroom Recorder
Project

INDEX

PAGE

There were no witnesses called.

EXHIBITS

| NO | DESCRIPTION | ID | EVD |
|---|---|---|---|

There were no exhibits introduced.

P R O C E E D I N G S

(WHEREUPON, proceedings commenced at 9:56 a.m.)

THE COURT: Thank you. All right. Ms. McCallister?

MS. McCALLISTER: Yes, sir, Your Honor.

THE COURT: Happy to hear from you.

MS. McCALLISTER: Your Honor, we're here today on four cases, Marie Assa'ad-Faltas vs. The State of South Carolina. The four docket numbers are 2019-CP-40-0112, 19-CP-40-2217, -2218 and -2219, Your Honor. The packet that I put up there goes to Case Number 0112. I wasn't sure if Your Honor had gotten a copy of that one.

The motion that was filed is a motion to relieve counsel. Ms. Cassity Brewer has been appointed to represent Dr. Faltas.

The motion is the same. The caption of the motion contains all four of these case numbers, so it's the same motion for all four cases, Your Honor.

And it is Dr. Faltas's motion, so I'll let you hear from Ms. Brewer or Dr. Faltas, but the State would like to be heard at some point, Your Honor.

THE COURT: All right. Ms. Brewer?

MS. BREWER: Yes, sir, Your Honor.

THE COURT: How are you doing this morning?

MS. BREWER: I'm good. How are you?

THE COURT: Doing well.

I will be happy to hear from you first.

MS. BREWER: Your Honor, as Ms. McCallister said, this is Dr. Faltas's motion. I was appointed by Indigent Defense to represent her. And she's -- there's a current -- I -- I have not met Ms. Faltas until this morning. I've spoken to her on the phone. She's filed a bar complaint against me that is still pending at this time. I'm not opposed to her motion, and I will -- I'll let her address why she feels that I need to be relieved.

But I've spoken with Indigent Defense about this case. They're having some difficulty appointing another attorney to her case as her previous -- previously appointed attorneys have conflicted out of the case. And I'll let Ms. McCallister address that. But I just wanted to make you aware that I'm not -- I'm not opposed -- I don't care either way whether I'm relieved or not, but Indigent Defense is just having some difficulty appointing another attorney to her case.

THE COURT: All right. Dr. Faltas, happy to hear from you, ma'am.

APPLICANT ASSA'AD-FALTAS: Good morning, Your Honor. First, I ask for permission to address the Court from a seated position because of my various disabilities. Is permission granted?

THE COURT: Yeah. I'll let you -- I'll let you

remain seated.

APPLICANT ASSA'AD-FALTAS: Thank you, Your Honor.

The second is nobody objected -- am I audible?

THE COURT: Ma'am?

APPLICANT ASSA'AD-FALTAS: Am I audible?

UNIDENTIFIED: Just point it towards you, (inaudible).

APPLICANT ASSA'AD-FALTAS: Am I audible now?

THE COURT: Yes, ma'am.

APPLICANT ASSA'AD-FALTAS: Thank you.

First, I object to Ms. McCallister having put on the bench stuff that she did not show Ms. Brewer or myself.

Second, motions to relieve counsel are to be heard ex parte in respect for the attorney-client privilege in case I still have some rights in the courts of this state.

The third matter is that I would like to ask if Your Honor has bias. And this is not any disrespect. This is something that I ask for of any jurist before whom I come, because if I don't ask, how will I know? I am a Coptic Orthodox Christian, which is the Christian minority of Egypt. According to the U.S. Supreme Court's decision in Saint Francis College vs. Al-Khazraji (phonetic), Middle Easterns are a racial minority protected under the Federal Section 1981 and 1983.

The second issue is that, having been raised Catholic

and converted to orthodoxy, I have yet to ask if Your Honor has bias against the Catholic and Orthodox denominations, Your Honor being a protestant.

THE COURT: The Catholic and what else? I'm sorry.

APPLICANT ASSA'AD-FALTAS: Orthodox.

THE COURT: Orthodox. Okay.

Well, let me address these in the order of which you brought up objecting to what's been handed up to me. I've seen your motion to be relieved -- or to have Ms. Brewer relieved as your attorney. And that's what we're here on today, okay?

I do not believe that these [sic] motion to be relieved are to be ex parte, but regardless, there's nobody else in the courtroom, okay, other than yourself, Ms. Brewer, Ms. McCallister, my court reporters, a deputy, my Madam Clerk and one of my bailiffs. That's it.

With regards to whether or not I have any conflict, I do not know you, Dr. Faltas. Never heard of you until I saw you on my roster. So I -- I do not have any conflict, bias or prejudice towards you, okay?

So I think I've answered your three questions.

APPLICANT ASSA'AD-FALTAS: What -- the name Assa'ad, part of my last name, to the non-Arabic speakers may sound as if it's related to the president of Syria. It is not at all. In Arabic it's not even the same word in Latin

characters. It's an -- I'm Coptic, meaning Egyptian. No relationship. Did -- did my name cause an issue for Your Honor?

THE COURT: I never thought of that until you just brought it up. So no, ma'am, it does not.

APPLICANT ASSA'AD-FALTAS: All right. The next -- the next issue is that morally I am an absolute pacifist, meaning I am totally opposed to war and violence and the death penalty and abortion and murder under the name of euthanasia and all of that, but Your Honor went to The Citadel, which is a military institute. So do this moral differences pose a problem for Your Honor?

THE COURT: No, ma'am, it does not.

APPLICANT ASSA'AD-FALTAS: All right. About the motion being heard ex parte, I would like to note that the State is here. The reason that motions to relieve counsel are heard ex parte is to protect the attorney-client privilege, whatever of it remained. I did not want to disclose that I filed a bar grievance against Ms. Brewer, but she disclosed it herself, as is her right.

The other issue is that -- that that was not in my motion.

THE COURT: I'm listening.

APPLICANT ASSA'AD-FALTAS: Okay. My complaint met at least the initial threshold, and that is under

investigation now. And I would like to make a complete record even if the result is preordained.

THE COURT: Well, what I'm here to do today, Dr. Faltas -- or do you wish that I call you Dr. Assa'ad-Faltas?

APPLICANT ASSA'AD-FALTAS: Your Honor, we're about the same age, so if you'd like to call me Marie, that's fine.

THE COURT: I'm not going to do that. I'm going to call you Doctor. I'm going to give you the respect that you've earned through a doctoral degree in some way, shape or form. So I'm going to -- I'm going to refer to you, if that's okay, as Dr. -- either Dr. Faltas or Dr. Assa'ad-Faltas.

APPLICANT ASSA'AD-FALTAS: Whichever Your Honor prefers.

And it wasn't just some way. It was with honors while being a Christian minority in majority Muslim Egypt. And I was the youngest in my graduating medical school class in July 1977. Graduated with honors.

And the reason I first came to this country is that after the peace accords between Egypt and Israel, which I staunchly support, President Carter requested an expedited subset of the Fulbright Scholarships that were called variously the Camp David Scholarships or the Peace

Fellowships. And I was among the first hundred selected from all the country of Egypt, and, again, against the odds being a Christian minority and, to a lesser extent, being a female.

So going back to the issue, and I put it in a nutshell, but I'd like to make a complete record, and given what happened yesterday, I may need to call witnesses. And I -- I'll tell you the issue in a nutshell. Under Door A, the worst that can happen to my cases is that I lose them, and yet would have preserved my issues for further review being at the (indiscernible) review in state courts or later federal courts under the federal habeas statute while the State remedies -- after the state remedies have been exhausted. This is under Door A I represent myself. This is the worst that can happen. Of course, the best that can happen ---

THE COURT: I think you're a little too close to that -- to one of the -- to that microphone. That one's fine. The bench recording microphone is fine. It was the microphone for the rest of the Court.

APPLICANT ASSA'AD-FALTAS: If they can kindly tell me where did they start losing me or having static so I can go back and start again from that point.

THE COURT: I could understand you. I could just hear some static, too. But you can go ahead.

APPLICANT ASSA'AD-FALTAS: Okay. So the worst that can happen if I represent myself is that my cases get dismissed, but I have preserved my issue.

THE COURT: Well ---

APPLICANT ASSA'AD-FALTAS: The best that can happen with representation is that I lose my cases, my issues are not preserved, and I get aggravated, even acquire new false criminal charges, selected by the very person appointed to get me out of the false conviction is that I acquire new false convictions. This is the best that can happen because she has proven that she has absolutely no record of winning any PCR or criminal case. She has proven that she has no interest in studying my case or adopting any of my issues. And she had done -- she has done some things that are unethical or at least giving enough of an appearance of unethical behavior to where the bar -- the -- the Office of Disciplinary Counsel has opened an investigation.

So I do not want another lawyer. I do not want -- if your conscience does not guide you to let me exercise the same right that the worst Syrian murderer in this state gets, that is up to your conscience. I cannot be your conscience. I can only (indiscernible) my record. But a rational person choosing between Option A where I don't have a lawyer and the worst that can happen is that I lose

my case, or Option B where the best that can happen is that I lose my case and I get my issues forfeited.

And, Your Honor, just yesterday the State Supreme Court came up with a decision where I was represented forcibly by appellate defense, and I had filed several motions to relieve appellate -- and ironically, that was a case where I had prevailed. PCR was granted for me by retired Chief Justice Toal sitting as an acting Circuit Court judge. She granted me PCR. But the State appealed, and I asked to represent myself as a respondent. I was denied that right. My appellate defense lawyer refused to brief the issues. So now when I go to federal court, I would have to explain excuse and prejudice. But if I were to represent myself, I won't have.

And the reason I need witnesses, I need Ms. Jessica Saxon and Mr. Robert Dudek to testify that I asked them to brief the additional sustaining grounds, which they did not.

May I -- may I pass -- may I pass that, please, Your Honor?

THE COURT: What I want to deal with today, Dr. Faltas, is this motion to relieve Ms. Brewer.

APPLICANT ASSA'AD-FALTAS: Okay.

THE COURT: Okay.

APPLICANT ASSA'AD-FALTAS: Ms. Brewer -- Ms. Brewer

has threatened to bring false criminal charges against me of harassment and unlawful use of a telephone.

THE COURT: Okay.

APPLICANT ASSA'AD-FALTAS: She told me that she never won a PCR case because all her clients are in jail. She never won a criminal case. She does not even -- by that threat of harassment and unlawful use of a telephone, she proved to me that she does not know the law of either. She has been most unpleasant and rude. I'm not asking for another lawyer. Her only excuse is that they have -- they are having difficulty getting another lawyer for me when I don't want another lawyer.

THE COURT: Okay.

APPLICANT ASSA'AD-FALTAS: Come what may, I don't want her. That is already a conflict by my having -- by her having done those actions and by my having had to file a grievance against her, which, as I said, met this threshold of a new investigation. There is absolutely no reason to impose an association I do not want or need.

In this country there is a constitution, and it has a First Amendment. And the states must grant under the 14th Amendment those constitutional rights to everyone under its jurisdiction. The First Amendment, that is freedom of association. I can associate ---

THE COURT: Go ahead. I'm sorry.

APPLICANT ASSA'AD-FALTAS: I can associate with whom I want, and I can refuse to associate with whom I do not want to associate. So I do not want to associate with her or with any other lawyer, come what may.

THE COURT: Okay.

APPLICANT ASSA'AD-FALTAS: The other -- the other thing is that by being forced -- her having being forced on me, I may incur financial liability, which I do not want. There is a freedom of contract in this country, and that is also a constitutional right. I do not want her. I do not want her paid to pretend to represent me. I do not want her to -- to associate with me. She has a conflict. And to begin with, she is totally ineffective.

THE COURT: Okay. Thank you, Dr. Faltas.

APPLICANT ASSA'AD-FALTAS: I get ---

THE COURT: Let me hear from you, Ms. McCallister.

MS. McCALLISTER: Thank you, Your Honor.

APPLICANT ASSA'AD-FALTAS: I am making my point that it should be ex parte, and the State has no reason to speak on this.

THE COURT: Well, I'm going -- I'm going to give them an opportunity to be heard on it.

APPLICANT ASSA'AD-FALTAS: Over my objection.

THE COURT: Yeah. Over your objection, yes.

APPLICANT ASSA'AD-FALTAS: Thank you, Your Honor.

MS. McCALLISTER: Thank you, Your Honor. The -- the main issue that I want to address is this issue of not appointing another attorney. Your Honor, we've been down this road with Dr. Faltas before. She had a case in 2018 where she had an attorney appointed. She came before Judge Newman, made a motion to relieve him, and Judge Newman granted that motion.

Your Honor, there was an order from the Supreme Court in September of 2017 which said that Dr. Faltas could not represent herself pro se as a plaintiff in civil actions in this state, so the State filed a petition in the Supreme Court's original jurisdiction to challenge Judge Newman's order relieving her counsel and allowing her to proceed pro se in the PCR, because PCRs are a civil action.

Your Honor, the Supreme Court then issued another order clarifying their previous 2017 order in which they reiterated that Dr. Faltas may not proceed pro se as a plaintiff in a PCR action in this state.

So regardless of what Your Honor decides about relieving Ms. Brewer specifically, it's the State's position that another attorney must be appointed for her because that is the Supreme Court's order.

And so -- and, Your Honor, just kind of to -- Ms. Brewer has already said it. Dr. Faltas, as long as I

have known her, has moved to relieve every attorney that she has had appointed to her. And so there are a lot of attorneys who she -- she alleges that she has conflicts with. And so, you know, from what I can see from her motion, I don't believe she does have a conflict with Ms. Brewer, and so we would ask for, at the very least, if Ms. Brewer is relieved, that another attorney be appointed immediately, because Dr. Faltas cannot be pro se in PCRs.

Thank you.

APPLICANT ASSA'AD-FALTAS: May I briefly say something in reply?

THE COURT: Yes, ma'am.

APPLICANT ASSA'AD-FALTAS: Okay. Yesterday I filed a hybrid action in federal court. It is both ---

THE COURT: Hold on just a minute, Doctor, please.

(Pause in proceedings.)

THE COURT: I'm sorry. Go ahead.

APPLICANT ASSA'AD-FALTAS: I filed a hybrid action in federal court. It's hybrid in that it's both a federal habeas and a Section 1983 claim. It was filed, but it has not been assigned yet because also in federal court, southern judges have conflicts that are none of my fault. People marry people. People have -- have -- so in that -- in that federal action, I'm asking for an injunction giving me the equal right. In that action -- should I

step back from the microphone or closer?

THE COURT: You're fine.

APPLICANT ASSA'AD-FALTAS: In that federal action, I am asking for injunctions giving me the equal right to represent myself.

And so the other option is to relieve Ms. Brewer, stay the case pending the federal action. And if the federal court comes back ---

THE COURT: Go ahead.

APPLICANT ASSA'AD-FALTAS: --- and says, yes, Dr. Faltas has a right to -- and incidentally, Your Honor, the one time I was allowed to represent myself in a PCR action, I won. And I won twice. Judge Goldsmith granted me PCR. The State asked for reconsideration. He vacated, not reversed himself and recused himself. Then the Honorable Judge Gravely heard the same case. He granted me PCR again. And then the State asked for reconsideration. He denied reconsideration. And then the State appealed. I'm the respondent. I asked to represent myself pro se, but the State Supreme Court denied that. So I am before the federal court saying I should be allowed to represent myself pro se.

So the options would be to stay these cases until the federal court gives us the answer, and if the answer is positive, then, as Your Honor knows, that federal law and

the U.S. Constitution -- I'm sorry. That's my voice. The supreme law of the land, they trump even the State Supreme Court. So if the federal court say the federal constitution requires me to be able to represent myself, then that solves the problem.

THE COURT: Then what? I'm sorry.

APPLICANT ASSA'AD-FALTAS: Than that solves the problem.

THE COURT: Okay.

APPLICANT ASSA'AD-FALTAS: If they say, no, she either has to represent herself or withdraw her -- her PCR -- I mean, she has to have counsel or withdraw her PCRs or something, then it will be my choice. And at that point, I would still have preserved my issues. But if a counsel is forced on me and doesn't brief the issues I want, then I would have defaulted them. Besides, the State law in South Carolina is that in PCR, a lawyer is required to brief all issues even if frivolous. And that case is Hiott v. State. And that is a State Supreme Court case.

So I do not understand what the State's problem is. Even if, God forbid, I were to brief frivolous issues, that's -- that's what the law requires. But, in fact, Your Honor, I had false harassment charges brought against me, and I had the five-day jury trial before Judge Clifton Newman pro se, and thank God I won ultimately. At that

time the end of that trial was a hung jury, but ultimately, I won, the charges dismissed without prejudice.

I also had the false unlawful use of telephone charge brought against me in Municipal Court. And I represented myself pro se, and I got that charge dismissed, again, with prejudice.

So I have an excellent record representing myself both as a criminal defendant and in PCR. The only time I get bad results is when counsel is forced on me. And this has happened in criminal trials. It has happened -- I'm sorry. Let me take that back. The only time I get bad results is that either when counsel is forced on me or I am not allowed to proceed without counsel.

So the -- the good option is to relieve Ms. Brewer and stay the case pending a decision from the federal court. But otherwise, if you have to put me between losing without a lawyer and without other adverse consequences and losing with a lawyer with added adverse consequences, any rational person would choose losing without a lawyer.

May I -- may I -- but I need it back, please -- show Your Honor the decision that came yesterday from the State Supreme Court? And if -- just to make my record, I would like the Court on short notice to subpoena Ms. Saxon so

she can testify that I asked her to brief the additional sustaining grounds, and she refused. And this is a problem for me in Federal Court now. May I -- may I show it to Ms. McCallister and ask that she pass it to the ---

THE COURT: That's not what we're here for today, okay, Dr. Faltas?

APPLICANT ASSA'AD-FALTAS: I'm just trying to say that when forced -- counsel is forced on me, I ask them to do reasonable things, they refuse and -- and we lose.

THE COURT: All right.

APPLICANT ASSA'AD-FALTAS: So there -- there is no point of losing with all this aggravation. If I'm going to lose, let me lose without it.

THE COURT: Well, here's what I'm bound by, okay? I have reviewed your motion to relieve Ms. Brewer as your attorney along with what appears to be some attached emails between yourself and Ms. Brewer. It does not appear that there's been any communication other than what's taken place in these emails between yourself and Ms. Brewer. I'm looking specifically at your November 14, 2019, email. I guess it's to Ms. Brewer. It looks like some things may have been cut and pasted in here, but I'm not sure.

And the reason I say that is, is because on the email above, for instance, it says: To Ms. -- to Marie Faltas,

and it's from Ms. Brewer in response to your November 14, 2019, email. But in your November 14, 2019, 4:59 p.m. email to Ms. Brewer, you indicate in there that you strongly prefer to advocate pro se, which you've conveyed to me here today.

APPLICANT ASSA'AD-FALTAS: Just for the record, Your Honor ---

THE COURT: No. Hold on.

APPLICANT ASSA'AD-FALTAS: --- it's not cut and pasted.

THE COURT: Dr. Faltas.

APPLICANT ASSA'AD-FALTAS: Sorry.

THE COURT: I gave you an opportunity to talk. It's my turn now, okay?

APPLICANT ASSA'AD-FALTAS: Okay. It's not that ---

THE COURT: After I -- after I speak, if you need to talk again, I'll let you talk, but I'm going to talk right now, okay?

APPLICANT ASSA'AD-FALTAS: Okay.

THE COURT: All right. And, Ms. Brewer, it looks like she responded seven days later indicating she had not received a letter of appointment from the clerk's office yet, but indicating that she would contact you after she received such. And she asked that you please stop calling her office and harassing her staff. I don't know and I

haven't heard today how many times you may have called her office, but I do see the -- what you referenced in here about Ms. Brewer conveying to you that you could be charged with harassment or unlawful telephone use, I see that, which would then, in and of itself, create a conflict at that point. I do not see where -- where such action was -- where such action was taken by Ms. Brewer.

Referring back to your November 14th email, you indicate to Ms. Brewer that you would not accept failure in any of your cases, giving an example of a surgeon who kills every fourth patient or a pilot who crashes every fourth pane -- plane, excuse me -- and request that she contact you ASAP. And again, for the record, she responded seven days later.

Moving on, I'm looking at an email that appears to be from you. It doesn't reference who that email was -- was to because, again, it looks like the emails were cut and pasted in here in some capacity. And in your December 2, 2019, email at 12:08 p.m., you reference that Ms. Brewer was appointed against your will, that she's played dumb and pretended not to receive the appointment letter. And when you tried to call, she responded, threatening to bring false criminal charges against you. It looks like a Pete Nosal, Nozelle or -- N-O-S-A-L, did reach out to you, but you didn't talk with either one of them after that.

Who is Mr. Gunter?

APPLICANT ASSA'AD-FALTAS: Are you asking me, Your Honor?

THE COURT: Okay. In the clerk's office?

UNIDENTIFIED: Yes.

THE COURT: Okay. That you contacted Mr. -- or asked -- Mr. Gunter informed Judge Newman, Jocelyn Newman of Ms. Brewer and her firm's refusal to work on your case indicating that you -- further indicating that you're going to file a grievance against Ms. Brewer for her, quote, unjustified neglect of your case -- or my cases and threats of bringing false criminal charges and, in essence, demanding that Ms. Brewer call you today -- "today" being in all caps -- or, in all caps, that you'd file a grievance tomorrow -- "tomorrow" being in all caps.

It appears that on December 2, 2019, at 2:35 p.m., just a little over two hours after your email was sent to whom, I don't know, Ms. Brewer informs you that she was in court elsewhere and that she had court all day the following day, and that she would like to call you on Wednesday so she could have a witness to your conversation, asking you if there's a time that works better for you on Wednesday, and further indicating that Ms. Brewer may have a plea in general sessions that day, but not sure and at what time that plea would be.

What appears to be your response on that same day of December the 2nd at 6:53 p.m., you respond -- again, it doesn't say to whom, but I'm assuming that it's to Ms. Brewer, but, again, I'm not sure because it appears that these emails were cut and pasted, to telling Ms. Brewer at that point that it's too late and too oppressive, inquiring as to why you should agree upon a witness, and if it's someone from your -- "your" being in all caps -- why would that person not lie for you, and if it's someone from outside the office, how's that not -- "not" being in all caps -- breaching the attorney-client privilege, further inquiring as to whether or not now -- "now" being in all caps -- admitting that you did receive appointment letter and whether or not -- or further inquiring as to when Ms. Brewer may have found it and did she investigate the delay.

You further stated to Ms. Brewer -- again, I guess it's to Ms. Brewer -- that you wanted to trust her specifically after Mr. Nosal's call to you. But then you say you see it as really a stalling tactic. You state that, objectively and based on prior experience, that having no lawyer at all in these cases is better than you -- "you" being in all caps -- and tell Ms. Brewer that she is ignorant and cruel, and that you should not be made to suffer Ms. Brewer's bizarre conditions and delays. That

email was at 6:53 p.m. on December the 2nd.

In less than ten minutes, if I'm reading this correctly, on December the 2nd of 2019, Ms. Brewer responds to Ms. Faltas, again, indicating that she would call on Wednesday, hoping that Ms. Faltas would be available, emphasizing, again, that Ms. Brewer is in court quite frequently, and that Wednesday would be the first opportunity that Ms. Brewer would be free to call. And Ms. Brewer finally states: I look forward to speaking with you soon.

I do not see any further correspondence attached to Dr. Faltas's motion to have Ms. Brewer relieved.

APPLICANT ASSA'AD-FALTAS: Am I allowed to say three things for the record? Not yet? Okay.

THE COURT: Just hold on.

APPLICANT ASSA'AD-FALTAS: Thank you.

THE COURT: Like I said, Dr. Faltas, I'm going to give you an opportunity to speak again, okay?

APPLICANT ASSA'AD-FALTAS: Thank you, Your Honor.

THE COURT: What you've brought to my attention today is that Ms. Brewer has never won a PCR case, that she does not know the law, and that there is a conflict. I understand, Dr. Faltas, and respect -- certainly respect what you have said today concerning your success on postconviction relief actions. And I do not know the

total number of postconviction relief actions that are filed in this state and the percentage of those postconviction relief actions that are granted in this state. I do know, based upon my experience as a lawyer and as a judge, that very few postconviction relief actions are won, period, which really doesn't matter to your case. But for statistical purposes, the batting average, so to speak, if you played baseball, is not very good in postconviction relief actions. All right. So saying that a lawyer has never won one, there are hundreds of lawyers in this state that have never won one, hundreds of lawyers in this state that may have won one out of a hundred. So can't base such and compare such. I don't think -- I think once you start comparing the success in postconviction relief actions to success of a surgeon, so to speak, or a success rate of a pilot piloting an airplane, so to speak, is like comparing apples to oranges. It is just not the same.

Your assertion that Ms. Brewer does not know the law, I'm not sure how long Ms. Brewer has been practicing law. That hasn't been conveyed to me here today. But she obviously knows law or she wouldn't have passed the bar and be allowed to practice law in this state, which brings me -- so I don't think -- I think it's a blind assertion that she does not know the law without any further

specifics, which brings me to the final issue raised here concerning a conflict. I have not heard any specific allegations or assertions of any specific conflicts in Ms. Brewer handling your postconviction relief cases other than an assertion.

I did hear from Dr. Faltas referencing that in her attempts today, which I decline to see, with regards to appellate defense, for instance, refusing to brief certain issues in an appeal, okay? I will say that not every lawyer -- or no lawyer is required to file any -- or brief any and every issue or file any and every motion that a litigant request that they do so. They're not required to. The law does not require them to do so, and lawyers that appear in courts throughout this county, state and country have an ethical obligation to only file those motions that are lawful and legitimate and not frivolous.

I see you shaking your head, Dr. Faltas. I understand you disagree with me. And like I said, I'm going to give you an opportunity to talk again briefly, okay?

Now, what has been brought to my attention today is that a grievance has, in fact, been filed against Ms. Brewer by Dr. Faltas. And if I heard Dr. Faltas correctly, Dr. Faltas indicated, I believe, that there must be -- and maybe I'm paraphrasing here a little bit --

that there must be some legitimacy to the grievance or a file wouldn't have been open. Is that correct, Dr. Faltas? Isn't that what you said, in essence?

APPLICANT ASSA'AD-FALTAS: Prima facie legitimacy.

THE COURT: Okay. Well, I will say this. My understanding is that, in every case that a grievance is filed, a file is opened because they keep records of that stuff.

APPLICANT ASSA'AD-FALTAS: No -- no -- no, sir. That's not correct.

THE COURT: Okay. And I may be wrong on that.

APPLICANT ASSA'AD-FALTAS: Yes.

THE COURT: But that's my understanding. And my understanding may be in error.

APPLICANT ASSA'AD-FALTAS: We can get witnesses. We can get witnesses to make ---

THE COURT: Well, and you'll deal with that through the grievance process and deal with witnesses there, not in this courtroom, okay?

APPLICANT ASSA'AD-FALTAS: No. I mean -- sorry.

THE COURT: I told you I'd give you a chance. Hold on.

APPLICANT ASSA'AD-FALTAS: Okay, okay, okay.

THE COURT: So what I'm tasked with here is, in light of what I've heard from Dr. Faltas as to whether or not I

relieve Ms. Brewer, I have looked at the order from our State Supreme Court dated September 20th of 2019 which prohibits Dr. Faltas from appearing pro se. In that order of September 20th of 2019, references the previous September 27, 2017, from our State Supreme Court prohibiting Dr. Faltas, in September of 2017, from representing herself pro se in any civil actions in the state -- in this state. The September 20, 2019, order prohibited Dr. Faltas from representing herself pro se in any postconviction relief matters in this state as well.

So what I'm tasked with and what the State has asked me to do here today is that if I, in fact, relieve Ms. Brewer, then the State is asking that I appoint other counsel to represent Dr. Faltas pursuant to our State Supreme Court September 20, 2019, order. Dr. Faltas has made it abundantly clear that she doesn't want a lawyer. She doesn't want a lawyer. But I am constrained and required to follow the instructions of our State Supreme Court.

So, I guess, Dr. Faltas, and I heard what you asked about me staying these proceedings.

APPLICANT ASSA'AD-FALTAS: I did [sic] hear the last thing Your Honor said.

THE COURT: Ma'am?

APPLICANT ASSA'AD-FALTAS: I did not hear the last

thing Your Honor said.

THE COURT: Okay. Well, I heard what you asked me to -- to stay these proceedings until your injunction in District Court -- Federal District Court is decided upon. What I'm looking at is, is if I relieve -- if I relieve Ms. Brewer, then I guess I have two -- three options here: appoint new counsel of what you said you don't want, but like I said, I'm constrained with following our State Supreme Court's instructions or order; two, allow you to obtain your own counsel; or three, in essence, issue a stay pending a decision by the U.S. District Court.

Dr. Faltas, I told you I'd give you a chance to speak again. I'll -- as I'm considering what I'm going to do here, I'll hear from you.

APPLICANT ASSA'AD-FALTAS: Thank you, Your Honor. And if I may very briefly and in the order, the first housekeeping matter, I think, I counted at least four times where Your Honor said ---

THE COURT: Back up a little bit.

APPLICANT ASSA'AD-FALTAS: Thank you, Your Honor. And as a -- is this better?

THE COURT: Yes, ma'am.

APPLICANT ASSA'AD-FALTAS: As -- as a housekeeping matter, I think I counted at least four or five times Your Honor said the emails were cut and pasted. Nothing was

cut and pasted. It's called an e-mail chain where, when you send an email and someone replies and you reply to the reply, it all stays within the same email. And that's how I wanted it. And I hit "print" from the -- from the menu. So ---

THE COURT: Well, I'm looking at -- Dr. Faltas, I'm looking at some of my e-mail chains, and it always has still who it's to, what time it is, you know, the subject, et cetera. And what I was looking at in your -- the attachments to your motion, that information is not in there. But in any event, I'm just clarifying that. But go ahead.

APPLICANT ASSA'AD-FALTAS: Different systems. And if you'd like to affirm me so I can for the record say that nothing was cut or pasted, because that would imply some falsification of the emails, and that's not the case.

The second issue, Your Honor, and I'm also trying to remember them, you said that the comparison between a surgeon and -- and a pilot and the lawyers is apples and oranges. Please don't take offense on me -- from me, but you heard me (indiscernible) not you personally but the legal profession has mediocerize (phonetic) itself.

THE COURT: Made me what? I'm sorry.

APPLICANT ASSA'AD-FALTAS: Mediocerize (phonetic) itself. That is mutual assured ---

THE COURT: Okay. Go ahead. I was asking my law clerk. I still didn't understand you.

APPLICANT ASSA'AD-FALTAS: Mediocerized (phonetic) itself. I call it mutual assured mediocrity.

Just as we expect all surgeons to complete successfully all surgeries that -- that can be completed successfully, we should expect all lawyers to win all winnable cases. We should expect all lawyers to win all justly winnable cases.

Going back to Your Honor's statement that she must be competent because she -- she passed the bar, I am quoting at that time U.S. federal magistrate now U.S. District Court Judge Bruce Howe Hendricks and which Judge Gergel, U.S. District Judge Gergel also quoted stunning ignorance of the law. That wasn't about Ms. Brewer. That was about another lawyer who had passed the bar and been licensed. And several times in Federal Court things have been said about lawyers who have passed the bar. Lawyers who have passed the bar get disbarred, sanctioned, suspended ---

THE COURT: And you're exactly right.

APPLICANT ASSA'AD-FALTAS: --- all the time.

Now, this is not enough. And when I came on the Fulbright Scholarship, I got an MPH, which is master of public health, from the other Carolina. That's Chapel Hill. Please don't hold it against me.

THE COURT: I won't.

APPLICANT ASSA'AD-FALTAS: But -- but as a biostatistician, I wouldn't say that's enough of a sample, but my record in pro se PCR is one out of one, which is 100 percent. My record in pro se defense is ten out of ten, which is also 100 percent -- I'm sorry -- nine out of ten, which is 90 percent.

That the other -- the other thing that I wanted very importantly to bring to Your Honor's attention, again, two things. The fact that she did not file false criminal charges against me unless, and God forbid that it should happen to you, but it happened to me, the threat of false criminal charges is as damaging emotionally to me. It is damaging. I wouldn't say as damaging emotionally as false criminal charges have been -- been brought, but it is damaging because I know that it can happen, because it happened to me. So when someone made that threat, that -- that is -- that is emotionally damaging to me, because I know it can happen.

In -- in a U.S. Supreme Court case, which I cannot remember which one, but it said the threat of the sword of Damocles is that it hangs, not that it drops. When you have a sword hanging over your neck, the problem is that it's hanging, not -- not that it's -- not that it has dropped. So the problem is that she has threatened

criminal charges, not that she has brought them.

And related to that, you said that they open cases on all files. That's not true. They do not open investigations on all complaints. They may assign them a number and they would say a -- a -- this does not meet our criteria.

The most important thing is that, respectfully, Your Honor is incorrect about PCR, and that is state law. I gave you the case name, I think. Everyone can -- I don't have the citation off the top of my head, but that was written by now Chief Justice Beatty, and that was on certiorari from the Court of Appeals. Hiott, that's H-I -- H-I-O-T-T -- vs. State. And it said specifically that in PCR, counsel is required to file, to argue all issues, even frivolous ones. So all cases that you said about criminal or civil or whatever in any part of the country is in one heap, and PCRs in South Carolina are in another heap. This is state law. And if your Honor's law clerk can pull that case up, it's Hiott vs. State, and that's a State Supreme Court case. And it specifically says in -- in -- in -- in civil -- in PCR cases ---

THE COURT: I'm listening. Go ahead.

APPLICANT ASSA'AD-FALTAS: Thank you, Your Honor. Counsel is required to brief all issues even if they appear frivolous. So this is the law of this state, and I

cannot be denied it.

THE COURT: All right. Thank you.

Ms. McCallister, anything else?

APPLICANT ASSA'AD-FALTAS: I had one -- one -- one more point, Your Honor.

THE COURT: All right. Go ahead.

APPLICANT ASSA'AD-FALTAS: Thank you, Your Honor.

In that order, it said that I may initiate PCR cases pro se, and it also continues the fact that I may file pro se motion to relieve counsel or motion to appoint counsel. But, Your Honor, as a scientist, I look at the results. And I -- again, just for the record, I was wanting to bring Ms. Jessica Saxon and Mr. Robert Dudek, for them to testify that I asked them to brief the additional sustaining grounds and that they refused. And this is important because if ---

THE COURT: Go ahead.

APPLICANT ASSA'AD-FALTAS: --- if PCR cases in the state courts fail, the recourse is federal habeas. And for federal habeas to happen, one has to have exhausted state remedies by presenting all the issues to the state court. That is the federal habeas law. So imposing on me a lawyer who refuses to put forward all my PCR issues damages me in federal court because it would default the claims in federal court.

THE COURT: All right. This is what I'm going to do, okay?

Anything else, Ms. McCallister?

MS. McCALLISTER: No. Not right now, Your Honor. If Your Honor is inclined to choose the stay option, I guess I would like to be heard on that.

THE COURT: No. This is what I'm going to do. The -- I am going to relieve Ms. Brewer as your lawyer. I'm going to ask the clerk for whoever may be on the list to appoint as attorney for Dr. Faltas in compliance with our State Supreme Court's September 20, 2019, order. I find that the motion to stay is not properly before the Court at this time. The motion to be relieved is what is in front of me today. And I'm granting that motion.

APPLICANT ASSA'AD-FALTAS: Thank you, Your Honor.

THE COURT: But I am appointing another lawyer. But listen to me. Listen to me, okay? And, Ms. McCallister, I want you to do this order for me, all right, relieving Ms. Brewer.

And I'm doing this in large part based upon my review of Dr. Faltas's motion, based upon more specifically the emails back and forth between Dr. Faltas and Ms. Brewer, which I believe would make it very difficult for Ms. Brewer to continue to represent Dr. Faltas as we go forward, as these matters go forward.

What I want in that order also, because our State Supreme Court has said what it said in regards to Dr. Faltas representing herself in here and that she is precluded from filing any motions, et cetera, other than an actual PCR and a motion to relieve counsel ---

APPLICANT ASSA'AD-FALTAS: Or appoint counsel.

THE COURT: Okay. --- that the newly appointed counsel may file a motion to stay the proceedings, and that will -- that -- at that point, that motion can be properly before the Court. And in the interim, District Court may rule on it, which makes it moot at that point, okay? But I certainly believe that Dr. Faltas will have to provide whatever supporting documentation to this newly appointed attorney to properly argue the matter before the Court so the Court at that time can make its decision on whether or not to stay the proceedings or to go forward. So I think that's the appropriate thing to do in this case.

And, Ms. McCallister, I've kind of maybe rambled on a little bit, but I think that the main things that need to be in the order is that I'm granting Dr. Faltas's motion to have Ms. Brewer relieved as counsel, that new counsel is to be appointed within 30 days, that within 30 days thereafter, newly appointed counsel may file a motion to stay the proceedings pending the District Court's decision

on Dr. Faltas's motion for an injunction, and that Dr. Faltas's motion to stay the proceedings is to be placed on the next roster after the passing of that 60 days so that the motion to stay can be heard. All right?

APPLICANT ASSA'AD-FALTAS: Thank you so much, Your Honor. It's -- it's been a pleasure appearing before Your Honor.

And may I say that when I represented myself pro se in Judge Clifton Newman's courtroom, there was a lawyer observing the entire trial out of that requirement that they observe a trial, and also part of my closing argument I saw was copied by other defense lawyers. So I think a lawyer should represent his or her client as zealously as I represent myself. And so, please, if I have been overzealous, please take it the physician's ethic is to do everything possible for the patient, and I think the lawyer's ethic or the advocate's ethic is to do everything possible for the client, even if the client is oneself. So please, no offense ---

THE COURT: Back up a little bit from that microphone, okay?

APPLICANT ASSA'AD-FALTAS: So please, no offense.

THE COURT: No -- no offense has been taken. I've heard you out today, and I've ruled on -- and what I

believe to be an appropriate ruling in this matter. And I hope you understand that.

APPLICANT ASSA'AD-FALTAS: I thank Your Honor very much. God bless you and all the best in everything.

THE COURT: Now let me say this. Let me ask this, Madam Clerk. And I know it's changed over. What is y'all's appointment list? Because it's somewhat changed in how we do appointments now. Because when I was practicing law -- when I was practicing law, you had to either sign up for civil appointments or criminal appointments. And they've kind of taken that away now.

MS. McCALLISTER: Your Honor, there's a -- there's a contract system now that OID oversees. And so there are, I think, two, maybe three attorneys that have a contract for postconviction relief hearings in the Fifth Circuit. And so ---

THE COURT: Okay. Do you have any idea who those lawyers are?

MS. McCALLISTER: I believe it's Ola Johnson, Timothy Griffith and there may be a third, and I'm not sure who that third person is.

THE COURT: Okay.

MS. McCALLISTER: And so, Your Honor, you're tasking me with drafting this order, so I just wanted to clarify that. If we could just have the clerk's office consult

with OID on who should be appointed, because I know that Dr. Faltas has issues with a lot of the PCR attorneys, and so I don't want to appoint someone who's then just going to immediately move to be relieved.

THE COURT: Well, and I understand your concern because I don't want to have to have a legitimate conflict issue that would necessitate that at that point. So Mr. Griffith, for instance, is not from Richland County. He's from Sumter County, which would, I think, minimize any potential conflicts.

I don't know where Mr. Johnson is from. Is he from Columbia?

MS. McCALLISTER: Your Honor, I'm not sure. He -- he may be -- his office may be in Kershaw. I'm not positive.

THE COURT: Okay. But it would probably be beneficial at least to appoint a lawyer from outside of Richland County that has not previously represented Dr. Faltas or had a conflict in any -- or create conflicts in any way at that point.

MS. McCALLISTER: And can I put some wording to that effect in the order just so that we're all -- or do you not want me to do that?

THE COURT: Give me what kind of wording you want to ---

MS. McCALLISTER: I guess just that -- that the

clerk's office should consult with the Office of Indigent Defense to determine someone from the contract list that doesn't necessarily have to be a Richland County or Fifth Circuit person. It could be anyone from the PCR list for the state, I guess. Any circuit.

THE COURT: And I would even add in there that the Court would ask that it be a PCR attorney outside of Richland County ---

MS. McCALLISTER: Okay.

THE COURT: --- just to cut on -- cut down on the possibility of any conflict.

APPLICANT ASSA'AD-FALTAS: Actually, that may increase the possibility. There may be a better lawyer or less conflicted lawyer in Richland County, so let's not put that -- I'm just thinking out loud with Your Honor. But remove the outside of Richland County because that may, you know, narrow the ---

THE COURT: Well ---

MS. BREWER: Your Honor, my office is actually based in York County so they already had to do this with me before. I don't have that (inaudible). I'm sorry.

THE COURT: Do what? I'm sorry.

MS. BREWER: My office is in York County, so Indigent Defense did have to go outside Richland County already for this. So if that helps with the wording at all.

THE COURT: Well, just add some of that language in there. And, I mean, I think that -- and, Dr. Faltas, let me say this, okay? I've ruled in your case today how I think -- in doing what I think's appropriate here for your benefit, okay? And I will tell you that prior to coming in here today that -- and in looking at -- I don't know what I did with the case. I thought I brought it in here. And I'm -- I'm gleaning -- and what I'm about to say is I'm kind of gleaning from -- from what I've heard and what I saw in your emails, okay? And what I'm referring to is this City of Columbia vs. you, Dr. Faltas, which is Supreme Court case 420 SC 28.

APPLICANT ASSA'AD-FALTAS: The published one?

THE COURT: Ma'am?

APPLICANT ASSA'AD-FALTAS: The published one? The published opinion?

THE COURT: Yes, ma'am.

APPLICANT ASSA'AD-FALTAS: Yeah.

THE COURT: Okay. And let me just say this. I understand that you clearly have a vested interest in your cases, okay? I understand that and wouldn't expect otherwise, okay? However, just as a doctor, a practicing doctor who practices medicine ---

APPLICANT ASSA'AD-FALTAS: Not practicing. I'm retired.

THE COURT: Ma'am?

APPLICANT ASSA'AD-FALTAS: Not practicing. Retired.

THE COURT: I know you're not practicing now. I'm giving a generalization, so to speak ---

APPLICANT ASSA'AD-FALTAS: Yes, Your Honor.

THE COURT: --- with regards to doctors.

APPLICANT ASSA'AD-FALTAS: Yes. I'm -- just didn't want to leave a false factual impression in anyway.

THE COURT: Well, in any event, what I'm getting at is lawyers, just like doctors or you fill in the blank as to whatever profession, or take away professions and put in whatever type of employment, okay, each doctor, each lawyer, each whatever it may be has other patients, clients, employees, et cetera, that they have to deal with. And I understand that your case is very important to you, okay? But every lawyer, doctor, et cetera has other clients, other patients that they are dealing with day in and day out, okay?

And kind of give you an example here, okay? When I was practicing law before I got elected to the bench, I was in private practice from '01 until 2010 when I was elected to the bench. And there were many -- most Sundays after church I'd go to my office for a couple of hours. And I could do in two hours enough work that would keep my staff busy for about the whole week because nobody was

pulling at me, okay? But there were many times that I'd go in my office. I tried to stay out of my office on Saturdays to make that my family day, so to speak, okay? But there were many days when I was in private practice that I had to go to my office on Saturdays, especially when I had to do a memo -- memorandum, a memorandum of law or a brief or a very detailed motion, et cetera. And my wife, whom I've been married to going on 26 years, okay, but on many occasions, she would ask me you can't get that done during the week. And my response always was from 8:30 in the morning until 5:00 every day, it's all about putting out fires, okay?

And whether it be pulled to from one court to the next, from meeting with one client to the next, from returning phone calls every chance I got, whatever it may be, I want you to understand that when a lawyer doesn't call you back immediately, it's not a good assumption -- and it may be sometimes, okay? Sometimes it may be avoiding a client. I get that. But just because a lawyer doesn't immediately return a telephone call or reply to an email doesn't always mean that they are trying to avoid you, okay? Because a lot of times, because lawyers and doctors and whatever profession it may be are so overworked, that they can't deal with a particular small fire until they're dealing with the bigger fires at that

time. And that small fire has to kind of sit there a little bit until they have an opportunity to reply in some way, shape, or form, okay?

So just please be patient. As I've heard said many times, the wheels of justice turn slow, very slow.

APPLICANT ASSA'AD-FALTAS: And that's unconstitutionally. There is -- there is a right to a speedy trial. And if you look at that case, that published case, the allegation is from September 2009. And, you know, Your Honor, some PCRs got granted after the falsely accused defendant had served the sentence. That's stealing people's lives.

In medicine our first rule is do no harm. When people tell me that the courts are busy, I'm sorry. My answer is why were they not too busy bringing false criminal charges against me? And until the court system -- and I'm being honest with Your Honor. And you know Jesus Christ gave the parable of the sower who sowed the seeds. Some fell on rocks, some fell on sand, but some fell on fertile ground. And I am -- I have to sow the seeds of this complaint.

Why hasn't anyone in this entire system looked at why false criminal charges have been knowingly -- knowingly brought against me? Why hasn't anyone looked at the prosecutor that took five days of a jury trial time and

objectively (indiscernible) 379 perjuries, documented perjuries, not I say, they say, objective. The witness said she was employed. I got to where she had been fired at that period. Her witness pretended to have been a veteran. I FOIA'd her veteran's record, and she had been -- she pretended to be a veteran for two years in the Navy. She was only three weeks in the reserve.

She said I was flashing, using the camera. It was high noon. The shadows on the pictures show which way the sun was and which -- all of this is objective. No one has looked at why a prosecutor brought false criminal charges against me for my false accusers to get advantage in civil litigation. No one has done that. No one has looked at why the Municipal Court yelled at me and told me to go get psychiatric evaluation when five psychiatrists had said there is nothing wrong me. And Judge Gravely finally, after -- after eight years had the courage to put that in the order.

No one has looked at the abuse of prosecutorial power or -- or so-called judicial immunity or the right to contempt. No one has looked at that and -- because they pretend to be too busy. Doesn't that take time? Doesn't it steal people's lives when the State Supreme Court says that bolstering and some comments in closing by prosecution are not only illegal, but unacceptable? But

nothing, nothing gets done to the prosecutor who says this inflammatory closing remarks, and the poor innocent defendant gets to spend 20 years in prison unless exonerated.

I am sorry. I will not be lectured about how busy a court system is when that court system was not too busy to bring so many false criminal charges against me. And I say that out of respect for Your Honor because Your Honor believes that I am inconsiderate of how busy people are. I am not. I have seen different.

THE COURT: I'm -- I'm not -- I don't think you're being inconsiderate, and hopefully at the appropriate time all of these issues will be looked at for you. And I wish you the best of luck, okay?

APPLICANT ASSA'AD-FALTAS: And in your career on the bench, when you come across a prosecutor who's abusing his or her powers, please, this is a plea from me, from someone who has been the victim, use your judicial duty to check that prosecutor, because innocent people end up losing their lives or parts of their lives. Nothing -- nothing, not federal habeas, not anything can bring back the 20 years or 30 years or even people on the verge of death row who have been wrongly convicted.

THE COURT: All right. Thank you, Doctor.

APPLICANT ASSA'AD-FALTAS: Thank you, Your Honor.

God bless you.

MS. McCALLISTER: Your Honor, I'm sorry. I just have one more clarification ---

THE COURT: Okay.

MS. McCALLISTER: --- for this order.

The new counsel is to be appointed within 30 days. And then are you directing new counsel to file a motion to stay, or the new counsel has 30 days to meet with Dr. Faltas and decide if they believe a motion to stay is appropriate?

THE COURT: I think that's the appropriate language that needs to be in there.

MS. McCALLISTER: Okay, okay.

THE COURT: And I don't ---

APPLICANT ASSA'AD-FALTAS: So file in 30 days? File the stay in 30 days?

THE COURT: Yeah. I mean, I don't think that -- based upon what Dr. Faltas has said to me today, I don't think -- I mean, I think it would be appropriate to file that motion.

MS. McCALLISTER: You think it would?

THE COURT: Yeah.

MS. McCALLISTER: So the language should direct them to file the motion.

THE COURT: Yeah. I mean, I don't see -- I don't see

any harm in doing that.

MS. McCALLISTER: Okay. I just want to make sure that I'm writing the order correctly and understanding what Your Honor is saying.

THE COURT: And that covers -- it covers -- it covers the issue of what the Supreme Court has directed the circuit courts to do. I'm complying with that order and appointing new counsel. And Dr. Faltas, I think, has raised a legitimate issue here on a stay. And so I think it ought to be filed, which would give you all a timely -- you know, a period of time to timely respond to any such motion or to that motion ---

MS. McCALLISTER: Okay.

THE COURT: --- and give you an opportunity to be heard on it, okay? Thank you.

APPLICANT ASSA'AD-FALTAS: God bless you, Your Honor. Thank you, thank you.

THE COURT: Thank you. Have a good day.

(Pause in proceedings.)

THE COURT: I didn't ask Ms. Brewer. Did y'all supply copies of these files to Ms. Brewer prior to today's hearing?

MS. McCALLISTER: I didn't make a packet -- I didn't make a packet for Ms. Brewer, but this is all pleadings that Ms. Brewer should have received when she was

appointed on the case.

THE COURT: All right. We'll do this.

MS. McCALLISTER: I can make sure that the new attorney gets the packets.

THE COURT: Here's what I don't want. Here's what I don't want. I don't want there to be a lag in time from this appointment to a new attorney getting these documents, which in turn could be shared with Dr. Faltas. Because Dr. Faltas did raise today that she hadn't seen that, and she objected to it being handed up to me, which I understand that, okay? I just don't want there to be -- so as soon as I sign this order, I want those packets forwarded to the new attorney immediately.

MS. McCALLISTER: Okay.

THE COURT: Okay?

MS. McCALLISTER: Yes, sir.

THE COURT: So that there's no lag in time there.

APPLICANT ASSA'AD-FALTAS: I cannot tell you enough how I appreciate Your Honor. And I'm very grateful.

THE COURT: Well, I want you to have your day in court, you know, and I think this is the appropriate manner to at least us getting there, okay?

APPLICANT ASSA'AD-FALTAS: Thank you, Your Honor.

THE COURT: And I don't know that I'll hear it, but it's going to get there.

APPLICANT ASSA'AD-FALTAS: God bless you. God bless you.

THE COURT: All right. Good luck to you, Doctor.

APPLICANT ASSA'AD-FALTAS: Thank you, Your Honor.

THE COURT: And make sure -- well --

APPLICANT ASSA'AD-FALTAS: Check the order with Ms. Brewer and me?

THE COURT: Well, the order will be shared with -- with your new lawyer, and they can in turn give you a copy.

APPLICANT ASSA'AD-FALTAS: I mean the draft? The draft, can she email me the draft so it won't be ex parte?

THE COURT: You can send her a draft.

APPLICANT ASSA'AD-FALTAS: The draft of --

THE COURT: Well, just send it to her new -- here's what will happen, okay? If there is an objection to -- to my order, and I put on the record what I want in my order, okay, and you've heard what I've told her to put in my order, when -- when -- when that order -- I'll look at it and make sure it complies with what I've said.

APPLICANT ASSA'AD-FALTAS: Okay.

THE COURT: If it doesn't comply with what I've said in your presence here today, then I'm not going to sign the order.

APPLICANT ASSA'AD-FALTAS: All right.

THE COURT: And that order will be sent to your new lawyer. And if there are any issues that need to be addressed, they can file a motion on that.

APPLICANT ASSA'AD-FALTAS: Yeah. It's just I was just -- you know, I didn't want the order -- the draft to be ex parte just in case ---

THE COURT: It's not. It will be sent to your new lawyer, too.

APPLICANT ASSA'AD-FALTAS: Okay. Thank you.

MS. McCALLISTER: Do you want me to copy Ms. Brewer or do you want me to copy Dr. Faltas when I send you the order?

THE COURT: Well, Ms. Brewer is still your lawyer until I sign this order.

APPLICANT ASSA'AD-FALTAS: So she can get a copy of the draft.

THE COURT: She'll get a copy of it as well, okay?

APPLICANT ASSA'AD-FALTAS: Yes. This is great. Thank you, Your Honor. Thank you.

THE COURT: Thank you.

APPLICANT ASSA'AD-FALTAS: God bless you.

(WHEREUPON, proceedings concluded at 11:27 a.m.)

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA )
COUNTY OF RICHLAND )

I, CHERYL A. SMITH, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the digitally recorded proceedings had from the DCRP, Digital Courtroom Recorder Project, and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of Common Pleas for Richland County, South Carolina, on the 20th day of February, 2020.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

June 21, 2021

Cheryl A. Smith

Cheryl A. Smith, CVR-M
Court Reporter

| | | |
|---|---|---|
| STATE OF SOUTH CAROLINA | ) | COURT OF COMMON PLEAS |
| | ) | 2019-CP-40-02217 |
| COUNTY OF RICHLAND | ) | 2019-CP-40-02218 |
| | ) | 2019-CP-40-02219 |
| | ) | 2019-CP-40-00112 |
| | ) | |
| | ) | |
| | ) | |
| MARIE-THERESE | ) | |
| ASSA'AD-FALTAS, MD, MPH, | ) | |
| Applicant, | ) | |
| | ) | |
| vs. | ) | TRANSCRIPT OF RECORD |
| | ) | |
| STATE OF SOUTH CAROLINA, AND | ) | |
| THE CITY OF COLUMBIA, SC, | ) | |
| Respondent. | ) | |
| _____ | ) | |

EXHIBIT
No. 6

August 10, 2020
Via Web Conferencing

B E F O R E:

THE HONORABLE D. CRAIG BROWN, JUDGE

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

TIMOTHY LEE GRIFFITH, ESQ.
Attorney for the Applicant

SAMUEL KEY, ESQ.
Attorney for the Respondent

Transcribed by:
CHERYL A. SMITH
Circuit Court Reporter
from DCRP, Digital
Courtroom Recorder
Project

INDEX

PAGE

There were no witnesses called.

EXHIBITS

| NO | DESCRIPTION | ID | EVD |
|---|---|---|---|

There were no exhibits introduced.

P R O C E E D I N G S

(WHEREUPON, proceedings commenced at 9:40 a.m.)

THE COURT: Mr. Key, are you ready to proceed?

MR. KEY: Yes, Your Honor.

THE COURT: All right. Mr. Griffith, are you ready to proceed?

MR. GRIFFITH: Yes, Your Honor. But if it please the Court, Your Honor, Dr. Faltas has asked me to first inform the Court that there is a -- she had submitted a motion to relieve me as counsel. I haven't seen the motion. And I -- I would actually object to the motion. I think that I -- I don't know if the Court would hear that today or not, but I'm perfectly happy to represent her.

THE COURT: I'm going to hear that. But first, I'm going to ask Mr. Key if he would call the case and put whatever on the record he needs to put on the record to initiate these proceedings.

Mr. Key?

MR. GRIFFITH: Thank you, Your Honor.

APPLICANT ASSA'AD-FALTAS: Your Honor, may I enter an objection to -- hello?

THE COURT: Dr. Faltas, I'll come back -- don't talk right now. I'll come back to you in just a minute, okay? I want Mr. Key to at least give me the case caption, the case numbers before we proceed any further.

Go ahead, Mr. Key, please.

MR. KEY: May it please the Court.

THE COURT: Yes.

MR. KEY: We're here today for Dr. Marie Assa'ad-Faltas vs. The State of South Carolina, Case Numbers 2019-CP-40-0112, 2217, 2218, and 2219.

Dr. Faltas commenced her first PCR action today -- that's -- that's here for today, 0122, on January 7, 2019, challenging her simple assault conviction in the City of Columbia Municipal Court. Dr. Faltas commenced 2217, 2218, and 2219 on April 22, 2019. These three actions challenge three separate contempt of court convictions that occurred in the City of Columbia Municipal Court.

Dr. Faltas is present today and represented by appointed counsel, Mr. Timothy Griffith.

On June 12, 2020, Dr. Faltas did file a pro se motion to relieve Mr. Griffith in all four cases. The State has moved to summarily dismiss all four of Dr. Faltas's cases. If we want to get into that later, we can. But there is a -- there is a filed motion to relieve Mr. Griffith in all four of these cases.

THE COURT: All right.

APPLICANT ASSA'AD-FALTAS: May I speak now, Your Honor?

THE COURT: Yes. I'll hear from you at this time,

Dr. Faltas, concerning your motion to relieve Mr. Griffith as your lawyer.

APPLICANT ASSA'AD-FALTAS: First of all, Mr. Key did not (audio interference) the correct case reference. Number (audio interference) 2218 challenges a front yard parking conviction in Columbia's Municipal Court. He did not say that, at least I did not hear it.

One of the other two cases challenges one contempt of court conviction. The other challenges two contempt of court convictions. So we have three contempt of court convictions, one front yard parking conviction, and one simple assault conviction.

The second thing I wanted to put on the record if Your Honor pleases is that I take very strong objection to the attorney general usurping control of the PCR docket. The docket should be controlled by the judge, not one -- not by one of the adverse parties.

Now, State vs. Langford was a straight criminal case, but there was an action that ---

THE COURT: Dr. Faltas -- Dr. Faltas -- Dr. Faltas, I want you to address, please ---

APPLICANT ASSA'AD-FALTAS: Yes, Your Honor.

THE COURT: I want you to please address the issue of the motion that you filed to have Mr. Griffith removed as your attorney, okay? So let me hear from you on that,

please, ma'am.

APPLICANT ASSA'AD-FALTAS: May I speak now, Your Honor?

THE COURT: Yes, ma'am.

APPLICANT ASSA'AD-FALTAS: Yes, Your Honor.

Okay. I think in Martinez vs. Ryan and cases prior to it and after it, the U.S. Supreme Court has now extended the right to effective counsel at least to the initial collateral challenge in state courts.

So Mr. Griffith has been totally ineffective. And one of the tests of effectiveness is whether the lawyer subjected it to adversary exposition. Mr. Griffith came out and told me that he wants to be able to get along with the attorney general. And, of course, the attorney general wants me to lose those cases. Mr. Griffith has done nothing -- nothing to challenge any assertion by the attorney general. Number two, to make a clean record that would be available on appeal; number three, to understand my theory of the cases and the ---

THE COURT: Understand what? I'm sorry.

APPLICANT ASSA'AD-FALTAS: My theory, T-H-E-O ---

THE COURT: Your theory?

APPLICANT ASSA'AD-FALTAS: Yes, Your Honor.

THE COURT: Okay.

APPLICANT ASSA'AD-FALTAS: Of the cases. And

remember as it stands today, the latest version of the State Supreme Court, it is against me is that I may initiate PCR cases pro se, but I may not prosecute them pro se. That wasn't the case previously. But as it stands now, I initiated those cases pro se, and that is cool with the State Supreme Court.

As of this morning, Mr. Griffith has not even read my PCR applications. All he had done is read the State's characterization of my PCR applications. The most important thing is that Mr. Griffith has absolutely no sense that justice delayed is justice denied.

The -- the simple assault conviction, the allegation was on September 11, 2009. That's 11 years ago. It did not get tried until April 2013. That's seven years ago. And then only after then Chief Justice Toal issued an order saying that my cases should be tried expeditiously. The appeal was not heard until December 2013, and the ruling on it was not heard -- was not issued -- the first ruling from the Circuit Court was not issued until April 2015. And then the State Supreme Court did not issue its ruling on the appeal until June 2017, and the hearing until August 2017.

In the meanwhile, I had as early as December 2013 and January 2014 filed a motion for a new trial based on after-discovered evidence.

THE COURT: Dr. Faltas, I don't mean ---

APPLICANT ASSA'AD-FALTAS: That ---

THE COURT: Dr. Faltas, I don't mean to cut you off, but is that -- what you're giving me is a history. Are you getting to the point on any other argument that you have to have Mr. Griffith removed?

APPLICANT ASSA'AD-FALTAS: Yes, Your Honor. He is not at all pushing or even sympathetic or even cognizant of my right to have those matters adjudicated in a timely manner. He -- even this morning he said, oh, the attorney general just scheduled the motions to dismiss.

I said the attorney general does not control the judge. The judge is not a potted plant. The judge -- please ask the judge. Once he denies the motion to dismiss to please hear at least the three little PCR cases because the merits is apparent on the record. You don't need my credibility. You don't need anyone's credibility. The actual order from Judge Barber in September 2011 said Dr. Faltas tried to have a lawyer, she did not get -- was unable to get a lawyer, so I am dismissing her cases because she doesn't have a lawyer. He never offered me an appointed lawyer.

So part of my PCR is that I was denied appellate lawyer. It's not even that that appellate lawyer was ineffective. It's that there wasn't one at all. I wasn't

even given a chance to ask for one. While they were saying I cannot proceed without one, and they were aware that I was unable to hire one on my own, they did not even offer to consider appointing one for me.

So the merits of the PCRs 2217, 2218, and 2219 is apparent on the record. And these have been pending for many, many, many years. So part of Mr. Griffith's ineffectiveness and failure to subject the State to the adversary process is that he -- he is acquiescing to this hearing being limited to the State's motions to dismiss. Justice delayed is justice denied. That is pretty much the only cliche that I subscribe to.

So -- and, again, I kept compelling him to please look at the record. Now there is a public index, and also there is -- there is C-track. Not all my cases are on C-track as far as the appellate courts, but all the underlying cases are on the public index. And I kept on pleading with Mr. Griffith to look at the public index and also to forward to Your Honor the (audio interference) documents. He did not do that. In fact, he prepared a miserable opposition to the State's motions to dismiss, and it's grammatically embarrassing. He did not even serve it on the attorney general, and did not file it with the Circuit Court. He may have sent it to Your Honor ex parte. Or I don't know. He didn't copy me. He doesn't

keep me informed of anything, and he doesn't inform me himself of -- of -- of the actual state of the record. And particularly now that the State Supreme Court said in future appeals in PCRs and others, there won't be necessary -- excuse me -- to -- to prepare appendices. The State Supreme Court will get it from the Internet from the public index.

It is very important for the record before the Circuit Court to be clean. He doesn't do any of that. I don't know what it is that he does except just tell me that -- that I cannot speak for myself, which is a violation of my basic human rights.

And frankly, Judge, now with the Black Lives Matter, it's not enough to be not racist. You have to be antiracist. It's not enough for you to not discriminate against me. You have to be antidiscrimination. Those orders from the State Supreme Court are xenophobic, discriminatory against me, and, frankly, at least two judges -- justices who are participating should be recused. Number one, Justice James's son is in the law firm that orchestrated my false arrest on December the 2nd 29 -- 2009 for the client to get an unfair advantage in civil litigation.

Justice Kittredge is mentored by now retired formerly Fourth Circuit judge Billy Wilkins. And Billy Wilkins is

now a lawyer with the Nexsen Pruet law firm, the Nexsen Pruet law firm when I was nontenured faculty at USC school of medicine. And I have that in writing, and it's filed in the federal court. You don't need to take my word. You need to take the record. It's -- she -- one of the lawyers there, her name is Victoria Eslinger. She wrote to USD [sic]: Fire Dr. Faltas, and when she sues you, hire me at taxpayer expense to defend the lawsuit.

This is how much corruption there is, and it's not enough for Your Honor, Judge Craig Brown, to not be corrupt. You have to stand against corruption and against discrimination.

Not one judge before whom I appeared can in good conscience say that I was frivolous or nondecorous or anything. In fact, Judge Clifton Newman, I defended the false harassment charges before him in a five-day jury trial. And in the middle, I asked him point blank: Did I offend Your Honor?

He said -- and that's transcribed: Not in any way. You have always been most pleasant and gracious, and your motions are not frivolous at all.

So the only reason I am being given those horrible restrictions is that when I represent myself pro se, I win. And that is not in the interest of people who are related to the justice system, or at least to some of

them. And, in fact, in another PCR cases, Judge Jocelyn Newman allowed me to proceed pro se, and I won that case twice. I one it before Judge Goldsmith, and then I won it again before Judge Gravely.

THE COURT: All right.

APPLICANT ASSA'AD-FALTAS: So there is no reason for me not to proceed pro se, but if I have to have an appointed counsel, he needs to effectively defend my interest, not be totally beholden to the state attorney general.

THE COURT: All right. Thank you, Dr. Faltas.

All right. Mr. Griffith, anything you want to add in response?

MR. GRIFFITH: Your Honor, I can only say that I am trying to be always, of course, courteous to the attorney general, but I do not kowtow to the Attorney General's Office, of course.

But Dr. Faltas is a unique person. She's a very well-knowledged and intelligent lady. I don't have any problem at all with representing her. If she can represent herself, that would be a different matter. But, Your Honor, because the Court has made a ruling that she could not, unless Your Honor were to change that for these cases, then she needs an attorney. And I believe that I can certainly represent her and would do my best. But, of

course, it would be up to Your Honor whether you decide to dismiss or not or relieve me or not.

THE COURT: Mr. Key, anything you want to add, sir?

MR. KEY: Your Honor, it's clear from the State Supreme Court's 2019 order that Dr. Faltas has to have an attorney representing -- to represent her in PCR actions after she has filed the initial application. She can file a PCR action pro se, and she can move to relieve counsel or appointed counsel pro se. She can't do anything else pro se. And in the 2019 order, they clarified that that is what they meant by their 2017 order that said that Dr. Faltas cannot represent herself pro se in any civil proceeding in state courts.

Mr. Griffith is Dr. Faltas's third appointed attorney in this case. She previously had Cassie Brewer, who you ordered Cassity -- or Ms. Brewer to be relieved. Right after that she was appointed Ola Johnson, who, at some point in time in the early 2000's, worked for Nexsen Pruet. Mr. Johnson moved to be relieved in that case -- or moved to be relieved because of that. Judge Lee granted the motion to be relieved, and then Mr. Griffith was appointed her attorney. So now we're at her -- we're at her third appointed attorney, and the State would just oppose her proceeding pro se. And that's all.

THE COURT: This is what I'm going to do with regards

to -- I'm going to go back and look at those orders from the Supreme Court. I remember Dr. Faltas being in front of me before with Ms. Brewer and remember and recall the facts and circumstances under which I relieved Ms. Brewer as attorney for Dr. Faltas. For some reason I thought Mr. Griffith at that point was appointed then, but evidently, Mr. Johnson was.

Mr. Key, are you still there?

MR. KEY: Yes, sir, Your Honor.

THE COURT: Okay. I just lost your picture here.

But in any event, I do recall reviewing the orders from the Supreme Court indicating that Dr. Faltas was prohibited from representing herself in civil matters, and I do recall reviewing the prior order -- or, excuse me -- the subsequent order wherein the Supreme Court indicated that that also applied to postconviction relief matters. So based ---

APPLICANT ASSA'AD-FALTAS: Your Honor, may I ---

THE COURT: No, ma'am. I'm talking now.

Based upon what I've heard here today, I'm going to respectfully deny Dr. Faltas's motion to have Mr. Griffith relieved as her attorney. So that motion is denied.

All right. Mr. Griffith -- excuse me -- Mr. Key, I notice on the roster that you have these motions to dismiss. Are you ready to proceed on those?

MR. KEY: Yes, sir, I am. Yes, Your Honor.

THE COURT: All right. Let me from you, Mr. Key.

MR. KEY: I'll start first with 2019-CP-40-0112. Dr. Faltas was charged with simple assault in the City of Columbia Warrant Number L066971. That was issued September 11, 2009. She was represented by Theodore Lupton on that charge.

On April 25, 2013, she proceeded to a bench trial before the Honorable Carl Solomon in the Columbia Municipal Court. She was convicted and sentenced by Judge Solomon to confinement for a period of 20 days.

She filed a timely notice of appeal in the Circuit Court on April 25, 2013. A hearing on the matter was held before the Honorable Allison Lee on December 13, 2013, at which time Dr. Faltas appeared pro se.

Applicant then filed a motion for a new trial based on after-discovered evidence on December 23, 2013. Without ruling on the motion for a new trial, on April 17, 2015, the Circuit Court affirmed applicant's conviction.

Dr. Faltas then filed a timely notice of appeal with the South Carolina Supreme Court. She was represented in that action by John H. Strom, formerly an appellate defender. Following submission of briefs, the Supreme Court affirmed the conviction.

She then filed a petition for writ of certiorari in

the United States Supreme Court. On October 1, 2018, the United States Supreme Court denied certiorari.

Dr. Faltas filed a petition for a rehearing on November 29, 2018. And the United States Supreme Court denied the petition for a rehearing on January 7, 2019.

The State's motion to dismiss in this action is based on the -- there is still a pending -- or there's still an appeal from the previously pending motion for a new trial. That case is -- the appeal from the motion for a new trial based on newly discovered evidence is on appeal in the Circuit Court. The case number of that appeal is 2019-CP-40-1374.

It appears that the last judicial action in that case was Judge Clyburn Pope continued that matter and ordered for the magistrate to issue a return. It also appears that in April of this year -- sorry. I believe Judge Clyburn Pope -- or Clyburn Pope's order was in December of 2019. And then in April of 2020 this year, Dr. Faltas moved for her counsel in that case to be relieved.

That is the most up-to-date actions in that case.

The appeals of her denial of her motion for a new trial based on newly discovered evidence still has not been heard. Therefore, the State would move for Dr. Faltas's case 2019-CP-40-0112 to be -- to be dismissed without prejudice until that case becomes final.

THE COURT: All right. Mr. Griffith, I want to hear from you, please, sir.

MR. GRIFFITH: Your Honor, that case was a magistrate case, started a magistrate case. And the appeals were timely fashioned, timely submitted. There is a magistrate judge who was ordered by that court as specified by the assistant attorney general to render an order and to issue a return. And he rendered an order. And so the order has been stated. He has not submitted a return to the appeals court. But there is no more hearings that would be pending in that case where that magistrate court could make a ruling, et cetera. And we would ask that -- that the motion to dismiss be denied in that justice has been delayed, of course. And so, of course, as Dr. Faltas states many times, justice delayed is justice denied. And so we would ask that this case be able to proceed with her PCR.

The PCR issues in this case are -- there -- she issued 20 in that particular case -- are many having to do with things other than those -- that one particular issue that has not yet returned from the appeals court because she's been denied -- the Magistrate's Court has refused to submit that return to the Court. So, basically ---

THE COURT: Let me ask you this -- let me ask you this, Mr. Key. In Judge Pope's order -- I think you said

back in December of last year; is that right?

MR. KEY: Yes, sir.

THE COURT: Was she asked for a return at that point? Is that right?

MR. KEY: Yes, sir, she did.

THE COURT: Was there any kind of time frame within Judge Pope's order for that return to be submitted? Because I can tell you what I'd do.

MR. KEY: I don't believe so.

THE COURT: I give a magistrate 30 days to file a return as required by the statute or the conviction's reversed.

MR. GRIFFITH: If it please the Court. Your Honor, yes, he has had an ample time to return. This is now August of 2020, and that order was issued 2019. Of course, you're aware that the Court does keep track generally of those returns, whether or not they were made. And so he's had ample time to return and has, basically, according to what Dr. Faltas and I have discussed, he's refused to make a return.

THE COURT: And this was a requested return from the trial that was in April of 2013; is that right?

MR. KEY: Your Honor, it's a return on the motion for a new trial based on newly discovered evidence that was filed on the trial of 2013.

THE COURT: When was the motion for a new trial based upon newly discovered evidence? When was that motion filed in the Magistrate's Court?

MR. KEY: December 23, 2013.

THE COURT: And so there's never been a return since December of 2013 on this?

MR. KEY: Well, the hearing didn't occur, I believe, until 2019.

THE COURT: Hold on. I'm sorry. Tell me that again, Mr. Key.

MR. KEY: I believe the motion for a new trial based on newly discovered evidence was filed on December 23, 2013. The hearing on that motion did not occur, I believe, until 2019.

THE COURT: When in 2019?

MR. KEY: That . . .

THE COURT: Sir?

MR. KEY: I'm not completely sure. I can look at my records.

THE COURT: Okay. See if you can get that date to me.

MR. KEY: Yes, sir.

THE COURT: You can email that date to me, and copy Mr. Griffith on that when you do so, please.

All right. Anything else, Mr. Key, on your motion to

dismiss with regards to 0112?

MR. KEY: No, sir, Your Honor.

THE COURT: All right. Mr. Griffith, did you have anything else to add with regards to that particular case?

MR. GRIFFITH: Nothing -- nothing to add, Your Honor.

THE COURT: All right.

APPLICANT ASSA'AD-FALTAS: May I add something, Your Honor?

THE COURT: No, ma'am. Not right now. No. No, ma'am.

All right. Mr. Key, let me hear from you on the next motion, please.

MR. KEY: Okay. All right. In Case Number 2019-CP-40-2217 ---

THE COURT: 2217?

MR. KEY: 2217. Yes, sir.

THE COURT: Okay. Yes, sir.

MR. KEY: On October 13, 2010, the City of Columbia Municipal Court issued an order directing Dr. Faltas to have limited contact with the Municipal Court and the City of Columbia -- the City of Columbia City Attorney's Office. Subsequently, a rule to show cause was issued against Dr. Faltas on March 28, 2011, for violating that order.

Dr. Faltas appeared at the hearing pro se. After

taking testimony in the matter, Judge Mary Ann Hanna (phonetic) sentenced applicant to ten days of jail -- in jail for one contempt of court, and 15 jails -- 15 days in jail on a second contempt of court.

Dr. Faltas appealed to the Circuit Court on March 30, 2011. She filed a pro se notice of appeal in that case. Thereafter, on April 8, 2011, the South Carolina Supreme Court issued an order prohibiting Dr. Faltas from filing pro se actions in South Carolina courts.

THE COURT: When was that in 2011?

MR. KEY: April 8, 2011.

THE COURT: That's the Supreme Court?

MR. KEY: Yes, sir.

THE COURT: All right. I'm sorry. Go ahead.

MR. KEY: Dr. Faltas's appeal was called for a hearing on September 16, 2011, at which Dr. Faltas appeared pro se. The Circuit Court issued an order granting applicant, Dr. Faltas, an additional 30 days to obtain counsel before it ruled on her appeal.

On November 1, 2011, the Circuit Court issued an order dismissing Dr. Faltas's appeal for failure to prosecute.

On July 11, 2013, Dr. Faltas filed a motion requesting appointment of counsel to help her perfect her appeal of the Circuit Court's denial of relief.

On November 8, 2017, the Circuit Court issued an order denying Dr. Faltas's motion for appointment of counsel. On November 9, 2017, Dr. Faltas filed a motion for partial reconsideration of that court's order.

Judge Clifton Newman issued the order, the November 8, 2017, order denying Dr. Faltas's motion to appoint counsel for her to pursue her appeals.

The motion for partial reconsideration that was filed on November 9, 2017, is still pending before Judge Clifton Newman. Because that motion has not been ruled on, the State would move to dismiss Dr. Faltas's -- would move for this case to be dismissed without prejudice because it has not become final.

THE COURT: Hold on. So you're waiting on a ruling from Judge Newman on a motion for partial reconsideration on not appointing counsel to assist in perfecting her appeal; is that right?

MR. KEY: Yes, sir.

And just for clarity, that -- Judge Newman's November 8, 2017, order, that deals with cases 2217, 2218, and 2219. The order actually addressed four separate cases. There was a fourth case where Judge Newman did appoint counsel to represent her in perfecting that appeal or PCR. They appointed an attorney in that case. She -- Dr. Faltas pursued PCR. That is one of the cases that --

Judge Gravely granted PCR in that case. That case is now on appeal before the -- the South Carolina Supreme Court has recently transferred that case to the Court of Appeals to be decided, the -- the fourth case from that November 2017 order.

THE COURT: And so Judge Newman, there's three cases that are outstanding where she didn't have appointed counsel to aid and assist her in her appeal.

MR. KEY: Yes, Your Honor. He denied appointing counsel to aid her in pursuing an appeal in those three cases.

THE COURT: Okay. So he did make a ruling on it. He denied it; is that right?

MR. KEY: Yes, sir.

And then in these three underlying convictions, Dr. Faltas filed a motion for partial reconsideration, I'm assuming, because he granted her an appointment of counsel in one of the four cases, but not in the other three.

THE COURT: Right. What was the case number on the one he appointed; do you recall?

MR. KEY: I know the appellate case number. I can find ---

THE COURT: What's the appellate case number?

MR. KEY: That is 2019-000708 -- 708.

THE COURT: Okay.

APPLICANT ASSA'AD-FALTAS: May I give Your Honor the other case numbers related to your question?

THE COURT: Hold on just a minute, okay, Dr. Faltas? I'm writing here. Hold on a minute.

APPLICANT ASSA'AD-FALTAS: Yes, Your Honor.

THE COURT: All right. You can give me those case numbers, Dr. Faltas.

APPLICANT ASSA'AD-FALTAS: Your Honor, the one in which Judge Clifton Newman granted appointment of counsel was Circuit Court Case 2011-3572 -- I'm sorry -- 3275. I'm sorry. And then the application (indiscernible) to do a (indiscernible) to do a timely PCR.

THE COURT: Dr. Faltas, hold on a minute.

APPLICANT ASSA'AD-FALTAS: The PCR -- the PCR Case Number is 2017-CP-40-6831.

THE COURT: What was the other case number? That was the case number he appointed someone on?

APPLICANT ASSA'AD-FALTAS: I'm sorry?

THE COURT: The 6831 is ---

APPLICANT ASSA'AD-FALTAS: Yes, Your Honor.

THE COURT: Let me finish my question, okay?

APPLICANT ASSA'AD-FALTAS: Yes. 2017. Okay. Sorry. Sorry.

THE COURT: The 2017-6831, that's the case that Judge Newman appointed counsel on?

APPLICANT ASSA'AD-FALTAS: Yes, Your Honor. But, of course, at that time that case did not exist. That is the case that became the PCR case after he appointed a lawyer on. But, in fact, as it turned out, I initiated that case pro se. And later Judge Jocelyn Newman allowed me to prosecute it pro se.

And the current appeal which Mr. Key gave you the number is the State's appeal ---

THE COURT: Right.

APPLICANT ASSA'AD-FALTAS: --- not my appeal. But the underlying case on which Judge Clifton Newman granted the appointment of counsel is 2011-35 -- I'm sorry -- 3475. And that is City of Columbia vs. Marie Assa'ad-Faltas.

THE COURT: Okay.

APPLICANT ASSA'AD-FALTAS: Now, while I have the mic on the phone, Mr. Keys said that I cannot represent myself in any civil action in South Carolina state court. That's not correct. The State Supreme Court said specifically I can represent myself in all civil cases in which I am a defendant.

THE COURT: All right. Well, this is what I'm going to do. Listen, Dr. Faltas. I'm going to review those orders, and I'll make a ruling on it from there.

Mr. Key, anything further with regards to the State's

motion to dismiss on each of these cases?

MR. KEY: No, sir. No, sir, Your Honor. Just that all four of the cases still have pending matters below. They're not ripe for PCR.

THE COURT: Okay. Mr. Griffith, let me hear from you, please, sir.

MR. GRIFFITH: Your Honor, in those cases, back when those cases were initiated and she was denied -- the case was dismissed after some of her filings, the State did not provide an attorney for PCR cases other than they only provided attorneys for criminal cases. Subsequently, later on the State did start providing PCR attorneys, and so she tried to hire four attorneys who would not represent her. And so then, of course, those cases were dismissed because she did not -- for failure to prosecute because she couldn't get an attorney. But then later, once the State decided that she could have an appointed attorney for those cases, she timely filed, everything was filed as it should have been as far as time is concerned.

The matter of the appeal that's pending, that's the State's motion. She has exhausted her ability to proceed in those cases. The State has an appeal open, but it's not her motion. And so she's exhausted everything except for this PCR. And the PCR should continue in that she has been denied, and the cases have been confirmed throughout

all the appeals, et cetera. And so she would ask that the Court allow these cases to continue, all three of them.

THE COURT: All right. This is what I'm going to do. I'm going to -- Mr. -- the State has provided me with a substantial amount of documentation and information pertaining to these cases of Dr. Faltas. I am going to meticulously go through every bit of what has been provided to me. And as I go through this information in making a determination on the State's motion to dismiss, I may have some questions. And if I do, Mr. Griffith, I will email you and Mr. Key, both of you, based upon what questions I may have in reviewing this information.

With regards to the State's motion to dismiss as to each of these pending postconviction matters, I am going to take them under advisement, and I will let you all know. I may -- Judge Lee, I believe, is the chief administrative judge currently in the Fifth Judicial Circuit. What I may do is -- I don't want -- you know, we as Circuit Court judges have traditionally traveled in and out of circuits, okay, and that has somewhat been affected by what's going on with the pandemic. What I don't want to have happen to Dr. Faltas is I'm going to get up to speed on everything that's going on on all of these cases. And what I may do is, if Judge Lee wants me to, I'm going to at least volunteer to see these matters through to

their conclusion, at least at the Circuit Court level so that there's not a potential of some other judge coming in here and not having an opportunity get up to speed on everything that's going on in these cases. You know, unless, of course, you all have an objection to that.

Anything from you, Mr. Key, on that?

MR. KEY: No objection from the State, Your Honor.

THE COURT: Mr. Griffith?

MR. GRIFFITH: Your Honor, absolutely no objection. I'm sorry. Absolutely no objection. I'm sorry.

THE COURT: And I would give you -- why don't you do this. Why don't you talk to Dr. Faltas separate and apart from me too, and you can email me and Mr. Key if there are any concerns or anything.

But I am going to take these motions to dismiss under advisement. And I'm going to go back and go through all of the documentation information that's been provided to me, and I'll make a decision on it and I'll let you all know, okay?

Anything else, Mr. Griffith?

MR. GRIFFITH: No. Thank you, Your Honor.

THE COURT: Mr. Key, anything further?

MR. KEY: No, sir, Your Honor.

THE COURT: All right. That will conclude this hearing today. I will be in touch with you all and let

you know what my ruling on these motions and dismissal, okay?

MR. GRIFFITH: Thank you, Your Honor.

THE COURT: Thank you.

(WHEREUPON, proceedings concluded at 10:32 a.m.)

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA )
COUNTY OF RICHLAND )

I, CHERYL A. SMITH, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the digitally recorded proceedings had from the DCRP, Digital Courtroom Recorder Project, and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of Common Pleas for Richland County, South Carolina, on the 10th day of August, 2020.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

June 21, 2021

Cheryl A. Smith

Cheryl A. Smith, CVR-M
Court Reporter

EXHIBIT
No. 7

Khallihomli Ya Rabb *Sitewide Search Results* Number of Matched Records: 468 Number of Matched Records:407

*Sitewide Search Results* Number of Matched Records: 285 and 171, raw total = 456, of which 56 are duplicates, DIGs, or not PCRs, leaving at total of 2 orders + 133 (SC MOs) + 164 (published SC) + 64 (CoA Ups) + 38 (CoA published)= 401 PCRs.

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 Charping, 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*
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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
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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*
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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*
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153. P/G, AD Opinion - 2013-MO-023: Nicanor Perez Rodriguez, Petitioner /opinions/unpublishedopinions/HTMLfiles/SC/2013-MO-023.pdf
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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: Oshawn 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: Willams, Petitioner - Greenville County - D. Garrison Hill, Trial Judge - G. Edward Welmaker, Post Conviction Judge - /opinions/unpublishedopinions/HTMLfiles/SC/2015-MO-042.pdf

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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 Lan,e 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. Peeples, 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 Kernard 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 Weinhauer, 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
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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, 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. Peeples, 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 CountyJohn H. Waller, Jr., Trial Ju /opinions/displayOpinion.cfm?caseNo=25074
59. R/R, S Ct Opinion – 25075: Lavonne Roddy, Jr., Respondent - Greenville CountyC. Victor Pyle, Jr., Trial JudgeThomas 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-Convi /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-Convi /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. Peeples, 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 /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/V, 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. Peeples, 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. Rolen, 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 12007 /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 Strope, 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)*

195. 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*)
113. P/A, CoA Opinion – 2016-UP-032: Drew John Monahan, Petitioner /opinions/unpublishedopinions/HTMLfiles/COA/2016-UP-032.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, 277794, 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

**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):**

EXHIBIT No. 8

**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
/opinions/displayOpinion.cfm?caseNo=4355 /opinions/displayOpinion.cfm?caseNo=4388 /opinions/displayOpinion.cfm?caseNo=4470
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/opinions/HTMLfiles/COA/5177.pdf /opinions/HTMLfiles/COA/5461.pdf /opinions/displayUnPubOpinion.cfm?caseNo=2004-UP-437
/opinions/displayUnPubOpinion.cfm?caseNo=2006-UP-243 /opinions/displayUnPubOpinion.cfm?caseNo=2008-UP-312
/opinions/unpublishedopinions/HTMLfiles/COA/2013-UP-294.pdf /opinions/unpublishedopinions/HTMLfiles/COA/2016-UP-034.pdf
/opinions/unpublishedopinions/HTMLfiles/COA/2017-UP-219.pdf

**SC S Ct** /opinions/displayOpinion.cfm?caseNo=24905 /opinions/displayOpinion.cfm?caseNo=24959 /opinions/displayOpinion.cfm?caseNo=24964
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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, Padget, 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, Dail & 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. Peeples, 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 & Boloyan, 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 OS 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 Meree 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. Griffeth, 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. Peeples, 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. Peeples, 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 Snowdon. 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. Snowdon*, 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 Anastopoulo 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, Padget, 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. Few*, 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. McGarthy, 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. Blitch, 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 Anastopoulo 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. Blitch, 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 Lewkowiez, M.D., individually; Columbia Psychiatric Associates, PA, P. Kenneth Huggins, M.D., individually, Defendants, of whom Eric Lewkowiez, 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 Rodriquez. 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. Rodriquez*, 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. Blitch, 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 Padget 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. Blitch, 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. Fargnoli, 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. Ehlies, 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 Homeowners 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. Stilwell, 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, PA, 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. 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-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. Peeples, 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 Clearly, 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. Peeples, 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** - Ephrain Reliford, Jr., Petitioner, v. Mitsubishi Motors Credit of America, Inc. CERTIORARI TO THE COURT OF APPEALS - Aiken County - Rodney A. Peeples, Circuit Judge - **Submitted February 14, 2007** – Filed March 5, 2007. Ephrain 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 IMPROVIDENLY 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, PA, 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. Boozer, 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. Elliot, 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 Ikkesh 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 Jendrzejewski 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 Dewitt 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 Adrianne 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[,] C.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 participicating** - 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[,] C.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, 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. 2012-215515*** *- 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.)*

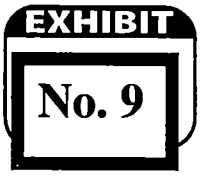
| DIG MOs | Heard/Submitted | | MIE | ALC | FC | WCC | Cv | Crim | PCR | |
|---|---|---|---|---|---|---|---|---|---|---|
| Year/Total | 93H | 138S | 1H | | 7H, 1S | 2H | 37H, 3S | 33H, 1S | 13H | 133S |
| 2018 = 42 | 9H | 10S | | | 1H | | 2H | 4H | 2H | 10S |
| 2017 = 22 | 6H | 3S | | | 2H | | 1H | 3H | | 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

STATE OF SOUTH CAROLINA )
) IN THE COURT OF GENERAL SESSIONS
COUNTY OF RICHLAND )

State of South Carolina )
and City of Columbia, )
) TRANSCRIPT OF RECORD
-vs- ) 10-GS-40-11980
) 10-GS-40-11987
Marie Assa'ad-Faltas, )
MD, MPH, )
) May 18, 2016
Defendant. ) Columbia, South Carolina




B E F O R E:

HONORABLE ALISON RENEE LEE, JUDGE

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

DEFENDANT PRO SE

Linda D. Moffitt

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No sworn testimony.

EXHIBITS

| NO. | DESCRIPTION | ID. | EV. |
|---|---|---|---|
| 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 |

THE COURT: We are here this afternoon on a motion relating to docket numbers 2010-GS-40-11980 and 2010-GS-40-11987. It's in the matter of the State and the City of Columbia vs. Marie Assa'ad-Faltas. Dr. Faltas has filed a motion, ex parte motion, to be reimbursed for pro se defense expenses from the South Carolina Commission on Indigent Defense. Dr. Faltas is present this afternoon.

And, Dr. Faltas, I'll be happy to hear you on your motion. As I understand it, you're seeking reimbursement for expenses relating to a court case that was ultimately tried here and then remanded to the city court. And I believe that those -- those case have ended. At least to my knowledge they have ended. And as I understand it there have subsequently been expungements of the charges. And so those expungements, one was signed by Judge Benjamin and one was signed by Judge Dana Turner. And those expungements require that all of the documents relating to that offense be destroyed. So I have no file to be able to go to to go back and pick it up. I do however have a number of copies of documents that you have filed with the clerk of court here in some cases that I have. While they may have been -- they may have been put in a different file because there was no -- because these files have been destroyed, I do have copies of the motion that you made and I have copies of the information that you've sent. I believe you sent several

e-mails relating to some of those documents. And as I understand -- and I do have a copy of your expenses, your itemization of your expenses, and a spreadsheet, I believe. And I think if I'm not correct, you can correct me, and I'm sure you will, that they're both the same information. They're just in different forms. No?

THE DEFENDANT: Good afternoon, Your Honor.

First, thank you for the hearing.

Second, if it pleases the Court, because I stand, thank God, it's much better than when I last appeared before Your Honor, but I still have knee issues. I also have shortness of breath issues. So, if I may, be seated, and I hope the court reporter can hear me.

THE COURT: I don't have any problem with you being seated. I just need to make sure that you speak loudly so that I can hear you. Perhaps if we can -- we can move one of those microphones, maybe this one here that's in front of her a little bit closer to her so that I can make sure I hear. You don't have to speak into the little microphone because she can hear that.

THE DEFENDANT: Okay. Could we test?

THE COURT: It's fine. You don't have to speak right on top of it. Okay.

THE DEFENDANT: Okay. Thank you.

First of all, Your Honor, it's actually three cases,

the two G.S. numbers that you mentioned and also a case that was entirely brought by the City of Columbia in municipal court. And those three cases completely ended in my favor, and I was pro se from beginning to end. However, they have had a very long and a history of torture to me. And I am sorry. The system failed me at every step. And it is time for me to be made whole, at least in part. I am not asking for money from Mr. Hugh Ryan's personal pocket.

THE COURT: Oh, I understand.

THE DEFENDANT: It is -- it is the state that brought those false charges against me. It is every single judge of this state, Your Honor included, who sat by when I was trying to show that the charges are fabricated and I shouldn't suffer under them and no one did anything for me. And so it was totally justified for me to continue researching and --

THE COURT: And I'm not disputing any, any of that information, Dr. Faltas. What I'm here about today is to determine from you --

THE DEFENDANT: Yes.

THE COURT: -- what you're claiming the expenses are in the motion that you filed on Monday, the 16th of May. There were -- there were several categories of expenses which you claim that you were to be reimbursed for, and that's what I'd like to address, is those expenses.

I understand that all of your court cases as it relates to these particular matters have been dismissed and are ended, and I understand your position as it relates to how you were treated throughout the entire ordeal. So I would -- while I appreciate how you feel about it, and I really would like to not make it, for lack of a better word, a personal issue, I understand that you --

THE DEFENDANT: It is personal to me. I'm sorry. I'm the one who had my wrist bruised. I am the one who was put in cells of stone and --

THE COURT: Dr. Faltas, I'm not going to entertain that.

Okay. I do understand, and you seem to think that I don't have -- that I don't have any empathy for you. I do understand that and I understand exactly what your position is. And what I am trying to get at today, because this is the motion that's before us, is you believe that you're entitled to be reimbursed for those expenses. And I'm just trying to gather what those expenses are.

THE DEFENDANT: Absolutely. And what I'm trying to say is that the law requires that I be reimbursed for pro se defense expenses provided two things which -- which apply in this case. Number one, that I represented myself pro se; and, number two, that I was judged mentally competent to represent myself pro se.

Now, where it is up to the judge, is to raise the statutory cap, and there is case law that says that the judge may raise the statutory cap.

So my initial idea was to apply for raising the statutory cap and then have every single dollar and cent verified by the commission of indigent defense. You want to take a different approach, you want to verify every single expense, that's fine. But I had short notice of that and I e-mailed the receipts to Mr. Devlin. I hope he received them. I'm sorry. I did not have a chance to reprint them. I had one time printed them and submitted them to the commission of indigent defense, and they said we need the judge's order, and I could not get any judge to hear me for years -- years. Now --

THE COURT: Okay. So what you're saying is that the specific itemization and the receipts that support that have been sent to the office of indigent defense.

THE DEFENDANT: Yes, ma'am.

THE COURT: And so what -- and I understand they don't -- they do not pay anything without having a court order that allows those expenses. Okay. And so what I have before me is a list of -- is a list that starts in December of 2009 that lists things like Kinko's copy pickup, U.P.S. all of those, the postal service, Walgreens. All of those are itemized and those relate to the expenses arising out of

this particular action.

THE DEFENDANT: This actually relates only to the printing expenses. I have also made another one, and in the proposed order I asked for the statutory cap to be raised to $20,000 and for the commission to reimburse me for non-duplicative expenses. And the reason for that is that some expenses were paid directly earlier from the commission of indigent defense directly to the -- to, for example, a court reporter. But others have not been, and these are the ones that aren't. So I'm saying that I want the global cap for expenses to be raised to $20,000, that part of the expenses that they have not reimbursed me yet, that they be reimbursed within that cap. And of course if that applies -- and I'm also seeking compound interest, and that is justifiable because, in essence -- and I know this is not a civil case, this is a criminal matter -- but, in essence, I was the prevailing party. The state brought charges, false charges against me. I exonerated myself, thank God. So I'm the prevailing party. I'm entitled to costs. And when there is judgment it is usually -- it also -- I could lose compound interest, and I'm trying to make some law here because I'm trying to get some meaning from the seven years of torture, that this doesn't happen to somebody else.

THE COURT: And I understand that, Dr. Faltas, and I will have to look at the statute and all of those -- those

authorities relating to this particular statute. But I think when you talk about interest and you talk about being the prevailing party, I think those relate to civil matters and not to the criminal issues.

So to the extent that the statutes and O.I.D. allow for interest, certainly you could be entitled to that interest as well. But I'm just saying in advance I'm not sure that that's authorized by the statute.

THE DEFENDANT: And, Your Honor, the last time I appeared before Your Honor I made several arguments including the South Carolina's last-argument rule that if the criminal defendant presents evidence he cannot go last, but if he doesn't prevent evidence he can have the last. And I argued, and that's in the transcript too, that this is inappropriate. And now they have changed the rule. I'm not saying whether they got the idea to change the rule from me or not, but I'm saying, thank God, I'm blessed with an exquisite intellect and I'm appearing before a judge whom I respect very much both for your integrity and your intellect. I was disappointed by some recent acts of Your Honor, but I still would like to think that I'm appearing before the Judge Lee I knew from before. In any event, we can make law, we can advance the law. And if there is reason to -- to change the law that is -- it's part of the lawyer's duty and of the judge's duty to advance the law.

And I'm saying that's only one recent example.

When I appeared before the Honorable Donald Beatty when he was a Court of Appeals judge I argued orally pro se before the Court of Appeals that when a motion for a new trial is granted to a criminal defendant based on after discovered evidence it should not be appealed by the prosecution.

Two years later when His Honor became the Justice of the Supreme Court he wrote an opinion saying exactly that. So I'm saying there are things that I am saying now that I would face arguments to extend and modify the law, and my history of making innovative arguments should entitle me to make those arguments and owes me serious consideration from Your Honor. And if you agree with me, this is great; if you don't, please give the reasoning and --

THE COURT: Sure. And I think, Dr. Faltas, you know, we've had a long history together. I think and find that I do give a reason for making my rulings.

They may not always be correct rulings, they may not always be ones that you agree with, but I try to give a reason because sometimes my hands are tied and I cannot change the law. That's for a higher court to do.

But let me -- let me just as an aside go back and say I understand that you may have some -- that you may be disappointed in what you perceive to be actions, but let me

tell you, Dr. Faltas, that despite what you have knowledge of there's also information on my side from which I haven't tried to do to get information heard. And I can only do that when I'm in general sessions court, which I am this week, which is why your motion is coming up to be heard at this particular point, because I understand that it had been filed. It had never been ruled upon, and I did not agree with the fact that it had not been ruled upon, and I tried to take steps to see if I could get it heard in another forum and that didn't work out. So the only other recourse is when I hold criminal court, and this is the first time I've held criminal court in almost a year to be able to address those particular issues.

THE DEFENDANT: And I appreciate that, Your Honor, and please let me just say something.

I have seen you advise a young lawyer. You told him don't ever let them send you unprepared. You know, he was -- he was told to come for another lawyer by his law firm.

And may I just say don't ever let them make you less than what you are. And -- and I stop with that because it's not -- my disappointment isn't that I disagree with Your Honor's ruling. My disappointment is that I believe you were under pressure to make them the way you did and you succumbed to that pressure. And I'm five years and five

months older than Your Honor. And let me tell you lovingly don't ever let them again make you less than what you are.

THE COURT: Well, and I appreciate that and I appreciate how it may appear, and so I'll just say thank you for that.

THE DEFENDANT: Okay. So, also I would like -- and, again, by way of extending and advancing and improving the law, I think the criminal law, at least in South Carolina, because in other states like Texas, for example in Texas, they have a conviction integrity unit. Whatever the general himself -- and that's how it should be because he's supposed to -- prosecutor is supposed to be the minister of justice -- goes through convictions and sees if they were wrong, and if they were wrong people get freed, and the state pays them compensation.

Okay. South Carolina doesn't do any of that. But I would like to improve the Rule 11 concept and, you know, please let me make my record and how your conscience leads you to improve the Rule 11 concept that when criminal charges have been brought with falsity and with knowledge of the falsity and with motives that would be inappropriate under Rule 11 in a civil case, then the Court should on its own power, under its own equity power, without the -- the wrongfully accused defendant having to file a Section 1983 case or anything -- the -- the Court should under its own

equity power make the prosecution make the defendant whole.

For example, and I'm not asking for this under expenses, but I will also make the motion under a theory of importing Rule 11. I was made to stay in a motel for four years, and in those four years I was made, at least three of them, I was being made to pay rent to my apartment and not go to my apartment, and the system refused to hear my motion to modify the bond.

I think under a theory of importing Rule 11 into criminal proceedings my family and I should be compensated for the four years of my having to stay in a motel because it bankrupted them.

But going back to the expenses and the record, first, it wasn't Judge Benjamin who signed the expungement order. I think it was Judge Cooper. But, in any event, the City of Columbia still has the records, and that remand was illegal, and I was going as a matter of also, you know, the expenses of fighting the motions and counting the pages of the motions and all of that because, of course, the biggest injury to me of those seven years of my life and also the terror in which I live that anyone can at any moment do extreme impunity, falsely accuse me of something, arrest me and then we suffer no consequences, but I'm saying I should at least be made whole for the expenses, and those should also include the printing of the motions I filed, etc.,

because let us remember it ended in my favor. I -- I shouldn't, and these charges were so false, and everybody knew they were false, and the prosecutor is supposed to prosecute crime, but the prosecutor was committing the crimes of subornation of perjury, of actually falsifying the records, of lying to the Court. And this should no longer -- we have seen it. I've said that when they came to arrest me they secretly hoped that I was going to misbehave and they would shoot me. And everybody was saying, oh, the Faltas is crazy, this doesn't happen. Really? Jefferson, Missouri, Baltimore, North Charleston. Police officers shoot people all of the time and pretend that the one who was shot was trying to kill the police officer.

I was ahead of my time in everything I did, and I am not going to be silent about what was done to me. But so I'm saying, first of all, the entire record is still with the City of Columbia and the indictment was illegal because the City of Columbia never had jurisdiction. The city municipal court never had jurisdiction on first degree charges and they never, ever obtained a warrant for second degree charges, which arguably the Columbia Municipal Court may have jurisdiction over.

In addition, at the trial the prosecutor insisted, because the jury came back with a question is there a lesser charge, and the prosecutor, I said it's okay to tell them

that second degree is a lesser included charge. The prosecutor said, no, it is not. And I asked Judge Newman what's your ruling. He said I don't know, I'm not making a ruling.

So for -- that indictment was illegal and that is one more reason I would be entitled to the theory of Rule 11 sanctions or something that is equivalent to Rule 11 sanctions in -- in criminal court to so -- so -- okay.

So as a matter of housekeeping I would ask Your Honor to order that the city send back the record. First, it should never have gone there. Second, it can be sent and kept under seal pending the adjudication of these motions. And, third, it is still there. It is still there.

THE COURT: All right.

THE DEFENDANT: I've seen it.

THE COURT: And I guess what I'm -- I'm trying to figure out, what records you are referring to. The transcript?

THE DEFENDANT: Everything. The motions, the orders, everything from the G.S. cases the city still has. Everything.

THE COURT: And that's on the harassment charges?

THE DEFENDANT: Yes, Your Honor. And also the unlawful use of telephone.

THE COURT: And the expungement on the harassment

charges were signed by Judge Turner from municipal court.

THE DEFENDANT: And there was also another order but --

THE COURT: And then there were charges relating to the charges in general sessions court relating to harassment, and there were two counts. Those were expunged here. Judge Benjamin signed the order in August of 2012.

THE DEFENDANT: Okay.

THE COURT: And Judge Turner signed her, the order, in September of 2012. So to the extent that those records may still exist, I'll put it this way. Those records -- there is no records of those indictment numbers or warrant numbers in -- in this courthouse because they have been destroyed and expunged.

THE DEFENDANT: No. They were not -- they are not here, not because they were destroyed and expunged. It is because they were improperly sent.

THE COURT: I understand that there were -- some charges were remanded back, and I understand that you're claiming that they were remanded back improperly. But I'll certainly inquire as to whether or not their records there that are still, in light of the expungement signed by Judge Turner, I will inquire as to whether or not those records still exist. But I do have -- I think there are transcripts and I think there are other records that you -- that you never received copies of, and so you have those -- those

items which can be used to preserve this argument for an appellate court.

THE DEFENDANT: Yes, and --

THE COURT: What I'd like to do is -- I understand some of the charges that you are seeking to be reimbursed for, particularly as it relates to the witnesses and the SLED reports on those witnesses. I understand that. I understand about the transcripts that you are requesting to be reimbursed for.

There are other -- the other expenses I think I do -- there are categories which I guess I need to inquire as what they are about. There are some charges, looks like, that relate to the U.S. Federal District Court.

THE DEFENDANT: Okay. And -- and, Your Honor, if I may approach, please, or at least not approach but show you some exhibits because that was --

THE COURT: And, Dr. Faltas, what I heard you say earlier is that some of the transcripts may have been already paid for by O.I.D.

THE DEFENDANT: Yeah, yes, ma'am, and I did that in -- in the spreadsheet, what I said paid for, yes, no.

THE COURT: Okay. Yes. I see that.

THE DEFENDANT: But it -- when I opened it -- and I had prepared that in 2013, and when I opened it in a different format it didn't format right. I reformatted it yesterday

and reprinted, and if I may --

THE COURT: Do you have a copy of those?

THE DEFENDANT: Yes, yes, yes. But let me. Let me find the copy first, Your Honor.

(Pause.)

THE DEFENDANT: And --

THE COURT: Yes, ma'am. This is -- this is the same information. I just -- it just lined up a little bit better. Thank you.

THE DEFENDANT: And may I also show Your Honor?

THE COURT: And this is a copy of the documents. This is an extra copy?

THE DEFENDANT: Well, if the Court wants to keep it, I'm not going to -- to object to that. But that is important because that was -- the mistrial was declared Friday, February 26th, 2010, and I immediately started the researching what they had done, what they had presented. And that includes something very objective. It's not I say, they said. A very important or three important key matters is that my false accuser was employed, and I had been trying to block her from going to work, that she was a single woman and just having boyfriends and that she was a highly educated person and that she was -- she was just having her friend's child and I -- and the demon horse [sic] scared the child or whatever.

The objective thing is that in a different case which she had brought against somebody else she testified under oath that she had been unemployed during that same period for which they falsely accused me of having blocked her from going to work.

She was also in the -- and that is deposition that I had to run and get from that other case. And one of the things that I had, you know, been trying to get reimbursed for, that what she admitted that she was unemployed during that period that she was still married and she had lied and said that she was divorced.

THE COURT: And for the record, that's the deposition of Teresa Ingram.

THE DEFENDANT: Yes, Your Honor. And I also got the deposition of Margarie Triffon later. It's not in this booklet but it's -- so what I'm saying, the lies and forgeries and fabrications against me are not a matter of credibility, are not a matter of I say, they say. They are matters of public record.

She claimed that she had been in the military for a year and a half. I FOI'd her veteran's record, and she had been in the reserve for only three weeks. She claimed that she had no -- that she was divorced. In fact, she was still married, and her husband is a major drug dealer from Sumter and also operated the chop shop. And one of the reasons I

took pictures when I saw them hooking other cars and towing them is to document, and it could have been that they could have towed my truck in my absence and chop shopped it.

She also falsely pretended that she was just there, but I also had to find records that she had been evicted. So, Your Honor, these add up to 353 objective lies. And I counted those from the testimony of Teresa Ingram in all 353.

Now, granted every time she was asked the same question and repeated the perjury, I counted it. But it's not one or two, and that's the essence of the false case against me.

And also, for example, one of the matters she came along with Charlene Crouch and accosted me, and knowing that I'm a doctor they asked me for a prescription. And part of my research found that she is addicted to Vicodin and she had been later arrested with Vicodin without prescription. So I had to keep researching these. Some of them are from the expenses from the Richland County Sheriff's Department. Others are from SLED. And I'm saying I kept researching from the time that the mistrial until not just after the -- the dismissal because it was the first degree was dismissed with prejudice. But David Fernanders said that he was going to bring -- I'm sorry. I want to make sure I spoke correctly. The first degree harassment charges were dismissed with prejudice. But David Fernanders argued that

that doesn't prevent him from bringing a warrant for second degree harassment. And as Your Honor knows, that there is no statute of limitations on any crime in South Carolina. So I had to continue researching because I was under threat of those false charges being brought against me.

THE COURT: And when -- when were the harassment charges dismissed?

THE DEFENDANT: The first degree were dismissed, thank God, on August 13th of 2012.

THE COURT: And there've been no subsequent charges brought at this particular time? There have been no subsequent charges brought? In other words, Mr. Hernandez's comments of we bring charges have not been brought to date, is that correct?

THE DEFENDANT: That's correct, but it doesn't mean that he can't.

THE COURT: I understand, I understand. But I'm just saying at this particular point. And so you continue to do research from -- from 2010 when the mistrial occurred up until 2012.

THE DEFENDANT: And sometime after that. I'm not continuing to do active research today, 2016, except occasionally I look at the public index.

And, Your Honor, I want to say something. My false accusers are human beings, and what the system told them is

it's okay to do wrong so long as you injure Dr. Faltas too when we let it slide. And look what happened to them. They didn't become wonderful people. They continued on life of worse and worse crimes. And I always said that regardless of the legal outcome I would lose, if I didn't make me lose my soul, if they make me stop loving my enemy. I love those people, but I have no permission to forgive them because they have not repented. And every time Jesus Christ said we must forgive it was conditioned on the wrongdoer repenting. But these people haven't repented and I -- you are part of the system, Judge. You are part of the system. You need to make the system better, at least to honor the suffering I've -- I've been through. I'm not obsessed with these people, but I need them to repent.

But let's go back to the other items. So I had to keep researching that for at least -- at least until the City of Columbia returned the seized material to me.

THE COURT: So, Dr. Faltas, so I understand the U.S. Postal Service charges were being about mailing information and so that's sort of either to the courts or to various agencies that you need to mail them to. I understand about the copy charges. But you have charges, for example, to the C.V.S. pharmacy.

THE DEFENDANT: Okay, okay, okay. Yes, Your Honor. And I thank you for reminding me, and also I needed to tell

you the charging to you U.S. District Court, one of the witnesses listed against me -- and did I give you the one that lines better?

THE COURT: Yes. You did.

THE DEFENDANT: Okay. Yeah. Narewski, Investigator Narewski.

THE COURT: Yes.

THE DEFENDANT: Okay. He had two or three cases against him that were for violence during arrest and for being verbally abusive during arrest. And he was one of the people.

Your Honor, he was somebody who stayed in my apartment to search it, and I have the videos. Narewski Was -- and he went into my walk-in closet and farted, and that is on video that the Columbia Police Department made.

THE COURT: And those -- those are charges -- I see that you have a number with either ApexGraphix or through some other organization that would make copies of videos for you.

THE DEFENDANT: Yes, Your Honor, but the -- the charges, the U.S. District Court, was only to --

THE COURT: To research records relating to his court cases.

THE DEFENDANT: To Narewski and only -- only as far as his violence and his falsification of -- of research. And,

now, when they came to my apartment they took everything that is a picture, a recording, a video. They even desecrated my cherished recordings of my baby sister's first words. This had nothing to do with any potential case, and I have that in several transcripts. And of course I agree they should not have taken them. But, thank God, I had kept the negatives in a bank vault. So they have taken away all of the pictures that were printed and all of the C.D.s that I had made from the pictures, but/and they refuse to give them to me. And Your Honor knows that I -- you don't make any digital picture and focus on probative [sic]. So the charges at C.V.S. pharmacy and all of this were to take the negatives that I have kept in the bank vault and that they did not seize and to reprint them again.

Those to -- to refute the false claims that the pictures showed I'm a criminal and also because some other pictures are exculpatory to me. And they had taken all of them that were printed, but I still had the negatives. So this is -- and that are, you know, when things are moving from actual film to digital very few establishments still had film printing or printing from film. So C.V.S. and Walgreens were the ones that still had them.

THE COURT: Now, let me ask you this, Dr. Faltas.

I see that on your -- on your itemization. For example, I'll just use one example. Sergeant Passmore,

copies of his being sued in federal court, $30. Would those also be -- would those charges also be reflected in the specific itemization that they say that you have with, like, U.S. District Court's -- their charges for $5 here or twenty cents or fifty cents?

THE DEFENDANT: Yes.

THE COURT: Are those -- is that -- I just want to make sure they're not duplicates.

THE DEFENDANT: And that's -- and that's why I put it in the order, and I didn't think that Your Honor wanted to do the, you know, manual work. I thought you would just, you know, issue the ruling and let the -- the --

THE COURT: So, and so all of this has also been submitted to O.I.D. as well -- office of indigent defense.

THE DEFENDANT: I -- I did submit the actual receipt, but whether it's in this particular spreadsheet, I'm not sure, but, you know, it's --

THE COURT: And so let me make sure I understand.

What's the specific itemizations may not be -- may not be duplicates of what's on the -- what's on the front page.

THE DEFENDANT: Correct, correct. So, and these are only people who went from the witness list --

THE COURT: Yes.

THE DEFENDANT: -- of the prosecution.

THE COURT: Right. I understand that.

THE DEFENDANT: So, I mean, if they didn't call certain witness in one trial, it doesn't mean that they would not have called that witness if they had their -- had tried the case.

THE COURT: And I think you've explained, and I can readily look at, you know, there were 36 witnesses listed by the prosecution. The investigation that you conducted on a number of individuals as a result of being listed or as a result of allegations that they made that were false, which would include Dinah Mason, Larry Mason, Charlene Crouch and several others, and then in addition SLED reports that you were requesting on individuals, the court reporter transcripts, the film processing from the C.D., making C.D.s as well as the negatives from C.V.S. pharmacy and Walgreens, and then there's a dollar amount that says -- looks like you advanced to your own private investigator. Did you --

THE DEFENDANT: Correct. What had happened, Your Honor, is that Judge Cooper had authorized $750, and that was before the trial, and that was even in the transcript when he set it for -- it was the transcript of February 5th of 2010. And I -- in it I complained. I said the prosecution isn't giving me the rap sheets and -- and he said she knows she has to. I said but she hadn't. And, in fact, I had to kind of crash the party when I learned that Judge Newman was going to be the trial judge. And he had

another case and a jury was out. And I'm not admitting to having done anything improper. I just went in and asked permission to address him and said the trial is next week, I still do not have discovery. And then the -- that investigator, she told me I have, you know, I've done the work for $750 and I need more money. So -- so I did advance that money to her because I was, you know, on the eve of trial and -- and I had to do that.

THE COURT: And that amount that you have listed is $200.

THE DEFENDANT: Yes, Your Honor. And I have the -- the canceled check for it, and I think I e-mailed it. But if I didn't, I still can. Excuse me. Some of the checks were written from my mother's checking account but that's --

THE COURT: Dr. Faltas, are there other expenses that you have incurred or that you're seeking reimbursement for that we haven't discussed?

THE DEFENDANT: I think we discussed the travel, the travel, for example, when -- when I asked for something for -- for records, claiming the records from the sheriff's department the -- they would -- I would have to go get them.

THE COURT: So the travel that you're talking about is a mileage reimbursement for going and picking up various items that you had to be gotten.

THE DEFENDANT: Yeah. And -- and that is in the

category too, and, again, I'm sorry. I'm still in the mind-set of, you know, letting the O.I.D. do the --

THE COURT: Sure. And I don't -- I just want to make sure that I understand what's being requested. I understand that despite the fact that I may -- that if I were to authorize payment that they would have to go through and prepare, but I just want to understand the categories of payments. I think we talked about the criminal histories; we talked about the transcripts; we talked about the media; we talked about, just mentioned, travel, telephone, fax and copying charges. We talked about the interest, that you're seeking the interest and --

THE DEFENDANT: Yeah. If I may, in the media -- in the media, yeah, there were several things.

First, there were charges that I had to pay from the City of Columbia for actually getting a C.D., for example, of a call to 9-1-1. And the -- the reason we are talking -- and let me just say that there were other charges, other criminal, of course criminal charges, that ended in my favor that I had asked for expenses of those. Judge Barber denied it. Tristan Shaffer filed a motion for reconsideration. Judge Barber denied the reconsideration. Then Tristan Shaffer appealed it to the Court of Appeals. The Court of Appeals dismissed that appeal because the order was not final.

So I will be making another motion relative to those other charges, but the reason I am limiting those three charges -- the two harassment and the one unlawful use of telephone -- is that I was pro se from beginning to end on those, and they were completely ended in my favor.

So, oh, the -- the media. Part of it was sometimes they would give me things that were unclear but/and I had to pay to convert them to a format that was -- that was clear.

THE COURT: And so I think that -- I think we've covered all of those things, all of the subject matter for which you seeking to be reimbursed, have we not?

THE DEFENDANT: Yes, Your Honor.

In addition to that spreadsheet there were other transcripts that I recently got and I have the -- first of all, several of them were of the -- the rest of the transcript of the trial, of the general sessions trial, because the prosecution had ordered only the testimony part, and Judge Cooper ordered that I be given a copy of what the prosecution ordered at state expense. But then when they remanded it to the City of Columbia I had to get that part of the transcript to where the prosecution insisted that second degree is not a lesser included offense in first degree.

So -- so and I also obtained the transcript of several hearings before Judge Cooper in 2010 in which not only I but

also the public defender asked that the charges be dismissed because they have no merit or that they be expeditely tried. And at least I had to have the -- the transcript where the prosecution claimed that I am mentally ill and mentally incompetent to represent myself, and Judge Cooper denied even requesting a mental evaluation.

I, Your Honor, am mentally incompetent? Can you believe that? I mean, why should I not be offended? I mean, Judge Joe Anderson, the federal judge, when I first appeared before him 20 something years ago, he said I'm dazzled at your brilliance.

When I -- when I appeared before the judicial merit selection commission and had the courage to testify against the candidacy of current Chief Justice Pleicones he said Dr. Faltas is an incredibly intelligent person, and yet the -- the prosecution had the depravity -- the depravity because it's not short of any word than depravity to go and say that I'm mentally ill and should not be allowed to represent myself.

THE COURT: And so copies of all of those transcripts are what you are seeking to be reimbursed for as well.

THE DEFENDANT: Yes, Your Honor.

THE COURT: And part of that is what you're asking -- you're asking that O.I.C. check their records of what they've already paid. Some may have been to Daphne Helms,

and there may have been other transcripts that were ordered that you're seeking reimbursement for?

THE DEFENDANT: Yes, Your Honor. Oh, I knew. I knew what they paid for and what they didn't because I know I paid the rest.

There was one more transcript, and that was a hearing before the Lykesland magistrate on November 9th of 2009. And in that one, for example, my false accuser, Teresa Ingram, in the trial she said that this child that she was illegally babysitting and, in fact, when I maybe can find the picture I showed she was -- I can prove that she was physically abusing that child. But, in any event, she said, oh, she's like my niece, she calls me auntie, I love her, she loves me. And when in the magistrate court I presented her with the same picture, I said do you know this child, and she said no. And I had the audio recordings. And, in fact, I had transcribed them by hand. But then and I also had subpoenaed Magistrate Davis to authenticate that he had reviewed my transcript by then and they were true to the audios. But the prosecution said no, no, no, we cannot use them.

It turned out that the prosecution had taken those same arguments [sic] and had them transcribed by a separate court reporter, and the prosecution stood in a court of law in what is supposed to be a temple of truth and elicited

perjury from my false accuser. Teresa is this girl like -- like your -- yeah, like your niece, when she knew. And she had obtained the transcript where Teresa said I don't know this child. So I had to get a copy of -- from Compuscript of the transcript that -- that the prosecution had -- had gotten an original for. But since they are not official court reporter the rates were higher. But that particular one, Your Honor, I had specifically spoken to Mr. Ryan and told him this is the rate. And remember they kept on taking me to court several times, we're going to try it this time and I go, and they say, oh, no, we're not going to trial. So I had to get the copy of their transcript, and that was a large sum. It was $800 or something. But, yes, and I got the additional transcripts and the -- the -- I think this is an original of it, and then I have those.

THE COURT: Dr. Faltas, you're saying this is not included in what you requested so far.

THE DEFENDANT: Yes, Your Honor. Correct, correct.

(Pause for noise in the hall.)

THE COURT: And this is your only copy, Dr. Faltas?

THE DEFENDANT: Yes, Your Honor, if -- if that's okay. And I also have these, this other transcript, and all of those are ones that I paid, but then this is a refund, so these added minus this one.

THE COURT: And those have all been provided to me, or

is this the first time?

THE DEFENDANT: The first time I provided. But I receive -- should we evacuate the court? Always with something going on next door?

THE COURT: I think that was somebody who is coming down the hall from another place.

THE DEFENDANT: Oh, okay.

THE COURT: The holding cell is over here outside the doors.

THE DEFENDANT: Okay.

THE COURT: Dr. Faltas, have we covered all of these issues as it relates to the reimbursement?

THE DEFENDANT: I think, and I am going to put that out in a separate -- in a separate order and motion and ask Your Honor to consider it separately.

I think I should be reimbursed for the four years I stayed in a motel. And that doesn't come exactly under defense expenses, but since I'm before Your Honor I want to make a separate motion that it was very, very clear that those charges were false from the beginning. It was very, very clear from the beginning that the bond condition that I not return to my own apartment was violative of the Eighth Amendment from the beginning and even -- even after that they always knew that my false accuser, the landlady, doesn't even live in Richland County. She lives in Elgin in

Kershaw County. But my other false accuser, Teresa Ingram, she was evicted in the middle of March 2010, two weeks after she failed to get the first conviction against me. And even in a transcript before Judge Cooper, I told, I asked him, are they afraid that I would harass her memory or are they afraid that I would harass her shadow? She doesn't even live there any longer. Why should I not be allowed to return to my apartment?

THE COURT: And, Dr. Faltas, I'm going to include that within this. I'll be happy to consider a separate order but I don't -- and you can submit that, that invoice, and I'll treat it as part of this. So there's no need to file a separate motion.

THE DEFENDANT: Okay, okay, all right. I'll do that, Your Honor. And I do understand that we will be -- and I'm asking Your Honor to -- as the four years in the hotel to -- that is an extension of the law, but I think it's a good-faith extension of the law and necessary. And, you know, I haven't been dilatory or anything.

And in another appearance before Judge Cooper I told him it's not as if I said, oh, how wonderful the Clarion is, I'm just going to stay there. First, they blackballed me. I couldn't rent in another apartment, and especially with the criminal charges against me. And the eve before my first arrest when I had the motion for preliminary

injunction before Your Honor, Larry Mason was on the stand, and I asked him why you don't want me to build on my own land. He said yes. And I said and you want me to be evicted from the apartment I rent from you. He said yes. And I said and you also won't give me a reference to rent somewhere else. He said yes. I said, well, then I would be homeless. And he said you would be homeless, it wouldn't bother me a bit. And that is in a transcript.

THE COURT: Yes, ma'am.

THE DEFENDANT: So -- so there was extreme malice in all of this. And so I think that it is a necessary development of the law to make that refundable.

And, again, it won't -- it may come, have to come, from the budget of the solicitor, from the budget of the state or from the budget of O.I.D., whoever. It's not coming from anyone's personal pocket. But it's the state who did that to me and the state should make me whole.

THE COURT: All right. And so, Dr. Faltas, I think I have all of the information on that particular -- on this particular motion.

THE DEFENDANT: Thank you.

THE COURT: I will tell you that I did not set aside the full afternoon to talk about your other motion.

THE DEFENDANT: Okay.

THE COURT: So what I would like to do is go ahead and

schedule a date now so that we know what it is to come back another time to talk about the motion that you want to lift Judge Barber and Judge Cooper's stay. And I'm going to do it before I'm no longer chief administrative judge and I'm going to ask if you can come on June the 7th.

THE DEFENDANT: God willing, so, yes, Your Honor.

THE COURT: That is a Tuesday. And if we set that at 10:00 o'clock, then I can hear you on that particular motion at that time and I can allot -- I will allot two hours on that particular matter, and then I can address that.

I understand that you also have a pending P.C.R., and I'm not familiar at this particular point of the current status of that. I know it has been filed. I know that you made a request for appointment of counsel, and I think they usually do appoint counsel. I am as chief administrative judge responsible for corralling the P.C.R. cases, and so I do have a term that's coming up in which I have to set cases. Your case is a little too new to go on to that particular roster, so I'm trying to get some of the old ones done first. But I will inquire as to whether or not the state has filed a return on that and when I can expect or when you can expect -- the Court can expect that there'll be a return filed on that particular P.C.R. matter.

Generally, an attorney is not appointed until there is a return filed by the state. And then after that particular

point there's an attorney that's appointed to represent you. I don't -- I that there -- that that is done by appointment through a list in the clerk's office. I cannot tell you all of the attorneys on that list. I will endeavor to -- to find out who those individuals are to make sure that there's no conflicts with you so that we don't have to address any other issues.

THE DEFENDANT: Frankly, Your Honor, that the only reason I asked for appointment of counsel is that the Supreme Court is making me do that. But, of course as Your Honor knows, I get better results for myself than lawyers get for me, and I will be happy to proceed pro se if -- on that if you would let me.

It was filed on March 3rd, and since it was a result of a trial the -- the response is due within 90 days. I don't -- so it will be due by -- by June 3rd, I think, or June 2nd so because we have --

THE COURT: And I know that they have -- that the attorney general's office is having a change of persons who are handling P.C.R.s for Richland County. They have a new attorney who is going to be assigned, and I think it's effective -- I just got notice -- effective next week. So there will be a new attorney and I will find out from them what the status is of the cases that they have within their office.

THE DEFENDANT: Okay. Thank you, Your Honor.

I have made the -- you know, just to -- so they are available as a physical record, I have e-mailed those extracted transcripts from the hearing and --

THE COURT: Those are the copies of the things that you sent to me by e-mail? Is that what it is?

THE DEFENDANT: Yes, Your Honor. And so just to -- to make them part of the paper record.

THE COURT: And, Dr. Faltas, while you're looking at that what I am going to make a part of the record as a court's exhibit so it will be part of the record in this case, will be the reprint itemization that you passed up, as well as the invoice from Karen Ambroziak, as well as the copies of checks.

What I will do is I'll make the court reporter checks, as well as the refund from Daphne Helms, and the cashiers' checks, I'll make all of that Exhibit No. 2. And for the record, that's seven pages. That will be Exhibit No. 2.

Exhibit No. 1 will be the corrected format of the four pages of the -- regarding the itemization of your expenses. That will be Exhibit No. 1. And then the bundled document that you gave that has various documents but it's all --

THE DEFENDANT: It's a booklet.

THE COURT: It's bound.

THE DEFENDANT: Yes.

THE COURT: And it starts off with your -- it says defendant's amended motion of the filing of a document booklet. That will be Exhibit No. 3.

(Expenses marked Court's Exhibit No. 1; court reporter bill marked Court's Exhibit No. 2; documents marked Court's Exhibit No. 3.)

THE COURT: A 40-page transcript of the proceedings before Judge Cliff Newman dated February 22nd of 2010, I'll make that Exhibit No. 4.

(Transcript before Judge Newman on February 22, 2010, marked Court's Exhibit No. 4.)

THE COURT: A 25-page transcript of record before Cliff Newman on February the 23rd of 2010 that has some highlighting on it, I'll make that Exhibit No. 5.

(Transcript before Judge Newman on February 23, 2010, marked Court's Exhibit No. 5.)

THE COURT: And the transcript of record before me, Alison Lee, dated December the 13th of 2013, it is a 25-page transcript as well, I'll make that Exhibit No. 6.

(Transcript before Judge Lee on December 13, 2013, marked Court's Exhibit No. 6.)

THE DEFENDANT: Thank you, Your Honor.

I was wanting to offer the videos that the Columbia Police Department made of my arrest on December 2nd of 2009, and they proved that they took from my apartment all of the

pictures and all of the C.D.s, and they justified that I had to go and print from the negatives that I had in the bank vault the others.

THE COURT: And so, as I understand it, these videos formulate the basis for which you're seeking reimbursement from C.V.S. and Walgreens.

THE DEFENDANT: Yes, Your Honor, among other things. And, again, I would want them as proof of the depravity of what was done to me, so.

THE COURT: Okay. These are three discs dated December 2, 2009, entitled ransacking and robbery. And how about if I make them collectively Exhibit No. 7?

THE DEFENDANT: Thank you.

(DVDs marked Court's Exhibit No. 7.)

THE DEFENDANT: And then if it pleases the Court if -- as you allowed me -- I had stayed in Providence Hospital not as a patient but in their house when I was not -- for ten days or so -- and so I bring a supplement that is the bill for that, and if we can make that Exhibit 8. And then I stayed in the Clarion Hotel for about four years. And I have a printout of my itemized -- or I can put the first page and the last page. And it's roughly a hundred thousand dollars. And I make that, if it pleases the Court, Exhibit 9. I don't have them with me, but as I understood Your Honor's direction, that I may supplement with those.

THE COURT: Yes. But you'll supplement, and if you provide me a hard copy of the supplement --

THE DEFENDANT: Okay.

THE COURT: -- then I will have that added as a supplement, and we'll make a sticker for Exhibit No. 9, and then we'll get that verified when I receive it.

THE DEFENDANT: And Exhibit 8 from the Providence Hospital. I stayed in their Bruner House for ten days. And the additional depravity, Your Honor, is that the City of Columbia went to them and told them, told the Sisters of Mercy, if you keep Dr. Faltas here we're going to revoke your license to maintain the Bruner House. It was exactly before Christmas and it was another virgin being put out of the street on Christmas. But the Virgin Mary, Mother of Christ, could go to Egypt and find refuge there. I had no refuge. I was made homeless by the Sisters of Mercy under threat from the City of Columbia on Christmas Eve.

THE COURT: And I will add that when you send that form or that itemization. I'll have that entered as Exhibit No. 8 at well.

THE DEFENDANT: Thank you.

THE COURT: Dr. Faltas, I'll wait if you can get that information to me within the next week and I'll -- actually, if you can do it before Friday, that way while I still have this particular court reporter here --

THE DEFENDANT: Yes.

THE COURT: -- we can go ahead and get the stickers put on and verify it.

THE DEFENDANT: Yes.

THE COURT: And then I will review all of the information and I will issue a written order. I will try to do that as quickly as possible.

THE DEFENDANT: Thank you.

THE COURT: But I can tell you it may not happen until later, like the first part of July.

THE DEFENDANT: Your Honor, did you say you're going to be chief administrative judge only for a short period?

THE COURT: Effective July 1st I will no longer be chief administrative judge.

THE DEFENDANT: Who will be?

THE COURT: For civil it will be Judge Benjamin; for criminal it will be Judge McMahon.

THE DEFENDANT: From Lexington?

THE COURT: From Lexington.

THE DEFENDANT: Okay. Well, Judge Benjamin, we know, is recused, and so can I not -- and I don't know if Judge Newman thinks he's recused or not. But we need to decide if anything comes up if they would assign Your Honor.

THE COURT: I don't -- I'm aware that Judge Benjamin has several matters for which she is recused, and I

mentioned that to her.

The way the chief administrative positions work is that the chief -- it's supposed to be if the chief of civil is not available, then the chief of criminal takes over those duties, and vice versa. And so because she still does not hear City of Columbia matters -- she's recused from all of those so that -- it's part of her duties. That's part of the discussion that I will have with her as she takes over so that she can make sure that she and Judge McMahon are well aware that he will end up being responsible for handling some of the matters that she's recused on.

THE DEFENDANT: Thank you, Your Honor. What about Judge Newman there? Is he --

THE COURT: He is here until July 1st, and then July 1st he will no longer be chief.

THE DEFENDANT: Okay, okay.

THE COURT: That's when Judge McMahon comes in.

THE DEFENDANT: Thank you, Your Honor. Thank you.

And, Your Honor, may I say that it was a travesty that Your Honor's nomination to the federal bench didn't go through.

THE COURT: I appreciate it. Thank you very much. And, with that, I believe we are concluded and we can go off the record.

END OF REQUESTED TRANSCRIPT OF RECORD

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.

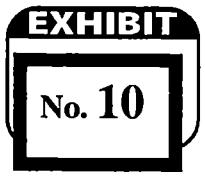
I do further certify that I am neither of kin, counsel nor interest to any party hereto.

June 23, 2021

s/Linda D. Moffitt

Linda D. Moffitt
Circuit Court Reporter

State of South Carolina ) In the Court of General Sessions
) Fifth Judicial Circuit
County of Richland ) 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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## E X H I B I T S

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|---|---|---|

No exhibits entered.

THE COURT: We are here on -- I guess the best way to caption it is *In Re: Marie Assa'ad-Faltas, M.D.* This is a hearing on a motion made by Dr. Faltas to rescind the order that was issued by the chief administrative judges back in 2010. So, there's not a, there's not a docket number and not a case number, but it was an order that was issued by Judge Barber and Judge Cooper and I have a copy of that order. Yes, I have a copy of that order and, and I have a copy...

(A PAUSE.)

THE COURT: Dr. Faltas has sent by email some attachments related to the motion. Is that correct?

DR. FALTAS: Yes. Good morning, Your Honor.

THE COURT: Good morning.

DR. FALTAS: And if I may renew my permission to address the court from a seated position for health reasons?

THE COURT: Yes, ma'am. As long as you keep your voice up to make sure that the court reporter is able to record and make sure I can hear you as well.

DR. FALTAS: Thank you, Your Honor. I just wanted to make sure that Your Honor has a copy of the motion to reconsider that order which was filed both in general sessions and in common pleas the next day. It was filed on April 2, 2010, and back when I saw Judge Dennis was going

to do some hearings, I did email that because technically that is still a pending motion, and technically Your Honor can address it as now Your Honor sits both as the chief administrative judge for general sessions -- I imagine Judge Newman, *pere*, has recused himself -- and also as the actual *de jure* chief administrative judge for common pleas. So, Your Honor can rule on now the now six years standing motion to reconsider that order.

THE COURT: Okay. I see a copy of that motion was sent by email as well.

DR. FALTAS: Yes, Your Honor.

THE COURT: And then there's, and then there's a more current motion that was filed in -- more recently.

DR. FALTAS: Yes, Your Honor.

THE COURT: Do you happen to have an extra copy, Dr. Faltas?

DR. FALTAS: I, I can print one. I'm sorry. I was looking for it this morning.

THE COURT: Okay.

DR. FALTAS: And just if I may say?

THE COURT: I know I have seen it; I just don't have it in my possession right at this moment.

DR. FALTAS: Okay. If I may either during a break or after the hearing get, get -- bring it because it is on my thumb drive.

COURT REPORTER: Excuse me. I'm having some trouble hearing Dr. Faltas.

DR. FALTAS: I have it on my thumb drive.

THE COURT: On your thumb drive?

DR. FALTAS: Yes.

THE COURT: Okay. If you, if you pull it down just a little bit more, I think it'll pick up your voice.

DR. FALTAS: Okay.

(A PAUSE AS MICROPHONE IS ADJUSTED.)

THE COURT: Yes, ma'am, I'll, I'll -- let me go ahead. I assume that for purposes of this hearing, we can combine both the motion to reconsider and the motion to rescind. They're going to address basically the same issues?

DR. FALTAS: Yes, Your Honor.

THE COURT: Okay, and I, and I -- so, I'll be happy to hear you on your arguments. I have received copies of other documents as well that you provided to me in an email earlier this year in May, early -- May 17th I think that information was provided.

DR. FALTAS: Yes, Your Honor.

THE COURT: Yes, ma'am.

DR. FALTAS: Okay. Your Honor, and last time I appeared before Your Honor, I asked you to please not let them be -- make you any less than what you know you are, and I'm not going to be guilty of that. I am going to give

you the truth as I have come to know it, but there is also something that I think is the least common denominator on which you can rescind that order or grant the motion for reconsideration.

THE COURT: All right.

DR. FALTAS: I will start with the least common denominator, but I would ask the court's permission to give you the full truth and to ask you to do everything your conscience leads you to do to, to, to make me whole and to redress that grave, grave injustice that has been perpetrated on me for seven years now.

And the least common denominator would be Judge Cooper's order, and really it was all Judge Cooper's work. Judge Barber just basically rubberstamped it. We, we know that. He just even said I concur. He didn't ---

THE COURT: Yes.

DR. FALTAS: He didn't author it or, or anything. And I think Judge Barber has also been guilty of grave injustice against me but not as much as Judge Cooper.

But in any event, the opening line, is Dr. Faltas a criminal defendant in this court. I am no longer a criminal defendant in this court, and it is clear that I should never have been. And, Your Honor, when they came to forcibly arrest me on December 2, 2009, in the morning and there were ten Columbia police officers, ten, and three

cars -- and of course they were led by Larry Mason, who was there and who is on the video. And after he opens the door for them, the front door, and points, the investigator, the Columbia Police Department investigator Amanda Blanton, she displays the warrants and she says Wayne, Wayne, I signed them for him. So, it is clear that that was a conspiracy.

It is clear that a civil defendant in the lawsuit I had brought led this to gain improper advantage in the civil litigation which your order had suggested back in -- on December 22nd of 2009, and which in August of 2010 -- and I think both of them are still here. Public defender Douglas Strickler and as chief deputy public defender Fielding Pringle, they both quoted and cited Your Honor's order to Judge Cooper, and they both told him there was no merit to this case. And even Fielding Pringle said I don't think they are going to successfully prosecute her at any point in time.

So, the basic principle or the basic premise, the first line, is Dr. Faltas a criminal defendant in this court. I'm no longer a criminal defendant in this court, so the order should fall or should expire by its own terms.

The second -- and you know, Your Honor, when they came to arrest me, I was thinking of Jesus when he was arrested, and he looked at them and he said you came with rods and as if I were a thief. I was with you all the time; I spoke

openly in your markets. That's what Jesus said. And what they had come to take from my car and my apartment are the very photos that I had presented to Your Honor the day before as evidence in my civil case. And then the -- when Jesus answered Caiaphas, the chief priest, someone slapped him, and that's from the *Gospel of St. John*, chapter 18, verse 23. Jesus answered him:

> If I have spoken evil, bear witness of the evil: but if well, why smitest thou me?

And this is the same question. Then Judge Cooper goes to say she intensely believes she is not guilty. Well, what's wrong with that? I was not guilty. No one has proven me guilty; there was never even probable cause. And then he goes on to say, well, she thinks that because she's *pro se*, she should have unfettered access to the court.

Well, duh. I should and everyone should, and U.S., the U.S. Supreme Court said that it's a First, First Amendment right for the public to observe the functioning of the court just as they have the right to, to observe the functioning, functioning of the government.

Recently there was this judge in Pennsylvania who was dubbed the face of evil. He had a conspiracy -- convicted now. I'm not talking about anyone who was merely accused. Convicted of sending juvenile -- juveniles to, to, to jail for long sentences to profit someone who had built a

private jail and was doing business with, with the city or the county or the state, and it was to his financial profit, and the scandal was called Cash for Kids.

So, yes, there can be bad judges and, yes, there can be judges on the take, and they were on Your Honor's case for what I think -- I, I was proud of Your Honor for having applied the presumption of innocence. Judge Cooper is a very, very, very lenient sentencer on specific people, and it just takes five or six minutes in his court to see that. And I've also seen where the, the solicitor throws DUI cases, and I had written a letter to Judge Cooper and to Your Honor about that.

And again, I'm a physician. I'm about life; I'm about preventing suffering. I'm about preventing disease, and people can die. People can die from, from judicial misconduct. They can die from prosecutorial misconduct, both positive and negative, both in falsely accusing people.

I, I told the jury in my opening statement the singer Michael Jackson was falsely accused of molesting a boy to whom Michael Jackson was being charitable, and the jury acquitted him, but it does affect people. Michael Jackson died two years afterwards.

I'm a physician and when Your Honor said M.D., I'm also M.P.H., Master of Public Health, and epidemiology and

biostatistics is the science and, in part, an art of seeing connections. And there is a connection, I believe, between Michael Jackson being unable to sleep and having had to take the Propofol, which I don't defend, but, but the false accusations, they do affect people.

To this day, Your Honor, when I hear a car under my window open and close, I get startled; it may be someone coming to falsely arrest me again. So, there is nothing wrong with my believing that I was not guilty because I was not guilty, and I'm no longer a criminal defendant.

And then look at what Judge Cooper did. He didn't give me any notice. He called them interviews, but what they really were *ex-parte* communications with the solicitor who was my opponent because the, the general sessions charges were, were still standing at that time.

THE COURT: And, and, Dr. Faltas, with the exception of the post-conviction relief application that you filed, all of, all of those, all of those pending matters have been taken care of or there are no longer, there are no long active charges or active cases?

DR. FALTAS: Except also, Your Honor, the other assault charge that Your Honor also affirmed, that's on appeal before the state Supreme Court, and there has been five contempt of court charges against me by Marion O. Hanna of the Columbia Municipal Court, and none of the

appeals were heard because I didn't have a lawyer. So, this is something that was based on that order and that I was wanting.

And I thank Your Honor for reminding me because last time, Your Honor asked me about the deadline for the PCR for the attorney general to respond, and I believe it expired last Friday. And I did call them, and they said they hadn't done anything. And yesterday I filed a motion for a default judgment and summary judgment, and I asked the clerk to put a copy in ---

THE COURT: And I, and I received a copy of some documents that you had filed in your post, in your post-conviction relief case this morning. I know, because I had status conferences yesterday in other PCR matters, that the attorney general's office does not always respond in a timely manner. That is something that the, that the Supreme Court has, has set up with the Fifth Circuit and the Eleventh Circuit as pilot programs to try to get a handle on the post-conviction relief cases. So, as part of my duties as chief, that's what I was doing yesterday.

So, I can tell you that because it was a 2016 case -- your case is a 2016 case and they have many others -- that I would not be surprised that there's not any type of return from the state and that's, and that's -- that is in many ways typical. I learned that yesterday, and I did

make a comment about that to them that they needed to be timely, and we needed to get a handle on that situation.

DR. FALTAS: Well, but, I mean, the, the rule says within ninety days. It doesn't say open-ended or at the convenience ---

THE COURT: I understand that, and I -- but I also understand that, that there are rules, and there is information about filing a default against the state and that generally there -- under the civil rules, at least in the civil cases, a default is rarely granted against the state. And I think the rules may address circumstances relating to the filing of defaults against the state. So -- and I, and I understand that part of what my responsibility is, at least for the time I have left, is to try to get an orderly disposition and a hearing scheduled for those cases. Your case may be one, could be one in which it could proceed more quickly than others because you already have transcripts, I believe, and in other cases they have to request the transcripts and go through that information.

But I do understand and I'm not making any comment on your motion at all because I -- that's not something that I would, I would necessarily address, but I'm aware that you filed it, and I'm aware there's an issue with the state responding to post-conviction relief applications.

DR. FALTAS: Well, and I'm saying, you know, if they are rarely granted, yes, but, I mean, *pro se* defendants rarely win and win as big as -- there is nothing that says ---

THE COURT: Yes, ma'am.

DR. FALTAS: And all I'm asking is for the motion to be given a fair hearing on its own merits and to -- because you know *State vs. Langford* said we're no longer giving the prosecution all ---

THE COURT: And, and they don't handle -- we are assigned a limited number of post-conviction relief terms per year, and so that hearing would have to come up during one of those terms. Even your motion would have to come up during one of those terms, and I can certainly, since it's been filed, make them aware, make them aware of it. And probably the next term is August when that, when that could be addressed.

DR. FALTAS: Okay, and you know that they don't have to oppose it on the merits. I mean, my motion makes clear, first of all, I shouldn't have been forced to have a lawyer, but the lawyer that I was forced to have was beyond ineffective.

THE COURT: And, and, and not to address -- I understand that's, that's a portion of the merits, but at least in terms of the motion that you filed for default,

that would have to be heard, and what I'm saying is that that motion probably would not be heard until August.

DR. FALTAS: Okay, that's fine, but, but, I mean, the default generally. It's not just that someone else failed the -- missed the deadline. It's the underlying case is meritorious for ---

THE COURT: I understand. It's, it's a default/motion to dismiss the case -- I mean, motion, motion for basically summary judgment.

DR. FALTAS: Exactly.

THE COURT: Yeah.

DR. FALTAS: Yes. Yes.

THE COURT: Yes, ma'am.

DR. FALTAS: And so that was to answer Your Honor's questions about -- and the charges that were brought against me at the instigation of Larry Mason and Dinah Steele and Solicitor -- then Assistant Fifth Circuit Solicitor Sara Heather Savitz Weiss, and all in that admitted conspiracy with Robert Cooper, then of the City of Columbia legal office, were the following: two charges of harassment in the first degree dismissed with prejudice; one charge of unlawful use of telephone dismissed with prejudice; one charge of trespass dismissed; one charge of disorderly conduct acquitted; one charge of this assault that is on appeal; and then this property ordinance case

that is now on PCR.

There was also, based on Judge Cooper's order, an arrest that was styled trespass, and in that case, I had come to the courthouse before 4:00. I asked somebody for permission to remain beyond 4:00, and they said okay. We're discussing that, and then when they didn't come back, I left the courthouse. They ran after me and they arrested me after I had left the courthouse, and then they styled it trespass, and that was also dismissed with prejudice. So, so, to answer Your Honor's question, yes, all the -- I'm not a criminal defendant in this court, and I should no longer have been.

THE COURT: And there -- and just to be complete, and there are no civil cases that you have pending other than -- do you have an appeal? There's no -- there are no civil cases pending as well. Is that correct?

DR. FALTAS: Oh. Well, Your Honor, I think it was a travesty that my civil case against Larry Mason and Dinah Steele which was tested three times -- it was tested by then circuit judge Childs. Her Honor granted my motion to amend and add defendants and add causes of action, and of course another test of the motion to amend is whether the claims sought to be added were meritorious. The second, or really more in time, Your Honor's order for preliminary injunction, and then the third test was Your Honor denying

the defendants' motion to dismiss on some claims. And then very quickly after Jean Toal decreed that I cannot represent myself, it came before a hearing. Defendants very quickly made a motion for summary judgment, and I was not allowed to even respond.

Now, what self-respecting judge thinks it's fair that -- and I give that analogy. What kind of referee would just tie one team to the chairs and says, okay, the other team go down to the playing field and score as many goals as you want. This is exactly what happened, and this is exactly what Jean Toal did to all of you. She took away your self-respect, all of you circuit judges. And I think it is time for the circuit judges to restore their self-respect, especially now that Chief Justice Elect Beatty soon, God willing, to take his term. It's time for, for, for the judges to restore their self-respect, and I believe that this case should be reopened.

Also in the case that's -- that was on appeal before Your Honor, I had filed the motion to suspend that appeal so that I could go back to the trial court and present my after-discovered evidence. That motion was never scheduled.

THE COURT: And so in light of that, Dr. Faltas, I think that you are, that you are correct that many of the -- and I, and I haven't read the order recently, so that's

why I'm saying many. Many of the things that were mentioned in the order certainly appear to no longer be applicable because of the change in status of the cases: that they've already either been dismissed or there are no pending matters. And so the -- some of the issues that were probably raised by Judge Cooper no longer are in effect, and you're right. And so, therefore, the order appears not to, not to be effective -- or reason to have it in effect any further.

Are there additional issues that you wish to address about this particular issue?

DR. FALTAS: Yes, Your Honor, many and I, and I said I'll give you the least common denominator, but then I'll give you what I think your conscience should, should lead you to explore further. And there is no reason Your Honor would not be the next chief justice of this state after Justice, Chief Justice Elect Beatty serves his term because you need to lead yourself and all those judges who wronged me on purpose.

Back to self-respect and you know, Your Honor, I often say that judges are the only profession that have a name -- a book, actually two books, First Judges and Second Judges, named after them in the *Bible*. There is no book of carpenters or even book of doctors in the *Bible*. It's books of judges. So, it's a holy profession.

The bottom line is that there is no doubt that the City of Columbia Police Department knew the charges were, were false and fabricated them. There is no doubt that Assistant Solicitor Heather Weiss knew that and went along because the City of Columbia, and that was something I discovered later, was paying her an additional $70,000 a year -- and Jesus Christ said the love of money is the root of all evil -- to, to be the solicitor, and there is documentation for that. So, she had no conscience whatsoever against throwing an innocent person in prison for six years to get her sixty pieces of silver.

There is no doubt in my mind that Judge Cooper was aware of what transpired in the trial, and there is no doubt in my mind that he was reviewing what I filed in the trial -- after the trial. First of all, the pretrial motions and the intra-trial motions, I asked Judge Newman, *pere*, did, did, Your Honor, did I offend you? He said no. You're always most pleasant and gracious, and that's in the transcript. So, I was never rude.

The second thing on the motion to suppress, I asked His Honor I hope you don't think I made the motion frivolously. He said no, I don't think you made it frivolously at all. I do not think it was a frivolous motion at all, and you had the right to make it.

So, all the pretrial and intra-trial motions were

addressed by Judge Newman, and they were not frivolous. Whether the ultimate ruling on them is -- Judge Newman's ruling was correct or not could not be tested on appeal because there was no conviction.

So, so, so, so, I mean, I am being denied access to the courthouse because I filed motions. I mean, isn't that why people come to the courthouse, to file motions, some, some of the reason? And then the post-trial motions and the, the -- Judge Cooper's order lists the booklet that Your Honor accepted as an exhibit in the last hearing.

THE COURT: Yes, ma'am.

DR. FALTAS: This is no long -- it's not I say/they say. It's they say in one hearing or one trial under oath, and they say something 180 degrees opposite in another trial under oath. So, this is objective stuff, not credibility issues, and it's 180 degrees. So, there is no doubt in my mind that Judge Cooper knew, by at least the time he reviewed that booklet, that the charges against me were false.

And then I did speak to John Meadors. I wanted him to review that booklet, and then Judge Cooper says that he finds that I harassed John Meadors by following him around the courthouse. This is really trying to intimidate a whistle blower, and I said that to Judge Cooper to his face, and I never -- I have -- I'm probably the one person

left in this state who has the courage to do that. I told him you did not schedule my motions because you are unfair to me, and really he should never have sat in any matter related to me to begin with because -- I brought this up the first time I appeared before him again. I told him, Judge Cooper, I got you reversed in a prior case in the Court of Appeals, and there is a presumption of vindictiveness.

And, Your Honor, in the interim there has been the very sad news of Chief Justice Pleicones's grandson taking his own life. And, you know, it takes courage to live, and I'm not saying that I could have solved the problems of the whole world but maybe someone, maybe Chief Justice Pleicones's grandson could have learned from my courage and would, would have had the courage to live and not take his own life if people weren't too busy ridiculing me falsely, falsely accusing me, as this order does, of being erratic.

And then later I was required to have a mental examination, and then again Marion Hanna decreed that I need weekly psychiatric sessions and if I don't get them, I would be in contempt of court.

So, I'm not saying I could have solved the problems of the world, but also when I was preparing -- you know, I had filed a patent on an invention having to do with building, in part with building in, in a flood. Maybe if I hadn't

been falsely arrested and have had to spend the seven years trying to defend myself, maybe my inventions could have prevented the death and destruction that happened with the recent flood. I don't know, but what I do know is that there is no societal value of falsely accusing somebody of a crime, absolutely none, and it's not something that should be tolerated.

Judge Cooper's order wasn't just tolerating what by that time he knew and everybody knew were false accusations against me. He was trying to intimidate me from proving it. And there have been a whole lot of pressures for me to plead guilty to a reduced charge and, in fact, there was an email from Heather Weiss to my standby counsel to do that. And when Fielding Pringle -- she also said that David Ross asked her to, to ask me if I would do that, and I refused.

And it's not just a matter of pride or stubbornness. It's very easy. If they can get me falsely to plead guilty of a reduced charge that I didn't do or to plead guilty to one charge, if they bring ten charges against me, what would stop them from bringing hundred charges against me the next day in the hope that I would plead guilty to ten?

There is nothing erratic, nothing irrational. There is only courage and integrity in what I did, and this order that I'm asking Your Honor to rescind or asking Your Honor to grant the motion to, to reconsider is to restore

integrity to the judicial system as far as you can. And also to at least remove that barrier of ridicule of me so that the people who may need to learn from my courage would have it, to learn from it.

And speaking of suicide, Your Honor, my trial lasted five days and I was allowed to present my defense only starting late on the third day. Of course my sisters and my mother were worried and my sister told me, well, I mean, if it's in the hands of the jury, wouldn't the jury be as xenophobic as your landlord and landlady? And I said what can I do about that? And I told my mother how afraid I was, how afraid to the point of considering suicide, and she said one word in Arabic, *matkhafeesh*, which means fear not.

And I also remember -- Your Honor may not know and Ms. Harris may not know, and part of the reason I'm not audible is that thirty-six years ago I had thyroid surgery and the surgeon not -- probably not clipped but traumatized the laryngeal nerves. So, I -- my larynx was completely paralyzed for three months, and I had to have a tracheostomy, and up to this day only one part of my larynx works. And at one time, I was telling them that I feel I'm a burden on my family with all the recovery after that. And my late father, God rest his soul, told me God gives us life. We have to guard it.

So, this courage that my parents gave me, I can give to others, to others who are in vulnerable situations, and this order sets me up as a clown. This order should not be there. It's, it's -- it encourages people to beat on someone when she's down, and it shouldn't happen.

THE COURT: Let, let -- Dr. Faltas, while you've been talking, I've been thinking about the order and some of the things that are mentioned about the filings. And, and to be honest with you, I'll tell you this is -- the problem, I guess, that appears is not so much with, with you personally or with, or with your trying to protect your, your rights.

It is, I think for a lot of people, it's the quantity of information that's filed, along with the number of individuals that the information is sent to, which I think is something that the court system is not really -- the way the court system operates, it's, it's really not designed to have multiple judges receive the same information.

And I'm not saying, I'm not saying at all that you necessarily do that. I just know that when you're trying to get information, you want to make sure that everyone who has the potential to be able to assist, whether it's the chief administrative judge or the judge who's been assigned to it, has copies of the materials and not rely upon the information that's in the clerk's office. And I think

sometimes it's -- it comes across as being -- I don't want to call it over burdensome, but there's a lot of information to, to read and, and in your presentations you provide an awful lot of history that's not always succinctly given.

And that's, and that's not a criticism but it's certainly a factor that when, you know, I get, I get a document today, I get what appears to be a similar or the same document the next day. But there may be some changes to it, but I don't know what the changes are because I have to read, I have to read both documents to figure out what's new, I mean. And I'm just, I'm thinking back, you know, in the case we had that there were -- you know, there would be a fourth supplement or a fifth supplement and I couldn't tell what was different about them. And so having to read the same information over and over and over again when I've got a lot of other things I have to read, too, does, does kind of weigh on a lot of judges. And I think it also weighs a little bit on the clerk's office.

Now, I know it's their job to accept and they know it's their job to accept the filings that you bring in, and I don't think, I don't think anyone has a desire to prohibit -- at least in the clerk's office -- from prohibiting your access to the courts and being able to file the documents. I think it's just, it's the volume and

sometimes the timing and, you know, not everybody is as patient and so it, it -- I think that's kind of where the problem is.

I'm not opposed to providing you access to be able to file documents, but when I, when I think about you filing documents and I think about -- you know, we've had history for seventeen years. That I know that you file a lot of information that's pertinent, what you consider to be pertinent to your case, and you want to make sure that it's reviewed and that it's received. That there's not an issue about it being lost in the clerk's office, that I don't have to rely upon going to the clerk's office to pick it up, so you send it to me. It is, it's that kind of volume that I think creates -- I don't know the word to use, but I think it, it's the volume in -- that causes more of a problem than your demeanor.

And I, and I understand that there are times when you come to the clerk's office, especially when you're representing yourself, that you feel that you, that you know that you need to have access to the courts and that you want to make sure things are taken care of. And sometimes the clerk's office, in their daily functions, they don't set aside enough time to be able to help you and address you with all of your issues, and so it's, you know, it's that process where everybody's got to work together.

DR. FALTAS: And I respond with five points, if I may, Your Honor, and the first point is I did not arrest myself.

THE COURT: Oh, I understand, and I don't mean to imply -- I'm really kind of taking it away from the specific facts in this order to, to being able to think about Dr. Faltas has access to the courts, and Dr. Faltas can come in any time she wants and file whatever documents. How can we best handle Dr. Faltas and, and her filings without there being issues and tension because I think that's what's -- that is what has spilled over and created other issues.

I, I agree that the set of circumstances that gave rise to Judge Cooper issuing the order are, are not directly a result of things that you did so much as things that were caused and that because you were arrested, because you were charged with crimes, because you were not represented by the attorney and you choose to represent yourself because you believed that you could be the best advocate for yourself -- which is your right to do -- that coming in and trying to make sure that your case stayed on track and to make sure that you were able to get hearings and to be able to go forward and preserve evidence and testimony, that that can sometimes appear to be overbearing to some people.

DR. FALTAS: But it didn't. Those people knew that,

and that's where I'm asking Your Honor to be a leader and to really call your colleagues to where they were wrong.

No one could possibly have believed that I was overbearing, given what I was facing. If they want to control the volume, they should have controlled the false charges. In fact, I had the city -- the municipal recorder, the city recorder in my case, and she said she's been there for three years and she never denied the search warrant. There should be better control, and I gave Your Honor the number of false criminal charges that have been brought against me.

Well, if you all want to control the burden on the court system, well, control the prosecutor's ability with impunity to bring false charges against people. The prosecutor listed thirty-six witnesses against me. She, she had been ordered by the judge to try both indictments, and she didn't. She tried only one because she knew the other one was even weaker than what she tried, and still nothing gets done to her.

Now, the other thing, yes, I am my own best advocate and that is statistically proven. The only two times that I was convicted of a criminal thing is when lawyers were forced on me. All the other times that I represented myself, I was not convicted. And the one time I was convicted of front yard parking, I made sure that there

would be no sentence. So, statistically if we treat it as a continuous variable -- meaning the length of sentence, days, or as a discreet variable convicted, not convicted -- definitely statistically significant, unquestionable that when I represent myself, I get better results.

Ma'am, it's no longer possible to be diplomatic with that. Judge Cooper by that time knew that the charges were false; he knew that the prosecutor tried me and could not get a conviction. He knew that I have researched and submitted objective evidence that there was perjury against me. He knew that all I did was try to go to the supervisor, John Meadors, and tell him in case you haven't seen this objective evidence, here it is. And for Judge Cooper to say that I harassed John Meadors, no, no, no, no, no. There is no diplomacy. Judge Cooper was trying to intimidate me, and I am appealing to Your Honor's conscience to lead Judge Cooper to admit that he did not adequately supervise.

In fact, both Doug Strickler and Fielding Pringler -- Pringle -- and I told him this should not be remanded to the City of Columbia. Either handle it here or dismiss it, and that's in a transcript. He didn't do anything, and I continued to suffer for two years under the bond condition and everything, and then I was right. It shouldn't have been remanded because the City of Columbia doesn't have

jurisdiction over first degree, and they never brought the second degree warrant. So, he could have ended all of this with a stroke of his pen. He did not do it because of the presumption of vindictiveness or even worse. And I'm sorry, Your Honor, there can be no diplomacy about that.

I would admit that I'm a perfectionist and that's -- in part, you should see it as a labor of love and of respect. I, I want -- if I see something and there is even a typo in it, I want to file another one without the typo because I think -- especially when I'm advocating before Your Honor.

Now, sometimes I would arrive like before that order at five minutes to 5, and most of the time they would accommodate me. Okay, he, he could say she can come -- or could have said she can come in like everybody else, but she cannot come earlier and if she comes too late, it will not be accepted. But for me to be singled out like that, and the first word is to be said -- to be told that I'm erratic, and that was after the prosecutor had filed the motion to have me mentally evaluated so that I cannot represent myself again because they know that when I represent myself, I win. That was an attempt to intimidate me, and there is no excuse for it, and Your Honor is better as a person and as a judge than trying to make an excuse for it.

THE COURT: Oh, yes, I understand. I understand your position, Dr. Faltas. I do, and like I said, I'm, I'm -- I would agree with you that, you know, that there, that there are some things that are written here that I would not agree with, and, and I also agree that because most of the things that have -- were discussed in here are no longer issues, that there shouldn't be a problem with you being able to come in and file documents.

What I'm, what I'm thinking about is when it's lifted and it's done and there is the need for you to come into the courthouse in order to -- in the clerk's office to file documents, the -- I, I, I think it will, I think it will take an effort for -- and I don't mean this in a bad way. I think, I think everyone's attitude needs to be adjusted, and so the order either needs to be written or communication needs to take place with the clerk's office about how to -- about treating people fairly when they come into the courthouse and when they come in to file documents, and that means you and anybody else who needs to come in and do that.

I do -- I just know that on occasion there's been some frustration about the quantity of the information that you're bringing in to try to file at one time and the time of day that it comes in, you know, depending on what time you're able to arrive at the courthouse. And, and I, and I

know that they want to make sure that you are taken care of, but they are also trying to respect the time of day and everything else.

DR. FALTAS: Yes. Yes, Your Honor. The second response to that is that of course the judges have Rule, Rule 11 power. If anything I file is excessive or frivolous or anything, it's up to, to the judge. And as I said in my testimony to the Judicial Merit Selection Commission, the trial judges are not potted plants. You know, if the, the -- my first appearance before Your Honor, Your Honor correctly ruled for me and -- actually, there are only four civil cases. They have like one case Mr. Brown took a change of venue and all -- but all four civil cases I filed in this court, and there are only four except the one that was really, I was told the other team can go down to the field but I sit and get gagged and bound. This is the only one I lost, but all other four I won by having a favorable settlement. All four of them were, were settled. And, and no judge until Jean Toal decreed, no trial judge had said that I was frivolous or, or anything.

And then remember what those people were trying to do to me. They were trying to keep me in prison for six years and possibly plus enhancements. Compare the volume. Compare the volume. Why is my life -- I mean, what time does it take from a clerk to, to file something that, that

I bring? Few minutes as opposed to having me put in prison for six years, knowing that I didn't do that. I mean, the proportionality here.

THE COURT: Yes, ma'am. Well, I, you know, like I said, I would agree with you that based upon, you know, what I've reviewed in this order, that it should be lifted.

DR. FALTAS: Thank you.

THE COURT: I would like to, to, you know, read it in full again but I, I think that because there's no longer the criminal issues that are -- and I, and I understand fully the circumstances under, under what I know and what I believe occurred, and so I understand and I have empathy for, for what you experienced. And I think you are absolutely correct that what happens to you in your life can affect you and health wise. And I think that these charges were very serious charges. As you indicated, they carried up to six years in jail or longer, depending on whether the charges were concurrent or consecutive. And for anyone who is facing the possibility of imprisonment who's, who's never had to deal with those potential issues, it is frightening, and the idea that you will lose your liberty is something that you would -- you know, you are going to fight for, and no one can blame you for that at all.

And so I think what may be seen by others as being

abusive, excessive, for someone who is representing themselves *pro se*, trying to get the information out, I view it a little bit differently. And, and I think also, because I've had the opportunity to know you over the years through the legal proceedings, I think I, I think I have an idea of how you, how you handle yourself and how you face things, and what I would anticipate your responses to be to certain things that are said or done, and I don't necessarily find that those are necessarily outrageous.

But as I stated earlier, I do find that sometimes the documents get to be a little excessive, and so you've pointed out to me that Rule 11 is something -- and that's something that I think we just don't consider because different judges touch the files because that's, that's our system in South Carolina. It's not like federal court where you get one judge and you're assigned and that judge is the only person that sees those files, and so you have to, you have to send out a lot of information to different people to make sure that the right people are getting the information who have the opportunity to rule on your motions. So, I understand that, and I would like to read it and, and I would anticipate that I would issue an order very briefly, very briefly and very shortly.

DR. FALTAS: Thank you.

THE COURT: Related to the matter.

DR. FALTAS: Thank you, Your Honor. Your Honor answered about the PCR. I had also transcribed and I think I emailed it to Mr. Devlin, but I have the actual of the, of the bond hearing when I was arrested, and that's related to the expenses because it clearly says where Barbara Jean Burns told me to stay in a hotel. So, that's -- if I, if I may hand that ---

THE COURT: And that's -- and that was related to the other hearing on that?

DR. FALTAS: Yes, yes, yes, Your Honor.

THE COURT: Okay.

DR. FALTAS: But also, but also Your Honor, you know, mentioned the federal courts. I mean, the federal courts, bond hearings are -- the witnesses are sworn and people can cross-examine them. Again, last time I cited to Your Honor three areas of the law where I said it should be different, and all three were changed as I -- the last argument rule, that non-appealability of a motion for a new trial, and the prosecutorial control over the criminal, all three points. And again I need to put that in there because I know you're a great person and a great judge. And to improve the system, I think the bond hearing being the witness is not sworn and not cross-examined, there is a whole lot of lack of due process. And this is a point I want to leave before Your Honor because it can result in travesties, especially

the lengths of time people stay, stay on bond.

THE COURT: Yes, ma'am.

DR. FALTAS: So, so that I would like to submit that and if it's okay to submit two copies so that one can be for Your Honor's in-chambers use and the other added ---

THE COURT: All right.

DR. FALTAS: --- to the, to the record.

THE COURT: Thank you, Dr. Faltas.

DR. FALTAS: Thank you. So, so, this is, you know, the improvement of the law for today, and I thank Your Honor for being open-minded about this.

The last point, again I am sorry to have to bring it back to this, but the motion to suspend the appeal about the assault charges, the assault charge for me to bring the after-discovered evidence to the trial court is still pending and has not been scheduled and ---

THE COURT: Do you happen to know what docket number that, that would be?

DR. FALTAS: Yes. Yes, Your Honor. 2013-CP-40-3522.

THE COURT: Okay.

DR. FALTAS: And, in fact, the clerk of court had, had written to me telling me that they will not schedule it. So, that wasn't a judicial decision that was ---

THE COURT: Okay, I'll look into that.

DR. FALTAS: I very much appreciate that, Your Honor.

THE COURT: And, and I will tell you, Dr. Faltas, I'm leaving town tomorrow, so I may not get this order done until next week.

DR. FALTAS: Okay.

THE COURT: But I will get it done next week.

**--- 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 |
|---|---|---|
| *Dinah Steele* et al. | *Plaintiff* | |
| v. | | 2009CP4007098 |
| *Marie Assa'ad-Faltas, MD, MPH* | *Defendant* | |
| *Dinah Steele* et al. | *Plaintiff* | |
| v. | | 2009CP4008013 |
| *Marie Assa'ad-Faltas, MD, MPH* | *Defendant* | |
| *City of Columbia* | *Plaintiff* | |
| v. | | 2010CP4007063 |
| *Marie Assa'ad-Faltas, MD, MPH* | *Defendant* | |
| *City of Columbia* | *Plaintiff* | |
| v. | | 2010CP4008650 |
| *Marie Assa'ad-Faltas, MD, MPH* | *Defendant* | |
| *City of Columbia* | *Plaintiff* | |
| v. | | 2011CP4002111 |
| *Marie Assa'ad-Faltas, MD, MPH* | *Defendant* | |

**DEFENDANT'S RESPECTFULL REMINDER OF HER Over-TWO-Years Pending *TIMELY* MOTIONS FOR PARTIAL RECONSIDERATION OF 8 NOVEMBER 2017 ORDER IN THESE CASES AND/OR FOR CONVERSION OF THE PENDING MOTIONS INTO Rule 60(b) Motions to Reopen in Light of New Law and *Because Justice so Demands*, All in Light of SC's Supreme Court's 27 September 2017 Acknowledgment that Dr. Assa'ad-Faltas Has a right to proceed *pro se* in ALL criminal *AND CIVIL* cases in which she is a Defendant. COMBINED WITH Application for *certiorari TO JUDGE CLIFOTN NEWMAN* PER § 18-1-150, SC Code of Laws.**

Marie Assa'ad-Faltas, MD, MPH is grateful for the grant of her motion to appoint counsel in 2011-CP-40-03547. That part of the 8 November 2017 order was never sought to be reconsidered; rather, Dr. Assa'ad-Faltas, thank God, put it to good use; and the convictions underlying 2011-CP-40-03547 are now nullified and vactated.

As to the remaining five, above-captioned cases, technically civil cases, in which Dr. Assa'ad-Faltas is a defendants, she respectfully reminds the Court that it overlooked several facts and points of law of record as shown in her 8 November 2018 timely motion to reconsider. Otherwise, appointment of counsel ***might not be necessary*** if these motions are converted into Rule 60(b) motions to reopen these cases and allow Dr. Assa'ad-Faltas to argue *pro se* for reopening as she is now allowed to do per SC's Supreme Court's 27 September 2017 ORDER which restores part of her right to advocate *pro se* in civil cases.

Another alternative is **§ 18-1-150, SC Code of Laws**, which provides:

> **SECTION 18-1-150.** Certiorari to magistrates or municipal court.
>
> Whenever a person shall have been convicted in a municipal court or a magistrates court such person shall have the right, upon petition, to obtain from any circuit judge or justice of the Supreme Court at chambers or in open court a writ of certiorari requiring such municipal court or magistrate to certify the entire record of the case together with a copy of the municipal ordinance or a reference to the statute involved, as the case may be, and including the rulings, findings and sentence, returnable at such time as such circuit judge or justice of the Supreme Court may direct, and upon the hearing of the writ such circuit judge or justice of the Supreme Court shall have the same jurisdiction of the entire matter as circuit judges now have in cases appealed from municipal courts or magistrates courts.
>
> HISTORY: 1962 Code Section 7-14; 1952 Code Section 7-14; 1942 Code Section 994; 1932 Code Section 994; 1928 (35) 1317.

WHEREFORE, one of the three alternate avenues of relief should be granted.

**Respectfully submitted, and served by hand-delivery to Jessica Mangum's office, by first-class properly-addressed U.S. mail to Dinah Steele, and by causing the Clerk to place a copy in Judge Lee's and Judges Newman, *pere*'s and *fille*'s, slots, all on 20 December 2019, all God so willing.**

**Marie Assa'ad-Faltas, MD, MPH, Defendant *pro se***
**P.O. Box 9115, Columbia, SC 29290**
Phone (803) 783-4536 **Cell Phone: (330) 232 – 4164**
e-mail: Marie_Faltas@hotmail.com



SCANNED

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND COURT OF COMMON PLEAS

| | | |
|---|---|---|
| *Dinah Steele* et al. | *Plaintiff* | |
| v. | | 2009CP4007098 |
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| *City of Columbia* | *Plaintiff* | |
| v. | | 2011CP4002111 |
| *Marie Assa'ad-Faltas, MD, MPH* | *Defendant* | |

RICHLAND COUNTY
FILED
2018 DEC 21 PM 2:51
JEANETTE W. McBRIDE
C.C.P. & G.S.

**DEFENDANT'S RESPECTFULL REMINDER OF HER Over-a-Year Pending**

***TIMELY*MOTIONS FOR PARTIAL RECONSIDERATION OF 8 NOVEMBER 2017 ORDER IN THESE CASES AND/OR FOR CONVERSION OF THE PENDING MOTIONS INTO Rule 60(b) Motions to Reopen in Light of New Law and *Because Justice so Demands,* All in Light of SC's Supreme Court's 27 September 2017 Acknowledgment that Dr. Assa'ad-Faltas Has a right to proceed *pro se* in ALL criminal *AND CIVIL* cases in which she is a Defendant.**

**COMBINED WITH Application for *certiorari TO JUDGE CLIFOTN NEWMAN* PER § 18-1-150, SC Code of Laws.**

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WHEREFORE, one of the three alternate avenues of relief should be granted.

**Respectfully submitted, and served by hand-delivery to Jessica Mangum's office, by first-class properly-addressed U.S. mail to Dinah Steele, and by causing the Clerk to place a copy in Judges Newman, *pere*'s slots, all on 21 December 2018, all God so willing.**

**Marie Assa'ad-Faltas, MD, MPH, Defendant *pro se***
**P.O. Box 9115, Columbia, SC 29290**
Phone (803) 783-4536 **Cell Phone: (330) 232 – 4164**
e-mail: Marie_Faltas@hotmail.com

SCANNED

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2010CP4007063

City of Columbia

PLAINTIFF(S)

Marie Assaad Faltas

DEFENDANT(S)

**Submitted by:** _____

**Attorney for :** ☐ Plaintiff ☐ Defendant or ☐ Self-Represented Litigant

FILED
RICHLAND COUNTY
2017 NOV 8 PM 2:08

**DISPOSITION TYPE (CHECK ONE)**

☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

☐ **ACTION DISMISSED** (*CHECK REASON*): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other _____

☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other _____

☐ **STAYED DUE TO BANKRUPTCY**

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

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

**IT IS ORDERED AND ADJUDGED:** ☐ See attached order (formal order to follow) ☐ Statement of Judgment by the Court:

**ORDER INFORMATION**

This order ☐ ends ☐ does not end the case. Additional Information for the Clerk : _____

**INFORMATION FOR THE JUDGMENT INDEX**

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

| Judgment in Favor of (List name(s) below) | Judgment Against (List name(s) below) | Judgment Amount To be Enrolled |
|---|---|---|
| | | $ |
| | | $ |
| | | $ |
| If applicable, describe the property, including tax map information and address, referenced in the order: | | |

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

**Circuit Court Judge** _____ **Judge Code** _____ **Date** _____

## For Clerk of Court Office Use Only

This judgment was entered on the ____ day of _____, 20 ____ and a copy mailed first class or placed in the appropriate attorney's box on this 8 day of Nov, 20 17 to attorneys of record or to parties (when appearing pro se) as follows:

Jessica Mangum

Marie Assaad Faltas

**ATTORNEY(S) FOR THE PLAINTIFF(S)**

Marie Assaad Faltas

**ATTORNEY(S) FOR THE DEFENDANT(S)**

**Court Reporter** _____

**Clerk of Court** Jeanette W. McBride

SCRCP Form 4C (10/2011)

E-MAILED
Paul
SCANNED

STATE OF SOUTH CAROLINA )
) IN THE COURT OF COMMON PLEAS
) FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND )
) Case Nos.: 2010CP4007063, 2010CP4008650,
City of Columbia, ) 2011CP4002111, 2011CP4003547
) 2009CP4008013 and 2009CP4004483
Plaintiff, )
)
v. ) **ORDER**
)
Marie Assa'ad-Faltas, )
)
Defendant )
_____ )
Marie Assa'ad-Faltas, )
)
Plaintiff, )
)
v. )
)
Larry Mason )
)
Defendant )
_____ )
Dinah Steele, )
)
Plaintiff, )
v. )
)
)
Marie Assa'ad-Faltas )
)
Defendant )
_____ )

FILED
2017 NOV -8 AM 10:57
JEANNETTE W. MCBRIDE
C.C.P. & G.S.

**APPEARANCES**: For the Plaintiff: Jessica Mangum, Esquire

Pro se: Larry Mason
Pro se: Dinah Steele
For the Defendant: Pro se: Marie Assa'ad-Faltas



SCANNED

## STATEMENT OF THE CASE

The parties appeared before me for a hearing to consider pending motions filed by Marie Assa'ad-Faltas ("Faltas") in the above matters. These motions were filed with the Court between July 9, 2013 and July 12, 2013 in relation to matters originating from the City of Columbia Municipal Court ("the Municipal Court"). Faltas' motions are framed as requests for the Court to appoint counsel in each case. A careful review of the relief sought as outlined in Faltas' motions makes it clear Faltas seeks to have counsel appointed so that she may file admittedly untimely appeals and/or post-conviction relief ("PCR") actions in each of these cases except for the motion filed in Case No. 2011-CP-40-3547.

## PROCEDURAL HISTORY

2010CP4007063

On October 6, 2010, in the City of Columbia Municipal Court, Faltas was held in Contempt of Court. Based on that finding, Judge Marion O. Hanna sentenced Faltas to pay Fifty dollars ($50.00) or serve Ten (10) days. On October 14, 2010, Faltas filed a Notice of Intent to Appeal. On April 8, 2011, the South Carolina Supreme Court ("the Supreme Court") issued an Order prohibiting Faltas from filing anything with any court while in a *pro se* capacity. On September 22, 2011, this Court issued an order providing Faltas with thirty (30) days to secure counsel on her pending appeal. After failing to do so, an order denying Faltas' appeal was issued by this Court on October 31, 2011. On July 11, 2013, approximately one year and eight months after the order was issued, Faltas filed the motion to appoint counsel currently before the Court.

2010CP4008650

On December 9, 2010, in the City of Columbia Municipal Court, a jury convicted Faltas of Unlawful Front Yard Parking. On December 10, 2010, Faltas filed a Notice of Intent to Appeal. On April 8, 2011, the South Carolina Supreme Court ("the Supreme Court") issued an Order prohibiting Faltas from filing anything with any court while in a *pro se* capacity. On September 22, 2011, this Court issued an order providing Faltas with thirty (30) days to secure counsel on her pending appeal. After failing to do so, an order denying Faltas' appeal was issued by this Court on October 31, 2011. On July10, 2013, almost two years after the order was issued, Faltas filed the motion to appoint counsel currently before the Court.

2011CP4002111

On October 13, 2010, the Municipal Court issued an order directing Faltas to have limited communication with the Municipal Court and the City of Columbia's City Attorney's Office. On March 28, 2011, Faltas was held in contempt for violating the October 13, 2010 order. On March 30, 2011, Faltas filed a Notice of Intent to Appeal the March 28, 2011 contempt charge. On April 8, 2011, the South Carolina Supreme Court issued an Order prohibiting Faltas from filing anything with any court while in a *pro se* capacity. On September 22, 2011, this Court issued an order providing Faltas with thirty (30) days to secure counsel on her pending appeal. After failing to do so, an order denying Faltas' appeal was issued by this Court on October 31, 2011. On July 12, 2013, Faltas' motion to appoint counsel followed.

On October 13, 2010, the Municipal Court issued an order directing Faltas to have limited communication with the Municipal Court and the City of Columbia's ("Plaintiff's") City Attorney's Office. A Rule to Show Cause order was issued on March 28, 2011 against Faltas for violating the October 13, 2010 order. In April 2011, Faltas filed an appeal with this Court and was issued an appeal bond. On April 8, 2011, the Supreme Court issued an Order prohibiting Faltas from filing anything (except motions regarding counsel) with any court while in a *pro se* capacity. On May 18, 2011, Faltas, represented by counsel, was found in contempt for failing to comply with the terms of her appeal bond. Faltas then filed an appeal of the Municipal Court's contempt order on May 31, 2011 and June 15, 2011. This Court issued an order denying Faltas' appeal on September 17, 2012, and Faltas' Rule 59(e), SCRCP motion was also denied on October 19, 2012. Thereafter, on July 9, 2013, Faltas filed the motion to appoint counsel currently before the Court.

Each of these actions contains numerous additional filings by Faltas; and some include filings related to this action by Faltas at the South Carolina Court of Appeals and the South Carolina Supreme Court. For the purposes of clarity and brevity, those additional filings have not been included in the procedural history.

**LAW/ ANALYSIS**

South Carolina Appellate Court Rule 203 instructs that appeals to the South Carolina Court of Appeals from decisions of a Court of Common Pleas "... shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgment." Rule 203(a)(1), SCACR. If appellant has filed a motion under SCRCP 59 with the lower court, the thirty (30) day timeframe "shall run from receipt of written notice of entry of the order granting or

denying such motion." Rule 203(a)(1), SCACR. Moreover, the requirement of timely service of the notice of appeal is jurisdictional. (*see Elam v. S.C. Dept. of Transp.*, 361 S.C. 9, 602 S.E.2d 772 (2004) ("if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority or discretion to 'rescue' the delinquent party by extending or ignoring the deadline for service of the notice").

Here, Faltas seeks to appeal final decisions issued by the Court on October 31, 2011, September 17, 2012, and October 19, 2012. Rule 203 makes it clear that any appeal of these decisions at this late stage would be untimely. Therefore, appointing counsel to reopen these matters so that appeals could be filed would be a waste of judicial resources. Additionally, because this Court has issued final orders on each of these decisions, it lacks jurisdiction to appoint counsel for a future appeal. Faltas is further prohibited by SCRCP Rule 43(l) from making a subsequent application to this court for relief after the matters has been adjudicated by other circuit court judges. I therefore find that all of Faltas' motions and petitions excluding 2011-CP-40-03547, are untimely, improper, and should be denied.

As to 2011-CP-40-03547, I find however, that the motion by Faltas to appoint counsel to file the belated appeal or timely PCR from her municipal court conviction for contempt of court and violation of a court order remains pending for adjudication. The Supreme Court has issued several orders since the pendency of this matter citing Faltas for flagrant abuse of the court system while striving to protect her right to meaningful access of the Courts. In order to protect that right, Faltas' Motion For Appointment Of Counsel to pursue to file a belated appeal or timely PCR in Case No. 2011-CP-40-3547 should be granted. Faltas has been represented by counsel in other pending matters and is entitled to appointment of counsel in Case No. 2011-CP-40-3547.

## ORDER

Based upon the foregoing,

**IT IS HEREBY ORDERED** that all of the pending motions and related petitions are DENIED except the Motion to Appoint Counsel to File a Belated Appeal or Timely PCR from Underlying Conviction pending in Case No. 2011-CP-40-3547 is hereby granted.

**AND IT IS SO ORDERED.**

**CLIFTON NEWMAN**
Presiding Judge

November 9, 2017
Columbia, South Carolina

| STATE OF SOUTH CAROLINA | COUNTY OF RICHLAND | COURT OF COMMON PLEAS |
|---|---|---|
| *Dinah Steele* et al. | *Plaintiff* | |
| v. | | 2009CP4007098 |
| *Marie Assa'ad-Faltas, MD, MPH* | *Defendant* | |
| *Dinah Steele* et al. | *Plaintiff* | |
| v. | | 2009CP4008013 |
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| v. | | 2010CP4008650 |
| *Marie Assa'ad-Faltas, MD, MPH* | *Defendant* | |
| *City of Columbia* | *Plaintiff* | |
| v. | | 2011CP4002111 |
| *Marie Assa'ad-Faltas, MD, MPH* | *Defendant* | |
| *City of Columbia* | *Plaintiff* | |
| v. | | 2011CP4003547 |
| *Marie Assa'ad-Faltas, MD, MPH* | *Defendant* | |
| *City of Columbia* | *Plaintiff* | |
| v. | | 2013CP4003522 |
| *Marie Assa'ad-Faltas, MD, MPH* | *Defendant* | |

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RICHLAND COUNTY
FILED
JEANETTE W. WALKER
C.C.P. & G.S.

## Appellant's Request and Memorandum for Circuit Judge Clifton Newman to Convert All Motions to Appoint Counsel in the above-captioned cases, still pending before His Honor, Into Rule 60(b) Motions to Reopen in Light of New Law and *Because Justice so Demands,* All in Light of SC's Supreme Court's 27 September 2017 Acknowledgment that Dr. Assa'ad-Faltas Has a right to proceed *pro se* in ALL criminal *AND CIVIL* cases in which she is a Defendant.

The above-captioned cases have two main factors in common: (1) they all arose/were maintained to enable Dinah Gail Steele and Larry Wayne Mason and the City of Columbia to keep sewer lines from the two rental quadruplexes Steele owns on 300 and 304 Byron Road across the adjacent land Dr. Assa'ad-Faltas and her mother own on 324 Byron Road, Columbia, SC 29209, ***against that landowners' will when*** **neither Steele nor the City has *any* right to keep their sewer lines on that land;** and (2) Steele, Mason, and the City of Columbia have so far achieved that purpose **through *massive* fraud upon the courts, which fraud must now be punished.**

Both Judges Newman are not here asked to risk their lives or their jobs to reopen cases erroneously closed through *massive* fraud upon the courts. They are asked to rescue their own souls and reputations from being sooner or later known as the judges who stood by and saw massive perjury inflicted on Dr. Assa'ad-Faltas and did nothing about it.

In SC Appellate Case 2016-002541 before SC's Supreme Court, Dr. Assa'ad-Faltas already filed the complete (with testimony of Amanda Blanton and Teresa Ingram to be filed in Part II) extracted and highlighted transcript of her 22-26 February 2010 General Sessions jury trial over which Judge Clifton Newman presided and in which Dr. Assa'ad-Faltas ably defended herself *pro se* and earned Judge Clifton Newman's compliments then and later. That transcript, available on C-track, shows the State, **upon being questioned *by Judge Newman* about alleged motives,** falsely claiming that Dr. Assa'ad-Faltas harassed Ingram after the latter refused to side with the former against Steele and Mason:

> [Transcript of 22 February 2010, page 93, lines 3-14] ***Ms. Weiss:*** Yes, Your Honor. The victim and the defendant -- there are two quadraplexes that are next to each other, but they do not live in the same quadraplex. So this is not a place where there's any reason that Dr. Faltas should have any contact. She was actually at one point put on a trespass order from the separate building because of this type of contact. She is in a separate building. Her comings and goings could be totally separate from the victim. [¶] She has made it her business to come over there, interrogate her guests, take photos, and we're talking close to a hundred photos just of the victim, her guests, her car, her comings and her goings, just surveillance--
> [15] **The Court:** Why doesn't she like your victim? * * * * *



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[18 to page 94, line 9] ***Ms. Weiss:*** [...] it's the State's belief that she doesn't like my victim because my victim would not assist her in her plot against other people that she has sued. She asked her to testify for her. When she said, "That's not my problem; I'm not in that," she then turned and began targeting my victim. So she has called the police on my victim as well as her friends, had law enforcement come out. *I mean, some of the recordings talk about where she's telling law enforcement my victim's a prostitute, asking them to investigate her.* **She is a lawfully, gainfully employed individual** who is trying to live in peace at her apartment and can't because of the comings and goings and surveilling and unlawful intrusion into her life that Dr. Faltas has done on a repeated basis between February and November of 2009, escalating the latter part of those dates.

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

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

*[Transcript of 23 February 2010, page 24, line 7 to page 25, line 2]* **The Court:** And -- and that was mentioned, and then in addition to that, you mentioned that the reason that this case was put on the fast track for a speedy trial to accommodate Dr. Faltas was because of all of this massive litigation and trying to get it all before the court to get it all resolved. [1] Then, further, Judge Cooper, as the chief administrative judge, issued this notice of hearing order **in which he lists both indictments and which he says:** Please be advised that the matter is -- above matter is scheduled for trial **Monday, February 22nd**, before the Honorable Clifton Newman. All pending motions related to indictments number 2010-40-11980 and 11987 will be heard at that time, and the caption referenced warrants 613792 and 613793 which I believe would be the warrants involving both alleged victims. [1] **So the entire matter has been postured for trial on both indictments as** part of what Judge Cooper's order is, **part of what you represented yesterday as being why Dr. Faltas has got a beef against the other victim and also the reason why this matter is here for trial,** *all except you don't want the trial on the other matter.* **What's going on?**

[3-15] ***Ms. Weiss:*** Your Honor, the trials are two separate and distinct trials. There are totally separate issues and separate facts, separate witnesses involving the Masons, and that is a matter for another day. Clearly there would be some issues that would be raised. [1] **I just wanted to make it clear that the grand conspiracy, the sewer, the civil litigation was not -- did not need to be testified about and brought into this case about Teresa Ingram.** I just wanted to make it clear that the case we're going forward on -- and I did prepare that motion prior to some of the issues that were discussed yesterday but that the issue we're going forward on is that of Teresa Ingram.

[16] **The Court: Despite Judge Cooper scheduling both?**

[17-25] ***Ms. Weiss:*** Your Honor, I mean, I got that when it was handed to me when we were speaking to Your Honor. The issue was: Would the trial be ready? **Yes, the trial is ready, but it's my decision as the prosecutor to call each case separately because, even though they are related, they are separate and distinct cases.** And the evidence would be different in each case, and I think it would muddy the waters and confuse the jury to try to call both cases at the same time.

The Prosecution's closing arguments even admitted:

*[Transcript of 26 February 2010, page 48, lines 2-9]* **Perhaps Larry Mason and Dinah Steele-Mason were upset back in March 2009** ***when they found out that Marie Faltas bought the land.*** **[....]. [1] [10-18] [....] So no matter whether or not she was evicted from that apartment,** ***she owned the land next to them*** **and was going to set up shop right there.** ***Maybe that's why the Masons were upset.***

Dr. Assa'ad-Faltas read the whole transcripts of the sentencing of William Leon McLaughlin, and of Michael Peterson and most of the transcript of the trials of Frankie Lee Mcgee and of Jared Prather for insight into the soul of Judge Newman, *pére.* His Honor was indignant at the convicts' cruelty to their victims, yet did **nothing** for Dr. Assa'ad-Faltas when her 22-26 February 2010 General Sessions jury trial proved her to be *the victim,* ***not perpetrator,*** *of harassment.* Judge Newman complained only of the "loss" of "a week" of his life:

[17-21] ***The Court:*** *Well, the bond is what the bond is. The same bond will remain in effect. I will not address the issue of bond modification.* ***I have devoted a full week and more to this case, and it is where it was when I started with it Monday morning,*** *and with that we will adjourn---*

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

[23] ***The Court:*** *---sine die.*

Dr. Assa'ad-Faltas cries silently, "No, Judge, you 'devoted' nothing. That is your job." That the case remained **until 13 August 2012** "where [it] started" "Monday [20 February 2010]" is the result of Judge Newman's twice denying Dr. Assa'ad-Faltas the directed verdict she deserved, refusing to dismiss with prejudice as a sanction for

the misconduct of the Prosecution and its witnesses, allowing the Prosecution to **defer** trial of the indictment falsely pretended by Steele in the same week as the indictment falsely pretended by Ingram (prosecutorial control of the criminal docket, which Dr. Assa'ad-Faltas wanted to challenge then was later held unconstitutional *on the same grounds* Dr. Assa'ad-Faltas had tried to argue), and not amending the jury charge as requested.

**Judge Newman, *père,* was Chief Administrative General Sessions Judge for SC's 5th Judicial Circuit for 2011 and then knew *or should have known*** that Dr. Assa'ad-Faltas was not retried but had filed a 141-page booklet ***objectively* documenting the perjury, forgery and fabrication used by the Prosecution and its witnesses in that trial which "stared Monday," but he did *nothing* to cause Dr. Assa'ad-Faltas' objection to the illegal remand to Columbia's Municipal Court ("CMC") to be heard.** CMC had no jurisdiction over the cases and had dismiss them ***with prejudice* when they were finally called for trial *two years* after the illegal remand.** Meanwhile, the Prosecution, in conspiracy with CMC and CPD **caused Dr. Assa'ad-Faltas to be arrested and incarcerated *thrice* more *solely* to wear her down *and possibly cause her death in the process* to prevent her exposing how she was falsely arrested *ab initio.*** Judge Newman also avoided setting an appeal bond in 2011-CP-40-2111.

"How dare you go shopping?" which Judge Newman spoke on behalf of McLaughlin's victim should also have been "how dare you look out of your own window?" on behalf of Dr. Assa'ad-Faltas, whom the Prosecution and the false accusers thought they owned, to arrest as they please, just as McLaughlin thought he owned his victim to shoot as he pleases. And Dr. Assa'ad-Faltas **suffered *physically* almost as much as McLaughlin's victim did.** Dr. Assa'ad-Faltas may not have been shot in the stomach but both her knees were broken; and she possibly suffered an aneurysm of the descending aorta as a result of the stress inflicted on her innocent self. She therefore prefaces by showing this Court that religiously, historically, and legally, perjury (taking the Lord's name in vain or bearing false witness against one's neighbor) has been taken as seriously as murder and that Leviticus 19:14 specially forbids injuring the defenseless: "Do not insult the deaf or cause the blind to stumble."

In another transcript, Judge Newman describes now-U.S.-District-Judge Childs as his "best friend on the bench and in life." Judge Childs has a little daughter whom she once introduced to Dr. Assa'ad-Faltas upon a chance encounter; and Judge Newman, *père,* may have grandchildren of the same age. Jurists can lecture their children/grandchildren to no end about truthfulness. They can send them to expensive schools where the same lectures are repeated. **But unless those children see perjury actually punished in real life by jurist *who have a duty to do so,* all lectures ring hollow.** So, if not to give justice to Dr. Assa'ad-Faltas, both Judges Newman should re-open these cases and set them for immediate hearings for Dr. Assa'ad-Faltas to present her after-discovered evidence *pro se*, to teach the little children in their lives that sooner or later, perjury would be severely punished and that honesty in **in practice, not lecture,** the best policy.

### I. Religiously: A. Treatment of Perjury in the Holy Commandments

All iterations in the Old Testament prominently forbid perjury; *e.g.*:

> Exodus 20:1-17 And God spake all these words, saying, [2] I am the LORD thy God, which have brought thee out of the land of Egypt, out of the house of bondage. [3] Thou shalt have no other gods before me. [4] Thou shalt not make unto thee any graven image, or any likeness of any thing that is in heaven above, or that is in the earth beneath, or that is in the water under the earth. [5] Thou shalt not bow down thyself to them, nor serve them: for I the LORD thy God am a jealous God, **visiting the iniquity of the fathers upon the children unto the third and fourth generation of them that hate me**; [6] And shewing mercy unto thousands of them that love me, and keep my commandments. [7] **Thou shalt not take the name of the LORD thy God in vain; for the LORD will not hold him guiltless that taketh his name in vain.** [8] Remember the sabbath day, to keep it holy. [9] Six days shalt thou labor, and do all thy work: [10] But the seventh day is the sabbath of the LORD thy God: in it thou shalt not do any work, thou, nor thy son, nor thy daughter, thy manservant, nor thy maidservant, nor thy cattle, nor thy stranger that is within thy gates: [11] For in six days the LORD made heaven and earth, the sea, and all that in them is, and rested the seventh day: wherefore the LORD blessed the sabbath day, and hallowed it. [12] Honour thy father and thy mother: that thy days may be long upon the land which the LORD thy God giveth thee. [13] Thou shalt not kill. [14] Thou shalt not commit adultery. [15] Thou shalt not steal. [16] **Thou shalt not bear false witness against thy neighbor.** [17] Thou shalt not covet thy neighbor's house, thou shalt not covet thy neighbor's wife, nor his manservant, nor his maidservant, nor his ox, nor his ass, **nor any thing that is thy neighbor's.**

Deuteronomy 5:6-21 [6] 'I am the LORD your God who brought you out of the land of Egypt, out of the house of slavery. [7] 'You shall have no other gods before Me. [8] 'You shall not make for yourself an idol, *or* any likeness *of* what is in heaven above or on the earth beneath or in the water under the earth. [9] You shall not worship them or serve them; for I, the LORD your God, am a jealous God, **visiting the iniquity of the fathers on the children, and on the third and the fourth *generations* of those who hate Me,** [10] but showing loving kindness to thousands, to those who love Me and keep My commandments. [11] **'You shall not take the name of the LORD your God in vain, for the LORD will not leave him unpunished who takes His name in vain.** [12] 'Observe the sabbath day to keep it holy, as the LORD your God commanded you. [13] Six days you shall labor and do all your work, [14] but the seventh day is a sabbath of the LORD your God; *in it* you shall not do any work, you or your son or your daughter or your male servant or your female servant or your ox or your donkey or any of your cattle or your sojourner who stays with you, so that your male servant and your female servant may rest as well as you. [15] You shall remember that you were a slave in the land of Egypt, and the LORD your God brought you out of there by a mighty hand and by an outstretched arm; therefore the LORD your God commanded you to observe the sabbath day. [16] 'Honor your father and your mother, as the LORD your God has commanded you, that your days may be prolonged and that it may go well with you on the land which the LORD your God gives you. [17] 'You shall not murder. [18] 'You shall not commit adultery. [19] 'You shall not steal. [20] **'You shall not bear false witness against your neighbor.** [21] 'You shall not covet your neighbor's wife, and you shall not desire your neighbor's house, **his field** or his male servant or his female servant, his ox or his donkey or anything that belongs to your neighbor.'

### B. Treatment of Perjury, Deceit, and Conspiracy in Proverbs

The fatherless Dr. Assa'ad-Faltas and her widowed mother unkowingly bought land adjacent to the property of, and coveted by, Steele and her consort L. W. M. Proverbs 23:10-11 is heard:

> Do not move an ancient boundary stone or enter the fields of the fatherless. For their Redeemer is mighty. He will plead their case against you.

Proverbs 1:10-14 opens:

> My son, if sinners entice you, Do not consent. [11] If they say, 'Come with us, Let us lie in wait for blood, **Let us ambush the innocent without cause;** [12] Let us swallow them alive like Sheol, Even whole, as those who go down to the pit; [13] We will find all kinds of precious wealth, **We will fill our houses with spoil;** [14] Throw in your lot with us, We shall all have one purse,' [15] **My son, do not walk in the way with them. Keep your feet from their path,** [16] For their feet run to evil And they hasten to shed blood.

Proverbs 6:16-19 emphasizes

> There are six things that the Lord hates, seven that are an abomination to him: haughty eyes, **a lying tongue,** and hands that shed innocent blood, **a heart that devises wicked plans,** feet that make haste to run to evil, **a false witness who breathes out lies,** and one who sows discord among brothers.

Proverbs 11-1, 12:22, and 13:5 reiterate, respectively:

> "A false balance is an abomination to the Lord, but a just weight is his delight." "**Lying lips are an abomination to the Lord,** but those who act faithfully are his delight." "The righteous hates falsehood."

### C. New Testament's View of False Claims of Mental Illness and Other Verbal Sins

Dr. Assa'ad-Faltas has been falsely accused of being mentally ill and "unstable." Jesus Christ equates that with murder in Matthew 5:21-22:

> You have heard the ancient were told "YOU SHALL NOT COMMIT MURDER" ... But I say to you ... whoever says, "You fool," shall be guilty enough to go into the fiery hell.

### D. Integration of All Commandments

> "For whoever keeps the whole law and yet stumbles in one point, he has become guilty of all. For He who said, "DO NOT COMMIT ADULTRY," also said, "DO NOT COMMIT MURDER." Now, if you do not commit adultery, but do commit murder, you have become a transgressor of the law." *James 2:10-11.*

## II. Capital Perjury and Other Perjury in Anglo-American Jurisprudence

*Furman* v. *Georgia,* 408 U.S. 238, 334-5 and footnotes 6, 13 and 17, recounting capital and physical punishments for perjury:

> "The Capital Lawes of New-England," dating from 1636, were drawn by the Massachusetts Bay Colony and are the first written expression of capital offenses known to exist in this country. These laws make the following crimes

**capital offenses**: idolatry, witchcraft, blasphemy, murder, assault in sudden anger, sodomy, buggery, adultery, statutory rape, rape, manstealing, **perjury in a capital trial**, and rebellion. Each crime is accompanied by a reference to the Old Testament to indicate its source. It is not known with any certainty exactly when, or even if, these laws were enacted as drafted; and, if so, just how vigorously these laws were enforced. We do know that the other Colonies had a variety of laws that spanned the spectrum of severity.

[fn 6] Indeed, the first federal criminal statute, enacted by the First Congress, prescribed 39 lashes for larceny and for receiving stolen goods, and one hour in the pillory for perjury. Act of Apr. 30, 1790, §§ 16-18, 1 Stat. 116.

[fn 17, 13] The ... incident giving rise to the provision was the perjury trial of Titus Oates in 1685. Oates was a minister of the Church of England who proclaimed the existence of a plot to assassinate King Charles II. He was tried for perjury, convicted, and sentenced to a fine of 2,000 marks, life imprisonment, whippings, pillorying four times a year, and defrocking.

Thus, a civilized moral society and a sound legal system must guard against perjury.

## III. Samples of Perjury.

### A. The City of Columbia's Culture

In 2014, a scandal exploded: a CPD captain affied that CPD's interim Chief tried to recruit the captain in framing the City's Senior Assistant Manager, to which CPD's interim Chief responded with a defamation suit against the accusing captain. Whoever is right, at least one near the top of CPD is willing to frame others: the interim chief was willing to frame the interim city manager or the captain was willing to frame the interim chief.

### B. Dinah Steele's After-Discovered Perjury

**The following is Steele's sworn testimony or affidavits or reports in a chronology of occasions:**

**On Friday, 11 September 2009:**

minutes 00:00 - 00:06: Automated: Friday, September 11th 2009. The time: 7:11 p.m.

minutes 00:07 - 00:09: Dispatcher: 911. What is your emergency?

minutes 00:10 - 00:38: **Dinah Steele**: Yeah. This is Dinah Steele. I'm at 600-5953. I'm located at, eh-hum, 300 Byron Road. I'm the owner of the building. I'm having a problem with a, a tenant that I'm evicting and **she's come over here trespassing.** I've already signed a, a courtesy summons about the trespassing. **And she came over here and harassed me and pushed on me, eh-hum, again.** So, I'd like an officer to come over here, please.

**On 10 November 2009, in a TRO hearing before Lykesland Magistrate Davis:**

*[16 - page 92, line 2]* On September 11th, I was working over there on the 300 building between the two buildings. They are very narrow. I was over there scraping some peeling paint from the side of the building, and I caught her coming around out of the corner of my eye, and I immediately looked up at her, and I said, "Marie, you need to leave me alone." ***And she had a paper in her hand.*** And I said -- **and she kept shoving it at me and shoving it at me.** And I said, "Marie, you have -- you, you know all legal documents are supposed to go through the attorney. You need to leave me alone."

[3-12] And she started approaching me, and I started backing up because I couldn't get around her. I threw my hands up in the air and started yelling, "Marie, get away from me. Get away from me." And I retreated to the back side of the building, in full retreat now. I am in good shape. I am in good shape, and I could not get away from this woman. ***She ended up slamming me three times in the chest with that piece of paper,*** which knocked me back. And there were three witnesses to that event. There was a police report --

*[13] Dr. Faltas: Objection.*

[14] Ms. Steele: -- for a simple assault. *****

*[20-24] By Dr. Faltas: Q. Did that letter also say that you -- that the city offered to put sewer taps on your property and that you'd have to connect -- to hire a plumber at your own expense to connect to them or --*

[25] A. There was a letter issuing that, yes.

*[page 103, line 3] Q. And did the letter say that the other option is for you to negotiate an easement with me? Is that correct?*

[4] A. That is not of the city's right.

*[5] Q. I asked, I was asking was that in the letter?*

[6] A. There was something in there about that.

*[7] Q. Yes.*

[8-10] A. I then gave them a letter saying that it was in legal dispute and that it would be taken care of in, in law.
*[11-13] Q. Okay. Did you ever do an estimate as to how much it would cost you to connect -- to reconnect the sewer?*
[14] A. No, I have not.
*[15-16] Q. Did you have any idea how much an easement would cost?*
[17] A. I have no idea.
*[18-19] Q. You've never seen from me anything saying how much an easement would cost?*
[20-21] A. Yeah, you came up with something ridiculous, something like $5,000.
*[22] Q. Why is that ridiculous?*
[23] A. I'm not going to accept that.
*[24-25] Q. Okay. So you think you have the right to keep your sewer lines on my land when I don't want them there.*
[page 104, line 1] A. Yes, I do.
*[2-3] Dr. Faltas: If that's not motive, Judge, I don't know what is?*
[4-5] The Court: Now's not the time for you to make a closing argument. *****
*[24-25] Q. Didn't you testify that you asked them about whether my mother is really a citizen?*
[page 113, line 1] A. Mm.
*[2-4] Q. You testified to that. There is a record. That's why it's being recorded. Did my mother harass you?*
[5] A. No.
[6] The Court: You're getting -- ***** [16] The Court: This is not a fishing expedition.
*[17-20] Dr. Faltas: This, this is a very legitimate question because that's to prove that they are going after my mother even though my mother didn't even do anything to them.* *****
*[22-25] Q. [....] So you testified that I -- did I ever enter your shop?*
[page 116, line 1] A. No, you did not.
*[2-3] Q. Okay. Isn't it true that at one time, you invited me to come to your --*
[4] A. No, I did not.
*[5-7] Q. All right. I was waiting for this. Could you please write the words "Dinah Steele" in capital and write your telephone number on a piece of paper.* *****
[page 117, lines 1-2] The Court: No, just ask her if she recognizes this. *****
*[17] The Court: Do you recognize that?*
[18-19] Ms. Steele: Yeah, that's my name and my, the shop telephone number.
*[20] The Court: Okay. Did you write that?*
[21] Ms. Steele: It looks like my handwriting.
*[22] The Court: Okay.*
[23] Ms. Steele: That's the shop number.
[24] The Court: See how easy that is?
*[25 - page 118, line 3]* Ms. Steele: She had asked me several times to cut her hair, and I refused to do it at the -- she wanted me to do it at, on the balcony, and I would refuse to do it.
*[4-6] By Dr. Faltas: Q. Did you instead write your name and number, your name and shop telephone number and tell me to call --*
[7-12] A. I did. I did. I told you, "I will not cut your hair on the balcony," that you, if you wanted -- yeah, I did. If you wanted to come to the shop, you were welcome to come to the shop. That was the shop of the number -- the number to the shop. But I was not going to cut your hair out there on the balcony.
*[13-15] Q. Ma'am, the question passed before I did this, I asked you, "Did you invite me to come to your shop?" and you said no. And now, I impeached you.* *****
*[24 - page 123, lines 4-6] By Dr. Faltas: Q. And you said that happened only once, or a hundred times, or what?*
[7] A. I've seen you that time.
*[8-10] Q. Do you have any idea whether it ever happened any other time? Do you have personal knowledge whether it happened another time?*
[11] A. No.
*[12] Q. Did you see me inside the car?*
[13] A. No.
*[14-15] Q. Okay. So you just see a car with an Obama bumper sticker, and you think it's --*
[16] A. I saw your vehicle.
*[17] Q. You said you don't know its --*
[18-19] A. I saw your vehicle. I don't know what your license tag number is, but I recognize your vehicle. *****

[page 130, lines 2-5] *By Dr. Faltas: Q. And then, you admitted that I was trying to give you a letter, but you weren't wanting to accept that letter. Isn't that --*

[6-7] A. Now, which, which, what -- you're going to have to clarify this.

[8-9] *Q. In September 2009, you were trying to come to my apartment and photograph it. Isn't that correct?*

[10-23] A. We were doing inspections on all the apartments, and you denied us entry. You were given a written letter by certified mail and one by your doorway that we would be doing a yearly inspection which would have included the inspection of the smoke alarms and the fire extinguishers, and we were going to be changing all of the furnace vents -- the filters, which we did, everybody's but yours because there was a huge sign on your door saying, "Do not enter. Criminal prosecution," a sign this big all the way down the door. We knocked on the door. You refused to answer. We called the fire department to let them know that we had no way of checking on your fire extinguisher to make sure that it was up to date. They took note to it.

[24] *Q. Uh-huh.*

[25 - page 131, line 1] A. They said we would not be held accountable for your -

[2-3] *Q. You couldn't, you couldn't just have left a new fire extinguisher outside my door.*

[4-5] A. And we were also checking for leaks and stuff up underneath the sinks. It's preventative.

[6] *Q. Mm-hmm.*

[7] A. And you would not allow us in there.

[8-9] *Q. Isn't it true that you came in December 2008 and changed the toilet tank in my apartment?*

[10-16] A. We did. We had a -- I don't know about that date, no. I have idea about the date. But we had a water problem with that building, and we checked -- we sent letters out to everyone in that building saying that we would do an inspection, and at that time, there were toilets, and yours was one of them, which we made a repair to.

[17] *Q. Did I give you any problems coming in?*

[18] A. You did not.

[19-20] *Q. And isn't it true that there were other things that were wrong in the apartment?*

[21] A. Uh, you may want to refresh my memory.

[22-25] *Q. For example, isn't it true that the sink that you had caulked had completely -- the caulk was gone, and the sink was completely lopsided? Did you work on the sink?*

[page 132, lines 1-4] A. I remember working on the sink. I don't, I don't necessarily remember that specific time. I remember working on it before you entered the apartment, before you leased the apartment.

[5-6] *Q. But when I was in the apartment, I gave you no problem when you came in to repair the --*

[7] A. You gave us lots of problems.

[8-9] *Q. I'm talking about this particular time. I gave you no problem --*

[10-11] A. You mean to enter your apartment? Is that what you're referring to?

[12] *Q. Didn't you testify that I gave you no --*

[13-14] A. I'm, I'm -- you're trying -- I need you to clarify the question.

[15-16] *Q. To enter it and to help you fix it, fix what needed to be fixed.*

[17-19] A. That one time that we had that water problem, we did not have a problem. You did not give us any problem entering the apartment that one time.

[20] *Q. And that was December 2008.*

[21] A. I don't remember the date.

[22-23] *Q. Okay. If were to testify that it was December 2008, you'd --*

[24] A. I can't, I can't, I can't say. *****

[page 133, lines 17-19] *Q. Okay. And so did, would, did there come another time when I told you that the screen door on the balcony was loose?*

[20] A. Yes.

[21] *Q. And did you come and fix it?*

[22] A. We did.

[23] *Q. And did I give you any problems?*

[24] A. No.

[25] *Q. Okay. And after that, it went loose again.*

[page 134, line 1] A. Yes.

[2] *Q. But you didn't fix it.*

[3-4] A. No, we didn't. You were already -- should have been out of the apartment by then.

[5-6] *Q. Have you continued to demand and receive $550 rent from me?*
[7] A. The court is requiring you.
[8] *Q. Did you receive that money?*
[9-10] A. I have received it every, every month. It is court mandated.
[11] *Q. After --*
[12] A. I would prefer that you leave.
[13-14] *Q. But even though you were getting my money, you weren't fixing things.*
[15-19] A. You, you had complained about the screen. We did not want to have any contact with you. We told you we would not fix the screen, that it was not considered an emergency, that you had been evicted, and you needed to leave.
[20-22] *Q. And with the screen door loose and the sliding door loose, bugs can get in, mosquitoes, in summer. Yes or no?*
[23-25] A. You had not made a complaint about the sliding glass door. You made a complaint about the screen. We told you it was not an emergency.
[page 135, lines 1-2] *Q. So you don't fix things unless they were an emergency.*
[3] A. We fix everything.
[4-5] *Q. But for me, you don't fix it unless it's an emergency.*
[6-7] A. We don't want to have any contact with you, Marie.
[8-9] *Q. Could you have sent somebody? Could you have --*
[10] A. We're not going to, Marie.
[11] *Q. Okay.*
[12] A. We're not going to fix your screen door.
[13-15] *Q. And yet, and yet, even though you claim you did not want a contact with me, you insisted that you wanted to come into my apartment --*
[16-17] A. That was for the yearly inspection that is basically required by the fire department, Marie.
[18-19] *Q. Did you do an inspection the year before that day?*
[20-22] A. Not on that day, no, but we do. *****
[page 136, lines 5-7] *Q. Okay. And isn't it true that you were trying to come on Labor Day, and I was trying to tell you, "No, you cannot come in on Labor Day?"*
[8] A. Yeah, and we rescheduled it.
[9-12] *Q. And isn't it true that I was just trying to give you the letter that -- isn't it true that my lease says that you can only come in my presence unless it's an emergency where you cannot contact me?*
[13-14] A. Yes. And you were there, and you still wouldn't let us in, Marie.
[15] *Q. My question is --*
[16] A. It does say that. And again, you were there.
[17] *Q. My --*
[18-19] A. We knocked on your door, and you would not allow us in.
[20-21] *Q. And my question is didn't I, wasn't I trying to give you a letter telling you --*
[22] A. On the day that you assaulted me.
[23] *Q. I didn't assault you.* *****
[page 137, lines 8-9] *Dr. Faltas: She cannot make legal conclusions. She cannot --* *****
[15-18] *By Dr. Faltas: Q. Isn't it true that your lawyer doesn't represent you in any matter except what the insurance company hired --*
[19] The Court: That is immaterial to this case.
[20-21] *Dr. Faltas: Okay, she said that, she said that the letter needed to go to her lawyer.* *****
[page 138, lines 1-2] *By Dr. Faltas: Q. You basically didn't want to take the letter.*
[3] A. All you had to do was drop the letter, Marie.
[4-7] *Q. And then you were going to claim that you didn't get it. Isn't it true that the letter said I cannot be available on the 14th, but I will work with you --*
[8] A. It did.
[9] *Q. -- on the 21st?*
[10-14] A. And you were still there. You were there the day we did the inspection. You were out there taking photographs of us through your window. You had photographs of us, what, taking the fire extinguishers out of the truck?
[15-17] *Q. And my question to you is what would have been so impossible about your leaving a new fire extinguisher outside -*

[18-19] A. Again, as I have already testified to, we were also checking for leaks underneath sinks.
[20] *Q. Okay. Hadn't you done that in December 2008?*
[21] A. We had.
[22-23] *Q. Did you have any reason to think there would be leaks inside -- in the sink?*
[24-25] A. Again, Marie, we were just doing inspections. We did them to all of them, Marie --
[page 139, line 1] *Q. And yet --*
[2] A. -- all of the --
[3] *Q. -- had there been --*
[4] A. -- all of them.
[5-6] *Q. -- had there been a leak, would you have fixed it?*
[7] A. Yes, we would have.
[8-10] *Q. And why wouldn't you fix the screen door when I was telling you that the screen door is loose? Why would you --*
[11] A. Because it wasn't an emergency, Marie.
[12] *Q. And why --*
[13-15] A. It doesn't deal with the water issues. It doesn't, it doesn't, it's not going to rot out the cabinets.
[16-17] *Q. So you care only about your cabinets, but you don't care about my comfort. In fact, you testified --*
[18] A. I don't care about your comfort.

**On 2 December 2009, after Dr. Assa'ad-Faltas' false arrest for "harassing" Steele, Steele opposed Dr. Assa'ad-Faltas' bond by pretending to then-CMC "Judge" Burns:**

[minute C 01:40] Dinah Gail Steele: No. *** And then I said we started getting complaints that she was, hmm, hmm, addressing herself as if she was the landlord or the owner and she was ejecting people from the parking lot. [minute C 02:43] So we ended up giving her a do not trespass onto the 300 building. [minute C 02:47] She lives in the 304 building. [minute C 02:49] The buildings are right side by side. [minute C 02:50] That was the only way I could protect the people in the next building since I couldn't do anything about her being there. [minute C 02:57] The law is allowing her to stay there during her appeal. [minute C 02:59] So, at least I tried to protect the people over to the next building. [minute C 03:03] That didn't seem to work at all. [minute C 03:05] She was detaining them with her vehicle, blocking them in. [minute C 03:10] I mean you can even imagine: these people were getting, getting out of their apartment, getting into their car to go to work in the morning and she's pulling her car directly behind them preventing them from leaving. And then ---

[minute C 03:19] B.J. Burns: Did she even know them?

[minute C 03:20] Dinah Gail Steele: Yes, she knows them. [minute C 03:22] Everybody's lived there for years, you know. [minute C 03:26] Hmm, and any, anyway, you can imagine how it would escalate when, you know, they sit there and wait and they look in the rear-view mirror and, you know, she doesn't move; and then they finally get out of the car. [minute C 03:37] And you can see where this would escalate; and she's still not moving. [minute C 03:40] So, and this happened repeatedly. [minute C 03:44] Hmm, I was assaulted on the property on September 11 late in the evening about seven o'clock. [minute C 03:51] I was working on the 300 Building. [minute C 03:52] She trespassed on to that property in order to get to me; and she was trying to serve me with a paper saying that I could not, we were doing inspections of the apartments, like for, inspections for the fire, hmm, extinguishers, filters, leaks under the sinks, those kinds of yearly inspections. [minute C 04:08] And she was trying to give me a paper saying that I wasn't allowed in her apartment. [minute C 04:13] And, you know, like I said, she's already had a lot of problems. [minute C 04:18] I didn't want any contact with her. [minute C 04:20] You know, I put my hands up and I said: You know, Marie, you need to send any paper that you got to the attorney and I started backing up because the buildings are so close together you can't get around each other. [minute C 04:33] It's too narrow. [minute C 04:36] I started backing up so I didn't have any contact with her. [minute C 04:35] But she slammed me three times in the chest with that paper in her hand. [minute C 04:38] I've got witnesses to that. [minute C 04:39] Hmm, then we called the police and they, they made a complaint. [minute C 04:42] But the harassment and the stalking didn't ---

[minute C 04:46] B.J. Burns: (interposing) [] Is that still pending?

[minute C 04:47] Dinah Gail Steele: Yes, ma'am.

[minute C 04:48] B.J. Burns: What's that still pending?

[minute C 04:55] Dinah Gail Steele: Simple assaulting.

[minute C 04:56] B.J. Burns: And that happened in September?

[minute C 04:55] Dinah Gail Steele: September 11th.

[minute C 04:56] B.J. Burns: I'm assuming that means there's been.
http://sdrv.ms/10KMX41 [minute D 00:00] B.J. Burns: she's requested a jury trial. Correct?
[minute D 00:04] B.J. Burns: And what is your bond on that?
[minute D 00:06] Dr. Assa'ad-Faltas: There was no bond.
[minute D 00:08] B.J. Burns: It was summoned back to court?
[minute D 00:10] Dr. Assa'ad-Faltas: I'm sorry, ---
[minute D 00:10] B.J. Burns: (interposing) Do you know, Mr. Briggs, if she was summoned back to court?
[minute D 00:11] Orin G. Briggs: I was not involved in that aspect but if she says that she didn't; if she said it was a PR bond, it would be, Your Honor. She wouldn't fib about that.
[minute D 00:22] Dr. Assa'ad-Faltas: May I say something, Your Honor?
[minute D 00:24] B.J. Burns: I just want to know that one thing, what was, what is your bond?
[minute D 00:27] Dr. Assa'ad-Faltas: On a courtesy summons there is none because a courtesy summons ---
[minute D 00:30] B.J. Burns: (interposing) All right. That's all I need to know.
[minute D 00:32] Dr. Assa'ad-Faltas: There was no bond.
[minute D 00:33] B.J. Burns: All right. Got it.
[minute D 00:35] Dinah Gail Steele: We now have a total of four restraining orders against her, Your Honor: myself, my husband, and Teresa Ingram's, and [CC]. [minute D 00:46] Hmm, if we can at least, these things have escalated to assaults and, hmm, you know, I mean, it's, it's just like continuously getting worse. [minute D 00:56] And we, we are fearful.
[minute D 00:58] B.J. Burns: All right.
[minute D 00:59] Dinah Gail Steele: We're very fearful. **What will be the next step?**
[minute D 01:02] B.J. Burns: All right. Have you been informed of when, hmm, have you gotten a letter yet about the jury trial on the simple assault?
[minute D 01:09] Dinah Gail Steele: No, Your Honor.
[minute D 01:10] B.J. Burns: When it's coming up, were you at the bond setting for that?
[minute D 01:12] Dinah Gail Steele: Hmm. There was none. They didn't set up a bond for her on that.

**On 17 December 2009, Steele so addressed then-SC Circuit Judge, now-Justice, James:**

*[page 47, line 1]* *Dr. Faltas:* *May I just---*
[2] The Court: No, ma'am, you may not.
*[3-6]* *Dr. Faltas:* *---note an objection that none of this is sworn? None of this is sworn, and I object to things being said and accepted by the Court that are not under oath and especially by Investigator Blanton---*
[7] The Court: Your exception is noted.
*[8-9]* *Dr. Faltas:* *---that are not even in her personal knowledge.*
[10] The Court: Your exception is noted.
*[11]* *Dr. Faltas:* *She has not witnessed---*
[12] Officer in the courtroom: Ma'am.
[13-14] The Court: Your exception is noted. All right. Thank you. Yes, ma'am?
*[15-17]* ***Ms. Steele:*** *Your Honor, Ms. Faltas was evicted from my apartment for harassment. That was the reason why she was evicted. The laws allowed her---*
[18] The Court: She's already been evicted?
*[19-21]* ***Ms. Steele:*** *She has been evicted, but the law is allowing her to stay there because she is -- her - the decision of the court is being appealed.*
[22] The Court: All right.
*[23 - page 48, line 25]* ***Ms. Steele:*** *[23 - page 48, line 5] She filed an appeal. So that's why she's been allowed to stay here. But during this time she just picked up the harassment. I mean, she is unlawfully detaining these renters. Where these people are leaving early in the morning, she's getting -- they're getting into their cars. She's pulling her vehicle directly behind their vehicle which they cannot leave. She will not move her vehicle. [6-11] So you can see they're looking in their rear-view mirror. As they're finally getting out of their car, she's still not moving. She's taking photographs of their vehicles, their tag numbers, anybody else that's in the car. Those -- the people that are getting out of the car - you can see how quickly this would escalate. [12-16] We've got four restraining orders right now against this woman. Two are from tenants: myself and my husband. I mean, the harassment has just been horrendous. Every time we go over there, she calls the police on us, whether or not we're cutting the grass or doing any kind of maintenance. [17-25] The maintenance people that we have hired to go over there have been harassed by this -- the last person was an electrician*

*about this particular cord that she's referring to. She made the complaint. We hired the electrician to fix it. She harassed this man while we stood out there from 10 in the morning until 1:30 in the afternoon until he completed it, and I know she took at least 50 to a hundred photographs of this man, you know, doing his work, just nonstop harassment.*

*[page 49, line 1]* The Court: All right.

[2-6] ***Ms. Steele:*** *The police are there all the time, sometimes as many as three times a day.* ***And since she has the order for her not to come back to the apartment, it's like somebody cut the lights out. We don't have any problems. It is peaceful.***

[7-10] The Court: All right. All right. Ms. Faltas, I'll give you some time to get your things out of your apartment. Your eviction decision, you're appealing that? Is that correct?

[11-17] Dr. Faltas: And it was not based on harassment, Your Honor. Yes, Your Honor, it has been appealed. The appeal stays it. I don't think -- what has happened is that my position was that they gave the eviction notice in bad faith. There was a jury trial convened. The plaintiff -- they took it two days and a half to present her case. I was not allowed to put a defense at all, at all.

[18-19] The Court: All right. All right. My question, ma'am, you've answered it. You've appealed that decision.

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

[21] The Court: Okay.

[22-24] Dr. Faltas: And I want again to put an exception to the Court entertaining unsworn testimony that I'm not allowed to Cross-examine. This is what happened at the---

**On 29 December 2009, Steele filled out this form, which Dr. Assa'ad-Faltas saw for the first time, but was never allowed to copy, on 12 November 2010. She read it into the record:**

1:44:56 to 1:47:58, Marie: There is a file called "Dinah Steele Mason Statement and Report." There is a fax dated 10 slash 08 slash 2009 at 15:18. It has page 6-8 to Gwedolynn Bouie from Dinah Steele. I do not have that. I need a copy of it. Another titled from Dinah Steele to Lynn Matthews. I need that. There is a "South Carolina Victim Impact Statement" that is filled by Dinah Steele and claims that Larry Mason is her representative and husband; and her e-mail address is NobleBlond@BellSouth.net. She lists four telephone numbers: 800, 803-600-5953, 803-787-4454; and again 803-600-5953 and 803-331-1000. It is signed apparently before Francis Reynolds on the front and back. It says: "Did you suffer any physical injury?" And the answer is "NO." Then "Have you noticed any change in you life style since this happened? This may include personal habits, close relationships, the amount of tension and nervousness or you ability to work. Please describe." It says "weight loss" comma "mental and emotional strain" and it's signed on 12/21/2009. I do need a copy of that. "Did you receive any mental health counseling as a result of this crime?" The answer is "NO." And it continues: "If not, are you interested in receiving counseling?" It is left blank. **I definitely need a copy of this front and back.**

**On 7 January 2010, this was reported to then-SC Circuit Judge, now Justice, James:**

*[page 14, lines 4-10]* Ms. Weiss: Yes, Your Honor. May it please the Court. Just to go over kind of a procedural background very quickly. Well, first of all, I want to let you know that present in the courtroom today are Larry Mason and Teresa Ingram. Teresa Ingram is one of the named victims. Larry Mason is the husband of one of the other victims.

[11] The Court: Are they on the back row?

[12-16] Ms. Weiss: They are on the back row Your Honor with my Victim Advocate and the investigator in this case, Investigator Blanton from the City of Columbia in case you need to hear from her. **And the other victim Donna Steele Mason had some difficulties yesterday and ...**

[17] The Court: **With who?**

[18-20] Ms. Weiss: **With some stress and had to seek medical attention and was unable to be here today, but her husband is here on her behalf.**

[21-22] The Court: Is that the lady who spoke at the last hearing?

*[23 - page 16, line 4]* Ms. Weiss: Yes, Your Honor. [....] **The Defendant has filed a Habeas Corpus petition with the Circuit Court, I've answered that, so that is clearly not before you today on issues on that. The motion to reconsider, I mean the motion, the preliminary injunction order by Judge Lee that the Defendant is ask you to consider is currently under reconsideration filed by Andy Delaney, the attorney for the Defendants, the Masons in that case.** So that's currently under reconsideration. After being filed by Andy Delaney on that case. I just want the Court to be aware of that. We did have a preliminary yester-

day after approximately two hours of that. Both charges were held over to General Sessions. As far as Your Honor's order for the two three hour periods, Sgt. Drouse [sic] of the City of Columbia did speak with Dr. Faltas, set up two three hour periods. One was yesterday from nine to twelve. The other was prior to Christmas, was from about eleven to two, prior to the holidays. Prior to us returning to Court, Dr. Faltas was given those two three hour periods. It's my understanding she did come an hour late for the fist one, but was given time to go in there. And then for the second one yesterday, was also thirty minutes late, but she did get those two three hour periods. She did take things from her apartment, she did not come with anything other than her vehicle and herself to do that. But she was given access with law enforcement supervision to get whatever she needed from her apartment. So, that has been provided to her.

[5-12] The Court: Here's what she's asking for, what I've been able to gleam from her filing, she was evicted because of some perceived harassment. That is true. Granted that Order. She appealed that, so she still has possessory rights. Then she gets arrested for harassment in the first degree and one of the conditions of the bond is that she can't go back to the apartment at all without a police escort. *****

*[page 23, lines* 3-12] The Court: First of all, we're almost finished and I'm going to stop okay. We've got about one more minute. I'm going to ask you this question. I'm not inclined to lift this restriction. If I did, would you take the position that you would have the right to do anything but park in your space and go in your apartment, sleep, eat and come back out and go to work or wherever you go the next day. Do you think you would have the right to take photographs, talk to anybody else on the premises or do anything?

[13-23] Dr. Faltas: No, because there is a retraining order in place from the Magistrate. That's one thing, the other thing is, **she says that Ms. Steele had to be treated yesterday for some kind of stress. Well I've been away for forty days now.** So if she's having stress, it's because of something else. So my putting, their putting me away didn't help whatever claim Ms. Steele has of stress. If she suddenly, after my being forty days away from my apartment, she's suddenly being yesterday treated for stress, then she has other reasons of stress and ...

[page 24, lines 1-3] The Court: All right that will conclude --- Do the victim's [sic] want to say anything? Alleged victims and that will be Mr. Mason did speak at the last time.

[4-7] Ms. Weiss: I believe Ms. Ingram would like to address the Court and I apologize. I don't know court room decorum as to where she should be. I just need to know where she needed to be in this courtroom.

[8-9] The Court: She can come on up. We don't have that restriction here.
[10-12] Dr. Faltas: Your Honor, may I for the record, just interpose an objection that she needs to be sworn if she ...
[13] The Court: No, she's not going to be sworn.
[14] Dr. Faltas: All right, then I ...
[15-16] The Court: And your objection is noted for the record.
[17] Dr. Faltas: Do I get to cross examine her?
[18-19] The Court: No ma'am, you do not. All right, yes ma'am, your name?
[20] Ms. Ingram: I'm Teresa Ingram.
[21] The Court: **All right and your occupation?**
[22-24] Ms. Ingram: I'm with the Mentor Network. It's called the Direct Service Employers. I guess that would be like a residential specialist.
[25] The Court: Do you live in this apartment complex?
*[page 25, line 1]* Ms. Ingram: Yes sir.
[2-3] The Court: All right, tell me what you want to tell me.
[4-6] Ms. Ingram: Well, she has constantly harassed myself and the other tenants that's there and we're actually in two different buildings and ----
[7] The Court: What does she do?
[8] Ms. Ingram: The constant pictures and name calling.
[9] The Court: What does she call you?
[10-19] Ms. Ingram: Prostitute, everybody in Columbia, from the Sheriff's Department to the Commissioner of HUD, the Fire Department, everyone in Columbia has been dispatched to that particular address, comes with the intentions of meeting a prostitute. She said that in court several times, to the point where I had to personally ask the Judge or Ms. Steele personally asked the Judge to not allow her to continuously say that. She **blocks my entrance** and exits from leaving the apartment.
[20] The Court: How does she do that?

[21] Ms. Ingram: With her car.
[22] The Court: Okay.
[23 - page 26, line 13] Ms. Ingram: With her car. She takes pictures of myself and my guests, kids, sometimes I have my girlfriends little girl. **She comes out with a camera and scares the kids. They're crying and trying to run from her.** My parents that comes, and I know that she knows that these are my parents, my uncle, well my father and two uncles came and she's outside like blocking them, snapping pictures, telling me that my father and my uncle are my clients. So and since she has been gone, it has been peaceful and I would not like to have her back. She has stalk me, she has physically assaulted me and she ... a restraining order has been issued and as a matter of fact, this morning when she noticed that I came to court, she flipped me the bird. So the harassment never stops.
[13] The Court: All right, your name please ma'am?
[14-15] Ms. Reynolds: I'm Francis Reynolds, I'm the Victim Advocate.
[16-17] The Court: All right, okay, anything you want to say ma'am?
[18] Ms. Reynolds: No, sir.
[19-20] The Court: Okay, I'll give you one minute for the last word.
[21-25] Dr. Faltas: Your Honor, I have pictures which have been referenced in Judge Lee's order of Ms. Ingram and her guests pointing fingers, doing this and in fact it was Ms. Ingram who did that on the way to court to me. I do not ...
[page 27, line 1] The Court: Did you call her a prostitute?
[2] Dr. Faltas: No sir, I ...
[3-4] The Court: All right. Did you flip her the bird this morning?
[5-13] Dr. Faltas: No, Your Honor, I never did, ever. In fact, I have pictures of her and one of her guests doing that and these are the ones Judge Lee referenced in addition. That she says I'm blocking, it shows her with a wire coat hanger attaching a car to a truck in a non safe and illegal way and then pulling the other exit. **There are two wide exits. I couldn't have possibly done that** and these pictures were presented to the Magistrate.
[14-17] The Court: All right, that will conclude the hearing this morning. All right, thank you. I will advise you of my ruling. And Ma'am, Dr. Faltas, your fax number is disabled?

In the 22-26 February 2010 trial, it was ***established*** that, of **the only two** existing documents claiming that Dr. Assa'ad-Faltas was "**addressing herself as if she was the landlord or the owner and she was ejecting people from the parking lot,**" page 14, *supra,* one was **not** signed by the purported author, Rodney Ingram, who thrice denied writing or signing it and also invited a comparison between his supposed signature on it and his signature on his driver's license. Later-undertaken comparison between that document and an official deed signed by Rodney Ingram showed starkly different signatures; *i.e.,* the first document **was forged.** The other document was purportedly authored by one Alden Hollis Wheeler, aka Hollis Alden Wheeler and several other names, who claimed to have notice a FOR-RENT sign on a happenstance drive by Dr. Assa'ad-Faltas' apartment in April 2009. But that Wheeler had been LWM's across-the-street neighbor for several years, had been LWM's employee for a year, had also employed LWM, and, **significantly, was *not* looking to rent an apartment at that time.** That 6'3", 250-lb Wheeler was later arrested for battering his Russian immigrant wife Alfiya and could not possibly have been "ejected from the parking lot" by the 5'5" frail Dr. Assa'ad-Faltas.[1]

**All photos ever taken by Dr. Assa'ad-Faltas** of Ingram's person, car, family or "guests," were seized from Dr. Faltas' apartment and car and entered *by the State* as exhibits. **Totaling 55, not *"thousands" or even "hundreds,"* in number,**[2] they **depict** *Ingram's people* **blocking, accosting, and/or making lewd gestures to,** Dr. Faltas, not the reverse. **Futher, all Ingram's people who testified admitted that** Faltas did not speak to them at all or ***received*** **profanity from them.** Ingram **herself** admitted it was she who caused commotions with other neighbors and that no one propositioned her as if she were a prostitute. After trial, it was **objectively established that Ingram was *unemployed* throughout the entire period she pretended** Dr. Faltas "blocked" her in from going to work.

[1] **The City of Columbia concealed Wheeler's criminal domestic violence charge from the public index, too, but the CDV incident and SLED reports were obtained and are available.**

[2] **The balance of the 110 photos introduced by the State are of inanimate objects, of Dr. Assa'ad-Faltas' own land, or *of her private property taken by CPD.***

Dr. Assa'ad-Faltas' alleged "surveilling" or "stalking" her neighbors was no more than her looking out of her own window or balcony when those neighbors or others caused commotions there.

The only photos of a child connected to Ingram are of Kierra Lurke (Smiley?) who was left by Tiffany Lurke "in the care of" Ingram and convicted PWID-crack cocainer, burglar and video-pirate Corey Lamont Curry. The 21 October 2009 film roll, taken to document Curry's lewd gestures at Dr. Assa'ad-Faltas, also shows Ingram having distracted the then-18-month-old Kierra with keys which promptly went into Kierra's mouth, a classic choking hazard.[3] Ingram leans on Kierra's stroller, risking toppling it over. The stroller, with its top retracted, is facing the noon sun; and Kierra is turning her face away from the sun's glare, not Dr. Assa'ad-Faltas' camera.

Ingram herself admitted that all picture-taking of her by Dr. Assa'ad-Faltas started in September 2009 and ended immediately after the magistrate's 10 November 2009 restraining order. Shockingly, Ingram also testified that her family and guests blocked the parking lot *at her request.* **Finally, Ingram was later arrested at different times** for drugs, shoplifting, and solicitation ***for prostitution.*** On 25 July 2013, a CMC jury convicted Ingram of having victimized *Dr. Assa'ad-Faltas* with disorderly conduct in November 2009. True to its habit of glorifying anyone who harms, or testified falsely against, Dr. Assa'ad-Faltas, the City never executed Ingram's sentence.

So, all allegations of harassment against Dr. Assa'ad-Faltas *objectively* proved to be forgeries, fabrications, or evidence that Dr. Assa'ad-Faltas was *the victim, **not perpetrator,*** of harassment.

Steele's "We're very fearful. **What will be the next step?**" p 18, *supra,* is telling: they were "very fearful" of "the next step," not of Dr. Assa'ad-Faltas but of SC Circuit Judge Lee, who had, on 1 December 2009, heard Dr. Assa'ad-Faltas' motion for a preliminary injunction in *Assa'ad-Faltas v. Steele,* 2009-CP-40-02219. **Dr. Assa'ad-Faltas was arrested the next morning.**

Steele was, on 25 February 2010, called as an adverse witness by Dr. Assa'ad-Faltas. The State cross-examined Steele but did not elicit any evidence of a breakdown or of being seen by "the doctor" in January 2010. Why? Because if Steele had any stress, it was from living with gun-owner LWM, whose second wife died in May 1993 of a gunshot wound to the head and whose first-born son died in the same manner, apparently by the same gun, in April 2016. Even if LWM's staging the two homicides as suicides were true, at best it proves him such a difficult person that those closest to him get constrained to take their own lives. The Prosecution in Dr. Assa'ad-Faltas' harassment cases knew it; so did the Prosecution in this assault case. And if Steele's "stress" were due to Dr. Assa'ad-Faltas' acts, Prosecutor Weiss in 2010, and CACA Fernandez in 2010-2013 had a duty to produce Steele's medical reports in discovery. When allowed to proceed *pro se,* Dr. Assa'ad-Faltas ably elicited the contradiction between Steele and LWM's claim of not fixing Dr. Assa'ad-Faltas' screen door and avoiding receiving her letter by hand because they wanted "no contact" with her, on one hand, but, on the other, Steele and LWM's repeatedly knocking on the door of Dr. Assa'ad-Faltas' small apartment knowing that she was in there and refusing to open. **Who was avoiding contact with whom?** Who harassed whom?

### C. Charlene Crouch's After-Discovered Perjury

#### 1. Summary of After-Discovered Evidence Eliminating CC's Credibility

The City presented her as having "no dog in this fight" but as having testified due to strength of "character." CC's role in the conviction and unusually harsh sentence is in then-CMC Judge Solomon's own words at the 25 April 2013 Sentencing Hearing Transcript pages 126-7:

[14] **Defendant Faltas:** They were resolved in my favor.

[15-17] **Mr. Briggs:** She won one of them in circuit court and then they were dismissed, Your Honor. It continues. It continues, this animosity here. And I don't know why (inaudible)--

[18-19] **Defendant Faltas:** It doesn't continue. I haven't done anything to them. I haven't done --

[20-24] **Mr. Briggs:** Shut up. Your Honor, I would ask this, the Court asked Mr. Hernandez when at any time during this time did Dr. Faltas do anything except defend herself when other people tried to harass her?

*[24 - page 127, line 3]* **The Court:** Mr. Fernandez is not a witness and I'm not going to ask it. And his name is Fernandez

[3] **Ingram was then unemployed because she had been terminated from her job as a domestic to vulnerable people after having negligently endangered the safety of a vulnerable person entrusted to her care.**

with an "f." All right. I'm not aware of the allegations of the harassment charge. I wasn't involved in them, I haven't seen those pictures or videos or anything involving that case. I wasn't there.

[4-5] Mr. Briggs: But you can admit they were dismissed, Your Honor.

*[6 - page 128, line 14]* The Court: [6-14] She's told me and I accept it. I'm actually a little more concerned about whether or not she accepts any responsibility in some of her testimony during the trial, including and going as far as to say and providing the pictures of the side of the home and indicating that any of the witnesses interviewed by the police either were not witnesses and were flat lying or actually being coerced by the police as to make up lies to get a warrant taken out against her which I find to kind of be just not – **it just doesn't sit right because the cops didn't then write a ticket.** [15-21] And if they sat out there for three hours to talk people into a story so that they could have a right to prosecute her, they would have written a ticket. You know, the lady says clearly where she was sitting and what she saw. Her testimony is actually less than the alleged victim which is common when you have two people from different prospectives and then Dr. Faltas says everybody is lying they went around to the back of the house. That's enough. *[22 - page 128, line 14]* The answer is based on all that I have heard and based on all that has been argued in terms of the sentencing I am inclined not to follow the recommendation of Mr. Lupton. I am not going to put a hundred foot restriction on you, I'm not going to put any restrictions on you. I've said it several times. I am not convinced that if I did any suspended sentences that I would do anything other than create more issues than we solved. Accordingly there will be no suspended sentence. The sentence of the Court will be twenty days consecutive to the thirty days previously ordered. Now we've got issues regarding appeal. I previously advised you that I will allow you to apply for an appeal bond.

**The City had LIED about CC's criminal record before trial, as seen in Trial Tr. pp 6-7:**

*[page 6, line 1]* The Court: Anything further, Mr. Lupton?

[2-12] Mr. Lupton: [2-9] [....] And then in case there's no break between witnesses, I wanted to settle [CC]'s testimony. My understanding is that it's just going to be Ms. Steele and [CC]. And [CC's] record from previously she has a grand larceny conviction that is impeachable. [10-12] She has a CDV conviction that would not be. There was a 2006 arrest for drugs with no disposition. I can't recall what happened with that but we've got her here.

[13] The Court: All right. Do you have a copy of her record?

[14-15] Mr. Lupton: Mr. Fernandez had that last time and showed it to me but I did not have ...

[16] The Court: Was she found guilty on -

[17-18] Mr. Fernandez: No, she just relayed that it was dismissed.

[19] The Court: How old is the grand larceny?

[20] Mr. Lupton: 2007, Your Honor.

[21-23] The Court: All right. Will allow testimony of impeachment regarding the grand larceny. I will not allow any reference to the CDV or the drugs.

*[24 - page 7, line 2]* Mr. Lupton: Additionally, Your Honor, there was a -- April of 2012, some city charges that at the time of the last trial were not disposed of. I do not know. I think that they have been disposed of since.

[3-4] Mr. Fernandez: I don't know. We have access to the database. Certainly we can pull it up. [5] (inaudible) [6] Mr. Fernandez: They have not been disposed of yet.

[7] Mr. Lupton: Still pending?

[8-9] The Court: All right. No reference to any city charges still pending.

[10-12] Mr. Lupton: And then an assault, second, from June of 2012. That was showing on the rap sheet, an arrest from June 19, 2012, Richland County.

[13-14] Mr. Fernandez: She doesn't seem to be a ware of it, Your Honor, **or at least hasn't been to court for it.**

[15-16] Defendant Faltas: She doesn't seem to be aware of it? She's -

[17] The Court: No reference to the assault, second.

[18-20] Mr. Lupton: All right. The city charges, Your Honor, I would move to be allowed to impeach based on potential of seeking leniency on those charges for her testimony in this case.

[21] The Court: No, sir, I'm not going to allow it.

Columbia Police Department's ("CPD") attached incident report 120011529 and the disposition letter from Columbia Municipal Court's ("CMC") (owned and operated by the City outside state control) prove: (1) the City LIED about CC's drunkenness charge being **"still pending"** when she had pled guilty to it a year earlier; (2) **CC's public drunkenness conviction (after her DUI) impeaches her *reliability* as a witness: (3) *the offense was at* Steele's quadriplexes; and (4) CC was issued a no-trespass notice,** which made CC permanently beholden to Steele, the landlady of CC's on-again/off-again "benefactor" CW:

> The reporting officer was dispatched in reference to a subject banging on windows at the apartment. Upon arrival on scene, the reporting officer observed listed vehicle parked with the front half over a curb and in a grassy area and the rear end of the vehicle blocking part of the driveway. The driver's door was open. Upon arrival on scene, the reporting officer made contact with listed subject who was highly intoxicated. The subject had a high odor of alcoholic beverage about her breath and person and was unsteady on her feet. Reporting officer made contact with **the original caller who requested that the subject be placed on trespass.** Subject was arrested for drunkenness and transported to Alvin S. Glenn. Elgins towed the vehicle.

Not only had CC received the most lenient sentence, time served, CMC had intentionally withheld that disposition from South Carolina's State Law Enforcement Division ("SLED") which compiles "rap sheets" and added the valuable benefit of **not** putting that case on the public index. Thus, Dr. Assa'ad-Faltas' trial counsel was prevented from inquiring about favorable treatment in return for testimony, *supra,* due to the false pretense that the charge was still pending. Further, when CC was later sentenced for her sexual battery of a *quasi*-child, that drunkenness conviction did not appear among her priors. That the City had knowingly and deliberately concealed the conviction is evident from the attached post-trial correspondence between Dr. Assa'ad-Faltas and CMC, where CMC was initially evasive and did not finally disclose the conviction until Dr. Assa'ad-Faltas copied SC Circuit Judge Lee and SC's Chief Justice with the letters. Knowing the foregoing, the City LIED about CC's bias, as evidenced in Trial Tr. pp 86-89:

> [6] The Court: Yes, sir.
>
> [7-17] Mr. Fernandez: Counsel spent much time talking about the difference between criminal definition and civil definition. In South Carolina the definitions of assault and battery are interchangeable. There are many definitions and they all provide some insight as to what is and is not permitted. Just because it's civil or criminal that really has to do with the burden of proof rather than the actual definition of what constitutes an assault. *** A violent injury just means that it's something that is forceful and unwanted. And an injury can be anything from a flick of a wrist to a stabbing in the heart. *** As far as innocence or guilt are concerned, we had two witnesses, Dinah Steele, [CC]. Both testified generally [page 88] to the same thing. There was a pushing, there was a shoving. All counsel can argue is the severity of it but it's clear that the defendant did initiate it, did approach **Ms. Steele who was not interested in any contact with her whatsoever.** Whether she backed away or was pushed away, the result was the same. ***** So I would say if we weighing the credibility of the witnesses, [CC] and Dinah Steele have endured, as counsel even conceded, have endured much difficulties in dealing with Marie Faltas. **The fact that they are here today and came forward and saw these cases through to their conclusion certainly speaks to their character.** Dinah Steele for whatever you want to argue, whatever counsel wants to argue about whatever motivations or changing in the story, **we have an independent witness who has no dog in the fight,** who apparently was -- even the defendant testified that was on good terms with her, speaking terms. They were exchanging stories. **[CC] has no reason to come here and say anything,** saw everything in plain [page 89] sight, saw exactly what Dinah Steele saw which is the shoving, forceful shoving that actually pushed Ms. Steele back three times.

**Charlene Crouch's "character" is that of an admitted sexual batterer of a vulnerable adult:**

> That on or about DECEMBER 23, 2011, while at [redacted] STREET in the LYKESLAND Magisterial District of Richland County it is believed that one [CC] did commit the crime of ASSSAULT AND BATTERY, 2ND DEGREE because she willingly and unlawfully put her hand on the victim's (24 years or age vulnerable adult) penis over his clothing without his permission or consent. The victim was interviewed by the Assessment Resource Center and disclosed this information and identified the defendant by name.

STATE OF SOUTH CAROLINA )
COUNTY OF RICHLAND ) **INDICTMENT**

At a Court of General Sessions, convened on MARCH 13, 2013, the Grand Jurors of Richland County present upon their oath: **ASSAULT AND BATTERY SECOND DEGREE**

That [CC] did in Richland County on or about 2011-12-23, commit an assault and battery in the second degree upon the victim, [‡], by injuring or attempting to injure the victim with the present ability to do so, and the act involved the non-consensual touching of the private parts of Nicholas Stanton, either under or above his clothing. All in violation of Section 16-3-600 (D), SC Code of Laws (1976. as amended). [¶] Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

[s/] DAN JOHNSON, SOLICITOR

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By 25 April 2013, CC had had an arrest, a bond hearing, a probable cause hearing, two regular GS appearances, a bench warrant, a hearing to vacate the bench warrant, and an indictment; yet, she caused then-Columbia Assistant City Attorney (CACA) Fernandez to falsely represent to the court that **"she doesn't seem to be a ware of it, or at least hasn't been to court for it,"** *supra,* and that the public drunkenness charges **"have not been disposed of yet,"** *supra.* CC had been attempted to be "developed" as a false victim of Dr. Assa'ad-Faltas' "harassment." Discovery Dr. Assa'ad-Faltas was allowed to see but not copy on 10 November 2010 included several rap sheets pulled on CC by CPD Investigator Blanton and even by CMC Chief Turner prior to hearings on the other false charges against Dr. Assa'ad-Faltas. *Vide infra.* CC, not only lied about her conviction record, she testified she had called police herself. In a sworn 17 November 2009 statement to CPD Investigator Blanton, CC testified that it was "Dinah" who had called police. No police call *by CC* was produced in discovery in any case. After trial, it was discovered that CC continued to be sexual with CW for pay at his [※] address owned by Steele, from which address CC was on trespass notice after her 22 April 2012 public drunkenness arrest at that address and her 18 May 2012 conviction of same. CC lied for Steele and the City in return for Steele not enforcing the no-trespass notice and for the City concealing the conviction from SLED.

**Ingram's photos from her 2010 arrest for solicitation of prostitution *inter alia* and a screenshot of Larry Wayne Mason's surviving son (the older one apparently shot himself dead in April 2016) lamenting the money he spend on drugs and alcohol were previously e-mailed to the parties. That is what they did with the money they saved by having Dr. Assa'ad-Faltas falsely arrested *repeatedly* instead of paying to move their sewer lines from her land or buying an easement from her.**

WHEREFORE, Judge Newman should now "devote" a "full week" to investigate and punish the perjury, forgery and fabrication perpetrated in his own court, punish the offenders and redeem the real victim.

**Respectfully submitted, and served by hand-delivery to Jessica Mangum's office, by first-class properly-addressed U.S. mail to Dinah Steele, and by causing the Clerk to place a copy in each of the Judges Newman's slots, all on 2 October 2017, all God so willing.**

**Marie Assa'ad-Faltas, MD, MPH, Defendant *pro se***
**P.O. Box 9115, Columbia, SC 29290**
Phone (803) 783-4536 **Cell Phone: (330) 232 – 4164**
e-mail: Marie_Faltas@hotmail.com

# The Supreme Court of South Carolina

In the Matter of Marie Assa'ad-Faltas, Respondent.

Appellate Case No. 2013-000862

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ORDER

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On previous occasions, this Court filed orders addressing Respondent's conduct in and towards the courts of this State. These orders have been necessitated by Respondent's lamentable history of vexatious filings and inappropriate conduct toward the courts of this State, its officers, and employees. On June 21, 2017, this Court issued an opinion concerning Respondent. *City of Columbia v. Assa'ad-Faltas*, 420 S.C. 28, 800 S.E.2d 782 (2017). This recent opinion set forth many examples of Respondent's flagrant abuse of the court system in South Carolina, while also referencing Respondent's abusive tactics in courts in other jurisdictions. It is the duty of this Court to maintain the integrity of the court system in this State; it is also the duty of this Court to protect the rights of all persons, including Respondent, to meaningful access the courts of this State. In striking that balance, this Court finds it appropriate to issue this order to clarify Respondent's rights and responsibilities.

The following guidelines set forth Respondent's rights and responsibilities in connection with the courts of this State, including all officers and employees of the South Carolina court system:

(1) Except as otherwise provided in this order, Respondent may not contact any judge, justice, law clerk, clerk of court, or any other officer or employee of the Unified Judicial System in person, in writing, or by mail, telephone, fax, e-mail, or any other form of electronic communication. Instead, if it is necessary for Respondent to contact an officer or employee of the Judicial System outside a scheduled hearing or trial, that contact shall be made in writing and shall be filed with the appropriate clerk of court by an

attorney licensed to practice law in South Carolina, or by Respondent if she has been permitted by an order of the applicable court to proceed *pro se*.

(2) Respondent may file a written *pro se* motion to either appoint counsel or relieve counsel with the appropriate clerk of court as long as she has good cause to make the motion. Nothing in this order shall be construed as preventing a court of this State from imposing restrictions on Respondent's ability to make a motion to either appoint or relieve counsel if she repeatedly files such motions without good cause.

(3) Respondent may appear *pro se* in a civil case in which she is a defendant. Respondent may appear *pro se* in a criminal case in which she is a defendant if the trial court determines that she has made a knowing and intelligent waiver of the right to counsel after being warned of the dangers and disadvantages of proceeding without counsel. If allowed to proceed *pro se* by the trial court, Respondent may file *pro se* documents with the clerk of the trial court, and may serve and file a notice of appeal from the trial court to the appropriate appellate court. In light of her prior conduct, Respondent's ability to proceed *pro se* shall end with the service and filing of the notice of appeal, and she shall be represented by counsel in the appeal (including any subsequent appeal to a higher court and any discretionary review under Rule 242 of the South Carolina Appellate Court Rules). Respondent is reminded that her right to proceed *pro se* as a criminal defendant is not absolute and may be forfeited, on a case-by-case basis, at the discretion of the trial court if she is unable or unwilling to abide by the rules of procedure and courtroom protocol. *McKaskle v. Wiggins*, 465 U.S. 168 (1984); *Faretta v. California*, 422 U.S. 806 (1975).

(4) If a *pro se* filing with a clerk of court is permitted under either (1), (2), or (3) above, that filing shall be made in writing and shall either be hand-delivered or mailed in the United States Mail to the clerk of court. Respondent shall not send filings to the clerk of court by fax, e-mail, or any other form of electronic communication. All *pro se* submissions of Respondent are subject to law, including Rule 11, SCRCP, requiring that all submissions be made in good faith and not for the purpose of delay, harassment, or the injection of irrelevant matter into the proceedings.

(5) Respondent may not represent herself *pro se* as a plaintiff in a civil action in any court of this State. Instead, she must be represented by counsel before any court of this State when appearing as a plaintiff. Respondent is

advised that she is not precluded from addressing any non-frivolous grievances she may have (as a plaintiff) in the courts of this State, assuming that she is represented by an attorney licensed to practice law in South Carolina.

Neither this order nor the prior orders or opinions of this Court shall have any impact on actions previously taken in connection with Respondent. Further, nothing in this order shall be construed as precluding the lower courts from placing additional restrictions on Respondent if she engages in frivolous, disruptive, or inappropriate conduct or filings.

Respondent is warned that a violation of the restrictions contained in this order may result in contempt proceedings being initiated against her.

A.C.J.

J.

J.

Beatty, C.J., and James, J., not participating.

Columbia, South Carolina
September 21, 2017

| STATE OF SOUTH CAROLINA | COUNTY OF RICHLAND | COURT OF COMMON PLEAS |
|---|---|---|
| *Dinah Steele* et al. | *Plaintiff* | |
| v. | | 2009CP4007098 |
| *Marie Assa'ad-Faltas, MD, MPH* | *Defendant* | |
| *Dinah Steele* et al. | *Plaintiff* | |
| v. | | 2009CP4008013 |
| *Marie Assa'ad-Faltas, MD, MPH* | *Defendant* | |
| *City of Columbia* | *Plaintiff* | |
| v. | | 2010CP4007063 |
| *Marie Assa'ad-Faltas, MD, MPH* | *Defendant* | |
| *City of Columbia* | *Plaintiff* | |
| v. | | 2010CP4008650 |
| *Marie Assa'ad-Faltas, MD, MPH* | *Defendant* | |
| *City of Columbia* | *Plaintiff* | |
| v. | | 2011CP4002111 |
| *Marie Assa'ad-Faltas, MD, MPH* | *Defendant* | |

RICHLAND COUNTY FILED
2017 NOV -9 AM 11:15
JEANETTE W. McBRIDE C.C.P. & G.S.

**DEFENDANT'S *TIMELY* MOTIONS FOR PARTIAL RECONSIDERATION OF 8 NOVEMBER 2017 ORDER IN THESE CASES, AND/OR FOR CONVERSION OF THE PENDING MOTIONS INTO Rule 60(b) Motions to Reopen in Light of New Law and *Because Justice so Demands*, All in Light of SC's Supreme Court's 27 September 2017 Acknowledgment that Dr. Assa'ad-Faltas Has a right to proceed *pro se* in ALL criminal *AND CIVIL* cases in which she is a Defendant.**

Marie Assa'ad-Faltas, MD, MPH is grateful for the grant of her motion to appoint counsel in 2011-CP-40-03547. The part of the 8 November 2017 order addressing 2011-CP-40-03547 is NOT hereby sought to be reconsidered. As to the remaining five, above-captioned cases, technically civil cases, in which Dr. Assa'ad-Faltas is a defendants, she respectfully shows the Court that it overlooked several facts and points of law of record, specifically:

Dr. Assa'ad-Faltas **did** tender and serve timely appeals in all those cases on 1 December 2011 but they were, on 2 December 2011, returned to her, by SC's Supreme Court's Clerk, unfiled for no reason than that she did not have counsel, no counsel was volunteered for her by the courts, and she was **then NOT even allowed to seek *pro se* the appointment of counsel,** which deprivations violated her rights under *Gideon* v. *Wainwright, Douglas* v. *California,* and their progeny. Dr. Assa'ad-Faltas did file a motion to appoint counsel as soon as she was allowed to do so. To deny her then-diligent motion is to put her in a Catch-22 none of her own making or fault.

The Honorable Judge Newman, *pere,* has a special obligation to restore full justice to Dr. Assa'ad-Faltas because she advocated in the court of said jurist for five days and that jurist must know in his soul and conscience that Dr. Assa'ad-Faltas does not deserve that false branding of her as "frivolous," a false pretext to deny her rights.

Further, as the scion of a family of Christian civil rights pioneers, the Honorable Judge Newman, *pere,* knows that "the ultimate judge" promises to question us on our omissions equally to our commissions: "I was hungry and you did not feed me; ...; I was imprisoned and you did not visit me." Otherwise, appointment of counsel ***might not be necessary*** if these motions are converted into Rule 60(b) motions to reopen these cases and allow Dr. Assa'ad-Faltas to argue *pro se* for reopening as she is now allowed to do per SC's Supreme Court's 27 September 2017 ORDER which restores part of her right to advocate *pro se* in civil cases.

WHEREFORE, one of the two alternate avenues of relief should be granted.

**Respectfully submitted, and served by hand-delivery to Jessica Mangum's office, by first-class properly-addressed U.S. mail to Dinah Steele, and by causing the Clerk to place a copy in Judges Newman, *pere*'s slots, all on 8 November 2017, all God so willing.**

**Marie Assa'ad-Faltas, MD, MPH, Defendant *pro se***
**P.O. Box 9115, Columbia, SC 29290**
Phone (803) 783-4536 **Cell Phone: (330) 232 – 4164**
e-mail: Marie_Faltas@hotmail.com



SCANNED

## ANNE HENLEY

**From:** Mark Schnee <schneelawfirm@gmail.com>
**Sent:** Thursday, July 27, 2017 7:25 PM
**Cc:** ANNE HENLEY
**Subject:** Re: Motion "MMFDEF-Motion to Appoint Counsel" for Case "2010CP4007063- City of Columbia vs Marie Assaad Faltas" was added to a Motions Roster for 8/21/2017 at 9:30 AM

Why am I getting notice of this hearing? I do not represent her now and will not represent her again.

Sent from my iPhone

> On Jul 27, 2017, at 17:57, <RichlandRostersNOREPLY@rcgov.us> <RichlandRostersNOREPLY@rcgov.us> wrote:
>
> The above referenced case is scheduled for Motions Hearing before Judge Clifton Newman in Courtroom 2E.The Plaintiff's Attorney is to notify the Defendant in writing of the time and date of all Default and Damages Hearings. All requests for continuances must be in writing with a $25.00 filing fee and received by the Chief Administrative Judge prior to the hearing. A request for a continuance does not guarantee that a case will be continued. Please notify the Court in writing if the Motions are resolved prior to the hearing. Please file any briefs or memorandum the Wednesday before the week of the hearing to cnewmanlc@sccourts.org
>

STATE OF
SOUTH CAROLINA

# NOTICE OF MOTION SCHEDULI

August 17, 2017

**Motion "MMFDEF - Motion to Appoint Counsel" for Case: 2010CP4007063 - City of Columbia vs Marie Assaad Faltas has been added to the following Motions Roster:**

**1136 - MOTION ROSTER AUGUST 21, 2017 COURTROOM 3-B**

**This hearing of this motion has been scheduled for 8/21/2017 at 9:30 AM.**

The above referenced case is scheduled for Motions Hearing before Judge G. Thomas Cooper in Courtroom 3B.The Plaintiff's Attorney is to notify the Defendant in writing of the time and date of all Default and Damages Hearings. All requests for continuances must be in writing with a $25.00 filing fee and received by the Chief Administrative Judge prior to the hearing. A request for a continuance does not guarantee that a case will be continued. Please notify the Court in writing if the Motions are resolved prior to the hearing. Please file any briefs or memorandum the Wednesday before the week of the hearing to gcooplerlc@sccourts.org

| Mail Notice To: | Court Info: |
|---|---|
| Marie Assaad Faltas<br>P O Box 9115<br><br>Columbia, SC 29290 | Richland County Common Pleas<br>Richland County Judicial Center<br>1701 Main Street<br>Columbia, SC 29201-9201 |

**If you have any questions regarding the scheduling of this motion, please contact the courts at:**

**(803)576-1999**

Respectfully,

Jeanette W. McBride
Clerk of Court

STATE OF
SOUTH CAROLINA

# NOTICE OF MOTION SCHEDULI

August 17, 2017

**Motion "MMFDEF - Motion to Appoint Counsel" for Case: 2010CP4007063 - City of Columbia vs Marie Assaad Faltas has been added to the following Motions Roster:**

**1136 - MOTION ROSTER AUGUST 21, 2017 COURTROOM 3-B**

**This hearing of this motion has been scheduled for 8/21/2017 at 9:30 AM.**

The above referenced case is scheduled for Motions Hearing before Judge G. Thomas Cooper in Courtroom 3B.The Plaintiff's Attorney is to notify the Defendant in writing of the time and date of all Default and Damages Hearings. All requests for continuances must be in writing with a $25.00 filing fee and received by the Chief Administrative Judge prior to the hearing. A request for a continuance does not guarantee that a case will be continued. Please notify the Court in writing if the Motions are resolved prior to the hearing. Please file any briefs or memorandum the Wednesday before the week of the hearing to gcooplerlc@sccourts.org

| Mail Notice To: | Court Info: |
|---|---|
| Jessica Mangum<br>PO Box 667<br><br>Columbia, SC 29202 | Richland County Common Pleas<br>Richland County Judicial Center<br>1701 Main Street<br>Columbia, SC 29201-9201 |

**If you have any questions regarding the scheduling of this motion, please contact the courts at:**

**(803)576-1999**

Respectfully,

Jeanette W. McBride
Clerk of Court

STATE OF
SOUTH CAROLINA

# NOTICE OF MOTION SCHEDULING

July 27, 2017

**Motion "MMFDEF - Motion to Appoint Counsel" for Case: 2010CP4007063 - City of Columbia vs Marie Assaad Faltas has been added to the following Motions Roster:**

**1136 - MOTION ROSTER AUGUST 21, 2017 COURTROOM 2E**

**This hearing of this motion has been scheduled for 8/21/2017 at 9:30 AM.**

The above referenced case is scheduled for Motions Hearing before Judge Clifton Newman in Courtroom 2E.The Plaintiff's Attorney is to notify the Defendant in writing of the time and date of all Default and Damages Hearings. All requests for continuances must be in writing with a $25.00 filing fee and received by the Chief Administrative Judge prior to the hearing. A request for a continuance does not guarantee that a case will be continued. Please notify the Court in writing if the Motions are resolved prior to the hearing. Please file any briefs or memorandum the Wednesday before the week of the hearing to cnewmanlc@sccourts.org

| Mail Notice To: | Court Info: |
|---|---|
| Marie Assaad Faltas<br>P O Box 9115<br><br>Columbia, SC 29290 | Richland County Common Pleas<br>Richland County Judicial Center<br>1701 Main Street<br>Columbia, SC 29201-9201 |

**If you have any questions regarding the scheduling of this motion, please contact the courts at:**

**(803)576-1999**

Respectfully,

Jeanette W. McBride
Clerk of Court

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2010CP4007063

City of Columbia

PLAINTIFF(S)

Marie Assaad Faltas

DEFENDANT(S)

| Submitted by: _____ | Attorney for : ☐ Plaintiff ☐ Defendant or ☐ Self-Represented Litigant |
|---|---|

**DISPOSITION TYPE (CHECK ONE)**

☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

☐ **ACTION DISMISSED** (*CHECK REASON*): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other _____

☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other _____

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

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

**IT IS ORDERED AND ADJUDGED:** ☒ See attached order (formal order to follow) ☐ Statement of Judgment by the Court:

**ORDER INFORMATION**

This order ☐ ends ☐ does not end the case.

Additional Information for the Clerk : _____

JEANETTE W. McBRIDE
C.C. & G.S.
RICHLAND COUNTY FILED
2014 JUN -3 PM 3:21

**INFORMATION FOR THE PUBLIC INDEX**

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

| Judgment in Favor of (List name(s) below) | Judgment Against (List name(s) below) | Judgment Amount To be Enrolled |
|---|---|---|
| | | $ |
| | | $ |
| | | $ |

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

**Circuit Court Judge** _____ **Judge Code** _____ **Date** _____

## For Clerk of Court Office Use Only

This judgment was entered on the _____ **day of** _____, **20** _____ and a copy mailed first class or placed in the appropriate attorney's box on this 3 June 2014 to attorneys of record or to parties (when appearing pro se) as follows:

City of Columbia — David A Fernandez — Marie Assaad Faltas — Mark E. Schnee

City of Columbia
**ATTORNEY(S) FOR THE PLAINTIFF(S)**

Marie Assaad Faltas
**ATTORNEY(S) FOR THE DEFENDANT(S)**

**Court Reporter** _____

**Clerk of Court** Jeanette W. McBride

SCRCP Form 4C (10/2011)

SCANNED

| | | |
|---|---|---|
| STATE OF SOUTH CAROLINA<br><br>COUNTY OF RICHLAND<br><br>City of Columbia,<br><br>State,<br><br>v.<br><br>Marie Assa'ad Faltas,<br><br>Defendant. | ) | IN THE COURT OF COMMON PLEAS<br>FIFTH JUDICIAL CIRCUIT<br><br>C/A No.: 2010-CP-40-07063<br><br>**ORDER FOR SUBSTITUTION OF COUNSEL** |

RICHLAND COUNTY
FILED
2014 JUN -3 PM 3:27
JEANETTE W. McBRIDE
C.C.P. & G.S.

**IT APPEARING** that David A. Fernandez of the Office of the City Attorney had formerly been assigned to represent the City of Columbia in the above referenced matter and that he has resigned his position with that office;

**IT FURTHER APPEARING** that Jessica R. Mangum, also of the Office of the City Attorney, has been hereinafter assigned to represent the City of Columbia in the above referenced matter with all other contract information remaining the same;

**NOW THEREFORE** upon application of the undersigned attorneys and for good cause shown pursuant to Rule 11(b), SCRCP;

**IT IS HEREBY ORDERED** that Jessica R. Mangum, Esquire, shall be and hereby is substituted as counsel for the City of Columbia in this matter provided that no additional time shall be added to any schedule in this case for this substitution.

**AND IT IS SO ORDERED.**

L. Casey Manning
Circuit Court Judge

5-28, 2014
Columbia, South Carolina

David A. Fernandez

Jessica R. Mangum

SCANNED

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

City of Columbia,

State,

vs.

Marie Assa'ad Faltas

Defendant.

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

C/A No.: 2010-CP-40-07063

**MOTION AND ORDER INFORMATION FORM AND COVERSHEET**

| **Plaintiff's Attorney:** | **Defendant's Attorney:** |
|---|---|
| Jessica M. Mangum, Esquire, SC Bar # 100681<br>Post Office Box 667<br>Columbia, South Carolina 29202<br>Phone (803) 737-4242; Fax (803) 737-4250 | Mark Schnee, Esquire<br>1720 Main Street, Suite 202<br>Columbia, SC 29201<br>Phone (803) 771-0075; Fax (803) 799-5888 |

FILED
RICHLAND COUNTY
2014 JUN -3 PM 3:27
JEANETTE W. McBRIDE
C.C.P. & G.S.

□ **MOTION HEARING REQUESTED** (attach written motion and complete SECTIONS I and III)
□ **FORM MOTION, NO HEARING REQUESTED** (complete SECTIONS II and III)
■ **PROPOSED ORDER / CONSENT ORDER** (complete SECTIONS II and III)

**SECTION I: Hearing Information**

Nature of Motion:

Estimated Time Needed: Court Reporter Needed: □Yes / ■ No

**SECTION II: Motion/Order Type**

□ Written motion attached

■ Form motion / order

I hereby move for relief or action by the Court as set forth in the attached proposed order.

Jessica R. Mangum — 5/28/2014

Signature of Attorney for ■ City of Columbia / □ Defendant — Date submitted

SECTION III: Motion Fee

□ PAID B AMOUNT: _____

■ EXEMPT: (check reason)
- □ Rule to Show Cause in Child or Spousal Support
- □ Domestic Abuse or Abuse and Neglect
- □ Indigent Status □ State Agency v. Indigent Party
- □ Sexually Violent Predator Act □ Post-Conviction Relief
- □ Motion for Stay in Bankruptcy
- □ Motion for Publication □ Motion for Execution (Rule 69, SCRCP)
- □ Proposed order submitted at request of the Court; or, reduced to writing from motion made in open court per Judge's instructions
  Name of Court Reporter:_____
- ■ Other: Bill to City of Columbia Account

**JUDGE'S SECTION**

□ Motion Fee to be paid upon filing of the attached order.

□ Other:

_____ JUDGE

CODE:_____ Date:

**CLERK'S VERIFICATION**

Collected by: _____ Date Filed:

□ MOTION FEE COLLECTED

□ CONTESTED B AMOUNT DUE:

SCANNED

CITY OF COLUMBIA
SOUTH CAROLINA
OFFICE OF THE CITY ATTORNEY • POST OFFICE BOX 667 • COLUMBIA, SC 29202 • (803) 737-4242 • FAX (803) 737-4250

May 28, 2014

The Honorable L. Casey Manning, III
Richland County Judicial Center, Room 214
Post Office Box 192
Columbia, South Carolina 29202

**RE: City of Columbia v. Marie Assa'ad Faltas**
C/A No.: 2010-CP-40-07063

Dear Judge Manning:

Enclosed please find an original and two copies of the Substitution of Counsel in the above referenced matter. If it meets with your approval, I would appreciate you signing the same and forwarding it to the Clerk of Court for filing. A self addressed stamped envelope is attached for return of the copies to this office.

Thank you for your assistance in this matter.

Sincerely,

Jessica R. Mangum
Assistant City Attorney

JRM/gsp

Enclosure(s) as Stated

RECEIVED
JAN 09 2014
S.C. SUPREME COURT

# BEFORE THE SUPREME COURT OF SOUTH CAROLINA

*City of Columbia* — *Plaintiff-Respondent*

*v.*

*Marie Assa'ad-Faltas, MD, MPH,* — *Defendant-Appellant*

**ON APPEALS FROM RICHLAND COUNTY CIRCUIT COURT**

James R. Barber, III, Circuit Judge

Case # 2010-CP-40-07063, a criminal appeal in which Dr. Assa'ad-Faltas is Now Permitted to Advocate *pro se*

James R. Barber, III, Circuit Judge

Case # 2010-CP-40-08650, a criminal appeal in which Dr. Assa'ad-Faltas is Now Permitted to Advocate *pro se*

James R. Barber, III, Circuit Judge

Case # 2011-CP-40-02111, a criminal appeal in which Dr. Assa'ad-Faltas is Now Permitted to Advocate *pro se*

Alison Renee Lee, Circuit Judge

Case # 2013-CP-40-03522, a criminal appeal in which Dr. Assa'ad-Faltas is Now Permitted to Advocate *pro se*

***Updated* MOTIONS for: (1) South Carolina's (SC) Chief Justice to Administratively Investigate Columbia's Municipal Court's (CMC) *Brazen* Falsification *and Concealment* of Records**

**(2) For SC Associate Justice Beatty to Participate in these Cases as There is No Reason for Recusal And a Justice Has "an unflagging obligation" to Decide Matters Before Him**

**AND (3) To Receive Appellant's Arguments, in Light of the *State v. Long* Decision, that Under the Federal Constitution, State May NOT Allow "non-record" and/or non-sovereign courts to exist at All**

2014 JAN 10 PM 3:32
RICHLAND COUNTY
CLERK OF COURT
FILED

*State v. Long* was decided on 8 January 2014, the morning after Marie Assa'ad-Faltas, MD, MPH, *pro se* sought leave to file *amicus* in that case. Also on 8 January 2014, a committee, chaired by the Honorable Justice Beatty, to implement the *Langford* decision was announced. **Dr. Assa'ad-Faltas' arguments are now more necessary in light of: (1) the foregoing and (2) CMC's and Richland County Clerk of Court's continued *brazen* mistreatment of Dr. Assa'ad-Faltas due to her alienage and *pro se* successes.**

Dr. Assa'ad-Faltas objects to *Long'* use of the phrase "summary courts"[1] and the *Langford* Committee's lack of: (a) any member of the public who experienced the system as an alleged or proven crime victim and/or a *pro se* criminal defendant; (b) **plans to remedy prosecution delays in "summary courts."** That absence, *Long's* leaving SC's Attorney General's (AG) power to *supervise* prosecutions in "courts not of record" undetermined, and Municipal "Prosecutor" Cushman's misconduct, leave municipal "prosecutors" unsupervised and prosecutions in "courts not of record" in brazen violations of the Sixth Amendment.

*Long* correctly noted that an SC legislation may not overrule the SC Constitution; **but neither may any SC act overrule the U.S. Constitution, which is the Supreme Law of the Land, Article VI, §2.**

**In turn, the Sixth Amendment makes no distinction between misdemeanor and felony prosecutions or between prosecutions in "courts of record" and "courts not of record"; but applies to "all":**

> **In all criminal prosecutions,** the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense. [emphasis added]

In *Mayer v. Chicago*, 404 U.S. 189 (1971), Justice Brennan wrote for a unanimous Court:

> [T]he State's long term interest [does] not [...] lie in making access to appellate processes from even its most inferior courts depend upon the defendant's ability to pay. It has been aptly said: "[F]ew citizens ever have contact with the higher courts. In the main, it is the police and the lower court Bench and Bar that convey the essence of our democracy to the people. Justice, if it can be measured, must be measured by the experience the average citizen has with the police and the lower courts." Arbitrary denial of appellate review of proceedings of the State's lowest trial courts may save the State some dollars and cents, but only at the substantial risk of generating frustration and hostility toward its courts among the most numerous consumers of justice.

---

1 *Long* footnote 1 reads: "Magistrate and municipal courts will be referred to collectively as summary courts."

With no constitutional leave for, or social policy benefit from, "summary" misdemeanor prosecutions or summary disposition of appeals from misdemeanor convictions, specially in "courts not of record" (whatever that term means), a misdemeanor appellant is as entitled to a complete and accurate record as a capital defendant was found to have in *Chessman* v. *Teets*, 354 U.S. 156 (1957).

*Long* correctly noted that an SC legislation may not overrule the SC Constitution; **but neither may overrule the U.S. Constitution, which is the Supreme Law of the Land, Article VI, §2.**

> First, [art. V, § 24] firmly establishes the Attorney General as the chief prosecuting officer of the State of South Carolina for both criminal and civil proceedings. *See State ex rel. Mcleod v. Snipes*, 223 S.E.2d 853, 854 (1976) ("While [art. V, § 24] designated the Attorney General as the chief prosecuting officer for the first time. . ."). Second, art. V, § 24 grants the Attorney General the authority to supervise prosecutions in "courts of record."[3] **At issue here is only the Attorney General's ability to serve as a prosecutor, not his authority to supervise prosecutions.**
>
> [3] Magistrate and municipal courts are not courts of record. The General Assembly determines whether a court is a court of record. While the General Assembly has so designated the circuit court, probate court, family court, the court of appeals, and the Supreme Court, it has not so designated summary courts. *See* S.C. Code Ann. § 14-5-10 (1977) ("The circuit courts herein established shall be courts of record"); S.C. Code Ann. § 14-23-1120 (Supp. 2012) ("The court of probate shall be a court of record"); S.C. Code Ann. § 63-3-20(C) (2010) ("The family courts shall be courts of record. . ."); S.C. Code Ann. § 14-8-240 (Supp. 2012) (recognizing the Court of Appeals as a "court of record"); S.C. Code Ann. § 14-3-410 (1977) ("The Supreme Court shall be a court of record. . ."). Additionally, the General Assembly has designated magistrate proceedings "as summary." S.C. Code Ann. § 22-3-730 (2007) ("All proceedings before magistrates shall be summary. . .). Furthermore, the General Assembly has distinguished magistrate and municipal courts from courts of record. S.C. Code Ann. § 17-13-140 (2003) ("Any magistrate or recorder or city judge having the powers of magistrates, or any judge of any court of record..."); S.C. Code Ann. §1-9-70 (2005) **(recognizing procedures for emergency interim successors for judges in "courts of record" and "courts not of record").**
>
> [4] To the extent that Respondents argue that the General Assembly has limited the Attorney General's authority, the General Assembly may not limit the authority granted to the Attorney General through art. V, § 24. *State v. Thrift*, 312 S.C 282, 440 S.E.2d 341 (1994) (discussing the grant of prosecutorial authority in art. V, § 24, "[t]his power arises from our constitution and cannot be impaired by legislation"). Accordingly, we do not address the statutory arguments raised by Respondents.
>
> [5] Moreover, Respondents' construction would lead to a plainly absurd result. This Court will construe a constitutional amendment in a similar manner as it does a statute. *Fraternal Order of Police, supra*. When construing a statute, this Court will reject a meaning when it would lead to a result so plainly absurd that it could not have possibly have been intended by the General Assembly or would defeat the plain legislative intention. *Kiriakides v. United Artists Commc'ns, Inc.*, 312 S.C. 271, 275, 440 S.E.2d 364, 366 (1994). Respondents' reading of art. V, § 24 places the Attorney General as the chief prosecuting officer for the State but prevents him from prosecuting a CDV merely because the case is in summary court. **We find that the framers could not possibly have intended that that the chief prosecuting officer of the State cannot prosecute in summary court but a solicitor or a police officer can.**

Dr. Assa'ad-Faltas urges that: (1) S.C. Code Ann. § 22-3-730 (2007) ("All proceedings before magistrates shall be summary"), *as read* by this Court *in Long*, violates the U.S. Constitution *as read by the U.S. Supreme Court in Mayer* and *Chessman, supra*, and (2) SC may create as many small courts as it wishes so long as they:[2] (1) are fully controlled by the sovereign; (2) satisfy all the Sixth Amendment guarantees in criminal prosecutions; and (3) provide equal opportunities and *adequate* records for appeals from convictions.

Dr. Assa'ad-Faltas regrets to advise the Court that when she tried to prepay CMC for the CD as requested by CMC Chief Turner's 27 December 2013 *ex-parte-for-a-week* letter, Dr. Assa'ad-Faltas was told by the desk clerk (who refused to give his name) that CMC Chief Turner forbade him from accepting the deposit.

When Dr. Assa'ad-Faltas went to file the Circuit Court's copy, she was told that all her submissions are not scanned to the Public Index but are given to Ann Kelly who decides what to do with them, apparently without input (or worse with *ex parte* input) from an unidentified SC circuit judge.

**Again, this Court is asked to examine the legitimacy of "courts not of record," the *Langford* Committee is asked to examine prosecution delays in "summary" courts, and the Chief Justice is asked to examine falsification and concealment of records in CMC and mistreatment of immigrants in SC courts.**

Respectfully submitted and served by hand delivery to SC's AG's office, to the Clerk of Richland County (if the latter will accept it), and to the City of Columbia's Legal Department on 9 January 2014, all God so willing.

**Marie Assa'ad- Faltas, MD, MPH, Appellant *pro se***
**P.O. Box 9115, Columbia, SC 29290, *Cell Phone: (330) 232 – 4164***
e-mail: Marie_Faltas@hotmail.com

2 Most states call them "small claims courts," "*pro se* courts," or "[limited area] courts"; but only SC makes them "summary."

2010-7063

RECEIVED
JAN 03 2014
S.C. SUPREME COURT

**Marie Assa'ad-Faltas, MD, MPH**
***P.O. Box 9115, Columbia, SC 29290 (Please use until further notice)***
***Cell Phone (330) 232-4164 (Please use until further notice)***
***e-mail: Marie_Faltas@hotmail.com***

**3 January 2014**

**Columbia Assistant City Attorney (CACA) David Fernandez** **By U.S. Mail and Fax**
To P.O. Box 667, Columbia, SC 29202
**Columbia Municipal Court (CMC) Chief Administrator Dana D. Turner** **By hand-delivery**
To P.O. Box 644, Columbia, SC 29202

**Re: (1) Reply to CMC's Chief Administrator Tuner's 27 December 2013 letter not mailed until yesterday**

Ma'am and Sir:

This is copied to the Honorable Judge Lee and to South Carolina's (SC) *current* Chief Justice Toal in her administrative capacity because that letter creates serious concerns about court administrative issues.

At the threshold, nothing in my 16 December 2013 letter suggests the Honorable Judge Lee heard or was about to issue an order concerning the appeal bond for the parking ticket. Parking ticket documents were attached as a follow-up to a conversation you and I had in which you confirmed that the City declined to proceed with the parking ticket trial and I responded that is all the more reason for me to be refunded my $15.00. You replied that you had no record of that payment; and I sur-replied by promising to provide you the documentation. I provided receipt No. 1617531 and summons L – 081716-CSW.

To the extent you demand $3.50 per page *of copies* of transcript, please be advised the SC's Office of Court Administration sets the current rate at *$3.25/page **for the original*** and $0.75/page for copies. I know of nothing that allows you to set your own rates independently of any state law or even city ordinance.

If you do not have the "two banker's boxes," CACA Fernandez is hereby asked to let me to view them again ASAP with the option of selecting documents for copying. Or CACA Fernandez may review the audio recording of my having viewed those boxes on 12 November 2010 and provide the copies I identified. This is legitimate discovery and also very relevant to my 13 December 2013 motion to suspend one appeal.

For the CD from the 25 July 2013 trial of *City v. Ingram,* $5.00 are paid herewith. Please instruct your staff to provide a receipt. Again, I ask you to correct the public index to reflect that Ms. Ingram received a jury trial in absentia, not a bench trial in absentia. It insults the jury who served for you to eliminate them.

Whether Charlene Crouch pled guilty or was found guilty of the public drunkenness charge underlying her 22 April 2012 public drunkenness arrest, and whether that disposition occurred on 25 April 2012 or on any other day, I need the formal disposition letter of Charlene Crouch's said charge and of any and all other offenses with which Charlene Crouch was charged in CMC. If you claim that Charlene Crouch was acquitted of that charge, please give the date of acquittal and please explain why my then-lawyer Lupton and I were told both on 21 March 2013 and 25 April 2013, in Charlene Crouch's presence, that the charge is still pending. If it is in fact still pending, please explain why it does not appear on the public index.

Again, I am willing to cooperate with you and ask that you cooperate with me.

**Thanks and God bless,** **Marie Assa'ad-Faltas, MD, MPH, *pro se***

c.c.: The Honorable Judge Lee
SC's *current* Chief Justice Toal, in her administrative capacity
Others as needed and proper in the future.

SCANNED

RECEIVED
1-17-14
R.C. Clerk of Court

RECEIVED
JAN 17 2014
S.C. SUPREME COURT

**Marie Assa'ad-Faltas, MD, MPH**
**P.O. Box 9115, Columbia, SC 29290 (please use until further notice)**
**Cell Phone (330) 232-4164 (please use until further notice)**

**17 January 2014**

To the Honorable Judges Lee and Manning
As Presiding and Chief Administrative Judges, respectively

by hand delivery through the Richland County Clerk of Court's Office

Re: ***Long-standing self-recusal of Judge Manning from my cases***

Your Honors:

This is written at the invitation of Ms. Kelly and copied to opposing counsel and to SC's *current* Chief Justice Toal in her administrative capacity. Briefly, in his application for re-election, Judge Manning answered a question about recusal thus: "When in doubt, there should be no doubt." Judge Manning had volunteered a recusal factor from my cases as early as 2000 and had then immediately transferred the case to Judge Lee. The case was eventually settled. As late as December 2010, Judge Manning recused himself from my appeal 2010-CP-40-07063 which was assigned to him. I believe the reason for Judge Manning's self-recusal still persists and even if does not, it caused Judge Manning to receive a lot of extra-judicial matter about me. Thus, Judge Manning should apply his own standard.

I look forward to hearing back from you as soon as possible. Meanwhile, I wish you the best.

**Respectfully Yours, Marie A. Faltas, MD, MPH, *pro se* in criminal cases and appeals.**

**c.c.:** **The Clerk of the South Carolina's Supreme Court**
**South Carolina's Office of Court Administration**
**Office of the Attorney General**
**CACA Fernandez**

Thank

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S.C. SUPREME COURT

# BEFORE THE SUPREME COURT OF SOUTH CAROLINA

*City of Columbia* — *Plaintiff-Respondent*
*v.*
*Marie Assa'ad-Faltas, MD, MPH,* — *Defendant-Appellant*

RICHLAND COUNTY CIRCUIT COURT, James R. Barber, III, Circuit Judge
Case # 2010-CP-40-07063, a criminal appeal in which Dr. Assa'ad-Faltas is Now Permitted to Advocate *pro se*

RICHLAND COUNTY
FILED
2011 DEC -7 PM 3:09

**RESUBMITTED NOTICE OF APPEAL WHICH WAS TIMELY SUBMITTED ON 1 December 2011**

Marie Assa'ad-Faltas, MD, MPH, *pro se,* now diligently resubmits to this Court her timely 1 December 2011 appeal to this Court (which appeal was returned to her unfiled on 2 December 2011) from Circuit Judge Barber's 1 November 2011 ORDER erroneously dismissing Dr. Assa'ad-Faltas' appeal for alleged "failure to prosecute" after Dr. Assa'ad-Faltas had, per Judge Barber's own 22 September 2011 order, appeared for the appeal hearing and proved that she had contacted several lawyers other than Orin Briggs but was unable to secure representation yet was not allowed to participate because she had no lawyer.

Imposition on Dr. Assa'ad-Faltas conditions in excess of those placed on other similarly-situated parties violates SC's Code of laws §14-1-100, which provided *in toto*:

> ***SECTION 14-1-100.*** *Rights in court shall not be affected by race or color.*
>
> *Whenever authority has heretofore been conferred by law upon any free white person or persons to institute any suit or proceedings or to prefer any information or complaint in any matter, civil, penal or criminal, the same rights shall be enjoyed by and the same remedies shall be applicable to all persons whatsoever, regardless of race or color,* ***subject to the same conditions and none other.***

No free white person in South Carolina was ever before or since required to have a lawyer *as a condition* to be heard in SC's courts. And under the federal constitution, the Supreme Law of the Land, a criminal defendant has an absolute (*Faretta* v. *California*) right to self-representation with the *sole* exception of *severe* mental illness which does not approach the case of Dr. Assa'ad-Faltas, who had defended herself ably *pro se* in *inter alia* her 22-26 February 2010 jury trial in Richland County General Sessions Court on and was NOT convicted but later acquitted despite the extreme unfairness of the trial, and whom then-presiding Circuit Judge Newman described on the transcribed record as **"most pleasant and gracious."**

*Lindsey* v. *Normet,* 405 U.S. 56 (1972), and its progeny established that, once a state provides for appeals, it cannot impose different conditions on different appellants. And *Turner* v. *Rogers,* 131 S.Ct. 2505 (2011), held that a Court's failure to consider a party's inability to comply with court order violates due process.

And "failure to prosecute" *is the very opposite* of Dr. Assa'ad-Faltas' diligent filing of detailed grounds of appeal, securing availability of the lower courts' exhibits and transcripts to the circuit court, and by her then-volunteer attorney Orin Briggs filing more arguments **pre-approved by *this very Court.*** **Circuit Judge Barber should *at the very least* have reviewed, and ruled fairly on, the record before him even if had been constrained by this Court's 8 April 2011 ORDER to not hear *more* from Dr. Assa'ad-Faltas *pro se.*** This appeal is filed with this Court as (1) SC's Court of Appeals may be unaware it may now accept a *pro se* submission from Dr. Assa'ad-Faltas, at least in criminal cases (2) it involves constitutional questions and (3) SC's treatment of immigrants is an issue of national public importance.

Briefly, the constitutional issues are that South Carolina's "Home Rule Act" violates the "no-new-State" provision of the U.S. Constitution insofar as the Act *effectively* creates numerous municipalities with powers to legislate, appoint judges, and own and operate courts, which powers are exclusive to the federal and state sovereigns and Congress has never consented to make any South Carolina city or county a state.

This appeal presents another important constitutional question: does *execution* of *summary criminal direct* contempt orders without the safeguards of appeals and collateral review violate the Eighth Amendment as cruel and unusual as subject to abuse of powers and inherently "freakish" in application?

Respectfully submitted and served by hand delivery to South Carolina's Attorney General's office on 3 January 2014, and by hand delivery to the Clerk of Richland County on 3 January 2013, all God so willing.

**Marie Assa'ad- Faltas, MD, MPH, Appellant *pro se***
**P.O. Box 9115, Columbia, SC 29290, *Cell Phone: (330) 232 – 4164***
e-mail: Marie_Faltas@hotmail.com

STATE OF SOUTH CAROLINA )
) IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND ) FIFTH JUDICIAL CIRCUIT
)
Marie A. Faltas, )
)
Appellant, )
)
vs. )
)
City of Columbia, )
)
Respondent. )

2010-CP-400-7063

RICHLAND COUNTY FILED
2011 NOV -1 AM 9:50
JEANETTE W. McBRIDE C.C.P. & G.S.

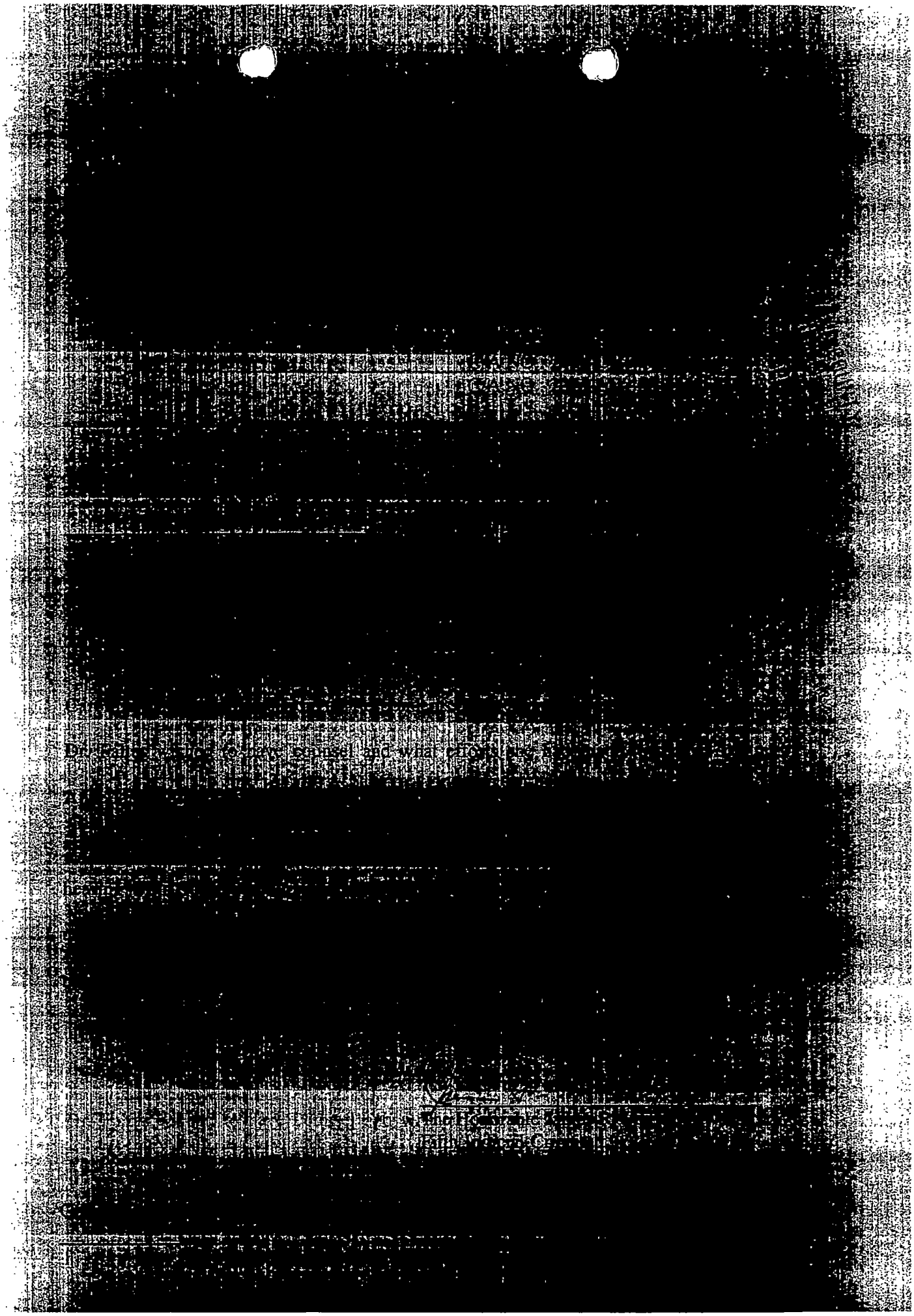
**ORDER**

This appeals hearing came before the Court on September 16, 2011. Appellant appeared but was not represented by counsel so she was unable to participate in the hearing pursuant to an order dated April 8, 2011 from the Supreme Court of South Carolina. The Court heard from the Respondent. This Court determined the Appellant would have thirty (30) days, that being until October 16th, to secure counsel. As the Appellant has failed to secure counsel, her appeal is dismissed for failure to prosecute.

AND IT IS SO ORDERED.

The Honorable James R. Barber, III
Fifth Judicial Circuit

Columbia, South Carolina
10/31, 2011



# The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

December 2, 2011

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

Re: Faltas, Marie Assa'ad v. Larry Mason, 2009-CP-40-04483
Diana Steele and Larry Mason v. Faltas, Marie Assa'ad, 2009-CP-40-08013
City of Columbia v. Faltas, Marie Assa'ad, 2010-CP-40-07063
City of Columbia v. Faltas, Marie Assa'ad, 2010-CP-40-08650
City of Columbia v. Faltas, Marie Assa'ad, 2011-CP-40-02111

Dear Dr. Faltas:

Yesterday, you submitted *pro se* notices of appeal in the above matters. As you know, this Court's order of April 8, 2011, directs the clerks of court of this state not to accept any filing from you "unless they have been prepared by an attorney, submitted by an attorney to this Court first for approval, and filed by the attorney." Therefore, I am unable to accept the *pro se* notices of appeal for filing since they do not meet the requirements of the April 8, 2010, order. Accordingly, no action will be taken on them.

Further, you have also submitted a *pro se* motion to rescind or modify this Court's order of April 8, 2011, and a *pro se* motion to stay various orders. These motions are dated October 25, 2011, and November 4, 2011, respectively. Once again, since these *pro se* motions do not comply with this

Court's order of April 8, 2011, I cannot accept them for filing, and no action will be taken on them.

Accordingly, I am returning the notices of appeal and motions to you. I do call your attention to the last paragraph of the Court's order which warns you that continued filings in violation of the order of April 8, 2011, may be punished as a contempt of this Court.

Very truly yours,

CLERK

Enclosures

cc: Kenneth E. Gaines, Esquire
Office of the Attorney General
Mr. Larry Mason
Ms. Dinah Steele
The Honorable Jeanette W. McBride

# BEFORE THE SUPREME COURT OF SOUTH CAROLINA

*In Re: Marie Assa'ad-Faltas, MD, MPH*

***On Petitions Before the U.S. Supreme Court For WRIT OF CERTIORARI TO THIS COURT***

**Motion for the Supreme Court of South Carolina to Rescind or Clarify its 8 April 2011 ORDER In Light of the U.S. Supreme Court's Decision in *Turner* v. *Rogers*, No. 10-10, decided 20 June 2011, Vacating and Remanding This Court's Decision in the Underlying Case for Failure to Give Due Consideration to the Alleged Contemnor's Inability to Comply with a Court Order, in Light of the U.S. Supreme Court's Landmark Decision in *Faretta* v. *California*, Specifically Re-affirmed in *Indiana* v. *Rogers*, and also in light of State Law Dr. Assa'ad-Faltas Uncovered after the 8 April 2011 ORDER.**

Marie Assa'ad-Faltas, MD, MPH, *pro se*, reports to this Court that, due to factors beyond her control, she failed to employ a lawyer to represent her in her pending cases in SC state courts even after meetings with more than nine local lawyers and phone and/or e-mail contacts with several more.

This Court's 8 April 2011 order *re* Dr. Faltas predates the U.S. Supreme Court's 20 June 2011 *Turner*, *supra*, and issued while Dr. Assa'ad-Faltas was in a prison lacking a minimum legally required law library. Dr. Assa'ad-Faltas did not receive the 8 April 2011 order until after her 12 April 2011 release but thereafter did tried to obey it. Yet, this Court continued to thwart filing necessary documents prepared by volunteer attorney Orin Briggs. That, coupled with his own circumstances and temperament, resulted in his moving to withdraw while asking this Court to appoint another counsel for Dr. Assa'ad-Faltas. By its 7 July 2011 Order, this Court relieved Mr. Briggs but refused to appoint another counsel for Dr. Assa'ad-Faltas.

Dr. Assa'ad-Faltas is a Coptic Orthodox Christian. *Saint Francis College et al.* v. Al-Khazraji, 481 U.S. 604 (1987), *unanimously* held that, while now classified as white, Middle Easterners and other "ethnically identifiable subgroups of *homo sapiens*" are protected by the post-Civil-War laws §§1981 and 1983:

> Based on the history of § 1981, we have little trouble in concluding that Congress intended to protect from discrimination identifiable classes of persons who are subjected to intentional discrimination solely because of their ancestry or ethnic characteristics. Such discrimination is racial discrimination that Congress intended §1981 to forbid, whether or not it would be classified as racial in terms of modern scientific theory. [footnote 1:] We note that under prior cases, discrimination by States on the basis of ancestry violates the Equal Protection Clause of the Fourteenth Amendment. Hernandez v. Texas, 347 U. S. 475, 479 (1954); Oyama v. California, 332 U. S. 633, 646 (1948); Hirabayashi v. United States, 320 U. S. 81, 100 (1943). See also Hurd v. Hodge, 334 U. S. 24, 32 (1948).

SC's Code of Laws provides in ***§14-1-100***. **Rights in court shall not be affected by race or color:**

> Whenever authority has heretofore been conferred by law upon any free white person or persons to institute any suit or proceedings or to prefer any information or complaint in any matter, civil, penal or criminal, the same rights shall be enjoyed by and the same remedies shall be applicable to all persons whatsoever, regardless of race or color, **subject to the same conditions and none other.**

Further, Rule 269, SCACR, provides *in toto*: **FRIVOLOUS APPEALS, PETITIONS, MOTIONS, OR RETURNS**

> Where an appeal, petition, motion or return is frivolous or taken solely for the purposes of delay, or is not in compliance with these Rules, the appellate court may upon its own motion or that of a party, ***after ten (10) days notice***, impose upon offending attorneys or parties such sanctions as the circumstances of the case and discouragement of like conduct in the future may require. This Rule does not apply to any matters where counsel is required by law to pursue an appeal or petition for writ of certiorari even though the matter may be frivolous. [Amended by Order dated January 29, 2009, effective April 29, 2009, by Order of the same date.] [emphasis added]

Dr. Assa'ad-Faltas has prevailed *pro se* in most of her civil and criminal cases in SC's state courts and was never deemed to have filed a frivolous case or paper. To the contrary, she was praised by the presiding judges. And in *City of Columbia v. Marie Assa'ad-Faltas,MD, MPH*, #2007 UP-193, SC Ct. App., (decided 26 April 2007 after she had orally argued it *pro se*) *certiorari* denied 18 October 2007 by this Court, in particular, not only did she prevail but also the position she advocated (that the grant of a new trial to a criminal defendant based on after discovered evidence should not be appealable by the prosecution) later became SC State law over its Chief Justice's dissent in *State v. Smith* (2008). So, Dr. Assa'ad-Faltas not only was never frivolous, she was ahead of and tried to advance, SC law. In any event, she was never given the "ten (10) day notice" required by Rule 269, SCACR, *supra*, or any other due process.

Dr. Assa'ad-Faltas is scheduled for another hearing on yet another false charge in Columbia's Municipal Court (CMC) which is owned and illegally operated (in violation of the enabling statute and the U.S. and SC constitutions) by the City of Columbia, which is Dr. Assa'ad-Faltas' adversary in one federal civil suit which the Honorable U.S. District Judge Wooten allowed to proceed and another state civil lawsuit which then SC Circuit Judge J. Michelle Childs allowed to be amended to include civil claims against the City.

Dr. Assa'ad-Faltas prays this Court to rescind or at least clarify its 8 April 2011 Order to state that Dr. Assa'ad-Faltas may advocate for herself in criminal matters under *Faretta* v. *California* or the criminal trial court must appoint for her competent and non-conflicted counsel. In any event, this Court is prayed to clarify that Dr. Assa'ad-Faltas cannot, and will not be, held in contempt of court for exercising her clear constitutional rights to ask for a jury trial and to challenge the jurisdiction and impartiality of the trial court even if she does so *pro se* specially that she was unable to secure counsel. Please see *Turner*, *supra*.

**Respectfully submitted and served by hand-delivery to the Attorney General's Office on 25 October 2011, all God so willing.**

**Marie Assa'ad- Faltas, MD, MPH, *pro se***
**P.O. Box 9115, Columbia, SC 29290**
**Cell Phone: (330) 232 – 4164**
**e-mail: Marie_Faltas@hotmail.com**

STATE OF SOUTH CAROLINA )
COUNTY OF Richland )

City of Columbia, SC )
Plaintiff, )
vs. )
Marie Assa'ad-Faltas, MD, MPH )
Defendant. )

IN THE COURT OF COMMON PLEAS
5th JUDICIAL CIRCUIT

CASE NO.: 2010 -CP- 40 - 07063

**MOTION AND ORDER INFORMATION FORM AND COVERSHEET**

| Plaintiff's Attorney: | Defendant's ~~Attorney~~: pro se for purposes of this motion |
|---|---|
| David A. Fernandez, Bar No. _____ | Marie Assa'ad-Faltas, MD, MPH Bar No. _____ |
| Address: P.O. Box 667, Columbia, SC 29209 | Address: P.O. Box 9115, Columbia, SC 29290 |
| Phone: (803) 737-4343 Fax (803) 737-4250 | Phone: (330) 232-4169 Fax N/A |
| E-mail: Other: | E-mail: Marie_Faltas@hotmail.com Other: |

☒ **MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)**
☐ **FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)**
☐ **PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)**

RICHLAND COUNTY FILED 2013 JUL 11 P 2:40 ANETTE A. WALLACE CLERK OF COURT BY _____ DEPUTY

**SECTION I: Hearing Information**

Nature of Motion: Motion to appoint Counsel
Estimated Time Needed: 10 minutes Court Reporter Needed: ☒ YES/☐ NO

**SECTION II: Motion/Order Type**

☒ Written motion attached
☐ Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

_____ 11 July, 2013
Signature of ~~Attorney for~~ ☐ ~~Plaintiff~~ /☒ Defendant pro se Date submitted

**SECTION III: Motion Fee**

☐ PAID – AMOUNT: $ _____
☒ EXEMPT: (check reason)
☐ Rule to Show Cause in Child or Spousal Support
☐ Domestic Abuse or Abuse and Neglect
☒ Indigent Status ☐ State Agency v. Indigent Party
☐ Sexually Violent Predator Act ☐ Post-Conviction Relief
☐ Motion for Stay in Bankruptcy
☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCP)
☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions
Name of Court Reporter: _____
☒ Other: Criminal appeal

**JUDGE'S SECTION**

☐ Motion Fee to be paid upon filing of the attached order.
☐ Other: _____

JUDGE CODE _____
Date: _____, 20____

**CLERK'S VERIFICATION**

Collected by: _____ Date Filed: _____, 20____

☐ MOTION FEE COLLECTED: $ _____
☐ CONTESTED – AMOUNT DUE: $ _____

SCCA 233 (11/2003)

SCANNED

**STATE OF SOUTH CAROLINA**
**COUNTY OF RICHLAND**

**IN THE COURT OF COMMON PLEAS**
**2010-CP-40-07063**

***The City of Columbia, South Carolina*** ***Plaintiff/Respondent***
**v.**
***Marie Assa'ad-Faltas, MD, MPH,*** ***Defendant/Appellant***

*Pro se* MOTION PERMITTED by SC's Supreme Court's **28 June 2013 Order** to Appoint Counsel to File
A Belated Appeal and/or PCR from the Underlying Contempt Pronouncement in Columbia's Municipal Court ("CMC")

In South Carolina, all convictions are appealable; and PCR is available for all affirmed convictions.

Every appeal advocates that the trial court erred. Were trial courts infallible, all appeals would be *ipso facto* "frivolous" or "vexatious." As no court can assess the merits of an appeal or a PCR petition until the written arguments are filed, and reviewed, hopefully fairly and impartially, this motion must be presumed valid until proven otherwise.

Further, under *Martinez* v. *Ryan*, 566 U.S. _, 132 S.Ct. 1309 (2012), state courts must appoint counsel for first PCR. *Martinez,* was decided several moths *after* SC Circuit Judge Barber's 2 November 2011 dismissal of the above-captioned appeal from a CMC conviction of "front-yard parking" *solely* because Dr. Assa'ad-Faltas was not *then* represented by counsel or allowed to proceed further without counsel. Dr. Assa'ad-Faltas was not *then* allowed to even *pro se* seek court-appointed counsel for appeal or PCR until South Carolina's Supreme Court's 28 June 2013 ORDER. This motion is therefore valid and timely.

Further, appropriate motions to re-open Judge Barber's 2 November 2011 dismissal of this appeal may be made by competent counsel in light of the *imposition of some discipline on the very "judge" who pronounced* Dr. Assa'ad-Faltas in contempt of court because that very "judge" had acted improperly towards Dr. Assa'ad-Faltas.

WHEREFORE, non-conflicted competent and courageous counsel should be appointed for Dr. Assa'ad-Faltas to ensure her equal right to re-open based on change in the law, and failing that, to all levels of appeal and, failing that, to seek plenary PCR.

**Respectfully submitted, and served on Respondent by mail on 11 July 2013, all God so willing.**

**Marie Assa'ad-Faltas, MD, MPH, Appellant and Petitioner *pro se* for purposes of this motion**
**P.O. Box 9115, Columbia, SC 29290**
Phone and on-demand fax (presently unavailable): (803) 783-4536
**Cell Phone: (330) 232 – 4164**
e-mail: Marie_Faltas@hotmail.com

**STATE OF SOUTH CAROLINA**
**COUNTY OF RICHLAND**

**IN THE COURT OF COMMON PLEAS**
**2010-CP-40-07063**

***The City of Columbia, South Carolina*** ***Plaintiff/Respondent***
**v.**
***Marie Assa'ad-Faltas, MD, MPH,*** ***Defendant/Appellant***

2013 JUL 11 P 12:40
JEANETTE W. WALDEN
CLERK OF COURT
RICHLAND COUNTY
FILED

*Pro se* MOTION PERMITTED by SC's Supreme Court's **28 June 2013 Order** to Appoint Counsel to File A Belated Appeal and/or PCR from the Underlying Contempt Pronouncement in Columbia's Municipal Court ("CMC")

In South Carolina, all convictions are appealable; and PCR is available for all affirmed convictions.

Every appeal advocates that the trial court erred. Were trial courts infallible, all appeals would be *ipso facto* "frivolous" or "vexatious." As no court can assess the merits of an appeal or a PCR petition until the written arguments are filed, and reviewed, hopefully fairly and impartially, this motion must be presumed valid until proven otherwise.

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WHEREFORE, non-conflicted competent and courageous counsel should be appointed for Dr. Assa'ad-Faltas to ensure her equal right to re-open based on change in the law, and failing that, to all levels of appeal and, failing that, to seek plenary PCR.

**Respectfully submitted, and served on Respondent by mail on 11 July 2013, all God so willing.**

**Marie Assa'ad-Faltas, MD, MPH, Appellant and Petitioner *pro se* for purposes of this motion**
**P.O. Box 9115, Columbia, SC 29290**
Phone and on-demand fax (presently unavailable): (803) 783-4536
**Cell Phone: (330) 232 – 4164**
e-mail: Marie_Faltas@hotmail.com

2010-07063

# The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

FILED
RICHLAND COUNTY
2011 DEC -5 AM 10:11
JEANETTE W. McBRIDE
C.C.P. & G.S.

December 2, 2011

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

Re: Faltas, Marie Assa'ad v. Larry Mason, 2009-CP-40-04483
Diana Steele and Larry Mason v. Faltas, Marie Assa'ad, 2009-CP-40-08013
City of Columbia v. Faltas, Marie Assa'ad, 2010-CP-40-07063
City of Columbia v. Faltas, Marie Assa'ad, 2010-CP-40-08650
City of Columbia v. Faltas, Marie Assa'ad, 2011-CP-40-02111

Dear Dr. Faltas:

Yesterday, you submitted *pro se* notices of appeal in the above matters. As you know, this Court's order of April 8, 2011, directs the clerks of court of this state not to accept any filing from you "unless they have been prepared by an attorney, submitted by an attorney to this Court first for approval, and filed by the attorney." Therefore, I am unable to accept the *pro se* notices of appeal for filing since they do not meet the requirements of the April 8, 2010, order. Accordingly, no action will be taken on them.

Further, you have also submitted a *pro se* motion to rescind or modify this Court's order of April 8, 2011, and a *pro se* motion to stay various orders. These motions are dated October 25, 2011, and November 4, 2011, respectively. Once again, since these *pro se* motions do not comply with this

SCANNED

Court's order of April 8, 2011, I cannot accept them for filing, and no action will be taken on them.

Accordingly, I am returning the notices of appeal and motions to you. I do call your attention to the last paragraph of the Court's order which warns you that continued filings in violation of the order of April 8, 2011, may be punished as a contempt of this Court.

Very truly yours,

CLERK

Enclosures

cc: Kenneth E. Gaines, Esquire
Office of the Attorney General
Mr. Larry Mason
Ms. Dinah Steele
The Honorable Jeanette W. McBride

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2010CP4007063

City of Columbia

PLAINTIFF(S)

Marie Assaad Faltas

DEFENDANT(S)

| Submitted by: _____ | Attorney for : ☐ Plaintiff ☐ Defendant or ☐ Self-Represented Litigant |
|---|---|

RICHLAND COUNTY FILED
2011 NOV -1 AM 9:51
JEANETTE W. McBRIDE
CLERK OF COURT

**DISPOSITION TYPE (CHECK ONE)**

☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

☐ **ACTION DISMISSED** (*CHECK REASON*): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other _____

☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other _____

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

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

**IT IS ORDERED AND ADJUDGED:** ☒ See attached order (formal order to follow) ☐ Statement of Judgment by the Court:

**ORDER INFORMATION**

This order ☒ ends ☐ does not end the case.

Additional Information for the Clerk : _____

**INFORMATION FOR THE PUBLIC INDEX**

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

| Judgment in Favor of (List name(s) below) | Judgment Against (List name(s) below) | Judgment Amount To be Enrolled |
|---|---|---|
| | | $ |
| | | $ |
| | | $ |

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

**Circuit Court Judge** _____ **Judge Code** _____ **Date** _____

## For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20 _____ and a copy mailed first class or placed in the appropriate attorney's box on this 1 November 2011 to attorneys of record or to parties (when appearing pro se) as follows:

City of Columbia
David A. Fernandez
**ATTORNEY(S) FOR THE PLAINTIFF(S)**

Marie Assaad Faltas
Mark Schnee
**ATTORNEY(S) FOR THE DEFENDANT(S)**

**Court Reporter** _____

**Clerk of Court** Jeanette W. McBride

BOOK 57 PAGE 61

| | |
|---|---|
| STATE OF SOUTH CAROLINA<br>COUNTY OF RICHLAND<br>Marie A. Faltas,<br>Appellant,<br>vs.<br>City of Columbia,<br>Respondent. | IN THE COURT OF COMMON PLEAS<br>FIFTH JUDICIAL CIRCUIT<br><br>2010-CP-400-7063<br><br>**ORDER** |

RICHLAND COUNTY FILED
2011 NOV -1 AM 9:50
JEANETTE W. McBRIDE C.C.P. & G.S.

This appeals hearing came before the Court on September 16, 2011. Appellant appeared but was not represented by counsel so she was unable to participate in the hearing pursuant to an order dated April 8, 2011 from the Supreme Court of South Carolina. The Court heard from the Respondent. This Court determined the Appellant would have thirty (30) days, that being until October 16th, to secure counsel. As the Appellant has failed to secure counsel, her appeal is dismissed for failure to prosecute.

AND IT IS SO ORDERED.

James R. Barber

The Honorable James R. Barber, III
Fifth Judicial Circuit

Columbia, South Carolina
10/31, 2011

# The Supreme Court of South Carolina

The City of Columbia, Respondent,

v.

Marie Assa'ad-Faltas, MD, MPH, Appellant.

---

ORDER

---

On January 28, 2011, appellant filed a document in the Court of Appeals entitled "Notice of Appeal from the Circuit Court's Unwillingness/Inability to Schedule a Hearing on the Underlying Appeals from Municipal Court or, in the Alternative, Motion for This Court to Directly Hear Those Appeals and Emergency Motion for this Court to Direct Circuit and Municipal Courts to not Incarcerate Appellant Unless and Until this Court Hears Her Appeals." By order dated February 1, 2011, Chief Judge Few stated, "This appeal is dismissed as not immediately appealable. In the alternative, Appellant moves this Court to entertain her appeals, which we decline to do."

Thereafter, appellant filed a document entitled "Timely Petition for Rehearing En Banc of the Honorable Chief Judge's Decision Which has

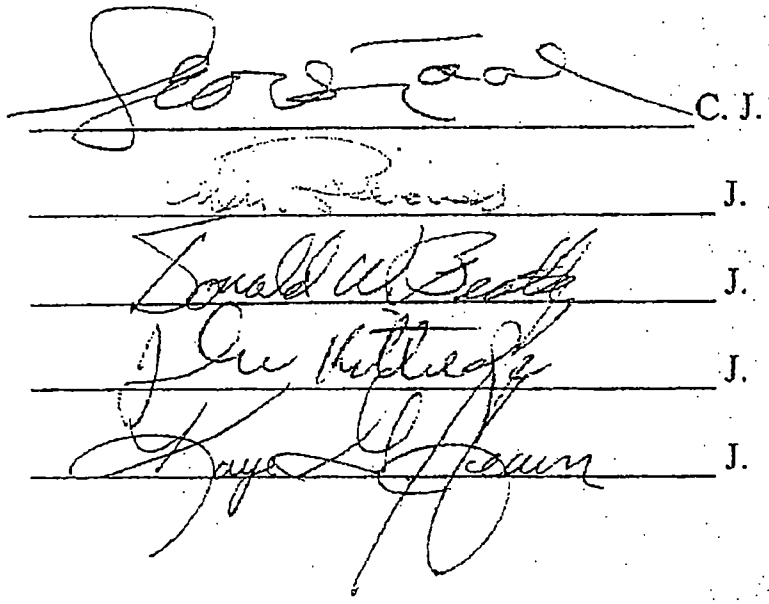
the Effect of Dismissing these Combined Appeals from the Circuit Court's Unwillingness/Inability to Schedule a Hearing on the Underlying Appeals from Municipal Court or, in the Alternative, Motion for this Court to Directly Hear those Appeals Itself or this Court to Direct Circuit and Municipal Courts to Set a Date Certain to Hear Appellant's Cases and her Appeals or Dismiss the Charges Against Her." By order dated March 11, 2011, the appeal was certified to this Court pursuant to Rule 204(b), SCACR.

Since the matter was certified to this Court, appellant has filed documents entitled "Motion for a Briefing Schedule and Order and Emergency Motion for this Court to Direct Circuit and Municipal Courts to not Incarcerate Appellant Unless and Until this Court Hears Her Appeals" and "Extreme Emergency Supplement to Appellant's Emergency Motion for this Court to Protect Her from False Incarceration." The petition, motions and supplement are all denied.

Moreover, due to the frivolous, repetitive and abusive nature of appellant's filings in this Court and other courts in this state, we hereby prohibit appellant from filing anything in the courts of this state in a pro se capacity. Appellant is not precluded from addressing any grievances she may have in the courts of this state, assuming she is represented by counsel and

such grievances are not frivolous. We therefore direct the clerks of court in this state not to accept any filings from appellant unless they have been prepared by an attorney, submitted by the attorney to this Court first for approval, and filed by the attorney. Petitioner is hereby warned that a violation of this order will be grounds for contempt.

IT IS SO ORDERED.



C. J.

J.

J.

J.

Columbia, South Carolina

April 8, 2011

Form 4

**STATE OF SOUTH CAROLINA**

**COUNTY OF RICHLAND**

IN THE COURT OF COMMON PLEAS

# JUDGMENT IN A CIVIL CASE

**CASE NO: 2010CP4007063**

**City of Columbia** *vs.* **Marie Assaad Faltas**

Plaintiff Defendant

RICHLAND COUNTY FILED
2011 SEP 22 PM 2:24
JEANETTE W. McBRIDE C.C.P. & G.S.

***CHECK ONE:***

☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

☐ **ACTION DISMISSED (*CHECK REASON*):** ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other:

☐ **ACTION STRICKEN (*CHECK REASON*):** ☐ Rule 40(j) SCRCP; ☐ Bankruptcy:

☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
☐ Other: _____

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** *(CHECK APPLICABLE BOX)*:
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other
NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:** ☒ See attached order; ☐ Statement of Judgment by the Court:

Dated at Columbia, South Carolina, this _____ day of _____, 2011.

_____
**PRESIDING JUDGE**

This judgment was entered on the _____ day of _____, 2011, and a copy mailed first class this 22 September 2011, to attorneys of record or to parties (when appearing pro se) as follows:

**David A. Fernandez**
**ATTORNEY(S) FOR THE PLAINTIFF(S)**

**Marie Assaad Faltas**
**Mark Schnee**
**ATTORNEY(S) FOR THE DEFENDANT(S)**

Jeanette W. McBride
Clerk of Court

BOOK SS PAGE 344

| | |
|---|---|
| STATE OF SOUTH CAROLINA<br>COUNTY OF RICHLAND | IN THE COURT OF COMMON PLEAS<br>FIFTH JUDICIAL CIRCUIT |
| Marie A. Faltas,<br><br>Appellant,<br><br>vs.<br><br>Larry Mason, Dinah Steele, City of Columbia, et. al.<br><br>Respondents. | C/A NO.: 2009-CP-400-4483<br>C/A NO.: 2009-CP-400-8013<br>C/A NO.: 2010-CP-400-6711<br>C/A NO.: 2010-CP-400-7063<br>C/A NO.: 2010-CP-400-8650<br>C/A NO.: 2011-CP-400-2111<br><br>**ORDER** |

RICHLAND COUNTY FILED
2011 SEP 22 PM 2:04
JEANETTE W. McBRIDE C.C.P. & G.S.

These six (6) appeals hearings came before the Court on September 16, 2011. Appellant appeared but was not represented by counsel so she was unable to participate in the hearings pursuant to an order dated April 8, 2011 from the Supreme Court of South Carolina. The Court heard from all Respondents. This Court then inquired to determine if Dr. Faltas wished to have counsel and what efforts she had made to secure counsel. Appellant indicated she wanted counsel and stated she had met with a least four (4) attorneys about representing her but she was unable to employ an attorney as of the hearing. This Court has determined the Appellant shall have thirty (30) days, that being until October 16th, to secure counsel. If she is unable to secure counsel within that time then this Court will rule on the appeals.

AND IT IS SO ORDERED.

The Honorable James R. Barber, III
Fifth Judicial Circuit

Columbia, South Carolina
9/19, 2010

**I respectfully rest on the pleadings, record, and all other matters of which this Court may properly take judicial notice.**

Form 4

**STATE OF SOUTH CAROLINA**

**COUNTY OF RICHLAND**

IN THE COURT OF COMMON PLEAS

# JUDGMENT IN A CIVIL CASE

**CASE NO: 2010CP4007063**

City of Columbia *vs.* Marie Assaad Faltas

Plaintiff Defendant

***CHECK ONE:***

☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

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☐ **ACTION DISMISSED (*CHECK REASON*):** ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other:_____

☐ **ACTION STRICKEN (*CHECK REASON*):** ☐ Rule 40(j) SCRCP; ☐ Bankruptcy;

☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
☐ Other: _____

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** *(CHECK APPLICABLE BOX)*:
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other
NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:** ☐ See attached order; ☐ Statement of Judgment by the Court:

**This appeal is continued due to Dr. Faltas's illness.**

Dated at Columbia, South Carolina, this 4 day of August, 2011.

James R. Barber

**PRESIDING JUDGE**

This judgment was entered on the _____ day of _____, 2011, and a copy mailed first class this 5 day of Aug, 2011, to attorneys of record or to parties (when appearing pro se) as follows:

**David A. Fernandez**

**ATTORNEY(S) FOR THE PLAINTIFF(S)**

**Marie Assaad Faltas**
**Mark Schnee**

**ATTORNEY(S) FOR THE DEFENDANT(S)**

Jeanette W. McBride

Clerk of Court

SCRCP APP-24/FORM 4

RICHLAND COUNTY FILED 2011 AUG -4 PM 1:24 JEANETTE W. McBRIDE C.C.P. & G.S.

SCANNED

Form 4 BOOK SQ

**STATE OF SOUTH CAROLINA**

**COUNTY OF RICHLAND**

IN THE COURT OF COMMON PLEAS

# JUDGMENT IN A CIVIL CASE

**CASE NO: 2010CP4007063**

City of Columbia *vs.* Marie Assaad Faltas

Plaintiff Defendant

***CHECK ONE:***

☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

RICHLAND COUNTY FILED 2011 JUL 25 PM 2:11 JEANETTE W. McBRIDE C.C.P. & G.S.

☐ **ACTION DISMISSED (*CHECK REASON*):** ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other:_____

☐ **ACTION STRICKEN (*CHECK REASON*):** ☐ Rule 40(j) SCRCP; ☐ Bankruptcy;

☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
☐ Other: _____

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** *(CHECK APPLICABLE BOX)*:
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other
NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:** ☐ See attached order; ☐ Statement of Judgment by the Court:

**Mr. Andy Stroud appeared on behalf of Dr. Faltas to inform the Court that Dr. Faltas states she is unable to attend the hearing because of her swollen knee. The Court advised him to inform her that she must provide a medical report from her physician that she was medically unable to appear. If the physician's report is satisfactory to the Court then the cases will be continued; if the report is not provided the appeals will be dismissed for failure to prosecute. The Clerk's office instructed her that she must send the physician's note to the Court within 48 hours (9:30a.m. on 7/22/11).**

Dated at Columbia, South Carolina, this 20 day of July, 2011.

Jeanne K. Barnett

**PRESIDING JUDGE**

This judgment was entered on the _____ day of _____, 2011, and a copy mailed first class this 26 day of July, 2011, to attorneys of record or to parties (when appearing pro se) as follows:

**David A. Fernandez**

**ATTORNEY(S) FOR THE PLAINTIFF(S)**

**Marie Assaad Faltas**
**Mark Schnee**

**ATTORNEY(S) FOR THE DEFENDANT(S)**

Jeanette W. McBride

Clerk of Court

SCRCP APP-24/FORM 4

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City of Columbia
Municipal Court
811 Washington St.
Columbia, SC 29201

2010-CP-40-7063
& 650

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MAR 11 2011
S.C. SUPREME COURT

**Marie Assa'ad-Faltas, MD, MPH**
***P.O. Box 9115, Columbia, SC 29290 (Please use until further notice)***
***Cell Phone (330) 232-4164 (Please use until further notice)***
***e-mail: Marie_Faltas@hotmail.com***
**11 March 2011**

**Columbia Municipal Court Chief Administrator Dana D. Turner**

**by hand-delivery**

**Re: (1) Response to some of the many errors in your 9 March 2011 Letter to Assistant City of Columbia Attorney (ACA) David Fernandez and me; (2) *strong* Objections to your attempts to put me *again* before purported Columbia Municipal Court (CMC) Judge Hanna despite her recusal from my cases for many reasons; and (3) Follow up to your previous letter to me.**

Ma'am:

I am informed and believe that you represented to the Honorable Roslyn Frierson, SC Director of Court Administration, through Mr. Robert L. McCurdy, that Marion O. Hanna is recused from my cases. Your assistant, Pamela Hawkins, also orally assured me that you will not schedule me before Marion Hanna.

I sought Marion O. Hanna's recusal on my first transcribed appearance before her on 17 November 2009 due to her problematic temper. I since found in her record on and off the bench incompatibilities with service as a jurist. Your scheduling this contrived and frivolous motion by ACA Fernandez to be heard before my own older motions is proof that you are focused on incarcerating me by hook or by crook.

Crucially, were my dispositive motions granted, the unconstitutional, invalid and arbitrary order Marion O. Hanna issued would be moot as I would have no dealings with the corrupt and incompetent CMC.

Additionally, under *Ex parte Mamie Jackson*, you are required to appoint for me stand-by counsel if I am to risk incarceration under contempt of court or for failure to appear for an invalid and contrived hearing.

Further, because you refuse to transcribe the proceedings accurately and regularly fail to initially provide me a playable CD of each one I request, I must be allowed to bring my own recording equipment and a private court reporter at your expense under *Mayer v. City of Chicago*, 404 U.S. 189 (1971).

Most crucially, your claim that all my motions in the harassment charges have heard by Marion O. Hanna on 1 October 2010 and disposed by her purported ORDER of 13 October 2010 **is completely false.**

**Please see the attached transcript excerpts, specially, pp 14 lines 8-24 and 15 lines 15-24.**

**All** my motions in K613792 and K613793 **must be heard**. Any and all rulings on my pre-trial and intra-trial motions are a nullity at law because there was a mistrial; and all my post-trial motions (except two motions to relieve stand-by counsel from the private bar) have never been heard in General Sessions court and must be heard now. The ones pre-dating 1 April 2010 are listed in Circuit Judge Cooper's 1 April 2010 ORDER which ACA Fernandez submitted to Marion O. Hanna for her to parrot, which she largely did.

**Nor have you any right to limit my argument on the unconstitutionality of the statutes used to prosecute me based on recent decisions by the U.S. and SC's Supreme Courts. On that subject, be advised that I intend to argue that *Snyder v. Phelps*, No. 09-751, decided 2 March 2011 also renders all my *alleged acts (even if arguendo true)* protected by the First Amendment. I also reserve the right to argue any other relevant controlling decision issued between now and the date of the hearing.**

In response to your refusal to transcribe the jury qualification and subpoena hearings related to the front-yard parking charges, I hereby reassert that both are issues in the appeal and your attempt to delay the appeal hearing by refusing to transcribe those proceedings is naked and improper. CMC's returns to my appeals from Marion O. Hanna's finding me in criminal contempt and from my front-yard parking conviction must be supplemented by the complete and accurate transcripts of said proceedings, by all the exhibits on file, and by the missing parts of the trial transcript which are audible on the CD and part of the trial. It is not up to you or to your non-neutral staff person to decide what should be transcribed. *Mayer, supra*, and the relevant SC statutes require you to make a complete return and prescribe its contents.

So any hearing before Marion O. Hanna must be canceled or at least continued until my standing appeal from her previous orders is heard and/or all my other cases in CMC are disposed, whichever is later.

**Thanks and God bless,** **Marie Assa'ad-Faltas, MD, MPH, *pro se***

cc.: (by hand-delivery through your office or by mail) Assistant City Attorney David Fernandez
SC's Office of Court Administration and SC's Supreme Court
(by hand delivery through the office of Richland County Clerk of Court) The Honorable Judges Lee and Newman
Mr. Hugh Ryan, General Counsel of SCCOID
Richland County Public Defender's Office and/or SC's Office of Appellate Defense.
Others as necessary and proper in the present and the future.

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MAR 11 2011

Form 4 BOOK SM —315

**STATE OF SOUTH CAROLINA**

**COUNTY OF RICHLAND**

IN THE COURT OF COMMON PLEAS

**JUDGMENT IN A CIVIL CASE**

**CASE NO: 2010-CP-40-7629**

**The City of Columbia, SC**

*vs.*

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

Plaintiff

Defendant

RICHLAND COUNTY, SC
2011 MAR -2 PM 3:02
BEATRICE E. HARRIS
C.C.P. & G.S.

***CHECK ONE:***

☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

☐ **ACTION DISMISSED (*CHECK REASON*):** ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other:_____

☐ **ACTION STRICKEN (*CHECK REASON*):** ☐ Rule 40(j) SCRCP; ☐ Bankruptcy: ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** *(CHECK APPLICABLE BOX)*:
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other
NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:** ☐ See attached order; ☐ Statement of Judgment by the Court:

**Administrative review of the files reveals that Docket No. 2010-CP-40-07063 and 2010-CP-40-07629 are the same appeal from Municipal Court. Therefore the two cases are consolidated with Docket No. 2010-CP-40-07063 being the surviving number.**

Dated at Columbia, South Carolina, this 1st day of March, 2011.

Alison Grace Lee

**PRESIDING JUDGE**

This judgment was entered on the _____ day of _____, 2011, and a copy mailed first class this 2 day of Mar, 2011, to attorneys of record or to parties (when appearing pro se) as follows:

**Constance D. Holloway**

**ATTORNEY(S) FOR THE PLAINTIFF(S)**

**Pro Se**

**ATTORNEY(S) FOR THE DEFENDANT(S)**

Jeanette W. McBride

Clerk of Court

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MAR 14 2011
RECEIVED

City of Columbia
Municipal Co
111 Washington St.
Columbia, SC 29201

2010-CP-40 7063 & 7050

2010-706

RECEIVED
MAR 11 2011
S.C. SUPREME COURT

**Marie Assa'ad-Faltas, MD, MPH**
***P.O. Box 9115, Columbia, SC 29290 (Please use until further notice)***
***Cell Phone (330) 232-4164 (Please use until further notice)***
***e-mail: Marie_Faltas@hotmail.com***

**11 March 2011**

**Columbia Municipal Court Chief Administrator Dana D. Turner**

by hand-delivery

**Re: (1) Response to some of the many errors in your 9 March 2011 Letter to Assistant City of Columbia Attorney (ACA) David Fernandez and me; (2) *strong* Objections to your attempts to put me *again* before purported Columbia Municipal Court (CMC) Judge Hanna despite her recusal from my cases for many reasons; and (3) Follow up to your previous letter to me.**

Ma'am:

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I sought Marion O. Hanna's recusal on my first transcribed appearance before her on 17 November 2009 due to her problematic temper. I since found in her record on and off the bench incompatibilities with service as a jurist. Your scheduling this contrived and frivolous motion by ACA Fernandez to be heard before my own older motions is proof that you are focused on incarcerating me by hook or by crook.

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Additionally, under *Ex parte Mamie Jackson,* you are required to appoint for me stand-by counsel if I am to risk incarceration under contempt of court or for failure to appear for an invalid and contrived hearing.

Further, because you refuse to transcribe the proceedings accurately and regularly fail to initially provide me a playable CD of each one I request, I must be allowed to bring my own recording equipment and a private court reporter at your expense under *Mayer v. City of Chicago,* 404 U.S. 189 (1971).

Most crucially, your claim that all my motions in the harassment charges have heard by Marion O. Hanna on 1 October 2010 and disposed by her purported ORDER of 13 October 2010 **is completely false.**

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**Nor have you any right to limit my argument on the unconstitutionality of the statutes used to prosecute me based on recent decisions by the U.S. and SC's Supreme Courts. On that subject, be advised that I intend to argue that *Snyder v. Phelps*, No. 09-751, decided 2 March 2010 also renders all my *alleged acts (even if arguendo true)* protected by the First Amendment. I also reserve the right to argue any other relevant controlling decision issued between now and the date of the hearing.**

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So any hearing before Marion O. Hanna must be canceled or at least continued until my standing appeal from her previous orders is heard and/or all my other cases in CMC are disposed, whichever is later.

**Thanks and God bless,**

**Marie Assa'ad-Faltas, MD, MPH, *pro se***

cc.: (by hand-delivery through your office or by mail) Assistant City Attorney David Fernandez
SC's Office of Court Administration and SC's Supreme Court
(by hand delivery through the office of Richland County Clerk of Court) The Honorable Judges Lee and Newman
Mr. Hugh Ryan, General Counsel of SCCOID
Richland County Public Defender's Office and/or SC's Office of Appellate Defense.
Others as necessary and proper in the present and the future.

RECEIVED
MAR 11 2011

**CITY OF COLUMBIA**
SOUTH CAROLINA
MUNICIPAL COURT / P.O. BOX 644 / COLUMBIA, S.C. 29202 / 803 / 545-3150 FAX 803 / 733-8433

March 9, 2011

Mr. David A. Fernandez, Esq.
Assistant City Attorney
Legal Department
P. O. Box 667
Columbia, SC 29202

Dr. Marie Assa'ad Faltas
P. O. Box 9115
Columbia, SC 29209

Re: City of Columbia vs. Marie Assa'ad Faltas, L066971, L066954
State of South Carolina vs. Marie Assa'ad Faltas, K613792; K613793
City of Columbia vs. Marie Assa'ad Faltas, 38803FK, 37025FK

Dear Mr. Fernandez and Dr. Faltas:

Please be advised that a hearing on the following motion will be held on Monday, March 28, 2011 at 9:00 a.m. in Courtroom 3, 811 Washington Street, Columbia, South Carolina before the Honorable Marion O. Hanna.

1. City's Motion for Rule to Show Cause filed February 22, 2011. This motion pertains to Judge Marion Hanna's order of October 13, 2010 and alleges violation of that order.

Failure to appear can result in the imposition of a fine or a sentence of up to 30 days in jail or both or such other sentence as the presiding judge may impose.

Please be further advised that a hearing with regard to various motions pending in connection with the above referenced cases will be held on Monday, March 28, 2011 at 10:00 a.m. or as soon thereafter as it can be heard in Courtroom 2, 811 Washington Street, Columbia, South Carolina before The Honorable Lincoln C. Jenkins III.

The following motions will be heard at this hearing:

1. Defendant's "EMERGENCY" Motion to Dismiss or Reconsider Bond pertaining to Uniform Traffic Tickets 37025FK Trespassing After Notice and 38803FK Disorderly Conduct filed July 12, 2010.

2. City's Motion to Revoke Defendant's Bond pertaining to warrant numbers K613792 and K613793 filed September 23, 2010.

3. Defendant's Motion to Dismiss filed with the Municipal Court on November 8, 2010. This motion is based on City of Greenville v. Bane, 390 S.C. 303, 702 S.E.2d 112 (SC 2010). By Defendant's statements within the motion itself, arguments with regard to this motion are limited to allegations of facial unconstitutionality and vagueness of City of Columbia ordinances criminalizing speech which Defendant alleges led to her arrest on harassment and other charges. Previous motions to dismiss filed by the Defendant were heard by Judge Marion Hanna on October 13, 2010.

4. Defendant's Motion to "Convert my Bond to Unconditional Personal Recognizance Bond in Light of New and Changed Circumstances" filed February 7, 2011. It is unclear which case or cases this motion pertains to.

5. Defendant's Motion to "Dismiss All Remaining Charges Against Me for Want of Prosecution and for Other Reasons" filed February 7, 2011. At the time this motion was filed, the above referenced charges were pending against the Defendant.

If either party contends that other motions are pending besides those listed above, the Court expects that party to provide the Court within five (5) days of the date of this letter details concerning the alleged pending motion including the specific relief sought by the motion, the date the written motion was filed and the case number(s) to which the motion applies. Disputes concerning whether motions are pending or not pending may be heard by Judge Jenkins in his sole discretion on the above referenced court date. Whether oral motions that have not been previously filed in writing will be heard on the above referenced court date will rest in the sole discretion of Judge Jenkins. Motions pertaining to the specific issues of trial, i.e., motions in limine, to quash subpoenas, to transport the jury to the site, etc., will be heard immediately prior to trial.

Sincerely,

Dana D. Turner

Dana D. Turner
Chief Administrative Judge

| | | |
|---|---|---|
| CITY OF COLUMBIA, | ) | TRANSCRIPT OF RECORD |
| | ) | |
| vs. | ) | OCTOBER 6, 2010 |
| | ) | JURY TRIALS |
| MARIE-THÉRÈSE ASSA'AD-FALTAS, | ) | WARRANT NO.: K-613866, L-066971, |
| | ) | L-066954; SUMMONS NO.: 6034 |
| DEFENDANT. | ) | JUDGE MARION O. HANNA |
| | ) | ACA DAVID A. FERNANDEZ |

**THE COURT:** IS EVERYONE READY TO PROCEED? MR. SCHNEE IS HERE, MS. FALTAS IS HERE.

**DEFENDANT FALTAS:** I'M DR. FALTAS.

**THE COURT:** I UNDERSTAND. AND MR. FERNANDEZ IS HERE AND ALSO?

**MR. FERNANDEZ:** MS. BEESON FROM OUR OFFICE. SHE'S NOT GOING TO PARTICIPATE.

**THE COURT:** ALL RIGHT. AND WE ALSO HAVE A COURT REPORTER. MR. SCHNEE, IS THE COURT REPORTER HERE ON BEHALF OF THE PUBLIC DEFENDER'S OFFICE?

**MR. SCHNEE:** I'M NOT WITH THE PUBLIC DEFENDER'S OFFICE, YOUR HONOR.

**THE COURT:** OH, I'M SORRY. IS THE COURT REPORTER HERE ON YOUR BEHALF?

**MR. SCHNEE:** NOT ON MY PERSONAL BEHALF. I'M STANDBY COUNSEL. I DON'T KNOW IF DR. FALTAS HAS SECURED PAYMENT FOR THAT.

**THE COURT:** ALL RIGHT. THE COURT REPORTER IS HERE ON YOUR PERSONAL BEHALF, MA'AM?

**DEFENDANT FALTAS:** I ASKED HER TO BE HERE, YOUR HONOR, BECAUSE I HAVE HAD PROBLEMS GETTING TRANSCRIPTS FROM THIS COURT.

**THE COURT:** ALL RIGHT. DR. FALTAS, EXCUSE ME, MA'AM. BUT WE ARE NOW MOVING ON TO MOTION NUMBER FOUR.

**DEFENDANT FALTAS:** MAY I --

**THE COURT:** EXCUSE ME. MOTION -- MOTION NUMBER TWO AND THREE APPLIED TO THAT CHARGE WHICH IS NOLLE PROSSED. IT IS NO LONGER BEFORE THE COURT SO I WILL NOT HEAR ANYTHING ABOUT IT. NUMBER FOUR, DEFENDANT'S MOTION TO TRANSFER CASES TO THE RICHLAND COUNTY MAGISTRATE'S COURT. AS I SAID EARLIER, AND THESE ARE YOUR SAME GROUNDS, IT IS IMPROPER FOR THE CITY TO TRY HER AND SO FORTH. WE'VE ALREADY MADE OUR DECISION ON THAT AS YOU WILL RECALL FROM JULY 23RD. WE'LL MOVE TO NUMBER FIVE, DEFENDANT'S MOTION FOR A SPEEDY TRIAL. MS. FALTAS.

**DEFENDANT FALTAS:** THIS IS DR. FALTAS, YOUR HONOR. ON THE ONES THAT WERE -- ON THE ONE THAT WAS NOLLE PROCESSED --

**THE COURT:** MA'AM, LISTEN TO ME. IF YOU CANNOT FOLLOW MY DIRECTIONS THIS IS NOT GOING TO WORK WELL. THERE IS NO CASE. THERE IS NO CASE OF UNLAWFUL USE OF TELEPHONE. IT HAS BEEN NOLLE PROSSED. IT IS NOT BEING PROSECUTED. YOU MUST MOVE ON TO YOUR MOTION FOR A SPEEDY TRIAL.

**DEFENDANT FALTAS:** I MAKE A MOTION FOR EXPUNGEMENT OF THE ARREST RECORD AND IF YOU GIVE ME THE BENEFIT OF THE DOUBT YOU WOULD KNOW THAT I HAVE SOMETHING VALID TO SAY AND THAT I UNDERSTOOD WHAT NOLLE PROSSED MEANS.

**THE COURT:** I KNOW THAT YOU DO, DR. FALTAS.

**DEFENDANT FALTAS:** ALL RIGHT. NOW I HAVE THE RIGHT TO RE-

QUEST EXPUNGEMENT BECAUSE THAT IS MY RIGHT.

**THE COURT:** MA'AM, THIS IS NOT THE VENUE FOR THAT.

**DEFENDANT FALTAS:** WELL, WHAT IS THE VENUE?

**THE COURT:** THE VENUE FOR THAT FOR WHAT WE ARE HERE FOR NOW, THE NEXT THING AND I WANT TO HEAR FROM YOU ON IT IS YOUR MOTION FOR A SPEEDY TRIAL. THE OTHER THINGS WILL COME LATER. MOTION FOR A SPEEDY TRIAL NOW.

**DEFENDANT FALTAS:** ALL RIGHT.

**THE COURT:** THANK YOU.

**DEFENDANT FALTAS:** NOW JUST COULD YOU PLEASE, PLEASE LET ME MAKE MY RECORD? UNDER KOPFLER VS. NORTH CAROLINA (KLOPFER) THERE IS NO SUCH THING AS NOLLE PROS WITH LEAVE TO REOPEN.

**THE COURT:** MA'AM, NO. WE ARE NOT GOING AT -- WE HAVE NOT NOLLE PROSSED WITH LEAVE. DID YOU HEAR ME SAY WITH LEAVE TO REOPEN?

**DEFENDANT FALTAS:** I JUST WANT TO SAY THAT MEANS IT'S GONE FOREVER.

**THE COURT:** I'VE ALREADY HEARD ALL THAT FROM YOU AND WE ARE NOT HEARING IT TODAY.

**DEFENDANT FALTAS:** ALL RIGHT. FINE.

**THE COURT:** I WANT TO HEAR FROM YOU ON YOUR MOTION FOR A SPEEDY TRIAL.

**DEFENDANT FALTAS:** ABSOLUTELY, YOUR HONOR.

**THE COURT:** NOW.

**DEFENDANT FALTAS:** YES, MA'AM.

**THE COURT:** ALL RIGHT. THANK YOU. GO AHEAD.

**DEFENDANT FALTAS:** THANK YOU. THE LETTER REFERENCES FOUR CHARGES. TWO OF THEM CITY OF COLUMBIA VS. MARIE ASSA'AD-FALTAS, M.D., M.P.H. IS L-066971 AND L-066954. I HAVE MOTIONS TO DISMISS ON THOSE, MOTIONS FOR SPEEDY TRIALS ON THOSE AS WELL MOTIONS FOR SPEEDY TRIAL ON THE CHARGES THAT WERE REMANDED FROM GENERAL SESSIONS.

**THE COURT:** WE ARE GOING TO HEAR ONE MOTION AT A TIME.

**DEFENDANT FALTAS:** OKAY.

**THE COURT:** THIS IS MOTION FOR A SPEEDY TRIAL.

**DEFENDANT FALTAS:** IT APPLIES TO ALL THE PENDING CASES.

**THE COURT:** ONE AT A TIME.

**DEFENDANT FALTAS:** ALL RIGHT. SO THEM MAY I TELL YOU ONE CASE AT A TIME?

**THE COURT:** YOU MAY TELL ME WHY YOU WANT A SPEEDY TRIAL (INAUDIBLE) YOU ARE BEING DENIED ONE.

**DEFENDANT FALTAS:** OH, BECAUSE THAT'S MY CONSTITUTIONAL RIGHT UNDER THE 6TH AMENDMENT TO THE UNITED STATES CONSTITUTION, BECAUSE THE PENDENCY OF CRIMINAL CHARGES HAS COLLATERAL NEGATIVE CONSEQUENCES ON THE PERSON CHARGED, BECAUSE THESE CHARGES HAVE NO VALIDITY WHATSOEVER. THEY WERE COMPLETELY BROUGHT TO HARASS ME, TO INTIMIDATE ME FROM EXERCISING MY CIVIL RIGHTS BECAUSE THE LAPSE OF TIME MAKES IT IMPOSSIBLE FOR ME TO PROVIDE FOR MY DEFENSE BECAUSE ALL OF THE REASONS THAT WERE STATED IN KOPFLER VS. NORTH CAROLINA AND ALL THE U.S. SUPREME COURT CASES THAT SAID THAT THE 6TH AMENDMENT TO THE U.S. CONSTITUTION IS BINDING UPON THE STATES SO THE 14TH AMENDMENT AND THE RIGHT TO SPEEDY TRIAL AGAIN IN KOPFLER VS.

THAT'S ON THAT CHARGE.

THEN THERE ARE TWO CHARGES, THE L-066971 AND L-066954. ONCE AGAIN THESE ARE FROM SEPTEMBER, 2009, WHICH IS A YEAR LATER BUT NONETHELESS THE REASON THEY HAD KEPT BEING POSTPONED IS THAT THE CITY WAS REFUSING TO PRODUCE DISCOVERY. AND SO BY NOW IT'S BEEN VERY LONG. THOSE CHARGES ARE PENDING AGAINST ME. THEY CAST A SHADOW ON ME. I HAVE BEEN LAWFULLY ADMITTED AN ALIEN, LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE U.S., LONG ENOUGH TO APPLY FOR U.S. CITIZENSHIP. WHEN I GO TO APPLY I HAVE TO ANSWER WHETHER I HAVE BEEN ARRESTED OR WHETHER THERE ARE PENDING CHARGES AGAINST ME. IN THE UNITED STATES SUPREME COURT OF PADEA VS. KENTUCKY, THE U.S. SUPREME COURT CLEARLY WENT THROUGH THE RAMIFICATIONS ON DEPORTABILITY OF ALIENS LAWFULLY PRESENT IN THE U.S. FOR MISDEMEANORS THAT THE CITIZEN DOESN'T GIVE A SECOND THOUGHT ABOUT. SO THE PENDENCY OF THESE CHARGES HAS COLLATERAL CONSEQUENCES TO ME. THOSE TWO CHARGES --

**THE COURT:** WHAT CONSEQUENCES? HAVE YOU BEEN DEPORTED?

**DEFENDANT FALTAS:** THE CONSEQUENCES IS THAT I AM UNABLE TO APPLY FOR CITIZENSHIP WITH THESE CHARGES PENDING.

**THE COURT:** ALL RIGHT.

**DEFENDANT FALTAS:** THESE CHARGES ARE DEPORTABLE, NOT THEMSELVES NECESSARILY, BUT THE AMOUNT OF MISDEMEANORS AND THREE MISDEMEANORS MAY PROVIDE AN OBSTACLE TO CITIZENSHIP, TO THE ACQUISITION OF CITIZENSHIP. IN ADDITION THEY ALSO HAVE CONSEQUENCES TO MY RENEWED MEDICAL LICENSE. THEY HAVE CONSEQUENCES TO MY APPLI-

CATION FOR JOBS. THEY HAVE --

**THE COURT:** EXCUSE ME. DO YOU HAVE A MEDICAL LICENSE IN THE UNITED STATES?

**DEFENDANT FALTAS:** YES, MA'AM, I DO. AND I'VE HAD ONE SINCE 1988.

**THE COURT:** YOU ARE ABLE TO PRACTICE AS A PHYSICIAN ALTHOUGH YOU ARE NOT A CITIZEN?

**DEFENDANT FALTAS:** OH, YES. AND JUST IN CASE YOU DIDN'T KNOW THAT, THERE WAS A SPECIFIC U.S. SUPREME COURT CASE THAT SAID THAT ANY STATUTE THAT DENIES THE RIGHT TO PRACTICE THE PROFESSION OF MEDICINE ON ACCOUNT OF ALIENAGE IS UNCONSTITUTIONAL.

**THE COURT:** ARE YOU PRACTICING MEDICINE IN THE UNITED STATES?

**DEFENDANT FALTAS:** MA'AM, I HAVE a standing EXPANDING LICENSE, VALID, UNRESTRICTED LICENSE TO PRACTICE MEDICINE --

**THE COURT:** ARE YOU PRACTICING MEDICINE IN THE UNITED STATES?

**DEFENDANT FALTAS:** I AM NOT CURRENTLY PRACTICING CLINICAL MEDICINE.

**THE COURT:** HAVE YOU EVER PRACTICED MEDICINE IN THE UNITED STATES?

**DEFENDANT FALTAS:** YES, MA'AM, I DID.

**THE COURT:** IN THIS COUNTRY?

**DEFENDANT FALTAS:** YES, MA'AM, I DID. I'M SORRY.

**THE COURT:** OKAY. LET'S GET BACK TO FOCUSING ON YOUR

MOTION FOR A SPEEDY TRIAL, PLEASE.

**DEFENDANT FALTAS:** THEN THERE ARE -- I THINK I'VE COVERED THOSE TWO CHARGES -- THE ALLEGED TRESPASS AND ALLEGED ASSAULT, SIMPLE ASSAULT WHICH WERE BROUGHT BY MY LANDLADY BECAUSE I HAVE SUED HER FOR HOUSING DISCRIMINATION. SO THESE ARE FALSE CHARGES AND THEY ARE BROUGHT JUST FOR THE COLLATERAL BENEFIT -- TO IMPOSE BAD COLLATERAL CONSEQUENCES ON ME. IN FACT, THAT VERY LANDLADY AND HER CONSORT WERE KEEPING ON WRITING ME LETTERS SAYING WE'RE WRITING TO HOMELAND SECURITY ABOUT YOUR CHARGES. SO THESE WERE FALSE CHARGES BROUGHT TO BRING ADVANTAGE IN CIVIL LITIGATION AND OTHER ADVANTAGE. THEN THERE ARE THE TWO FALSE HARASSMENT CHARGES THAT WERE REMANDED FROM THE COURT OF GENERAL SESSIONS. I WAS ARRESTED ON DECEMBER 2ND, 2009. THE DAY AFTER I APPEARED BEFORE THE HONORABLE CIRCUIT JUDGE ALISON RENEE LEE REQUESTING A MOTION -- REQUESTING AN INJUNCTION FOR TWO THINGS. ONE IS THAT SHE REQUIRE THE DEFENDANTS TO re-route LEAVE OUT THE SEWER LINES WHICH, YOUR HONOR, I NEED TO TELL YOU WHAT ALL OF THIS IS ABOUT.

**THE COURT:** YOU WENT INTO THIS SEWER LINES ON JULY 23RD. I RECALL THEM.

**DEFENDANT FALTAS:** ALL RIGHT. SO THE NEXT DAY I WAS ARRESTED. THE HONORABLE JUDGE LEE NOTED CLEARLY HER HONOR BELIEVED THAT THAT ARREST WAS CONNECTED TO THE CIVIL LAWSUIT. NOW THAT I HAVE SEEN THE VIDEOS OF THE ARREST WHICH WERE PRODUCED ONLY DURING MY TRIAL NOT ONLY WAS THE MAN, THE LANDLADY'S CONSORT WHOSE NAME IS LARRY (INAUDIBLE) Wayne there he's MASON THRE, THE LAWYER WAS

ALLOWED TO ENTER MY APARTMENT, TO GO TO MY BEDROOM -- HIS NAME IS Investigator Stephan
DELANEY -- AND THERE IS IN (INAUDIBLE) NAREWSKI GOING THROUGH THE
FRONT DOOR OF MY APARTMENT SAYING " WHERE IS DELANEY. " ANOTHER
motioned
INVESTIGATOR WHO WAS RIFLING THROUGH ALL MY PAPERS SAID (INAUDIBLE)
he.
WITH HER HEAD TO MY BEDROOM, IT GOES TO MY BEDROOM. NOT ONLY DID
THEY LET THE CIVIL LAWYER GO TO MY BEDROOM, HE STOLE MY PASSPORT
AND THE BIBLE THAT WAS --

**THE COURT:** HOLD ON JUST A SECOND, I'M SORRY.

**MR. FERNANDEZ:** WE'RE GETTING SOMEWHAT FAR AFIELD. THIS IS NOT I DON'T THINK IN ANY WAY RELATED TO THE MOTION FOR A SPEEDY TRIAL AND I JUST WANTED TO ASK ARE WE DOING A MOTION FOR A SPEEDY TRIAL FOR ALL PENDING CHARGES OR JUST THE ONES LISTED ON THE NOTICE?

**THE COURT:** AND THOSE WOULD BE THE ONES ON THE NOTICE.

**MR. FERNANDEZ:** THE CHARGES SHE'S REFERRING TO ARE NOT -- WE ARE NOT NOTICED FOR THOSE TODAY.

**THE COURT:** ALL RIGHT. DR. FALTAS, I UNDERSTAND IT'S DIFFICULT BUT I REALLY DO NEED FOR YOU TO FOCUS ON WHAT WE ARE DOING HERE TODAY. THESE THREE CASES -- THIS IS CASE 613866, L-066971, L-066954 AND ORDINANCE NUMBER 6034 WHICH IS THE ONE -- IS THAT THE ONE THAT WAS NOLLE PROSSED?

**MR. FERNANDEZ:** YES, YOUR HONOR.

**THE COURT:** OKAY. SO THAT ONE WE ARE DONE WITH.

**DEFENDANT FALTAS:** THE ONE THAT WAS NOLLE PROSSED IS K-613866. LET'S BE CLEAR ON THAT.

**MR. FERNANDEZ:** IT'S THE UNLAWFUL TELEPHONE.

**THE COURT:** K-613866. YOU AGREE?

**MR. FERNANDEZ:** YES, THAT'S THE ONE WE'RE TALKING ABOUT.

**THE COURT:** ALL RIGHT.

**DEFENDANT FALTAS:** I HOPE YOU ARE NOLLE PROCESSING THE OTHER ONE, TOO.

**THE COURT:** ALL RIGHT. SO LET ME JUST -- YOU'RE SAYING YOU WANT A SPEEDY TRIAL, YOUR MOTION FOR A SPEEDY TRIAL IS HERE AND YOU'VE BEEN DENIED A SPEEDY TRIAL BECAUSE YOU HAD A CASE THAT WAS -- A MISTRIAL WAS DECLARED AND YOU APPEALED IT YOURSELF WHEREUPON YOU LEARNED THAT YOU CANNOT APPEAL SUCH A CASE AT THAT JUNCTURE. YOU ARE BACK HERE AND YOU SAY IT'S BEEN A YEAR AND THERE'S NO ACTION TAKEN. CORRECT?

**DEFENDANT FALTAS:** YES, YOUR HONOR.

**THE COURT:** ALL RIGHT.

**DEFENDANT FALTAS:** I ALSO SAY THAT ON THE OTHERS THAT ARE NOT LISTED MY MOTION FOR A SPEEDY TRIAL IN GENERAL SESSIONS COURT WHICH -- LET ME JUST MAKE MY --

**THE COURT:** I HAVE NOTHING TO DO WITH THAT, MA'AM. YOU HAVE TO UNDERSTAND THAT'S NOT BEFORE ME.

**DEFENDANT FALTAS:** I NEED TO MAKE MY RECORD BECAUSE --

**THE COURT:** YOU NEED TO DO WHAT I ASK AND I'M ASKING YOU TO PLEASE TRY TO FOCUS. I'M ASKING YOU TO SIMPLY FOCUS ON THIS MATTER THAT'S BEFORE ME TODAY -- THE MOTION FOR A SPEEDY TRIAL IN THESE TWO CASES THAT WE HAVE LEFT.

**DEFENDANT FALTAS:** THREE.

**THE COURT:** WELL, ONE IS NOLLE PROSSED.

**MR. FERNANDEZ:** TWO CASES, THREE CHARGES.

**THE COURT:** THREE CHARGES. OKAY. SO YOU WERE DENIED A SPEEDY TRIAL BECAUSE YOU APPEALED AND THAT TOOK A WHILE AND THEN THE CITY DIDN'T DO ANYTHING AFTER IT CAME BACK. IS THERE ANY OTHER REASON YOU WERE DENIED A SPEEDY TRIAL?

**DEFENDANT FALTAS:** I'M NOT SAYING THAT'S AN EXCUSE FOR THE CITY. I'M SAYING --

**THE COURT:** I KNOW YOU ARE NOT. YOU ARE SAYING THAT TOOK A WHILE AND WHEN IT CAME BACK IN A YEAR THEY HAVEN'T DONE ANYTHING.

**DEFENDANT FALTAS:** I'M SAYING THE APPEALS WERE CONCLUDED IN JUNE, 2009 --

**THE COURT:** I HAVE THAT.

**DEFENDANT FALTAS:** ALL RIGHT. AND THE OTHER -- HE SAYS ONE CASE, TWO CHARGES. THERE ARE REALLY TWO CASES.

**THE COURT:** TWO CASES, I UNDERSTAND.

**DEFENDANT FALTAS:** BUT THEY ARE ALSO FROM SEPTEMBER, 2009, AND, YES, I HAVE BEEN DENIED MY SPEEDY TRIAL RIGHT AND THE REASON IS THAT THE CITY KNOWS IT HAS NO EVIDENCE, THAT IT WAS PLANNING TO USE FALSE WITNESSES, THAT I EXPOSED THOSE FALSE WITNESSES. THEY KNOW THEY CANNOT TRY THEM AND GET A CONVICTION SO THEY ARE JUST KEEPING THEM ON THE BOOKS. AND AS I JUST TOLD YOU THE PENDENCY OF CRIMINAL CHARGES HAS COLLATERAL NEGATIVE CONSEQUENCES.

**THE COURT:** ALL RIGHT.

**DEFENDANT FALTAS:** IS THAT FOCUSED ENOUGH?

**THE COURT:** ALL RIGHT. THANK YOU, MA'AM. PLEASE BE SEATED AND I'LL HEAR FROM MR. FERNANDEZ.

**DEFENDANT FALTAS:** THANK YOU.

**MR. FERNANDEZ:** YES, YOUR HONOR. REGARDING THE TWO MATTERS LAST, FRONT YARD PARKING I BELIEVE THE DEFENDANT DID GIVE A RELATIVELY ACCURATE DESCRIPTION OF WHAT OCCURRED. THIS WAS CALLED -- THE INCIDENT OCCURRED IN 2008. IT WAS BROUGHT TO TRIAL IN NOVEMBER. MY PREDECESSOR, OVERTURE WALKER, ACTUALLY BEGAN THE TRIAL. AT SOME POINT DURING THE TRIAL THE DEFENDANT BECAME ILL AND REQUIRED ASSISTANCE TO GO TO THE HOSPITAL. WE DON'T KNOW WHAT THAT ILLNESS EXACTLY WAS BUT SHE WAS RELEASED THAT SAME DAY.

**DEFENDANT FALTAS:** NO.

**MR. FERNANDEZ:** YOUR HONOR, AND --

**THE COURT:** MA'AM, HOLD ON JUST A MINUTE. I HEAR FROM ONE AT A TIME. HE GAVE YOU THE COURTESY OF NOT INTERRUPTING YOU UNLESS HE HAD TO. I EXPECT THE SAME FROM YOU. NOW BE SEATED AND NO MORE INTERRUPTIONS. OKAY. TELL ME AGAIN WHAT CHARGING DOCUMENT YOU ARE REFERRING TO SO WE CAN KEEP THESE STRAIGHT.

**MR. FERNANDEZ:** UNIFORM ORDINANCE SUMMONS 6034. THIS WOULD BE THE FRONT YARD PARKING.

**THE COURT:** FRONT YARD PARKING?

**MR. FERNANDEZ:** YES, YOUR HONOR. A MISTRIAL WAS DECLARED. IT HAS BEEN -- AS WE WENT THROUGH THE APPEAL HAS BEEN SENT BACK TO MUNICIPAL COURT. I DON'T CONTROL WHEN CASES ARE SCHEDULED. I SIMPLY WORK WITH WHAT IS GIVEN TO ME ON A WEEKLY BASIS. FOR

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Municipal Court
111 Washington St.
Columbia, SC 29201

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S.C. SUPREME COURT

**Marie Assa'ad-Faltas, MD, MPH**
***P.O. Box 9115, Columbia, SC 29290 (Please use until further notice)***
***Cell Phone (330) 232-4164 (Please use until further notice)***
***e-mail: Marie_Faltas@hotmail.com***
**11 March 2011**

**Columbia Municipal Court Chief Administrator Dana D. Turner** by hand-delivery

**Re: (1) Response to some of the many errors in your 9 March 2011 Letter to Assistant City of Columbia Attorney (ACA) David Fernandez and me; (2) *strong* Objections to your attempts to put me *again* before purported Columbia Municipal Court (CMC) Judge Hanna despite her recusal from my cases for many reasons; and (3) Follow up to your previous letter to me.**

Ma'am:

I am informed and believe that you represented to the Honorable Roslyn Frierson, SC Director of Court Administration, through Mr. Robert L. McCurdy, that Marion O. Hanna is recused from my cases. Your assistant, Pamela Hawkins, also orally assured me that you will not schedule me before Marion Hanna.

I sought Marion O. Hanna's recusal on my first transcribed appearance before her on 17 November 2009 due to her problematic temper. I since found in her record on and off the bench incompatibilities with service as a jurist. Your scheduling this contrived and frivolous motion by ACA Fernandez to be heard before my own older motions is proof that you are focused on incarcerating me by hook or by crook.

Crucially, were my dispositive motions granted, the unconstitutional, invalid and arbitrary order Marion O. Hanna issued would be moot as I would have no dealings with the corrupt and incompetent CMC.

Additionally, under *Ex parte Mamie Jackson*, you are required to appoint for me stand-by counsel if I am to risk incarceration under contempt of court or for failure to appear for an invalid and contrived hearing.

Further, because you refuse to transcribe the proceedings accurately and regularly fail to initially provide me a playable CD of each one I request, I must be allowed to bring my own recording equipment and a private court reporter at your expense under *Mayer v. City of Chicago*, 404 U.S. 189 (1971).

Most crucially, your claim that all my motions in the harassment charges have heard by Marion O. Hanna on 1 October 2010 and disposed by her purported ORDER of 13 October 2010 **is completely false.**

**Please see the attached transcript excerpts, specially, pp 14 lines 8-24 and 15 lines 15-24.**

**All** my motions in K613792 and K613793 **must be heard**. Any and all rulings on my pre-trial and intra-trial motions are a nullity at law because there was a mistrial; and all my post-trial motions (except two motions to relieve stand-by counsel from the private bar) have never been heard in General Sessions court and must be heard now. The ones pre-dating 1 April 2010 are listed in Circuit Judge Cooper's 1 April 2010 ORDER which ACA Fernandez submitted to Marion O. Hanna for her to parrot, which she largely did.

**Nor have you any right to limit my argument on the unconstitutionality of the statutes used to prosecute me based on recent decisions by the U.S. and SC's Supreme Courts. On that subject, be advised that I intend to argue that *Snyder v. Phelps*, No. 09-751, decided 2 March 2010 also renders all my *alleged acts (even if arguendo true)* protected by the First Amendment. I also reserve the right to argue any other relevant controlling decision issued between now and the date of the hearing.**

In response to your refusal to transcribe the jury qualification and subpoena hearings related to the front-yard parking charges, I hereby reassert that both are issues in the appeal and your attempt to delay the appeal hearing by refusing to transcribe those proceedings is naked and improper. CMC's returns to my appeals from Marion O. Hanna's finding me in criminal contempt and from my front-yard parking conviction must be supplemented by the complete and accurate transcripts of said proceedings, by all the exhibits on file, and by the missing parts of the trial transcript which are audible on the CD and part of the trial. It is not up to you or to your non-neutral staff person to decide what should be transcribed. *Mayer, supra*, and the relevant SC statutes require you to make a complete return and prescribe its contents.

So any hearing before Marion O. Hanna must be canceled or at least continued until my standing appeal from her previous orders is heard and/or all my other cases in CMC are disposed, whichever is later.

**Thanks and God bless,** **Marie Assa'ad-Faltas, MD, MPH, *pro se***

cc.: (by hand-delivery through your office or by mail) Assistant City Attorney David Fernandez
SC's Office of Court Administration and SC's Supreme Court
(by hand delivery through the office of Richland County Clerk of Court) The Honorable Judges Lee and Newman
Mr. Hugh Ryan, General Counsel of SCCOID
Richland County Public Defender's Office and/or SC's Office of Appellate Defense.
Others as necessary and proper in the present and the future.

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# CITY OF COLUMBIA
SOUTH CAROLINA

MUNICIPAL COURT · P.O. BOX 644 · COLUMBIA, S.C. 29202 · 803 545-3150 FAX 803 · 733-8433

March 9, 2011

Mr. David A. Fernandez, Esq.
Assistant City Attorney
Legal Department
P. O. Box 667
Columbia, SC 29202

Dr. Marie Assa'ad Faltas
P. O. Box 9115
Columbia, SC 29209

Re: City of Columbia vs. Marie Assa'ad Faltas, L066971, L066954
State of South Carolina vs. Marie Assa'ad Faltas, K613792; K613793
City of Columbia vs. Marie Assa'ad Faltas, 38803FK, 37025FK

Dear Mr. Fernandez and Dr. Faltas:

Please be advised that a hearing on the following motion will be held on Monday, March 28, 2011 at 9:00 a.m. in Courtroom 3, 811 Washington Street, Columbia, South Carolina before the Honorable Marion O. Hanna.

1. City's Motion for Rule to Show Cause filed February 22, 2011. This motion pertains to Judge Marion Hanna's order of October 13, 2010 and alleges violation of that order.

Failure to appear can result in the imposition of a fine or a sentence of up to 30 days in jail or both or such other sentence as the presiding judge may impose

Please be further advised that a hearing with regard to various motions pending in connection with the above referenced cases will be held on Monday, March 28, 2011 at 10:00 a.m. or as soon thereafter as it can be heard in Courtroom 2, 811 Washington Street, Columbia, South Carolina before The Honorable Lincoln C. Jenkins III.

The following motions will be heard at this hearing:

1. Defendant's "EMERGENCY" Motion to Dismiss or Reconsider Bond pertaining to Uniform Traffic Tickets 37025FK Trespassing After Notice and 38803FK Disorderly Conduct filed July 12, 2010.

2. City's Motion to Revoke Defendant's Bond pertaining to warrant numbers K613792 and K613793 filed September 23, 2010.

3. Defendant's Motion to Dismiss filed with the Municipal Court on November 8, 2010. This motion is based on City of Greenville v. Bane, 390 S.C. 303, 702 S.E.2d 112 (SC 2010). By Defendant's statements within the motion itself, arguments with regard to this motion are limited to allegations of facial unconstitutionality and vagueness of City of Columbia ordinances criminalizing speech which Defendant alleges led to her arrest on harassment and other charges. Previous motions to dismiss filed by the Defendant were heard by Judge Marion Hanna on October 13, 2010.

4. Defendant's Motion to "Convert my Bond to Unconditional Personal Recognizance Bond in Light of New and Changed Circumstances" filed February 7, 2011. It is unclear which case or cases this motion pertains to.

5. Defendant's Motion to "Dismiss All Remaining Charges Against Me for Want of Prosecution and for Other Reasons" filed February 7, 2011. At the time this motion was filed, the above referenced charges were pending against the Defendant.

If either party contends that other motions are pending besides those listed above, the Court expects that party to provide the Court within five (5) days of the date of this letter details concerning the alleged pending motion including the specific relief sought by the motion, the date the written motion was filed and the case number(s) to which the motion applies. Disputes concerning whether motions are pending or not pending may be heard by Judge Jenkins in his sole discretion on the above referenced court date. Whether oral motions that have not been previously filed in writing will be heard on the above referenced court date will rest in the sole discretion of Judge Jenkins. Motions pertaining to the specific issues of trial, i.e., motions in limine, to quash subpoenas, to transport the jury to the site, etc., will be heard immediately prior to trial.

Sincerely,

Dana D. Turner

Dana D. Turner
Chief Administrative Judge

| | | |
|---|---|---|
| CITY OF COLUMBIA, | ) | TRANSCRIPT OF RECORD |
| | ) | |
| vs. | ) | OCTOBER 6, 2010 |
| | ) | JURY TRIALS |
| MARIE-THÉRÈSE ASSA'AD-FALTAS, | ) | WARRANT NO.: K-613866, L-066971, |
| | ) | L-066954; SUMMONS NO.: 6034 |
| DEFENDANT. | ) | JUDGE MARION O. HANNA |
| | ) | ACA DAVID A. FERNANDEZ |

**THE COURT:** IS EVERYONE READY TO PROCEED? MR. SCHNEE IS HERE, MS. FALTAS IS HERE.

**DEFENDANT FALTAS:** I'M DR. FALTAS.

**THE COURT:** I UNDERSTAND. AND MR. FERNANDEZ IS HERE AND ALSO?

**MR. FERNANDEZ:** MS. BEESON FROM OUR OFFICE. SHE'S NOT GOING TO PARTICIPATE.

**THE COURT:** ALL RIGHT. AND WE ALSO HAVE A COURT REPORTER. MR. SCHNEE, IS THE COURT REPORTER HERE ON BEHALF OF THE PUBLIC DEFENDER'S OFFICE?

**MR. SCHNEE:** I'M NOT WITH THE PUBLIC DEFENDER'S OFFICE, YOUR HONOR.

**THE COURT:** OH, I'M SORRY. IS THE COURT REPORTER HERE ON YOUR BEHALF?

**MR. SCHNEE:** NOT ON MY PERSONAL BEHALF. I'M STANDBY COUNSEL. I DON'T KNOW IF DR. FALTAS HAS SECURED PAYMENT FOR THAT.

**THE COURT:** ALL RIGHT. THE COURT REPORTER IS HERE ON YOUR PERSONAL BEHALF, MA'AM?

**DEFENDANT FALTAS:** I ASKED HER TO BE HERE, YOUR HONOR, BECAUSE I HAVE HAD PROBLEMS GETTING TRANSCRIPTS FROM THIS COURT.

**THE COURT:** ALL RIGHT. DR. FALTAS, EXCUSE ME, MA'AM. BUT WE ARE NOW MOVING ON TO MOTION NUMBER FOUR.

**DEFENDANT FALTAS:** MAY I --

**THE COURT:** EXCUSE ME. MOTION -- MOTION NUMBER TWO AND THREE APPLIED TO THAT CHARGE WHICH IS NOLLE PROSSED. IT IS NO LONGER BEFORE THE COURT SO I WILL NOT HEAR ANYTHING ABOUT IT. NUMBER FOUR. DEFENDANT'S MOTION TO TRANSFER CASES TO THE RICHLAND COUNTY MAGISTRATE'S COURT. AS I SAID EARLIER, AND THESE ARE YOUR SAME GROUNDS, IT IS IMPROPER FOR THE CITY TO TRY HER AND SO FORTH. WE'VE ALREADY MADE OUR DECISION ON THAT AS YOU WILL RECALL FROM JULY 23RD. WE'LL MOVE TO NUMBER FIVE, DEFENDANT'S MOTION FOR A SPEEDY TRIAL. MS. FALTAS.

**DEFENDANT FALTAS:** THIS IS DR. FALTAS, YOUR HONOR. ON THE ONES THAT WERE -- ON THE ONE THAT WAS NOLLE PROCESSED --

**THE COURT:** MA'AM, LISTEN TO ME. IF YOU CANNOT FOLLOW MY DIRECTIONS THIS IS NOT GOING TO WORK WELL. THERE IS NO CASE. THERE IS NO CASE OF UNLAWFUL USE OF TELEPHONE. IT HAS BEEN NOLLE PROSSED. IT IS NOT BEING PROSECUTED. YOU MUST MOVE ON TO YOUR MOTION FOR A SPEEDY TRIAL.

**DEFENDANT FALTAS:** I MAKE A MOTION FOR EXPUNGEMENT OF THE ARREST RECORD AND IF YOU GIVE ME THE BENEFIT OF THE DOUBT YOU WOULD KNOW THAT I HAVE SOMETHING VALID TO SAY AND THAT I UNDERSTOOD WHAT NOLLE PROSSED MEANS.

**THE COURT:** I KNOW THAT YOU DO, DR. FALTAS.

**DEFENDANT FALTAS:** ALL RIGHT. NOW I HAVE THE RIGHT TO RE-

QUEST EXPUNGEMENT BECAUSE THAT IS MY RIGHT.

**THE COURT:** MA'AM. THIS IS NOT THE VENUE FOR THAT.

**DEFENDANT FALTAS:** WELL, WHAT IS THE VENUE?

**THE COURT:** THE VENUE FOR THAT FOR WHAT WE ARE HERE FOR NOW, THE NEXT THING AND I WANT TO HEAR FROM YOU ON IT IS YOUR MOTION FOR A SPEEDY TRIAL. THE OTHER THINGS WILL COME LATER. MOTION FOR A SPEEDY TRIAL NOW.

**DEFENDANT FALTAS:** ALL RIGHT.

**THE COURT:** THANK YOU.

**DEFENDANT FALTAS:** NOW JUST COULD YOU PLEASE. PLEASE LET ME MAKE MY RECORD? UNDER KOPFLER VS. NORTH CAROLINA THERE IS NO SUCH THING AS NOLLE PROS WITH LEAVE TO REOPEN.

**THE COURT:** MA'AM, NO. WE ARE NOT GOING AT -- WE HAVE NOT NOLLE PROSSED WITH LEAVE. DID YOU HEAR ME SAY WITH LEAVE TO REOPEN?

**DEFENDANT FALTAS:** I JUST WANT TO SAY THAT MEANS IT'S GONE FOREVER.

**THE COURT:** I'VE ALREADY HEARD ALL THAT FROM YOU AND WE ARE NOT HEARING IT TODAY.

**DEFENDANT FALTAS:** ALL RIGHT. FINE.

**THE COURT:** I WANT TO HEAR FROM YOU ON YOUR MOTION FOR A SPEEDY TRIAL.

**DEFENDANT FALTAS:** ABSOLUTELY, YOUR HONOR.

**THE COURT:** NOW.

**DEFENDANT FALTAS:** YES, MA'AM.

**THE COURT:** ALL RIGHT. THANK YOU. GO AHEAD.

**DEFENDANT FALTAS:** THANK YOU. THE LETTER REFERENCES FOUR CHARGES. TWO OF THEM CITY OF COLUMBIA VS. MARIE ASSA'AD-FALTAS, M.D., M.P.H. IS L-066971 AND L-066954. I HAVE MOTIONS TO DISMISS ON THOSE, MOTIONS FOR SPEEDY TRIALS ON THOSE AS WELL MOTIONS FOR SPEEDY TRIAL ON THE CHARGES THAT WERE REMANDED FROM GENERAL SESSIONS.

**THE COURT:** WE ARE GOING TO HEAR ONE MOTION AT A TIME.

**DEFENDANT FALTAS:** OKAY.

**THE COURT:** THIS IS MOTION FOR A SPEEDY TRIAL.

**DEFENDANT FALTAS:** IT APPLIES TO ALL THE PENDING CASES.

**THE COURT:** ONE AT A TIME.

**DEFENDANT FALTAS:** ALL RIGHT. SO THEM (then) MAY I TELL YOU ONE CASE AT A TIME?

**THE COURT:** YOU MAY TELL ME WHY YOU WANT A SPEEDY TRIAL (INAUDIBLE) YOU ARE BEING DENIED ONE.

**DEFENDANT FALTAS:** OH, BECAUSE THAT'S MY CONSTITUTIONAL RIGHT UNDER THE 6TH AMENDMENT TO THE UNITED STATES CONSTITUTION, BECAUSE THE PENDENCY OF CRIMINAL CHARGES HAS COLLATERAL NEGATIVE CONSEQUENCES ON THE PERSON CHARGED, BECAUSE THESE CHARGES HAVE NO VALIDITY WHATSOEVER. THEY WERE COMPLETELY BROUGHT TO HARASS ME, TO INTIMIDATE ME FROM EXERCISING MY CIVIL RIGHTS BECAUSE THE LAPSE OF TIME MAKES IT IMPOSSIBLE FOR ME TO PROVIDE FOR MY DEFENSE BECAUSE ALL OF THE REASONS THAT WERE STATED IN KOPFLER (Klopfer) VS. NORTH CAROLINA AND ALL THE U.S. SUPREME COURT CASES THAT SAID THAT THE 6TH AMENDMENT TO THE U.S. CONSTITUTION IS BINDING UPON THE STATES SO THE 14TH AMENDMENT AND THE RIGHT TO SPEEDY TRIAL AGAIN IN KOPFLER (Klopfer) VS.

THAT'S ON THAT CHARGE.

THEN THERE ARE TWO CHARGES, THE L-066971 AND L-066954. ONCE AGAIN THESE ARE FROM SEPTEMBER, 2009, WHICH IS A YEAR LATER BUT NONETHELESS THE REASON THEY HAD KEPT BEING POSTPONED IS THAT THE CITY WAS REFUSING TO PRODUCE DISCOVERY. AND SO BY NOW IT'S BEEN VERY LONG. THOSE CHARGES ARE PENDING AGAINST ME. THEY CAST A SHADOW ON ME. I HAVE BEEN LAWFULLY ADMITTED AN ALIEN, LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE U.S.. LONG ENOUGH TO APPLY FOR U.S. CITIZENSHIP. WHEN I GO TO APPLY I HAVE TO ANSWER WHETHER I HAVE BEEN ARRESTED OR WHETHER THERE ARE PENDING CHARGES AGAINST ME. IN THE UNITED STATES SUPREME COURT OF PADEA VS. KENTUCKY, THE U.S. SUPREME COURT CLEARLY WENT THROUGH THE RAMIFICATIONS ON DEPORTABILITY OF ALIENS LAWFULLY PRESENT IN THE U.S. FOR MISDEMEANORS THAT THE CITIZEN DOESN'T GIVE A SECOND THOUGHT ABOUT. SO THE PENDENCY OF THESE CHARGES HAS COLLATERAL CONSEQUENCES TO ME. THOSE TWO CHARGES --

**THE COURT:** WHAT CONSEQUENCES? HAVE YOU BEEN DEPORTED?

**DEFENDANT FALTAS:** THE CONSEQUENCES IS THAT I AM UNABLE TO APPLY FOR CITIZENSHIP WITH THESE CHARGES PENDING.

**THE COURT:** ALL RIGHT.

**DEFENDANT FALTAS:** THESE CHARGES ARE DEPORTABLE, NOT THEMSELVES NECESSARILY, BUT THE AMOUNT OF MISDEMEANORS AND THREE MISDEMEANORS MAY PROVIDE AN OBSTACLE TO CITIZENSHIP. TO THE ACQUISITION OF CITIZENSHIP. IN ADDITION THEY ALSO HAVE CONSEQUENCES TO MY RENEWED MEDICAL LICENSE. THEY HAVE CONSEQUENCES TO MY APPLI-

CATION FOR JOBS. THEY HAVE --

**THE COURT:** EXCUSE ME. DO YOU HAVE A MEDICAL LICENSE IN THE UNITED STATES?

**DEFENDANT FALTAS:** YES, MA'AM, I DO. AND I'VE HAD ONE SINCE 1988.

**THE COURT:** YOU ARE ABLE TO PRACTICE AS A PHYSICIAN ALTHOUGH YOU ARE NOT A CITIZEN?

**DEFENDANT FALTAS:** OH, YES. AND JUST IN CASE YOU DIDN'T KNOW THAT, THERE WAS A SPECIFIC U.S. SUPREME COURT CASE THAT SAID THAT ANY STATUTE THAT DENIES THE RIGHT TO PRACTICE THE PROFESSION OF MEDICINE ON ACCOUNT OF ALIENAGE IS UNCONSTITUTIONAL.

**THE COURT:** ARE YOU PRACTICING MEDICINE IN THE UNITED STATES?

**DEFENDANT FALTAS:** MA'AM, I HAVE EXPANDING LICENSE, VALID, UNRESTRICTED LICENSE TO PRACTICE MEDICINE --

**THE COURT:** ARE YOU PRACTICING MEDICINE IN THE UNITED STATES?

**DEFENDANT FALTAS:** I AM NOT CURRENTLY PRACTICING CLINICAL MEDICINE.

**THE COURT:** HAVE YOU EVER PRACTICED MEDICINE IN THE UNITED STATES?

**DEFENDANT FALTAS:** YES, MA'AM, I DID.

**THE COURT:** IN THIS COUNTRY?

**DEFENDANT FALTAS:** YES, MA'AM, I DID. I'M SORRY.

**THE COURT:** OKAY. LET'S GET BACK TO FOCUSING ON YOUR

MOTION FOR A SPEEDY TRIAL, PLEASE.

**DEFENDANT FALTAS:** THEN THERE ARE -- I THINK I'VE COVERED THOSE TWO CHARGES -- THE ALLEGED TRESPASS AND ALLEGED ASSAULT. SIMPLE ASSAULT WHICH WERE BROUGHT BY MY LANDLADY BECAUSE I HAVE SUED HER FOR HOUSING DISCRIMINATION. SO THESE ARE FALSE CHARGES AND THEY ARE BROUGHT JUST FOR THE COLLATERAL BENEFIT -- TO IMPOSE BAD COLLATERAL CONSEQUENCES ON ME. IN FACT, THAT VERY LANDLADY AND HER CONSORT WERE KEEPING ON WRITING ME LETTERS SAYING WE'RE WRITING TO HOMELAND SECURITY ABOUT YOUR CHARGES. SO THESE WERE FALSE CHARGES BROUGHT TO BRING ADVANTAGE IN CIVIL LITIGATION AND OTHER ADVANTAGE. THEN THERE ARE THE TWO FALSE HARASSMENT CHARGES THAT WERE REMANDED FROM THE COURT OF GENERAL SESSIONS. I WAS ARRESTED ON DECEMBER 2ND, 2009. THE DAY AFTER I APPEARED BEFORE THE HONORABLE CIRCUIT JUDGE ALISON RENEE LEE REQUESTING A MOTION -- REQUESTING AN INJUNCTION FOR TWO THINGS. ONE IS THAT SHE REQUIRE THE DEFENDANTS TO LEAVE OUT THE SEWER LINES WHICH, YOUR HONOR, I NEED TO TELL YOU WHAT ALL OF THIS IS ABOUT.

**THE COURT:** YOU WENT INTO THIS SEWER LINES ON JULY 23RD. I RECALL THEM.

**DEFENDANT FALTAS:** ALL RIGHT. SO THE NEXT DAY I WAS ARRESTED. THE HONORABLE JUDGE LEE NOTED CLEARLY HER HONOR BELIEVED THAT THAT ARREST WAS CONNECTED TO THE CIVIL LAWSUIT. NOW THAT I HAVE SEEN THE VIDEOS OF THE ARREST WHICH WERE PRODUCED ONLY DURING MY TRIAL NOT ONLY WAS THE MAN. THE LANDLADY'S CONSORT WHOSE NAME IS LARRY (INAUDIBLE) MASON THRE. THE LAWYER WAS

ALLOWED TO ENTER MY APARTMENT, TO GO TO MY BEDROOM -- HIS NAME IS DELANEY -- AND THERE IS IN (INAUDIBLE) NAREWSKI GOING THROUGH THE FRONT DOOR OF MY APARTMENT SAYING WHERE IS DELANEY. ANOTHER INVESTIGATOR WHO WAS RIFLING THROUGH ALL MY PAPERS SAID (INAUDIBLE) WITH HER HEAD TO MY BEDROOM, IT GOES TO MY BEDROOM. NOT ONLY DID THEY LET THE CIVIL LAWYER GO TO MY BEDROOM, HE STOLE MY PASSPORT AND THE BIBLE THAT WAS --

**THE COURT:** HOLD ON JUST A SECOND, I'M SORRY.

**MR. FERNANDEZ:** WE'RE GETTING SOMEWHAT FAR AFIELD. THIS IS NOT I DON'T THINK IN ANY WAY RELATED TO THE MOTION FOR A SPEEDY TRIAL AND I JUST WANTED TO ASK ARE WE DOING A MOTION FOR A SPEEDY TRIAL FOR ALL PENDING CHARGES OR JUST THE ONES LISTED ON THE NOTICE?

**THE COURT:** AND THOSE WOULD BE THE ONES ON THE NOTICE.

**MR. FERNANDEZ:** THE CHARGES SHE'S REFERRING TO ARE NOT -- WE ARE NOT NOTICED FOR THOSE TODAY.

**THE COURT:** ALL RIGHT. DR. FALTAS, I UNDERSTAND IT'S DIFFICULT BUT I REALLY DO NEED FOR YOU TO FOCUS ON WHAT WE ARE DOING HERE TODAY. THESE THREE CASES -- THIS IS CASE 613866, L-066971, L-066954 AND ORDINANCE NUMBER 6034 WHICH IS THE ONE -- IS THAT THE ONE THAT WAS NOLLE PROSSED?

**MR. FERNANDEZ:** YES, YOUR HONOR.

**THE COURT:** OKAY. SO THAT ONE WE ARE DONE WITH.

**DEFENDANT FALTAS:** THE ONE THAT WAS NOLLE PROSSED IS K-613866. LET'S BE CLEAR ON THAT.

**MR. FERNANDEZ:** IT'S THE UNLAWFUL TELEPHONE.

**THE COURT:** K-613866. YOU AGREE?

**MR. FERNANDEZ:** YES, THAT'S THE ONE WE'RE TALKING ABOUT.

**THE COURT:** ALL RIGHT.

**DEFENDANT FALTAS:** I HOPE YOU ARE NOLLE PROCESSING THE OTHER ONE, TOO.

**THE COURT:** ALL RIGHT. SO LET ME JUST -- YOU'RE SAYING YOU WANT A SPEEDY TRIAL, YOUR MOTION FOR A SPEEDY TRIAL IS HERE AND YOU'VE BEEN DENIED A SPEEDY TRIAL BECAUSE YOU HAD A CASE THAT WAS -- A MISTRIAL WAS DECLARED AND YOU APPEALED IT YOURSELF WHEREUPON YOU LEARNED THAT YOU CANNOT APPEAL SUCH A CASE AT THAT JUNCTURE. YOU ARE BACK HERE AND YOU SAY IT'S BEEN A YEAR AND THERE'S NO ACTION TAKEN. CORRECT?

**DEFENDANT FALTAS:** YES, YOUR HONOR.

**THE COURT:** ALL RIGHT.

**DEFENDANT FALTAS:** I ALSO SAY THAT ON THE OTHERS THAT ARE NOT LISTED MY MOTION FOR A SPEEDY TRIAL IN GENERAL SESSIONS COURT WHICH -- LET ME JUST MAKE MY --

**THE COURT:** I HAVE NOTHING TO DO WITH THAT, MA'AM. YOU HAVE TO UNDERSTAND THAT'S NOT BEFORE ME.

**DEFENDANT FALTAS:** I NEED TO MAKE MY RECORD BECAUSE --

**THE COURT:** YOU NEED TO DO WHAT I ASK AND I'M ASKING YOU TO PLEASE TRY TO FOCUS. I'M ASKING YOU TO SIMPLY FOCUS ON THIS MATTER THAT'S BEFORE ME TODAY -- THE MOTION FOR A SPEEDY TRIAL IN THESE TWO CASES THAT WE HAVE LEFT.

**DEFENDANT FALTAS:** THREE.

**THE COURT:** WELL, ONE IS NOLLE PROSSED.

**MR. FERNANDEZ:** TWO CASES, THREE CHARGES.

**THE COURT:** THREE CHARGES. OKAY. SO YOU WERE DENIED A SPEEDY TRIAL BECAUSE YOU APPEALED AND THAT TOOK A WHILE AND THEN THE CITY DIDN'T DO ANYTHING AFTER IT CAME BACK. IS THERE ANY OTHER REASON YOU WERE DENIED A SPEEDY TRIAL?

**DEFENDANT FALTAS:** I'M NOT SAYING THAT'S AN EXCUSE FOR THE CITY. I'M SAYING --

**THE COURT:** I KNOW YOU ARE NOT. YOU ARE SAYING THAT TOOK A WHILE AND WHEN IT CAME BACK IN A YEAR THEY HAVEN'T DONE ANYTHING.

**DEFENDANT FALTAS:** I'M SAYING THE APPEALS WERE CONCLUDED IN JUNE, 2009 --

**THE COURT:** I HAVE THAT.

**DEFENDANT FALTAS:** ALL RIGHT. AND THE OTHER -- HE SAYS ONE CASE, TWO CHARGES. THERE ARE REALLY TWO CASES.

**THE COURT:** TWO CASES, I UNDERSTAND.

**DEFENDANT FALTAS:** BUT THEY ARE ALSO FROM SEPTEMBER, 2009, AND, YES, I HAVE BEEN DENIED MY SPEEDY TRIAL RIGHT AND THE REASON IS THAT THE CITY KNOWS IT HAS NO EVIDENCE, THAT IT WAS PLANNING TO USE FALSE WITNESSES, THAT I EXPOSED THOSE FALSE WITNESSES. THEY KNOW THEY CANNOT TRY THEM AND GET A CONVICTION SO THEY ARE JUST KEEPING THEM ON THE BOOKS. AND AS I JUST TOLD YOU THE PENDENCY OF CRIMINAL CHARGES HAS COLLATERAL NEGATIVE CONSEQUENCES.

**THE COURT:** ALL RIGHT.

**DEFENDANT FALTAS:** IS THAT FOCUSED ENOUGH?

**THE COURT:** ALL RIGHT. THANK YOU, MA'AM. PLEASE BE SEATED AND I'LL HEAR FROM MR. FERNANDEZ.

**DEFENDANT FALTAS:** THANK YOU.

**MR. FERNANDEZ:** YES, YOUR HONOR. REGARDING THE TWO MATTERS LAST, FRONT YARD PARKING I BELIEVE THE DEFENDANT DID GIVE A RELATIVELY ACCURATE DESCRIPTION OF WHAT OCCURRED. THIS WAS CALLED -- THE INCIDENT OCCURRED IN 2008. IT WAS BROUGHT TO TRIAL IN NOVEMBER. MY PREDECESSOR, OVERTURE WALKER, ACTUALLY BEGAN THE TRIAL. AT SOME POINT DURING THE TRIAL THE DEFENDANT BECAME ILL AND REQUIRED ASSISTANCE TO GO TO THE HOSPITAL. WE DON'T KNOW WHAT THAT ILLNESS EXACTLY WAS BUT SHE WAS RELEASED THAT SAME DAY.

**DEFENDANT FALTAS:** NO.

**MR. FERNANDEZ:** YOUR HONOR, AND --

**THE COURT:** MA'AM, HOLD ON JUST A MINUTE. I HEAR FROM ONE AT A TIME. HE GAVE YOU THE COURTESY OF NOT INTERRUPTING YOU UNLESS HE HAD TO. I EXPECT THE SAME FROM YOU. NOW BE SEATED AND NO MORE INTERRUPTIONS. OKAY. TELL ME AGAIN WHAT CHARGING DOCUMENT YOU ARE REFERRING TO SO WE CAN KEEP THESE STRAIGHT.

**MR. FERNANDEZ:** UNIFORM ORDINANCE SUMMONS 6034. THIS WOULD BE THE FRONT YARD PARKING.

**THE COURT:** FRONT YARD PARKING?

**MR. FERNANDEZ:** YES, YOUR HONOR. A MISTRIAL WAS DECLARED. IT HAS BEEN -- AS WE WENT THROUGH THE APPEAL HAS BEEN SENT BACK TO MUNICIPAL COURT. I DON'T CONTROL WHEN CASES ARE SCHEDULED. I SIMPLY WORK WITH WHAT IS GIVEN TO ME ON A WEEKLY BASIS. FOR

Form 4

**STATE OF SOUTH CAROLINA**

**COUNTY OF RICHLAND**

IN THE COURT OF COMMON PLEAS

**JUDGMENT IN A CIVIL CASE**

**CASE NO: 2010-CP-40-7063**

**The City of Columbia, SC**

Plaintiff

*vs.*

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

Defendant

***CHECK ONE:***

☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

☐ **ACTION DISMISSED (*CHECK REASON*):** ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other:____

☐ **ACTION STRICKEN (*CHECK REASON*):** ☐ Rule 40(j) SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** *(CHECK APPLICABLE BOX)*:
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other
NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:** ☐ See attached order; ☐ Statement of Judgment by the Court:

**Administrative review of the files reveals that Docket No. 2010-CP-40-07063 and 2010-CP-40-07629 are the same appeal from Municipal Court. Therefore the two cases are consolidated with Docket No. 2010-CP-40-07063 being the surviving number.**

Dated at Columbia, South Carolina, this 1st day of March, 2011.

Alison Renee Lee

**PRESIDING JUDGE**

This judgment was entered on the _____ day of _____, 2011, and a copy mailed first class this 2 day of Mar, 2011, to attorneys of record or to parties (when appearing pro se) as follows:

**David A. Fernandez**

**ATTORNEY(S) FOR THE PLAINTIFF(S)**

**Mark Schnee**

**ATTORNEY(S) FOR THE DEFENDANT(S)**

Jeanette W. McBride

Clerk of Court

RICHLAND COUNTY FILED
2011 MAR -2 PM 3:02
JEANETTE W. McBRIDE C.C.P. & G.S.

SCRCP APP-24/FORM 4

SCANNED

Form 4

COPY

**STATE OF SOUTH CAROLINA**

**COUNTY OF RICHLAND**

IN THE COURT OF COMMON PLEAS

# JUDGMENT IN A CIVIL CASE

**CASE NO: 2010-CP-40-7063**

**The City of Columbia, SC**

*vs.*

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

Plaintiff

Defendant

***CHECK ONE:***

☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

☐ **ACTION DISMISSED (*CHECK REASON*):** ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other:_____

☐ **ACTION STRICKEN (*CHECK REASON*):** ☐ Rule 40(j) SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** *(CHECK APPLICABLE BOX)*:
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other
NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:** ☐ See attached order; ☐ Statement of Judgment by the Court:

**Administrative review of the files reveals that Docket No. 2010-CP-40-07063 and 2010-CP-40-07629 are the same appeal from Municipal Court. Therefore the two cases are consolidated with Docket No. 2010-CP-40-07063 being the surviving number.**

Dated at Columbia, South Carolina, this 1st day of March, 2011.

Alex Abee Lee

**PRESIDING JUDGE**

This judgment was entered on the _____ day of _____, 2011, and a copy mailed first class this 2 day of Mar, 2011, to attorneys of record or to parties (when appearing pro se) as follows:

**David A. Fernandez**

**ATTORNEY(S) FOR THE PLAINTIFF(S)**

**Mark Schnee**

**ATTORNEY(S) FOR THE DEFENDANT(S)**

Jeanette W. McBride

# The South Carolina Court of Appeals

The City of Columbia, Respondent,

v.

Marie Assa'ad-Faltas, MD, MPH, Appellant.

The Honorable
Richland County
Trial Court Case No. 2010-CP-40-0339
2010-CP-40-07063
2010-CP-40-07629
2010-CP-40-8650
2010-GS-40-11980

RICHLAND COUNTY
FILED
2011 FEB 15 AM 9:15
JEANETTE W. McBRIDE
C.C.P. & G.S.

ORDER

Appellant filed a "Notice of Appeal from the Circuit Court's Unwillingness/Inability to Schedule a Hearing on the Underlying Appeals from Municipal Court." This appeal is dismissed as not immediately appealable. In the alternative, Appellant moves this Court to entertain her appeals, which we decline to do.

IT IS SO ORDERED.

John Cannon Jr.

Columbia, South Carolina

V. Claire Allen, Deputy Clerk

2/1/11

cc: Maire Assa'ad-Faltas, MD, MPH
Assistant Attorney General Salley W. Elliott

# The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211

1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201

TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

February 1, 2011

Maire Assa'ad-Faltas, MD, MPH
P.O. Box 9115
Columbia, SC 29290

Re: City of Cola v. Assa'ad-Faltas, Marie
2011183826

Dear Ms. Assa'ad-Faltas:

Enclosed is a copy of an Order of the Court for the above case.

Very truly yours,

V. Claire Allen, Deputy
CLERK

TAG/dw

cc: Assistant Attorney General Salley W. Elliott

10-7063

**Marie Assa'ad-Faltas, MD, MPH**
***P.O. Box 9115, Columbia, SC 29290 (Please use until further notice)***
***Cell Phone (330) 232-4164 (Please use until further notice)***
***e-mail: Marie_Faltas@hotmail.com***
**8 February 2011**

**Columbia Municipal Court Chief Administrator Dana D. Turner** **by hand-delivery**

**Re: URGENT REQUESTS FOR (1) Completion of (a) the City's Return on My Appeals to Circuit Court, and (b) the Disposition Letters I Requested; and (2) A Complete and Accurate Copy of the Audio Recording of the Proceedings Before Columbia Municipal Judge Bogan on Friday, 4 Febraury 2011.**

**RE: *City of Columbia v. Marie Assa'ad-Faltas, MD, MPH*, 2010-CP-40-08650 and 2011-CP-40-00339**
**RE: *City of Columbia v. Marie Assa'ad-Faltas, MD, MPH*, 2010-CP-40-07063 and 2010-CP-40-06729**

Ma'am:

Please let this letter serve as a reiteration of my long-standing requests for hearings on my long-standing motion, of which you were again reminded yesterday by my letter to you. Let it also confirm that your assistant, Pamela Hawkins told me by phone that your read that letter but have no response to it yet.

I do need a response ASAS, please.

**Please schedule my said motions *immediately*.**

Please let this letter also confirm what I requested in open court on 4 February 2011: (1) a complete and accurate copy of the audio recordings your court made of the proceedings there and then before Columbia Municipal Judge Bogan and (2) a written confirmation of the denial of Assistant Columbia City Attorney (ACA) David Fernandez' motion to hold me in contempt of court. I brought my own recording equipment and was ready to record it myself and also asked an independent videographer to be present; but my requests to make my own records of the proceedings were denied. A clerk was present and I hope she did at least a minute entry. A copy of that entry may suffice as proof of the disposition; or ACA Fernandez may draft a proposed written order for Judge Bogan's signature after he sends me a copy of the draft order.

I also reiterate that the set of disposition letters of my past cases in your court is still missing the judicial dismissal of the ordinance summons against me by Municipal Judge Burns in September 2007.

As discussed with Ms. Hawkins and Ms. Ahrens, your court's return in the above cases is incomplete.

First, the exhibits from the trial and from the existing file on that case were not returned to the Richland County Circuit Court. Next, the transcript of the trial itself is incomplete. In the audio you provided me there is a conversation between ACA Fernandez and me which is not transcribed. There is also a colloquy about assignment of the jury foreperson which is omitted. Third, two related proceedings, while recorded on video and essential to the appeal, have not been transcribed at all. They are (1) your qualification of the *venire* panel on Monday, 6 December 2010 and (2) the subpoena hearing before Judge Bogan on Tuesday, 7 December 2010. I demand that these deficiencies in the return be remedied promptly, please.

Further, this is the third time that your return to an appeal of mine from your court is filed separately and given a new case number. It should have been filed with the earlier case number. By copy of this letter to the Honorable Judge Lee, Chief Administrative Judge for Common Pleas for SC's Fifth Judicial Circuit, and to the Clerk of Richland County Circuit Court, I am requesting that **2010-CP-40-08650 and 2011-CP-40-00339 *be consolidated together as they are the same case.***

**I am also requesting that 2010-CP-40-07063 and 2010-CP-40-07629 *be consolidated together as they are the same case.***

**Thanks and God bless,** **Marie Assa'ad-Faltas, MD, MPH, *pro se***

cc.: (by hand-delivery through your office or by mail) Assistant City Attorney David Fernandez
SC's Office of Court Administration and SC's Supreme Court
(by hand delivery through the office of Richland County Clerk of Court) The Honorable Judges Lee and Newman
Mr. Hugh Ryan, General Counsel of SCCOID
Richland County Public Defender's Office and/or SC's Office of Appellate Defense
Others as necessary and proper in the present and the future.

JEANETTE C. COLE & C.S. McBRIDE
2011 FEB -8 PM 3:18
FILED
CLERK OF COURT

**Marie Assa'ad-Faltas, MD, MPH**
304 Byron Road, # 3, Columbia, SC 29209 (temporarily unavailable)
Telephone and on-demand fax (803) 783-4536 (temporarily unavailable)
**P.O. Box 9115, Columbia, SC 29290 (please use until further notice)**
**Cell Phone (330) 232-4164 (please use until further notice)**
**e-mail: Marie_Faltas@hotmail.com**

**27 January 2011**

2011 JAN 28 P 3:

**The Honorable U.S. District Court Chief Judge Norton** **by hand delivery through the Clerk's**
**And the Honorable U.S. District Court Anderson (D.S.C.)** **office and e-mail for back-up**

**Re: Legitimate Questions about *Potential* New Reasons for Disqualification**
**Re: Cases No. 3:10-cv-00132 and a yet unfiled case.**

Your Honors:

I am aware that Judge Anderson has not decided whether he will change his recusal from my cases from a blanket to an *ad hoc* basis, which I suggested since the McCoy case (where I propose to intervene) involves neither USC nor the State Insurance Reserve Fund (SIRF). I also recall Judge Anderson's having, in 1996, written (upon learning that his former law clerk David Rothstein had accepted a position with Nexsun-Pruitt, then representing my adversaries in a lawsuit) that the judge understood that I may feel uncomfortable with that relationship and may want to seek recusal.

There are new law clerk issues related to Ms. Alexis Lindsey and Mr. Joey (last name not disclosed). But I have one matter before Judge Anderson on my motion to intervene and a potential case that would seek to extend/modify Judge Anderson's *Fitts v. Kolb,* 779 F.Supp. 1502 (D.S.C. 1991), where Judge Anderson wrote an unexceptionable analysis of standing, vagueness, and free speech, but stopped short of invalidating the statute altogether.

But as Justice Stevens wrote for the majority in *Graham v. Florida,* 560 U.S. _ (2010), times change, society evolves, and we learn from our experience. I respectfully submit that the twenty years since *Fitts* have shown the danger of leaving an unconstitutional statute on the books even with a definitive narrowing construction. I was falsely arrested on 12 December 2009 under the "unlawful use of a telephone" statute even after SC's Supreme Court had given it a narrowing construction. The charge was later dismissed but the physical damages to my body and psyche remain.

I was later explicitly threatened with arrest under the *Fitts*-invalidated statute for having reported to the coroner the unsolved (and in my pathology-trained opinion neglected) death from "gunshot wound to the head" of Ella Faye Mason, second wife to Larry Wayne Mason, a former criminal defendant in this court and a current civil defendant in my lawsuit in Richland County Court of Common Pleas. Threats were further indirectly reiterated to me by Robert G. ("Bob") Cooper, Jr., though he tried to deny it after I succeeded, thank God, in thwarting it, at least temporarily.

So, I have standing and need to sue to ask Judge Anderson to extend *Fitts* to total invalidation of the statute and to enjoin the President of SC's Legislature to repeal that statute and all others that were objectively misused even after and despite definitive narrowing constructions. But, of course, no U.S. District Judge can overrule another and my case, when I file it, needs to go to Judge Anderson. And even if I were to sever all the additional defendants I proposed as an intervenor in the McCoy case, I still need to intervene to protect my interests (1) in having Defendants Passmore and Long definitively disciplined; (2) in having the challenged City ordinance repealed; and (3) in not having my City taxes paid to a non-City resident as a settlement *quasi*-bribe for his consent to leave the *status quo* undisturbed.

So, I have controversies that must come before Judge Anderson. But Ms. Alexis Lindsey is the former law clerk to SC Circuit Judge G. Thomas Cooper, Jr., whom I sued solely in his official capacity and solely for injunctive relief under *Pulliam v. Allen,* 466 U.S. 522 (1984). And Mr. Joey expressed to me over the phone a prejudicial and (in my view intemperate) opinion: "You have issues with the City and are trying to drag us into them" as I recall his words.

So, I respectfully ask that the Honorable Judge Anderson clarify as soon as possible whether any matter related to me may be assigned to him; and if so whether his current law clerks would be directed to not participate in them.

I also timely assert that the Honorable Judge Seymour acted as a U.S. Attorney adverse to me only in 1993-6 and only in my immigration cases and is thus (in my respectful opinion) **not** automatically disqualified now. This is relevant to my standing requests by letters and motions that my cases be re-assigned to an non-recused U.S. judge in Columbia because the assignment to a judge in Florence was the product of a docket reshuffling and tends in practice and reality to deny me a hearing before a U.S. district judge or inconvenience the judge or me if such hearing were to be held.

Alternatively, I suggest that Chief Judge Norton re-assign my cases to himself because they are politically sensitive.

**Respectfully Yours,** **Marie Assa'ad-Faltas, MD, MPH, *pro se.***

**c.c.:** **(by hand-delivery through the Clerk's office)** to the Honorable Judges Currie and Seymour.
**(by an otherwise appropriate method)** to Messers. Balthazor, Goings and Rosbrugh.

**BEFORE THE SOUTH CAROLINA COURT OF APPEALS**

***The City of Columbia, South Carolina*** ***Plaintiff/Respondent***
***v.***
***Marie Assa'ad-Faltas, MD, MPH*** ***Defendant/Appellant***

RICHLAND COUNTY
FILED
2011 JAN 28 P 3:47
JEAN H. TOAL
CLERK OF COURT
C.C.P. G.S.

**NOTICE OF APPEAL FROM THECIRCUIT COURT'S UNWILLINGNESS/INABILITY TO SCHEDULE A HEARING ON THE UNDERLYING APPEALS FROM MUNICIPAL COURT OR, IN THE ALTERNATIVE, MOTION FOR THIS COURT TO DIRECTLY HEAR THOSE APPEALS AND *EMERGENCY MOTION* FOR THIS COURT TO DIRECT CIRCUIT AND MUNICIPAL COURTS TO NOT INCARCERTAE APPELLANT UNLESS AND UNTIL THIS COURT HEARS HER APPEALS**

**From RICHLAND COUNTY COURT OF COMMON PLEAS**
**Cases No. 2010-CP-40-7063 and 2010-CP-40-7629 (*criminal* contempt of court)**
**Cases No. 2010-CP-40-8650 and 2011-CP-40-0339 (*criminal* "front-yard parking)**
**And warrants ## K-613792 and K-613793 *and* Indictments Nos. 2010-GS-40-11980 and 11987**

**The Honorable Alison Renee Lee, Chief Administrative Circuit Court Judge for Common Pleas**
**The Honorable Clifton Newman, Present Chief Administrative Circuit Court Judge for General Sessions**
**he Honorable G.Thomas Cooper, Jr., Chief Administrative Circuit Court Judge for General Sessions**

Marie Assa'ad-Faltas, MD, MPH, *pro se* shows this Court that in other jurisdictions, motion are deemed denied if not acted upon within sixty days. In Richland County Circuit Court, the currently resident judges are Judge Lee (who had the defense's routine motions to dismiss **part** of Dr. Assa'ad-Faltas' civil case under advisement for over eighteen months now), Judge Manning (who recused himself from Dr. Assa'ad-Faltas' cases ten years ago and recently stated on the record that he continues to do so), Judge Newman (who stated informally he is recused due to his son's sitting on Columbia's City Council, a defendant in Dr. Assa'ad-Faltas' civil case which Judge Lee has under advisement), Judge Barber (who communicated to the Clerk's office that he is recused due to his daughter interning with the Solicitor's office when it unsuccessfully prosecuted Dr. Assa'ad-Faltas for alleged harassment in the first degree) and Judge G. Thomas Cooper, Jr., against whom a presumption of vindictiveness applies in that Dr. Assa'ad-Faltas succeeded *pro se* in getting this Court to reverse him in *City of Columbia v. Marie Assa'ad-Faltas, MD, MPH*, No. 2007-UP-193, decided on 26 April 2007. Judge Cooper involved himself on some motions by Dr. Assa'ad-Faltas, to the point of reaching to take them out of Judge Childs' schedule, re-assign them to himself, then deny them. Since then, Dr. Assa'ad-Faltas became convinced that the expedited scheduling of her alleged first-degree harassment cases was choreographed to make it seems that her speedy trial and other motions were being addressed in the hope that a rush for trial will lead to her conviction.

When it was proven that, thank God, Dr. Assa'ad-Faltas will not get convicted upon retrial because she is innocent, **the strategy turned from a rush to trial to indefinite delay of trial**, and from scheduling a trial on the actual criminal charges to scheduling hearings on alleged contempt motions for contempt of court which the City Attorney has no jurisdiction to make and the Municipal Court has no jurisdiction to hear since the appeal divests it of jurisdiction, the City's motion was filed more than ten (10) days after trial and the municipal trial judge had specifically, on the transcribed record ruled that Dr. Assa'ad-Faltas is **not** in contempt of court for having taken the jury list to her room during the lunch break and not having it in her possession when the City Attorney made a frivolous motion for her to return it.

The City Attorney has specifically said on the transcribed records that he wants the trial judge "to put some time on her [Dr. Assa'ad-Faltas] ... because she only responds to the threat of incarceration."

**The City of Columbia Municipal court has become a latter-day Star Chamber with supposed judges who are ignorant of basic judicial etiquette. Richland County Circuit Court has abdicated its duty to be the non-political branch of government who protects the politically powerless.**



SCANNED

**WHEREFORE**, this Court is prayed to take these appeals itself due to the Circuit Court's inaction and to issue its **EMERGENCY ORDER** that no sentence by the City of Columbia and/or its Municipal Court and/or any employee officer, or judge of Richland County Circuit Court is to be executed until this Court fully examines the history of the alleged pattern of denial of Dr. Assa'ad-Faltas' constitutional rights by these courts.

**Respectfully submitted, and served on Respondent by hand-delivery to the City of Columbia's Municipal Court, to Richland County Municipal Court, and to the Attorney General's Office, all on 28 January 2011, all God so willing.**

**Marie A. Faltas, MD, MPH, Appellant *pro se***
304 Byron Road, Apt. #3, Columbia, SC 29209 (temporarily unavailable)
**P.O. Box 9115, Columbia, SC 29290 (please use until further notice)**
Phone and on-demand fax (presently unavailable): (803) 783-4536
**Cell Phone: (330) 232 – 4164 (please use until further notice)**

e-mail: Marie_Faltas@hotmail.com

Marie Assa'ad-Faltas, MD, MPH
304 Byron Road, # 3, Columbia, SC 29209 (temporarily unavailable)
**P.O. Box 9115, Columbia, SC 29290 (Please use until further notice)**
Telephone and on-demand fax (803) 783-4536 (temporarily unavailable)
**Cell Phone (330) 232-4164 (Please use until further notice)**
24 November 2010

RICHLAND COUNTY
FILED
2010 NOV 24 P 05
JEANETTE W. C.C.P. & G.S.

**The Honorable Chief Administrative Judges Lee and Cooper** — **hand delivered *via* the Clerk's office**
**The Honorable Judge Manning, SC Circuit Judge** — **also hand -delivered *via* the Clerk's office**
**Mr. Hugh Ryan, SC Commission on Indigent Defense (OID)** — **hand-delivered**

**Re: EXTREMELY URGENT PROOF THAT MY CONCERNS WERE VERY WELL FOUNDED and further follow up to my requests for Circuit Court and OID to Act on (a) my *habeas* case #2010-CP-40-06929, (b) my Appeal of Contempt Order, cases ##2010-CP-40-07063 and 7629; and (c) *the insanity of seven or eight false criminal charges pending against me in Columbia's Municipal Court.***

Your Honors:
This is copied to City of Columbia's Municipal Court Administrator Dana Davis Turner and through her to Columbia's Assistants City Attorney (ACAs) Balthazar and Fernandez. The insanity increases ever more.

The Honorable Judge Lee knows I was not crying wolf when I testified to Her Honor on 1 December 2009 that I had reason to suspect there was a plan to arrest me on false charges. In hind sight, it is clear there was never a plan *to try me* after the arrests. The hope was that I would give one of the ten armed CPD thugs who **(led by Larry Wayne Mason and Andrew Delaney)** raided on my apartment on 2 December 2009 reason to shoot me. When that did not happen, Plan B was to keep me permanently incarcerated under false pretext that I am insane. When that did not happen they hastened to try me before I could investigate their false witnesses. But thank God and I was not convicted.

Judge Cooper now knows that, not only Heather Weiss, but also John Meadors lied to him and to the JMSC. When Weiss sought my involuntary commitment under a recycled false claim that I am insane, he asked her point-blank whether *she* planned to retry the case. She lied to him and insisted she plans to but was only waiting for the then-recently-received partial transcript which was delivered only upon the expiration of all extensions for the court reporter.

I have now been telling you that I can never have a fair trial in Columbia Municipal Court. I just received Fernandez' motion "to restrict [my] use of subpoenae" and his letter seeking to revoke my bond. Not even accused serial killers are denied their right to **compulsory process.** There is no reason to have any confidence that the same Jean (formerly Popowski) Burns who ordered me incarcerated until mental examination, who expressed an unfavorable opinion on the merits of my civil law suit against Steele and Mason, and who ordered that draconian bond condition rendereing me effectively homeless, would do anything other than give her benefactor, the City Attoney's office, all it asks for.

**Again, I need an immediate *substantive* hearing before Judge Cooper to dismiss all the charges against me or *at the very least to hear the MANDAMUS petition filed by Mr. Schnee when he was my stand-by counsel and/or the motion for a date-certain trial or dismissal filed by Ms. Pringle when the Public Defender's Office was my stand-by counsel.* At a bare minimum, I need my bond converted to unconditional personal recognizance.**

**I need from the Honorable Judge Lee a status conference on my cases and an answer as to when the over-a-year old motions in 2009-CP-40-02219 which are now under Her Honor's advisement will be decided and when that case, which is now over 20-months old will be set for trial.**

**By copy of this letter to Chief Municipal Court Administrator Turner, I advise her that I need *all* my cases set for the week of 6 December 2010 and I need all the discovery I identified. I also need to be able to obtain subpoenae to be served sufficiently in advance of said week.**

Thanks and God bless. Marie Assa'ad-Faltas, MD, MPH, *pro se*

c.c.: (by hand delivery) Messers. Delaney, McKenzie, and Schnee, and Ms. Price and Ms. Pringle,
Chief Turner and City Attorneys through Clerk of Columbia's Municipal Court
Professor Sampson, by e-mail

Marie Assa'ad-Faltas, MD, MPH
304 Byron Road, # 3, Columbia, SC 29209 (temporarily unavailable)
**P.O. Box 9115, Columbia, SC 29290 (Please use until further notice)**
Telephone and on-demand fax (803) 783-4536 (temporarily unavailable)
**Cell Phone (330) 232-4164 (Please use until further notice)**
23 November 2010

JEAN H. HOEFER BELL
C.C.P.S.
2010 NOV 23 PM 3:19
FILED

**The Honorable Chief Administrative Judges Lee and Cooper** — **hand delivered *via* the Clerk's office**
**The Honorable Judge Manning, SC Circuit Judge** — **also hand -delivered *via* the Clerk's office**
**Mr. Hugh Ryan, SC Commission on Indigent Defense (OID)** — **hand-delivered**

**Re: <u>FOLLOW UP</u> to my requests for Circuit Court and OID to Act on (a) my *habeas* case #2010-CP-40-06929, (b) my Appeal of Contempt Order, cases ##2010-CP-40-07063 and 7629, and (c) *the insanity of seven or eight false criminal charges pending against me in Columbia's Municipal Court***

Your Honors:

This is copied to City of Columbia's Municipal Court Administrator Dana Davis Turner and through her to Columbia's Assistants City Attorney (ACAs) Balthazar and Fernandez. The insanity continues and increases. It should not have taken four hours of Professor April Sampson's time, many e-mails, and a court hearing for what the Prosecution calls "two banker's boxes of evidence" to be shown to me since I am still my own counsel even when Professor Sampson was my stand-by counsel. She told me that she reported to Judge Cooper by e-mail that I was reviewing the contents of those boxes and reading into, or describing for, Columbia's Municipal Court's own record of the Friday, 12 November 2010, session the documents and objects I needed copied from those two boxes. **The further insanity includes Ms. Hawkins refusing to make me copies and, on Thursday, 18 November 2010, ACA Fernandez refusing to proceed with the scheduled trials or provide me with those copies. *It clearly is not that I am ignorant of some secret magic "procedure" that I need lawyers to explain to me. <u>It is that the Prosecution is blatantly trying to circumvent my basic rights.</u>*** For one example, those boxes contained *inter alia* the transcript of the 10 November 2009 TRO Hearing before Lykesland Magistrate Davis in which four of my false accusers who later testified in my 22-26 February 2010 jury trial testified. That transcript was delivered to Assistant Fifth Circuit Solicitor Weiss on 22 February 2010; <u>but she never told me about them.</u> The "procedure" is for her to have done so. Many other documents pre-dating my 22-26 February 2010 jury trial are in those boxes but were never previously disclosed to me and some, the existence of which I knew of, were never copied to me in a usable form or not at all. Professor Sampson, while still my stand-by counsel did **NOTHING** to assist me to obtain that discovery which is due to me.

**I do not need stand-by counsel. I need stand-firm circuit judges.**

**By writing to Your Honors,** I ask Judge Cooper to investigate Ms. Weiss' misconduct before and during my 22-26 February 2010 trial, I ask Judge Lee to assign all my civil cases to herself, consolidate them and hold an immediate hearing on all of them, and I ask Chief Administrator Turner to set all my cases for date-certain trials for the week of 6 December 2010 as ACA Fernandez claimed to Municipal Judge Bogan that he will request but never did. **I also need my Sixth Amendment right to compulsory process to be enforced.** <u>In those "two banker's boxes" were notes conspiring to cause me to be arrested yet again for renewing subpoenae *duces tecum* to the same eight witnesses Chief Administrator Turner had signed for the 1 September 2010 supposed trial/hearing that she used some excuse to thwart.</u>

In 9 days it will be a full year since my false arrest on two false "first-degree" harassment charges which have now been reduced to "second degree" and remanded to Columbia's Municipal Court 90 days ago. **Judge Kinard *assumed* I could get them dismissed after 90 days of lack of prosecution. And he did not hear my motion to halt or reverse the remand and to dismiss those charges instead. ACA Balthazar convinced Judge Kinard it is a General Sessions motion to be heard by Judge Cooper. <u>But I cannot get anything heard anywhere.</u> Further, <u>for about the tenth time,</u> J. Andrew Delaney, counsel for Steele and Mason in the civil case, has today reiterated that his clients *refuse* to consent for me to enter my own apartment *even for the purpose of my gathering my belongings to move out.*** That confirms my suspicious that they have been looting my apartment in my absence. Also, that cruel and unusual bond exiling me from my apartment was obtained by fraud on the courts and by a promise that I will be quickly tried. **It has been a year already. *Enough is enough.*** We are now at the point where a judge who does not correct all this is complicit with it.



SCANNED

**In sum, I need an immediate *substantive* hearing before Judge Cooper to dismiss all the charges against me or *at the very least to hear the MANDAMUS petition filed by Mr. Schnee when he was my stand-by counsel and/or the motion for a date-certain trial or dismissal filed by Ms. Pringle when the Public Defender's Office was my stand-by counsel.* At a bare minimum, I need my bond converted to unconditional personal recognizance.**

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14 November 2010

JEANETTE W. McBRIDE
S.C.P.R.G.S.
2010 NOV 15 PM 3:23
RICHLAND COUNTY
FILED

**The Honorable Chief Administrative Judges Lee and Cooper** **hand delivered via the Clerk's office**

**Re: (1) (3) Immediate Need for the Circuit Court to Do Something in (a) my New *Habeas* case #2010-CP-40-06929, (b) my Appeal of Contempt Order, case #2010-CP-40-07063, and (c) my cases in Columbia Municipal Court.**

Your Honors:

This is copied to all concerned because it is, God willing, being transmitted to Judge Cooper as soon as the hard copy is filed and served. On 6 October 2010, David Fernandez ***nol prossed*** the charge of unlawful use of telephone in open court. I specifically, and there are a transcript **and audio recordings of that,** cited to ***Klopfer v. North Carolina,* 386 U.S. 213 (1967),** where the U.S. Supreme Court struck the ***nol prosse*** with leave to reopen. Judge Hanna agreed and said there is no leave to reopen that. I said "it is gone forever." I also got a disposition letter and Judge Cooper signed an order of expungement for it. Yet, it got put back on the docket.

David Fernandez even lists it in his supposed letter to April Sampson. I had made it absolutely clear to April Sampson that I do not want a continuance. She claimed she was careful to not ask for one. In another e-mail, she wrote me that Judge Cooper ordered that the trials be held on Friday, 19 November 2010.

Pamela Hawkins, Assistant City of Columbia Municipal Court Administrator, told me that she confirmed that with the City of Columbia's legal department. I drew subpoenae for that date and Ms. Hawkins signed them. Then David Fernandez blatantly defied everyone with the attached letter. April Sampson **is not my lawyer, stand-by or otherwise. *I do not want her. I cannot stand her.*** There is nothing she did since she was appointed which was not maximally and intentionally harmful to me. She was not only useless but actively harmful. On Friday, 12 April 2010, she claimed her role is to *literally* "stand-by" with no duty to help in any way. She would not even help when Ms. Hawkins refused to make me copies of the few pages I identified I needed from the "two bankers's boxes."

If Judge Cooper and OID want to pay April Sampson to just "sit there," they should do so under another defendant's name. I have suffered enough harm from her. I do not acknowledge any letter addressed to her from Mr. Fernandez as binding on me. God willing, I will be there on Thursday, 18 November 2010 and I will make my pre-trial motions.

Thanks and God bless. Marie Assa'ad-Faltas, MD, MPH, *pro se*

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SCANNED

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15 November 2010

RICHLAND COUNTY
FILED
2010 NOV 15 PM 3:30
JEANETTE W. GRANT
C.C.P. & G.S. CLERK

**The Honorable Chief Administrative Judges Lee and Cooper** — **hand delivered *via* the Clerk's office**
**The Honorable Judge Manning, SC Circuit Judge** — **also hand -delivered *via* the clerk's office**
**Mr. Hugh Ryan, SC Commission on Indigent Defense (OID)** — **hand delivered**

**Re: Immediate Need for the Circuit Court and OID to Act on (a) my *habeas* case #2010-CP-40-06929, (b) my Appeal of Contempt Order, cases ##2010-CP-40-07063 and 7629, and (c) *the insanity of seven or eight false criminal charges pending against me in Columbia's Municipal Court.***

Your Honors:

If you are worried about "tax payers" providing me few free transcripts, please consider tax-payers' cost of the useless 22-26 February 2010 trial (on only *one* of the two false first-degree harassment charges then pending against me) which ended in mistrial. Please also consider tax-payers' cost of incarcerating me (for five days so far) and (if the Prosecution had its wish) for three years had I been falsely convicted. Most significantly, please consider the loss to taxpayers when (a) my talents and time as a medical doctor and an inventor being wasted in my chasing the criminal records of wife-beaters, drug dealers, credit-card forgers, drunk drivers and prostitutes who are the Prosecution's false witnesses against me; and (b) a culture is developed that lying in court is clever and laudable.

Please step back and see how insane all this is: I lived in this world 55 years without any offense anywhere, in this country 30 years with only two very minor traffic tickets in North Carolina in the early 1980's, in Columbia, SC since 1992 with not even a standing parking ticket. Then one landlady wants to default on her mortgage yet prevent foreclosure by falsely claiming the house she rented to my mother and me as "her primary residence" and another landlady wants to continue stealing sewer service from the City of Columbia, and suddenly I find myself facing eight criminal charges and one contempt of court "conviction." I see DUI cases "thrown" and try to form a public interest group for honest enforcement of DUI laws, and I find myself banned from courts. I sue against discrimination in rental terms and conditions and I find myself required to pay the discriminatorily higher rent for an apartment to which I cannot even go while the very landlady who allegedly acted retaliatorily and discriminatorily regularly enters my apartment, loots it, breaks windows of my mother's truck which is legitimately parked there by order of Lykesland Magistrate Davis; yet Columbia police do not help.

My appeal of Judge Hanna's contempt order was scheduled before Judge Manning for 3 December 2010. Then, I received a letter indicating it was removed due to a conflict. I respectfully hereby ask that it be heard tomorrow before the Honorable Judge Kinard because (a) His Honor is not disqualified; (b) all the parties to the case will be there for another case anyway and (c) that appeal must be heard expeditiously if I am to be able to zealously advocate for myself in Columbia's Municipal Court without fear that, at the directions of my very adversaries in the civil litigation, a Columbia municipal judge will erroneously and arbitrarily hold me in contempt of court yet claim I need "mental evaluation" for having predicted that.

Judge Cooper directed Mr. Ryan to "satisfy himself" of my indigency. Although I maintain that I should not be required to answer more than the standard questions every other applicant answers, and which I already answered completely and truthfully every time I was screened and found to meet the indigency standards, I went to Mr. Ryan's office twice to ask him what else he needs that I can provide; but he was not there. I ask that he meet with me today and decide it. I note that Columbia Police Department's (CPD) Investigator Blanton testified in my 22-26 February 2010 trial that she had obtained my mother's "social security number *and other personal information*" about my mother and "had a lot of phone calls" with the local branch of the Social Security Administration and determined there was no wrong-doing by me or my mother. My mother immigrated in 1984 as a U.S. Department of Labor-certified worker with skills in short supply in the U.S. Between then and her 1994 retirement, she held two, sometimes three jobs in her line as a designer-tailor-seamstress. She saved and also paid into Social Security Retirement. Her monthly check has been $267.00 for the past two years. Her savings have now been depleted.



RECEIVED
NOV 15 2010
MURPHY & GRANTLAND, P.A.
4406-B FOREST DRIVE
POST OFFICE BOX 6648
COLUMBIA, SC 29260

I have had power of attorney for my mother since 1982. My father died in 2002. I did not inherit anything from him materially other than his wedding band which I have worn attached to another ring because, obviously, my father's finger size is much bigger than mine and I did not want my father's ring altered in anyway to fit me. The ring is made of 21-karat gold mined in Sinai by workers whom my father supervised while an engineer in Sinai, where (among his other engineering achievements), he introduced electricity into St. Catherine's Monastery. I have, since my father's death, kissed his ring every night and morning and at times I felt I needed to be reminded that I am the daughter of a righteous man whose issue God will never forsake or let them "beg for bread." The only 5 days and nights I was without my father's ring since his death were the times I falsely was arrested and incarcerated by the corrupt and incompetent CPD. The last time, someone at Alvin Glen tried to not return the rings to me upon my discharge. I insisted I will not leave without the rings. The rings then showed up at the bottom of one of ASGDC's zipped bags.

Enough is enough.

Nor was I ever a dependent of my sisters or brothers-in-law, all four of whom are hard-working physicians in Ohio and are in such demand for treatment by patients and for lectures by colleagues that they have no time to be involved in any of this. One sister paid the $4,000.00 10% cash bond **strictly as a loan**. When it was reduced to $1,500.00, the $2,500.00 refund was Fed-Exed to her, based on her request, the same day it was received. When, God willing, the remaining $1,500.00 will be refunded, they will be likewise returned to her immediately. My other sister was misled by the very Solicitor's office who referred her to hire David Farrell, who (in Heather Weiss' own transcribed words) "has a conflict for every case in our office because he does the forfeiture cases for our office." I never received any services from Farrell and he agreed to refund half what my sister paid him. I submitted to SC's Fee Dispute Resolution Board (FDRB) a claim for a refund of the other half because the oral contract Farrell had with my sister over the phone was void due to his concealment of the material fact of his conflict of interest. FDRB has not yet acted.

Neither of my sisters ever gave or promised Mr. Briggs any money "for distribution to me." It was his and Weiss' idea that my sisters buy a house **in their own name and *as an investment*** for me to live in. It was Municipal Judge Burns' unfair order that I stay in hotels until a house is "secured." My siters' limit was $100,000 which, even in this market, does not buy much. In any case, the houses Mr. Briggs could locate under that limit were so bad that my sister's lawyer wrote Mr. Briggs to permanently and immediately abandon that idea and to not contact my sisters or their lawyers about it again. Mr. Briggs later admitted to me that his "finalist" house later burned down, probably in an insurance arson plot.

Other than that, and other than my mother's bank accounts in South Carolina which I managed with my power of attorney, which have now been depleted, and which CPD's Investigator Blanton had thoroughly invaded and investigated before my 2 December 2009 arrest, I have no knowledge of, nor access to, any of my immediate or distant relatives' funds. Any property they have in Egypt is jointly held with others and in any case not transferable outside the country because Egypt has strict currency laws.

Mark Schnee was appointed from the private bar as tand-by counsel. He billed $2,160 or so for nothing that he achieved for me. He read the 22-26 February 2010 trial and other related transcripts I gave him.

**I think Mr. Schnee should be ORDERED as an officer of the courts and now a neutral to write a report to Judges Lee, Manning and Cooper and to IOD whether the harassment charge brought against me by Teresa Ingram and tried to a jury for five days has any legal or factual validity. If he refused to write such a report, he should not be paid his bill. If he does and it shows the charges were false and invalid, an inquiry need be made into every step of the bringing of these criminal charges.**

**I also *pray* Judge Manning, who presided over *Ingram v. Trifon, and who mentors youngsters in trouble but is recused from my cases,* to be assigned to investigate whether and by whom Ingram was suborned for perjury. We need to save a soul here and to rescue the courts as temples of truth from becoming game parlors where the best liar, whether it is the Prosecution or the Defense wins.**

**<u>In sum</u>, the question is not who should pay for my defense, but why was I charged *ab initio*.**

Thanks and God bless. _____ Marie Assa'ad-Faltas, MD, MPH, *pro se*

c.c.: (by hand delivery) Messers. Delaney, McKenzie, and Schnee, and Ms. Price,
Chief Turner and City Attorneys through Clerk of Columbia's Municipal Court
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14 November 2010

RICHLAND COUNTY
FILED
2010 NOV 15 PM 3:38
JEANETTE W. McBRIDE
C.C.P. & G.S.

**The Honorable Chief Administrative Judges Lee and Cooper** **hand delivered *via* the Clerk's Office**

**Re: (1) (3) Immediate Need for the Circuit Court to Do Something in (a) my New *Habeas* case #2010-CP-40-06929, (b) my Appeal of Contempt Order, case #2010-CP-40-07063, and (c) my cases in Columbia Municipal Court.**

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SCANNED

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15 November 2010

JEANETTE W. WALKER
C.C.P. & G.S. CLERK
2010 NOV 15 P 3:29
RICHLAND COUNTY
FILED

**The Honorable Chief Administrative Judges Lee and Cooper** — **hand delivered *via* the Clerk's office**
**The Honorable Judge Manning, SC Circuit Judge** — **also hand -delivered *via* the Clerk's office**
**Mr. Hugh Ryan, SC Commission on Indigent Defense (OID)** — **hand-delivered**

**Re: Immediate Need for the Circuit Court and OID to Act on (a) my *habeas* case #2010-CP-40-06009, (b) my Appeal of Contempt Order, cases ##2010-CP-40-07063 and 7629, and (c) *the insanity* of seven or eight false criminal charges pending against me in Columbia's Municipal Court.**

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RECEIVED
NOV 15 2010
BY:
MURPHY & GRANTLAND, P.A.
4406-B FOREST DRIVE
POST OFFICE BOX 6648
COLUMBIA, SC 29260

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Enough is enough.

Nor was I ever a dependent of my sisters or brothers-in-law, all four of whom are hard-working physicians in Ohio and are in such demand for treatment by patients and for lectures by colleagues that they have no time to be involved in any of this. One sister paid the $4,000.00 10% cash bond **strictly as a loan**. When it was reduced to $1,500.00, the $2,500.00 refund was Fed-Exed to her, based on her request, the same day it was received. When, God willing, the remaining $1,500.00 will be refunded, they will be likewise returned to her immediately. My other sister was misled by the very Solicitor's office who referred her to hire David Farrell, who (in Heather Weiss' own transcribed words) "has a conflict for every case in our office because he does the forfeiture cases for our office." I never received any services from Farrell and he agreed to refund half what my sister paid him. I submitted to SC's Fee Dispute Resolution Board (FDRB) a claim for a refund of the other half because the oral contract Farrell had with my sister over the phone was void due to his concealment of the material fact of his conflict of interest. FDRB has not yet acted.

Neither of my sisters ever gave or promised Mr. Briggs any money "for distribution to me." It was his and Weiss' idea that my sisters buy a house **in their own name and *as an investment*** for me to live in. It was Municipal Judge Burns' unfair order that I stay in hotels until a house is "secured." My siters' limit was $100,000 which, even in this market, does not buy much. In any case, the houses Mr. Briggs could locate under that limit were so bad that my sister's lawyer wrote Mr. Briggs to permanently and immediately abandon that idea and to not contact my sisters or their lawyers about it again. Mr. Briggs later admitted to me that his "finalist" house later burned down, probably in an insurance arson plot.

Other than that, and other than my mother's bank accounts in South Carolina which I managed with my power of attorney, which have now been depleted, and which CPD's Investigator Blanton had thoroughly invaded and investigated before my 2 December 2009 arrest, I have no knowledge of, nor access to, any of my immediate or distant relatives' funds. Any property they have in Egypt is jointly held with others and in any case not transferable outside the country because Egypt has strict currency laws.

Mark Schnee was appointed from the private bar as tand-by counsel. He billed $2,160 or so for nothing that he achieved for me. He read the 22-26 February 2010 trial and other related transcripts I gave him.

**I think Mr. Schnee should be ORDERED as an officer of the courts and now a neutral to write a report to Judges Lee, Manning and Cooper and to IOD whether the harassment charge brought against me by Teresa Ingram and tried to a jury for five days has any legal or factual validity. If he refused to write such a report, he should not be paid his bill. If he does and it shows the charges were false and invalid, an inquiry need be made into every step of the bringing of these criminal charges.**

**I also *pray* Judge Manning, who presided over *Ingram v. Trifon, and who mentors youngsters in trouble but is recused from my cases,* to be assigned to investigate whether and by whom Ingram was suborned for perjury. We need to save a soul here and to rescue the courts as temples of truth from becoming game parlors where the best liar, whether it is the Prosecution or the Defense wins.**

**<u>In sum</u>, the question is not who should pay for my defense, but why was I charged *ab initio*.**

Thanks and God bless. Marie Assa'ad-Faltas, MD, MPH, *pro se*

c.c.: (by hand delivery) Messers. Delaney, McKenzie, and Schnee, and Ms. Price,
Chief Turner and City Attorneys through Clerk of Columbia's Municipal Court
Professor Sampson, by e-mail

**Marie Assa'ad-Faltas, MD, MPH**
304 Byron Road, # 3, Columbia, SC 29209 (temporarily unavailable)
***P.O. Box 9115, Columbia, SC 29290 (Please use until further notice)***
Telephone and on-demand fax (803) 783-4536 (temporarily unavailable)
**e-mail: Marie_Faltas@hotmail.com**
***Cell Phone (330) 232-4164 (Please use until further notice)***
**8 November 2010**

RECEIVED
NOV 08 2010
RECEIVED

**Chief City of Columbia Municipal Court Administrator Dana Davis Turner** **by hand-delivery**

**Re: ADDITIONAL MOTIONS AND REQUEST FOR CLARITY AS TO WHAT IS SCHEDULED AND WHEN**

Ma'am: Re: 2010-CP-40-07063 and 7629

This again addresses you solely as Columbia Municipal Court Chief Administrator (essentially, Clerk of Columbia's Municipal Court) and is copied to Fifth Judicial Circuit Chief Administrative Judges Lee and Cooper, to Assistant City of Columbia Attorney David Fernandez (by leaving a copy for you to fax to him as he had asked Mr. Schnee), to my new stand-by counsel, Professor April W. Sampson, at her address of 9 Science Drive, Columbia, SC 29223, and to Mr. Schnee for his information.

First, Professor Sampson told me she has a conflict in the morning of Thursday, 18 November 2010. I agree to start in the afternoon **if** I am given that in writing early enough to send subpoenae out.

I also need to re-validate the subpoena from the 1 September 2010 hearing. If you are unwilling to have the violations clerk do so, please have those same subpoenea, which you had signed for the 1 September 2010 hearing, reprinted and signed to the same witnesses and same commands but for the new date and time, which will be Thursday, 18 November 2010, in the morning or the afternoon.

And this is the second time you caused creation of a new case number for your return on an appeal of mine from Columbia Municipal to Richland Common Pleas Court. My appeal of the 6 October 2010 contempt order is number: 2010-CP-40-07063. Your cover letter to your return on my appeal does not give that number but caused creation of new case #2010-CP-40-07629. You had done that in my appeal from the front-yard parking case in 2008. I talked to Ms. McBride's staff about consolidating said two files but was told to "speak to the judge." After I help correct your apparently-intentional mistakes, I get falsely accused of being "insulting and disruptive" and banished from courthouses!

FILED
2010 NOV 10 PM 4:08
RICHLAND COUNTY
CLERK OF COURT

I also hereby notify you that I renew all my motions to dismiss all my cases in Columbia Municipal Court in light of **today's** SC Supreme Court's Opinion No. 26888, *City of Greenville v. Bane*, finding facially unconstitutional and void for vagueness ordinance criminalizing speech similar to that which formed the basis of my false arrests by your police on fabricated harassment charges and others.

Additionally, I need arrangements made for the jury to view the site (300, 304, 324, and 436 Byron Road, Columbia, SC 29209) and for court security to be provided by other than your subordinates who have, in the 6 October 2010 hearing, admitted their bias against me and are likely to negatively influence the jury against me. I demand that the trial and hearings be held in a county building not controlled by you and/or by fire-armed persons who are dependent on you for their evaluations.

ACA Fernandez advised Professor Sampson that Fernandez has "two bankers' boxes" of documents. I was never given anything of that size by the Fifth Judicial Circuit's Solicitor's office or by the City of Columbia's Attorney's Office separately or in the aggregate. I suspect that these "two bankers' boxes" contain *some* of what was looted from my own apartment and car under false pretext of arrest and search warrants on 2 December 2009 and possibly by upon subsequent entries into said apartment and car by Larry Mason, Dinah Steele, Andrew Delaney, Robert G. Cooper, and/or ACA Fernandez, *inter alia*. I need to see and inventory the contents of said "two bankers' boxes" immediately, not on the day of trial. I also need to retrieve every single content thereof which is my property sufficiently in advance of trial to prepare an adequate defense under the U.S. Constitution's Sixth Amendment.

**Thanks and God bless.** **Marie Assa'ad-Faltas, MD, MPH, *pro se***

cc.: (by hand-delivery through your office) Assistant City Attorney David Fernandez
(by hand delivery through the office of Richland County Clerk of Court) The Honorable Judges Lee and Cooper
Others as necessary and proper in the present and the future.

SCANNED

STATE OF
SOUTH CAROLINA

# NOTICE OF MOTION SCHEDULING

November 08, 2010

**Motion "APPNCR - Appeal/Notice of Criminal Appeal" for Case: 2010CP4007629 - City of Columbia vs Marie Therese Assa'ad Faltas has been added to the following Motions Roster:**

## APPEAL ROSTER DECEMBER 3, 2010 COURTROOM 2-C

**This hearing of this motion has been scheduled for Friday, December 3, 2010 at 11:00 am.**

The above referenced case is scheduled for a Appeal Hearing before Judge L. Casey Manning in Courtroom 2-C.

All requests for continuances must be in writing with a $25.00 filing fee and received by the Chief Administrative Judge prior to the hearing. A request for a continuance does not guarantee that a case will be continued. Please notify the Court in writing if the Motions are resolved prior to the hearing.

| Mail Notice To: | Court Info: |
|---|---|
| Marie Therese Assa'ad Faltas<br>P O Box 9115<br><br>Columbia, SC 29290 | Richland County Common Pleas<br>Richland County Judicial Center<br>1701 Main Street<br>Columbia, SC 29201-9201 |

Judge Alison R. Lee
Chief Administrative Judge
Fifth Judicial Circuit

STATE OF
SOUTH CAROLINA

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| Mail Notice To: | Court Info: |
|---|---|
| Constance D. Holloway<br>P.O. Box 667<br><br>Columbia, SC 29202 | Richland County Common Pleas<br>Richland County Judicial Center<br>1701 Main Street<br>Columbia, SC 29201-9201 |

Judge Alison R. Lee
Chief Administrative Judge
Fifth Judicial Circuit

FILE COPY

**Richland County Common Pleas**
**Richland County Judicial Center**
**1701 Main Street**
**Columbia, SC 29201**

**November 9, 2010**

# NOTICE

Constance D. Holloway
P.O. Box 667
Columbia, SC 29202

RE: **2010CP4007629, City of Columbia vs. Marie Therese Assa'ad Faltas**

APPEAL

The above referenced case was scheduled for a Appeal hearing on December 3, 2010 at 11:00 AM before Judge L. Casey Manning in Courtroom 2-C.

Due to conflicts, it has been necessary to cancel the hearing listed above. Parties will be notified of the date and time when this hearing has been rescheduled. If your case is settled, please notify us in writing immediately. If you have any communication regarding this case, please do NOT call this office. Please send it in writing, via fax **(803) 576-1612** or e-mail at gunterp@rcgov.us.

Alison R. Lee
Chief Administrative Judge
FIFTH JUDICIAL CIRCUIT

CP3

FILE COPY

**Richland County Common Pleas**
**Richland County Judicial Center**
**1701 Main Street**
**Columbia, SC 29201**

**November 9, 2010**

# NOTICE

Marie Therese Assa'ad Faltas
P O Box 9115
Columbia, SC 29290

RE: **2010CP4007629, City of Columbia vs. Marie Therese Assa'ad Faltas**

APPEAL

The above referenced case was scheduled for a Appeal hearing on December 3, 2010 at 11:00 AM before Judge L. Casey Manning in Courtroom 2-C.

Due to conflicts, it has been necessary to cancel the hearing listed above. Parties will be notified of the date and time when this hearing has been rescheduled. If your case is settled, please notify us in writing immediately. If you have any communication regarding this case, please do NOT call this office. Please send it in writing, via fax **(803) 576-1612** or e-mail at gunterp@rcgov.us.

Alison R. Lee
Chief Administrative Judge
FIFTH JUDICIAL CIRCUIT

CP3

**Marie Assa'ad-Faltas, MD, MPH**
304 Byron Road, # 3, Columbia, SC 29209 (temporarily unavailable)
***P.O. Box 9115, Columbia, SC 29290 (Please use until further notice)***
Telephone and on-demand fax (803) 783-4536 (temporarily unavailable)
**e-mail: Marie_Faltas@hotmail.com**
***Cell Phone (330) 232-4164 (Please use until further notice)***

**4 November 2010**

FILED
2010 NOV 4 PM 2:51
JEANETTE W. WALTERS
C.C.P. & G.S.
RICHLAND COUNTY, SC

**Chief City of Columbia Municipal Court Administrator Dana Davis Turner** by hand-delivery

**Re: Ever Increasing Number of Disturbing "Errors" by You in My Cases**
Re: 2010-CP-40-07063

Ma'am:

This addresses you solely as Columbia Municipal Court Chief Administrator (essentially, Clerk of Columbia's Municipal Court) and is copied to Fifth Judicial Circuit Chief Administrative Judges Lee and Cooper, to Assistant City of Columbia Attorney David Fernandez (by leaving a copy for you to fax to him as he suggested to Mr. Schnee), to my new stand-by counsel, Professor April W. Sampson, at her correct address of 9 Science Drive, Columbia, SC 29223, and to Mr. Schnee for his information.

Your attached letter notifies Mr. Schnee of my jury trial date for a false charge of "unlawful use of a telephone," which was *nol prossed* in open court on 6 October 2010. I immediately then alerted all present that *Klopfer v. North Carolina*, 386 U.S. 213 (1967), **bars** "leave to reopen" a *nol prossed* charge, which "is now gone forever" and must be expunged. Chief Judge Cooper signed the attached order to expunge it. You are trying to try me in violation of the Double Jeopardy, speedy trial, and other constitutional guarantees. Further, Columbia Police Department (CPD) Lieutenant Sharp told me today he "heard" said charge was dismissed in a "plea bargain" and that I "pled guilty" to others.

I demand an immediate investigation of those false and defamatory rumors about me. The "unlawful use of a telephone" charge against was dismissed because it was demonstrably false and was made on 12 December 2009 only in an evil but failed effort to revoke my bond from the false two first-degree harassment charges on which I was falsely arrested on 2 December 2009. The latter charges have been remanded to second-degree, which acquits of the first-degree charges. There is no evidence that I harassed anyone in the second degree either. And I do not intend to plead guilty to any of the seven false charges now pending against me in Columbia's Municipal Court, nor do I intend to abandon my appeal from my false conviction of contempt of court. Sharp's rumor may emanate from a *possible* secret deal between ACA Fernandez and Columbia's Municipal Court that I would be summarily convicted of contempt of court in return of his *nol prossing* the "unlawful use of a telephone charge," a trial of which was bound to embarrass, not only CPD, but also Assistant City Manager Mike King.

I also heard a false rumor that I was arrested for shoplifting *again*. Parenthetically, the only charge ever of shoplifting against me was dismissed in February **2008**, not "2010" as I mistyped yesterday.

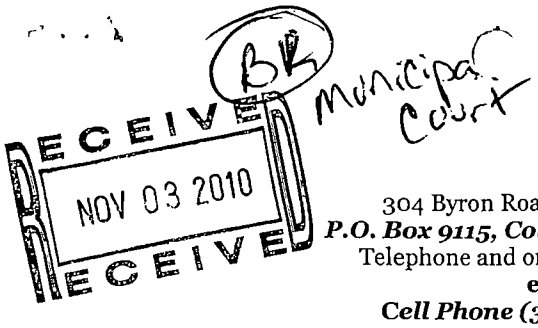
Equally disturbing are "errors" in the purported transcript of my 6 October 2010 appearance before Municipal Judge Hanna, which transcript was prepared by your subordinate Nancy Ahrens. Those errors approach falsification of the record, specially in Isaac Canteen's testimony. So, I demand that your court pay for the private court reporter who recorded that 4 and 1/2 hour proceeding to type a neutral and accurate transcript. Otherwise, I demand the settling of that record in open court.

Given what was done to me already, I am justified in seeing a nefarious purpose behind every "error" by any department of the City of Columbia. At the very best, these "errors," even if innocent, cost me a lot of time and effort to correct, for which I will, God willing, seek compensation.

**Thanks and God ~~bless~~, Marie Assa'ad-Faltas, MD, MPH, *pro se***

cc.: (by hand-delivery through your office) Assistant City Attorney David Fernandez
(by hand delivery through the office of Richland County Clerk of Court) The Honorable Judges Lee and Cooper
Others as necessary and proper in the present and the future.

SCANNED



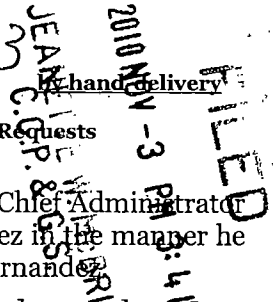

BK Municipal Court

**Marie Assa'ad-Faltas, MD, MPH**
304 Byron Road, # 3, Columbia, SC 29209 (temporarily unavailable)
***P.O. Box 9115, Columbia, SC 29290 (Please use until further notice)***
Telephone and on-demand fax (803) 783-4536 (temporarily unavailable)
**e-mail: Marie_Faltas@hotmail.com**
***Cell Phone (330) 232-4164 (Please use until further notice)***

**3 November 2010**

Re: 2010-CP-40-07063

**Chief City of Columbia Municipal Court Administrator Dana Davis Turner** **By hand delivery**




**Re: My Several Long-Standing and Still-unanswered or Incorrectly-answered Requests**

Ma'am:

Although this addresses you only in your capacity as Columbia Municipal Court Chief Administrator (essentially, Clerk of Columbia's Municipal Court), it is copied to David Fernandez in the manner he suggested to Mr. Schnee: my leaving an additional copy for you to fax to David Fernandez.

I requested CDs of all my appearances this year in Columbia's Municipal Court and assured you I am willing to pay $5.00/CD but was never told how many CDs (if more than one) those hearings fill and if and when they were/will be ready. I am still requesting all of them, the scheduled ones and the ones where I am falsely accused of just showing up and speaking or yelling or whatever else is being falsely confabulated about me. You should know when those appearance were since you keep track.

I also asked you for disposition letters, which are normally walk-in requests. You provided only three and one of them had the wrong *nol pross* date of 1 April 2002. That was the date the false "Malicious Injury to Property" charge was *nol prossed*. The accompanying false charge of shoplifting was *nol prossed* as late as 18 (or 19) February 2010. I am sure that "error" was meant to suggest that a statute of limitations on my false arrest and malicious prosecution for that has expired. Won't work.

Please provide me with the corrected ones: one for MIP and the other for shoplifting. Two other charges against me did not result in conviction: a charge or red light ticket in September 2003 of which a jury acquitted me in February 2004 and a "quality of life" summons dismissed in September 2007. I'm6-0 against the City so far. Please give me the remaining correct disposition letters for all charges against me. Also, please set my cases and remaining motions for speedy hearings.

Ms. Hawkins told me a copy of the transcript of the 6 October 2010 hearing before Municipal Judge Hanna is available for me to pick up this afternoon at 25 cents/page, for a total of $44.00 for 176 pages, which I will pay under protest for now. Since that hearing is appealed and I am indigent, I am not required to pay any fees. I also reiterate my request for refund of the remainder of my bond on the false charges of harassment which have now been reduced to second-degree, which renders the arrest itself a nullity at law and therefore any consequent bond from the arrest also a nullity.

**Thanks and God bless,** **Marie Assa'ad-Faltas, MD, MPH, *pro se***

cc.: (by hand-delivery through your office) Assistant City Attorney David Fernandez
(by hand delivery through the office of Richland County Clerk of Court) The Honorable Judges Lee and Cooper
Others as necessary and proper in the present and the future.

SCANNED

Marie Assa'ad-Faltas, MD, MPH
304 Byron Road, # 3, Columbia, SC 29209 (temporarily unavailable)
**P.O. Box 9115, Columbia, SC 29290 (Please use until further notice)**
Telephone and on-demand fax (803) 783-4536 (temporarily unavailable)
**Cell Phone (330) 232-4164 (Please use until further notice)**

22 October 2010

2010 OCT 22 PM 4:09
JEANNE D. COTTER
CLERK OF COURT
RICHLAND COUNTY, S.C.
FILED

**The Honorable Chief Administrative Judges Lee and Cooper** **hand delivered via the Clerk's office**

**Re: (1) Recent Letter Judge Cooper Received from Columbia Municipal Court, (2) Judge Lee's Directions for Me to Provide More Information on My Need for Transcripts, and (3) Immediate Need for the Circuit Court to Do Something in (a) my New *Habeas* case #2010-CP-40-06929, (b) my Appeal of Contempt Order, case #2010-CP-40-07063, and my 21-month old civil case #2009-CP-40-06219**

Your Honors:

I received a copy of Columbia Municipal Court's Chief Administrator Turner's 20 October 2010 letter to Judge Cooper, which is troubling in many ways, including: (1) it appears to be a response to some phone call from Judge Cooper's office to Municipal Court; (2) Chief Turner invites Judge Cooper to call her; (3) it appears to suggest no ruling, or even a hearing, on the petition for mandamus is necessary; and (4) it has a transcript with missing pages and many errors and omissions, at least my copy does.

The omission is serious: it is my reply to a specious argument that Columbia's City Council only appoints Columbia's Municipal Judges but cannot fire them. I noted that said judges are appointed for short intervals (three years) and City Council could refuse to re-appoint a Municipal Judge when his/her term expires, eliminate his/her position, down-grade it to "substitute judge" from "full-time judge," or furlough judges, or reduce their salaries and/or benefits, all of which makes said "judges" beholden to City Council.

Judge Hanna's very Order and her having erroneously and oppressively found me in contempt are proof enough of how beholden she is to City Council while falsely protesting her "judicial independence."

To address the last item first, I attach a transcript prepared by a private reporter. It also illustrates my need to have a private neutral court reporter rather than Columbia City employee Nancy Ahrens type all my proceedings, if any more should be held, in Columbia's Municipal Court.

I will not comment on any possible phone contacts between Judge Cooper and Chief Turner. But I must show that not all my motions were scheduled, specially my long-standing motion to convert my bond to an unconditional personal recognizance bond in view of the changed circumstances, and my motion for a speedy trial which Columbia's Municipal Court inherited from Richland County's General Sessions Court.

Judge Hanna denied my speedy trial motion on the front-yard parking charge. Chief Turner told me she takes that ruling to apply to all my cases. It just means what I have been telling you for almost a year now: all these charges are false and will never be called to trial, for they were meant only to gain, by repeatedly arresting me repeatedly and imposing extremely oppressive bond conditions on me, what Larry Mason, Dinah Steele, and Robert G. Cooper could not achieve in the civil litigation. If bringing false criminal charges against the innocent, submission of fabricated documents and perjured testimony are acceptable to you as Chief Circuit Judges, you need not read further into this letter or the attachments to it. This is not a game. There is a right and a wrong here. It should not be even debatable that telling lies in court is bad and that telling the truth is good. Courts are not charm schools. They are to be temple or truth.

Enclosed are Steele and Mason's responses to SC's Human Affairs Commision (SCHAC) to my complaint of housing discrimination. Notable in their response to my motion to reopen is their having copied to SC Senator Jake Knotts of the "raghead" comment fame. He sits on the Judiciary Merit Selection Committee.

So, to be blunt, if that is the reason no young judge will hear my motions, please schedule them before a judge about to retire or one already retired. It should be your embarrassment, not mine, to ask for this.

I need transcripts of Charlene and Sara Nichole Crouch's guilty pleas and sentencing as both are among my false accusers of "harassment," including that I supposedly followed, and "snapped" "hundreds of pictures of" Charlene's "minor daughter," presumably Sara Nichole. Their impeachability is essential.



SCANNED

Finally, and very significantly, if any doubt were left that Larry Wayne Mason is orchestrating everything, after video shows him at my arrest and shows CPD Investigator Blanton displaying my arrest and search warrants and boasting to him: "I signed them for you, Wayne," that doubt should be dispelled from the attached documents he prepared for John Mitchell Jones, Charlene Crouch, and Teresa Ingram to sign as recently as yesterday. Not only is he suborning perjury, he is practicing law without a license.

Therefore, I ask that my new *habeas* petition, or at least my stand-by counsel's petition for mandamus be scheduled for a hearing and granted, that Judge Cooper order OID to pay for the private court reporter to transcribe the past and any future Columbia Municipal Court hearings on my cases, that Judge Lee allow Court Reporters Tracy and Watkins to transcribe for me the plea and sentencing hearings of Charlene and Sarah Nichole Crouch, and that my motion to find Steele and Mason in contempt be scheduled ASAP.

Thanks and God bless. Marie Assa'ad-Faltas, MD, MPH, *pro se*

c.c.: (by hand delivery) Messers. Delaney and McKenzie, Ms. Price, Chief Turner and City Attorneys through Clerk of Columbia's Municipal Court

# Transcript of the Testimony of
CITY OF COLUMBIA V. ASSA'AD-FALTAS

**Date:** July 23, 2010

CREEL COURT REPORTING, INC.
Condensed Transcript and Word Index

1230 Richland Street
Columbia, SC 29201
Phone: (803) 252-3445 / (800) 822-0896
Fax: (803) 799-5668
Email: contact@creelreporting.com
Internet: www.creelreporting.com

STATE OF SOUTH CAROLINA ) IN MUNICIPAL COURT
)
COUNTY OF RICHLAND )

City of Columbia, ) TICKET NOS:
) K613866
Plaintiff, ) L066971
) L066944
v. ) 6034
) 38803FK
Marie Assa'ad-Faltas, ) 37025FK
)
Defendant. )
)

HEARING

********

Friday, July 23, 2010
10:55 a.m. - 11:55 a.m.

The hearing before the Honorable Marion O. Hanna was held at the City of Columbia Municipal Courthouse, 811 Washington Street, Courtroom 2, Columbia, South Carolina on the 23rd day of July, 2010 before Alexandra P. Hood, Court Reporter and Notary Public in and for the State of South Carolina.



APPEARANCES:

Mr. David Fernandez, Esquire
OFFICE OF THE CITY ATTORNEY
1401 Main Street, 10th Floor
Columbia, South Carolina 29201
Attorney for City of Columbia

Dr. Marie Assa'ad-Faltas
Pro Se Defendant

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EXHIBITS

(No exhibits were marked during this hearing.)



THE COURT: A motion has been made by Ms. Marie Faltas to have a transfer of her cases to a different court, that is, I believe, to the Richland County Magistrate's Court. These are the cases: unlawful use of telephone, 097092, City of Columbia versus Marie Assa'ad, that's A-S-S-A'A-D hyphen F-A-L-T-A-S and this is ticket or warrant K613866. The next case is on a charge ... next is a charge of simple assault and trespassing after notice. The ticket or booking numbers are L066971 and L066954. And the next one is a charge of front yard, a violation of restricted front yard parking and that is ticket number or booking number 6034. We will check this and see but I believe those are all the cases that are current today. Is that right, Ms. Faltas?

DR. ASSA'AD-FALTAS: Dr. Faltas. Good morning, Your Honor. Two housekeeping matters, if it pleases the Court. Yester ...

THE COURT: Wait just a minute. I'm sorry. First of all, let me say this. Judge Turner has asked me to hear these cases, this motion, excuse me, because she could not be here. Secondly, I'm informed that Mr. Clark Newton,



who is your stand-by counsel, also cannot be here and please answer my questions as I ask them. I'm going to give you plenty of time to respond to things, but I need to keep focused here. All right? So, my first question is whether you're okay with Mr. Newton not being here. You waive his presence here today as your stand-by counsel?

DR. ASSA'AD-FALTAS: I do.

THE COURT: All right. Thank you, ma'am. And we're going to get to your argument in just a moment. Are there any other cases that you want transferred?

DR. ASSA'AD-FALTAS: Yes.

THE COURT: What would that be?

DR. ASSA'AD-FALTAS: Okay. But before I do, may I say ...

THE COURT: Please answer my question.

DR. ASSA'AD-FALTAS: All right. It is one uniform traffic ticket number 38803FK.

THE COURT: This is a traffic ticket? Uniform traffic ticket? Okay.

DR. ASSA'AD-FALTAS: Yes, but it is for disorderly conduct.

THE COURT: All right. And what was the date on

Page 5

that?
DR. ASSA'AD-FALTAS: July ...
THE COURT: Would you like to pass the tickets up so I can look at them and ...
BAILIFF: I'll find it, Your Honor.
THE COURT: Okay. They are difficult to read if you are not used to them.
BAILIFF: No. It ... the traffic ... the incident that she handed me for disorderly conduct, ticket number 38803FK was issued on 7/08 of '10 at 12:15 in the afternoon.
THE COURT: All right.
DR. ASSA'AD-FALTAS: And there's another one.
BAILIFF: And, Your Honor, also ticket number 37025FK for trespassing after notice with an issue date of 7/8 of 2010 at twelve in the afternoon.
THE COURT: All right. And what was the original court date on those two?
BAILIFF: Your Honor, both instances the court date was on 7/12/2010 at eight o'clock.
THE COURT: All right. And Dr. Faltas, did you request a jury trial on those cases?
DR. ASSA'AD-FALTAS: Actually, Your Honor, I was here but I also had another hearing ...

Page 6

THE COURT: Okay. Hold on ...
DR. ASSA'AD-FALTAS: The officer requested a ...
THE COURT: The officer? Okay. So there is, that's in the jury trial, that's on the jury trial docket or it will be whenever it can be. All right. Are there any other cases against you that you want transferred out of this Court?
DR. ASSA'AD-FALTAS: I want all future cases trans ...
THE COURT: Well, I can't rule on the future. That is nothing that I can do.
DR. ASSA'AD-FALTAS: Thank you. As a housekeeping matter, Judge ... I had asked Judge Turner for permission to bring my tape recorder and voice recorder ...
THE COURT: She told me that. That's fine. If you want to plug that in, we'll get Officer Hamper or Officer Canupt can help you with that. And I will note for the record you also have a court reporter here.
DR. ASSA'AD-FALTAS: Yes, Your Honor.
THE COURT: What is your name, ma'am?
COURT REPORTER: Alexandra Hood.
THE COURT: And that's Alexandra Hood and she's here and she is making a transcript or will be able

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to make a transcript of the hearing.
(A short break was taken.)
THE COURT: All right, then. It appears to be in operable condition and if you'll just ...
DR. ASSA'AD-FALTAS: Yes, Your Honor.
THE COURT: ... move back to the table. Now. I have read this email that was sent to Judge Turner and my understanding from it is that the defendant, Ms. ... Dr. Faltas has moved that all of her cases be removed from this ... Columbia Municipal Court because she believes that there is some conflict arising from the fact that the City of Columbia, the City Council of Columbia appoints the judges. She also indicates that the judges serve at the pleasure of the City Manager, Steve Gant. That is not the case. And indicates that she has sued the City Council and Manager Steve Gant. Now, Dr. Faltas, in looking at this, you ... first of all, we, as judges are not informed about who may sue the City Council or anybody else in the city and were we so informed, it would have absolutely nothing to do with the judges. What makes you think that your cases should be removed from this Court?

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DR. ASSA'AD-FALTAS: If it pleases the Court, may I hand ... and of course, I have a copy for Mr. Fernandez. The U.S. Supreme Court cases of Tumey versus Ohio, Ward versus Monroeville, Caperton versus Massey and Klopfer versus North Carolina.
THE COURT: All right. You may hand those up and give Mr. Fernandez a copy.
DR. ASSA'AD-FALTAS: Thank you.
THE COURT: All right. Officer Canupt, would you assist her with that please? Just pass that over to our Court Officer. All right, ma'am. If you would please answer my question as to why you think that this Court can ... I'm assuming you're saying you can't get a fair trial in the City Court. Is that correct?
DR. ASSA'AD-FALTAS: Yes, Your Honor. And ...
THE COURT: And why is that?
DR. ASSA'AD-FALTAS: I am ... and may I say that the most recent case that I handed up, Caperton versus Massey ...
THE COURT: Okay. If you would step back to the table and just try to answer my question. And I understand you've handed up these cases. We will be looking at those if they are applicable

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to the matter. But, I want to hear from you, personally. Why do you think you can't get a fair trial in the City Court?

DR. ASSA'AD-FALTAS: Yes, ma'am. I am just trying to be approachable. That's why I was approaching ...

THE COURT: That's okay. Just tell me why you think you would not be given ... you could not be given a fair trial in this Court?

DR. ASSA'AD-FALTAS: Okay. Because of ... Your Honor, in the discovery in the civil case that I have, I have received direct, incontrovertible evidence that the City and employees of the City were directly involved in bringing up false charges against me in order to help several defendants gain advantage in the civil litigation. These include, but are not limited to, letters from the City Attorney, Mr. Ken Gates, to a man called Larry Wayne Mason. And let me give you a background, if it pleases the Court. I rented an apartment which is located in two quadruplexes. The two quadruplexes contain eight virtually identical apartments. Well, for the purposes of South Carolina's Fair Housing Act and, of course,

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also, civil rights, federal civil rights laws, there is housing discrimination and it's three single units, single family units or more. You cannot discriminate in housing ... in sales or rentals in terms or conditions. I found out that based on my national origin, I was being charged 50 percent more for an identical apartment than the native-born. I did not make a very big issue of it because I have ... Mother and I have developed and bought a sliver of land that used to be wide and lugubrious-looking, but it has a great southern exposure and ... I am a medical doctor. I also hold a Master's degree in Public Health and Epidemiology and Vital Statistics from the other Carolina, Chapel Hill. And ... but ... I always tell people that the reason I got to medical school is that I proved that I was superbly qualified to be an engineer, so ... that's my love and I have been developing and actually was successful in proving, went through the initial steps of getting a patent in what may be South Carolina's first completely self-cooling, self-heating house with solar energy and other forms of energy

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that are non-fuel, totally renewable, that I invented myself. Okay. So it turns out that the sewer lines from the two quadruplexes, where I rent an apartment, have been illegally and clandestinely run across the vacant land that Mother and I bought. We did not know that. The City of Columbia did not know that. And they were run in a roundabout way, which in the elbow through the knee, or as we say in Arabic, reaching the right ear like this instead of like this, (gesturing), so as to deceive the City. For the owners of those quadruplexes to deceive the City and not pay a sewer tap fee and not pay the monthly sewer bill. Because sewer is not metered separately ... water is metered separately and the sewer bill is a multiplier of the water usage. But when the City of Columbia doesn't visually see a tap on the property, it assumes that it is a septic tank and doesn't bill. So they had run the connection through someone else's land to avoid that. So, I innocently bought that land. And as soon as they discovered it, they started a war against me. And the City of Columbia, through its police force, through its

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Office of the City Attorney, through City Council, through Development Services, through its Fire Department, which is supposed to look and inspect rental property, has been in conspiracy with ... Your Honor, one need not subscribe to conspiracy theories or think that everyone is paranoid to know that there is corruption. In this very Court, there were three white police officers who falsely arrested two young men, one of whom has a lawyer, and they lied upon the report. They lied about there being a video. They lied about everything. All of this is subject to my civil suit. It initially did not include the City, but since I discovered evidence of the City's malfeasance, I moved to amend and the Honorable Circuit Judge Childs granted my Motion to Amend. Additionally, there has been instances where the previous mayor ... and they were acting as if that were something good, to me that's Mafia tactics, and I discovered it recently in what's called the MLK neighborhood, which I don't even know where it is or what's its contours are, there were some people who did not want a teenager living there so Mayor

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Coble called Assistant Fifth Circuit Solicitor Heather Weiss and she brought down the Habitat for Humanity on that young man's mother. In my own cases, the arrest warrants were not issued by a neutral Magistrate, but sometimes were issued by Heather Weiss, herself, which is totally against Coolidge versus New Hampshire, U.S. Supreme Court case. A Solicitor or an Attorney General cannot issue an arrest warrant, but the City of Columbia has gotten a system so unconstitutional that they allow the Solicitor to issue arrest warrants. All to direct the City of Columbia police officers to arrest people for misdemeanors not observed by the police officer and without probable cause. And, in fact, all of this is subject to damage sued from the City. The City is self-insured. So any damages that I would get, God willing, when I prevail, would come from the same pot that the City uses to hire people, to raise their salaries, to cut their salaries, to put them on furlough and so on. So there is a direct financial connection between what happens in my civil case against the City and ... respectfully, your salary, your ability to

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get your raise ... Dana Davis Turner, even her position, whether it might be cut or not, so all of these, in Tumey versus Ohio, the U.S. Supreme Court said, "No." A mayor who has a direct finan ... and speaking of mayor, I was also very vocally critical of the Columbia Police Department's incompetent and corrupt handling of the Benjamin/Rubin's collision and that is no secret to City Council; to Mayor Benjamin; to your colleague, Deandra Benjamin; to everybody around. And, in fact, it may have been because I showed up in what Captain Costas billed as his news conference and I asked him cogent questions that led to the general events that caused him to be fired. So the bottom line is that every ... that because the City of Columbia Municipal judges, their salaries, their very appointments, positions, can be eliminated or increased or cut by the City Council or the City Manager or whatever ... you are not a Federal judge with an Article III lifetime tenure and a protected salary. That is a fact. Your Honor, you know, may be a part-time judge. You may not need the money, you may be, you know, doing it as a public

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service, but I have no guarantee that you ... the entire system is set in such a way that it cannot be so. Then, in Ward versus Monroeville, the U.S. Supreme Court again affirmed Tumey versus Ohio and said one other thing. You cannot say, okay, we have an unfair judge to begin with and then we can count on the appeal. No. One is entitled to a fair and impartial judge in the first instance. And then, there was the recent Caperton versus Massey, which said it's a measure of strict due process that even the risk, the risk. And that was a case where the coalition, and incidentally, that Massey, the Respondent in the U.S. Supreme case, is the same mine owner where recently there was another explosion in West Virginia, the Massey coal mine. But the U.S. Supreme Court case said that the risk of there being gratitude for someone who had contributed to the campaign of a Justice of the Supreme Court of Virginia, required that Justice to recuse himself. And then, there is an incorrect standard that some state courts use, including South Carolina, is that you have to show actual bias. Justice Kennedy, writing

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for a 5-4 majority, which is the Court's opinion, said sometimes the judge doesn't ... cannot always tell why he or she is ruling that way. There are situations where the risk of bias is constitutionally intolerable. So, number one, even the position of Chief Administrative Judge, where Dana Davis Turner does administrative things, like decide the fees for transcripts, schedules things ... all of that is an improper lack of separation of powers. In a republican form of government, the branches should be separated. So here we have, in the Municipal Court, someone that is ... in fact, yesterday, when I asked Your Honor to hear this matter you said, no, only Dana Turner can hear it because she's the Chief Administrative Judge. And I told Your Honor, you're supposed to be alternate judge.

THE COURT: I said it had been scheduled before here, Dr. Faltas. I did not say she was the only person who could hear it. I would not have taken it from any other judge before whom it had been scheduled.

DR. ASSA'AD-FALTAS: Well, okay. I'm ... I'm sorry. But this manipulation of the scheduling of

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things ... and she does many things. She evaluates employees, one of whom is the Ministerial Recorder who serves at her pleasure and who issues arrest warrants, so that's not a neutral and impartial Magistrate as required by the Constitution as interpreted by the U.S. Supreme Court in Coolidge versus New Hampshire. And that in my recent arrest, they didn't observe anything. They didn't come and get an arrest warrant. In the incident report itself, they said ... Assistant Solicitor Heather Weiss told them to arrest me. That's a no, no, no. And Heather Weiss is not just anybody. She is somebody who the newspaper reported did a favor to the mayor by pressuring the mother of a teenager who was disliked by his neighbor, to not have that teenager live with his mother. How cruel and shortsighted is that? But it is also unconstitutional. So, there is a lot of improper communication going on in the City of Columbia. It does directly affect who gets arrested, who doesn't. It does directly affect how things are scheduled, when they are scheduled and, at a minimum ... I believe there is certainly, but at a minimum, there is a

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constitutionally unacceptable risk of violation of my due process rights.

THE COURT: All right.

DR. ASSA'AD-FALTAS: Another case that I handed up, Your Honor, is Klopfer versus North Carolina. To tell you how ... I'm sorry ... totally unconstitutional this system here is ... that's why 30 years ago the U.S. Supreme Court clearly said that leave ... that dismissal with leave to reopen is unconstitutional because it violates peoples speedy trial rights. They had an exactly ... something called leave to dis ... to dismiss with leave to reopen, the same thing that you all have here. Except in North Carolina, once the U.S. Supreme Court said, no, that's unconstitutional, they stopped using it. But South Carolina somehow lives as if it had won the Civil War, as if it were a country in itself, as if whatever it likes is better than the U.S. Constitution and every time I'm kept here waiting my turn to be heard on some of those fake charges against me, I see case after case being dismissed with leave to reopen. And, you know ... of course I cannot give advice to those defendants because I'm not a

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lawyer, but I'm telling you, every, almost everything in this Municipal Court system is unconstitutional from the fact that you have no judicial independence. Your appointment, your salary is set, not ... and is not protected. You serve at somebody's pleasure. Yes. Because in two other matters which were also transcribed, Deandra ... Miss Benjamin said yes, she knows that she serves at the pleasure of the City Council. And there is no neutrality in this case because there is an active lawsuit. The amount of damages depend on whether I prevail or not prevail on those false criminal charges. There is an unconstitutionally intolerable risk of my due process being denied.

THE COURT: All right. I'm going to ... excuse me, ma'am. I've got a couple of questions for you and then I'm going hear from Mr. Fernandez in this matter. Are you asserting that you had never been arrested by the City of Columbia before, that's prior to, your lawsuit or lawsuits against them? Are you saying that before that you had never been arrested in the City of Columbia?

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DR. ASSA'AD-FALTAS: Could I give you an answer? A complete answer?

THE COURT: No. This would be a yes or no answer. Were you ever arrested in the City of Columbia before you ever sued the City?

DR. ASSA'AD-FALTAS: I was arrested once.

THE COURT: All right.

DR. ASSA'AD-FALTAS: And the conviction was overturned.

THE COURT: All right.

DR. ASSA'AD-FALTAS: Because the Court of Appeals was convinced that the City Prosecutor used a fabricated Polaroid to get me convicted.

THE COURT: Okay. Here's my other question.

DR. ASSA'AD-FALTAS: Yes, Your Honor.

THE COURT: Are you asking that your cases be removed from the City ... Municipal Court of the City of Columbia to the Richland County Magistrate's? Is that what you're asking?

DR. ASSA'AD-FALTAS: Yes, Your Honor.

THE COURT: And are you aware that Heather Weiss works for Richland County, whom you have complained about this morning? Are you aware that she works for the County, not the City?

DR. ASSA'AD-FALTAS: Of course.

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THE COURT: All right. Thank you.
DR. ASSA'AD-FALTAS: However, let me just say that Heather Weiss ...
THE COURT: I'm sorry to interrupt you, but I have to give Mr. Fernandez some time. If you would just have a seat. I'll hear from Mr. Fernandez at this time. Mr. Fernandez?
MR. FERNANDEZ: Yes, Your Honor. Thank you. The City's position will be that we object or we oppose the defendant's Motion to Change Venue, Your Honor. In order to justify the transferring of all these charges to another venue, the defendant would have to show that every single judge has a conflict with her and cannot be fair and impartial to her. In her own correspondence through other cases and other motions, she's fully admitted that there are certain judges that she would be perfectly fine being heard in front of and she does request that other judges recuse themselves. Now, it's not a defendant's choice what judge hears her matter. That is entirely left to the discretion of the trial judge or whichever judge is sitting. The City takes the consistent position that there's not a single

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judge in the Municipal Court system that cannot be fair and impartial to Dr. Faltas but that is, of course, their decision. The defendant does not get to choose where she's tried. She cannot ... the logic here fails because she argues, essentially, that because there's a pending litigation against the City, that no one in the City can be fair and impartial to her and she's argued that the judges here who are appointed by Council are somehow tied to the litigation. Specific judge appointments ... judges are appointed by Council, Your Honor, as you're aware. However, Council and City Manager and Mayor do not have the authority to fire a judge. That likely falls within the discretion of Chief Justice Toal. So while appointments are made, they do not serve at the pleasure of Council, the judge does not, so that argument fails. A judge does not have to have any fear of repercussions from a ruling that results from down here. The argument ... there just cannot ... there is no showing that every single judge in the Municipal Court is biased against her and cannot be fair and impartial. If and when, or

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when the time came where every single judge recused themselves from hearing matters involving Faltas, then we would obviously have an issue there because we would be out of judges. But that has not occurred. It's never occurred in the past, it's ... this is an unnecessary situation. It's just not warranted.
THE COURT: All right. Thank you. Dr. Faltas, if you would respond only to what Mr. Fernandez has said and nothing that you've already told me, if you don't mind. Thank you.
DR. ASSA'AD-FALTAS: Actually, what he said is incorrect. As far as your serving at the pleasure of City Council and City Manager, you are appointed for short terms. So it doesn't take Chief Justice Toal to remove someone from office when it takes a failure to re-appoint or refusal to re-appoint. So, this is not correct. The other thing is I have only seen Judge Dennis rise above this and do the honorable thing by making a finding that that one conviction that preceded my suit against the City was obtained with fabricated evidence. However, His Honor recused himself from cases

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that followed. I think Your Honor is a decent person but I have no guarantee that the cases may be assigned to Your Honor. And, yes, every single other judge has either recused himself or herself or has reason to. For one thing, there are issues of the judges having been witnesses, there are issues of complaints to Disciplinary Council where ... not Your Honor, but some other judges have used the power improperly. So there isn't any judge left. And, as I said, I think Your Honor is a very decent person, but you're the only one who is left and there is no guarantee that it is going to be assigned to you and frankly, I have some issue with Your Honor's temperament. I am a doctor. I may be Your Honor's age or slightly younger or slightly older, I do not know, but I do not ... I take the presumption of innocence very, very seriously and I have seen the judges do not. They think that just because somebody was accused then they are dirt and they can be yelled at and disrespected and all of that. Frankly, for example, Judge Jean Burns, I have referred to her history of alcohol abuse. I think the day she imposed

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that insane bond condition on me, she may not have been ... she may have been under the influence. So I have issues with many judges here and some of it spills to other judges. It is the entire ... you cannot impose on somebody a condition that they do not return to their own apartment any more than you can impose a bail condition that they do not eat. Or that they go around naked. You guys ... I'm sorry. Not Your Honor. But most of the people seem to have total disregard of the Eighth Amendment to the U.S. Constitution that says no excessive bail and no cruel or unusual punishment. When I am falsely accused of things that I ... if ... even if they were true, they would be just criticizing somebody, which is protected by the First Amendment and then I get told that I cannot return to my own apartment where I pay rent. This is not just disregard of the U.S. Constitution, this is corruption.

THE COURT: All right. Thank you, ma'am. Please be seated.

DR. ASSA'AD-FALTAS: Thank you.

THE COURT: I have listened to your arguments, I will give these cases some ... one in

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particular that has to do with a mayor who had charge of money that might have to be paid and was responsible in hearing cases. Some of these cases have to do with the right of the defendant to a speedy trial, which is not the issue that we're here for today. The issue that has been brought before me is whether all judges in the Columbia Municipal Court are biased because of their appointment by the Columbia City Council. Again, I will, I will state the City of Columbia judges are appointed by the Columbia City Council. They have absolutely no ... nothing to do ... excuse me. The City Manager has absolutely nothing to do with the appointment of the City judges and the fact that the judges are appointed by the City Council does not destroy the judicial independence of each judge in the City Court. Judicial independence is preserved and is very important to us and while we may be appointed for, as I was recently re-appointed for a three-year term, judges in this Court, myself in particular, I have been here for 20 years. Other judges have been here longer than that and it is ... while people complain about the

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judges, these complaints are something that judges are expected to live with. There are avenues if judges are misbehaving, if they are not independent, if they are violating their ethics, there are avenues that can be pursued against judges. But, in this case, you have asked that all of your cases be removed from this Court and put instead into the Magistrate's system and that Motion is denied. I don't see any reason presented here legally or factually which would require the removal of these cases and so that Motion is denied. Thank you very much.

DR. ASSA'AD-FALTAS: But, Your Honor ...

THE COURT: No, ma'am.

DR. ASSA'AD-FALTAS: I do request ...

THE COURT: No, ma'am. When the judge has ruled ... one of the rules of the Court is that you don't argue with her. If you wish to appeal something at the proper time, you may do that. Thank you so much. Please be seated.

DR. ASSA'AD-FALTAS: I am requesting that my Motions to Dismiss be scheduled ...

THE COURT: Ma'am. Please be seated. Thank you.

(There being nothing further, the hearing was

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adjourned at 11:55 a.m.)

3/29/09

Dear Dinah,

I have lived in this apt #1 304 bylon fore over 5years, and have any problems with the titents in this bulding, but the lady living in apt #3 is fully giving me my Nevers. She Complains about every thing, She trys to tell me where and how to park my car, if a friend Comes over to see me and She is out side She askes them how do they know me, thats NOne of her buiness She leaves the Securtie dore Open, I he Come home many times with the Security dore wide Open. I feel thats NOt Safe. I try to avoide here, as much as possible, im even getting to the point I dont want to go out side. to smoke because She Nags me abought that.

hope you Can do Something abought her. Thanks

Mitch Jones.

State of South Carolina
County of Richland

Civil Case # 2009CV401031558

Plaintiff:/Defendant

Marie Ass'ad Faltas, MD, MPH

VS

Motion for Assistance

Defendants: /Plaintiff's

Charlene Crouch
John Mitchell Jones
Teresa Ingram

The defendants/plaintiff's Charlene Crouch, John Mitchell Jones, and Teresa Ingram hereby make a request to the court to allow Larry W. Mason, a non-Attorney; to assist us in our case with Plaintiff & Defendant Marie Assa'd Faltas. Not only are we without any funds to obtain legal counsel, we are not entitled to appointed counsel in civil cases. We do not have any training in legal matters and are at a loss when it comes to legal procedures. We are aware that Mr. Mason is not an attorney, but does have vast knowledge of legal procedures. We feel that it would greatly facilitate this case and shorten the courts time. The Plaintiff/Defendant Marie Faltas has numerous hours in court procedures and has filed numerous court documents claiming to be an Attorney Pro-se. She has filed vast amounts of court documents, and has also claimed in court documents to be a Private Attorney General. It would be grossly unfair to allow this case to proceed without any assistance on our part. In accordance with the judge's handbook, and Section 40-5-80, SC Code, Chapter III, Page 65, Paragraph 2, it is in the Judge's discretion to allow a non attorney to assist in civil cases provided an affidavit of oath is obtained from the non attorney who is providing the assistance.

Charlene Crouch, John Mitchell Jones, Teresa Ingram
Defendants/Plaintiff's

State of South Carolina
County of Richland

2009CV401031609 civil case

Marie A. Faltas, MD, MPH

VS

AFFIDAVIT

Charlene Crouch
John Mitchell Jones
Teresa Ingram

I Larry w. Mason, do hereby make the following affidavit under oath. I have never accepted nor will accept any fee, gratuity, or reward for services from Charlene Crouch, John Mitchell Jones, and Teresa Ingram, for assisting them in their legal case involving Marie Assa'd Faltas. I am not an Attorney, I have not represented myself as an Attorney, my only goal is to assist these person's with defending themselves against charges brought by Marie Assa'd Faltas. The defendants have asked for my assistance as they have no legal experience whatsoever and would be overwhelmed by the plaintiff who claims to be a Private Attorney General and Pro-Se Attorney, and has filed numerous legal documents with the South Carolina Courts claiming her authority on legal issues.

Larry W. Mason

Sworn to and Subscribed before me this 18th day of Oct. 2010

Notary Public

My Commission expires: 6/02/2014

**CITY OF COLUMBIA**
SOUTH CAROLINA
MUNICIPAL COURT / P.O. BOX 644 / COLUMBIA, S.C. 29202 / 803 / 545-3150 FAX 803 / 733-8433

October 25, 2010

Honorable Jeanette McBride
Richland County Clerk of Court
Post Office Box 192
Columbia, South Carolina 29202

Re: City of Columbia v. Marie-Thérèse Assa'ad-Faltas
Warrant & Summons No(s).: L-066971, Simple Assault; L-066954, Trespassing: 6034, Front Yard Parking; Contempt of Court

Dear Ms. McBride:

Please find attached the Transcript and Return of Notice of Appeal in the above-referenced case. Please file the Transcript with the above civil action number. Your attention to this matter will be greatly appreciated.

Sincerely,

Dana D. Turner

Dana D. Turner
Chief Administrative Judge

DDT/nsa
Attachment as Stated

STATE OF SOUTH CAROLINA )
COUNTY OF RICHLAND )

IN THE COURT OF COMMON PLEAS

2010CP4007629

The City of Columbia, )
)
vs. )
)
Marie-Thérèse Assa'ad-Faltas, )
)
Defendant. )

**TRANSCRIPT AND RETURN ON NOTICE OF APPEAL**

RICHLAND COUNTY FILED
2010 OCT 28 PM 2:
JEANETTE W. WALKER
C.C.P. & G.S.

The following information and any attachments hereto comprises the City of Columbia Municipal Court record which is transmitted to the Circuit Court pursuant to S. C. Code Ann. §18-3-40 (1976 as amended)

Place of Arrest: City of Columbia

Charged with: Simple Assault, Trespassing, Front Yard Parking; Contempt of Court

Summons Number L-066971, L-066954, 6034 was issued on September 27, 2009 and June 11, 2008, respectively

Motions were before Municipal Court Judge Marion O. Hanna on October 6, 2010

Trial was a Motions hearing

Defendant did not waive the taking of testimony in writing. Transcript is Attached

The City was represented by: David A. Fernandez, Esquire

The Defendant was represented by: Pro se

Sentence: See attached Order. Contempt of Court: Fifty Dollars ($50.00) or Ten (10) days

Sentence was passed on the 6th day of October, 2010

Respectfully submitted this 25th day of October, 2010,

Dana D. Turner
Chief Administrative Judge
City of Columbia Municipal Court

STATE OF SOUTH CAROLINA )
) IN THE CIRCUIT COURT FOR THE
) FIFTH JUDICIAL CIRCUIT
RICHLAND COUNTY )

CITY OF COLUMBIA, )
Plaintiff )
)
) COVER SHEET FOR
vs. ) CIVIL ACTIONS
)
MARIE-THÉRÈSE ASSA'AD-FALTAS, )
Defendant. ) DOCKET NO._____

The cover sheet and the information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed and dated. A copy of this Cover Sheet must be served on the defendant(s) along with the Summons and Complaint.

RICHLAND COUNTY FILED 2010 OCT 28 PM 2:01 JEANETTE W. McBRIDE C.C.P. & G.S.

NATURE OF ACTION: (Check one category for the main cause of action)

| | | | |
|---|---|---|---|
| ( ) | TORT - Motor Vehicle | ( ) | CONTRACT - Debt Collection |
| ( ) | TORT - Professional Malpractice | ( ) | CONTRACT - Employment |
| ( ) | TORT- Unfair Trade Practices, and Other Economic or Business-Related Wrongs | ( ) | CONTRACT - Construction |
| | | ( ) | CONTRACT - Wrongful Breach |
| | | ( ) | CONTRACT - General or Other |
| ( ) | TORT - Products Liability | | |
| ( ) | TORT - General or other | ( ) | REAL PROPERTY |
| ( ) | PCR | ( ) | MINOR SETTLEMENTS |
| | | ( ) | DOMESTICATE FOREIGN JUDGMENT |
| ( ) | GOV/ADM - Workers Comp | (X) | OTHER (Please describe) |
| ( ) | GOV/ADM - General or Other | | APPEAL |

JURY DEMAND ( ) YES ( ) NO

Note: Information requested on this form is preliminary in nature, and for administrative purposes only. The response to this request for information on jury demand merely indicates a likelihood that a jury trial will or will not be requested and does NOT constitute a demand for or a waiver of trial by jury pursuant to applicable rules or statues.

DOCKETING INFORMATION (Check one box)

( ) This case is subject to arbitration (all cases with monetary damages less than $25,000 are subject to arbitration, unless otherwise exempt).

( ) This case is subject to mediation (all cases not subject to arbitration must be mediated, unless otherwise exempt.

(X) This case is exempt from ADR, and certificate is attached.

Constance D. Holloway
Signature of Plaintiff, Plaintiff's Attorney

Post Office Box 667
Mailing Address

Columbia, S.C. 20202
City, State, Zip

(803) 737-4242
Telephone

DATE: October 22, 2010

| | | |
|---|---|---|
| STATE OF SOUTH CAROLINA | ) | IN THE COURT OF COMMON PLEAS |
| | ) | FIFTH JUDICIAL CIRCUIT |
| RICHLAND COUNTY | ) | |
| CITY OF COLUMBIA, | ) | |
| Plaintiff | ) | CERTIFICATE OF |
| | ) | EXEMPTION/WITHDRAWAL |
| vs. | ) | FROM ARBITRATION/MEDIATION |
| | ) | |
| MARIE-THÉRÈSE ASSA'AD-FALTAS, | ) | |
| | ) | |
| Defendant. | ) | |
| | ) | Docket No._____ |

I CERTIFY THAT THIS ACTION IS EXEMPT FROM ARBITRATION BECAUSE:

_____ MONETARY RELIEF REQUEST IN THIS CASE EXCEEDS $25,000;

_____ THIS IS A CLASS ACTION;

_____ THERE IS A SUBSTANTIAL CLAIM FOR INJUNCTION OR DECLARATORY RELIEF REQUESTED IN THIS CASE;

_____ THIS CASE INVOLVES (Check one or more of the following):

- _____ title to real estate;
- _____ wills, trusts and decedents' estates;
- _____ mortgage foreclosure;
- _____ partition;

_____ THIS IS A SPECIAL PROCEEDING OR ACTION SEEKING EXTRAORDINARY RELIEF SUCH AS MANDAMUS, HABEAS CORPUS, OR PROHIBITION;

_____ MONETARY RELIEF REQUESTED IN THIS CASE IS UNSPECIFIED BUT EXCEEDS $25,000;

_____ THIS CASE IS A COMPANION OR RELATED TO SIMILAR ACTIONS PENDING IN OTHER COURTS WITH WHICH THE ACTION MIGHT BE CONSOLIDATED BUT FOR LACK OF JURISDICTION OR VENUE;

__X__ THIS ACTION IS APPELLATE IN NATURE;

_____ THIS IS A POST-CONVICTION RELIEF MATTER;

_____ THIS IS FORFEITURE PROCEEDING BROUGHT BY THE STATE; OR

_____ THIS IS A CONTEMPT OF COURT PROCEEDING.

RICHLAND COUNTY
FILED
2010 OCT 28 PM 2:01
JEANNETTE W. McBRIDE
C.C.P. & G.S.

DATE: October 22, 2010

Constance D. Holloway
Attorney for the City of Columbia

NOTICE: Motion must be presented to the court, a hearing held, and a finding made, for exemption or withdrawal from arbitration for "strong and compelling reason" sought pursuant to Rule 1(d), Rule of Circuit Court Arbitration.

RECEIVED
OCT 12 2010
MUNICIPAL

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
2010-CP-40-[illegible]

*The City of Columbia, South Carolina* — *Plaintiff/Respondent*
v.
*Marie Assa'ad-Faltas, MD, MPH* — *Defendant/Appellant*

JEANETTE W. GRIFFITH
C.C.P. & G.S. CLERK
2010 OCT 12 PM 2:55
FILED
RICHLAND COUNTY, S.C.

**NOTICE OF APPEAL AND GROUNDS OF APPEAL FROM A CONTEMPT OF COURT ORDER AND NOTICE FOR THE MUNICIPAL COURT TO SUBMIT A PROMPT AND COMPLETE RETURN ON APPEAL TO THE CIRCUIT COURT, INCLUDING A COMPLETE TRANSCRIPT AT NO EXPENSE TO THE INDIGENT APPELLANT PURSUANT TO THE U.S. SUPREME COURT'S UNANIMOUS DECISION IN *Mayer v. City of Chicago*, 404 U.S. 189 (1971).**

Marie Assa'ad-Faltas, MD, MPH, *pro se*, hereby timely appeals to the Richland County Circuit Court of Common Pleas from the 6 October 2010 oral, arbitrary, capricious, and unfounded order by Columbia Municipal Court Judge Marion Hanna and sentencing Dr. Assa'ad-Faltas to a fifty-dollar fine.

Dr. Assa'ad-Faltas reserves the right to detail the grounds for this appeal upon receipt of the transcript; but from memory, information and belief, Municipal Judge Hanna (who is appointed by, and serves at the pleasure of, Columbia's City Council, which in turn is Dr. Assa'ad-Faltas' adversary in at least one civil law suit) was motivated by Municipal Judge Hanna's intolerance for Dr. Assa'ad-Faltas' superior intellect and knowledge of the Bible, of the U.S. Constitution, and of the history and purpose of the law in civilization.

Municipal Judge Hanna was hostile to Dr. Assa'ad-Faltas' *a priori* challenge to the fairness of a municipal court and of the impropriety of Dana Davis Turner's combining executive and judicial functions.

The transcript will show that Municipal Judge Hanna neither familiarized herself with Dr. Assa'ad-Faltas' cases nor gave her a chance to make her arguments or to cross-examine the witnesses against her. Indeed, Municipal Judge Hanna had a premeditated intent to find Dr. Assa'ad-Faltas in contempt of court and so threatened early in the hearing, particularly when Dr. Assa'ad-Faltas rightly objected to Assistant City of Columbia Attorney David Fernandez reading from his own affidavit instead of being sworn and subjected to cross-examination. Municipal Judge Hanna knew of Dr. Assa'ad-Faltas' reputation as a skilled cross-examiner of hositle witnesses and wanted to shield the City's appointees from cogent questions.

Municipal Judge Hanna held Dr. Assa'ad-Faltas in contempt of court and aborted her cross-examination of hostile-witness Assistant City of Columbia Attorney Constance Holloway as soon as Dr. Assa'ad-Faltas elicited from Holloway and admission that Holloway had "zoned out" in the middle of the events to which Holloway purported to testify. Thus, Holloway was a witness unworthy of credence.

Municipal Judge Hanna further questioned Dr. Assa'ad-Faltas' mental health and asked if the latter had sought help with "[her] problem." Whereupon, Dr. Assa'ad-Faltas politely and correctly responded that "[her] problem" is that she has several false charges against of her. Thereupon, Municipal Judge Hanna threatened to incarcerate Dr. Assa'ad-Faltas for additional contempt of court charges.

WHEREFORE, the intemperate and unfair order of the temperamental Municipal Judge Hanna should be reversed and the Columbia Municipal Court should be ordered to dismiss all pending criminal cases against Dr. Assa'ad-Faltas because those cases are meritless and that court cannot be fair to her.

**Respectfully submitted, and served on Respondent by hand-delivery to stand-by counsel Mark Schnee for delivery to Respondents per the Oral Order of the very Municipal Judge Hanna, all on 11 October 2010, all God so willing.**

**Marie A. Faltas, MD, MPH, Appellant *pro se***
304 Byron Road, Apt. #3, Columbia, SC 29209 (temporarily unavailable)
**P.O. Box 9115, Columbia, SC 29290 (please use until further notice)**
Phone and on-demand fax (presently unavailable): (803) 783-4536
Cell Phone: (330) 232 – 4164 (please use until further notice)

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OCT 12 2010
BY: MA

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|---|---|---|
| STATE OF SOUTH CAROLINA<br>COUNTY OF RICHLAND | )<br>) | IN THE MUNICIPAL COURT<br>FOR THE CITY OF COLUMBIA |
| CITY OF COLUMBIA<br><br>vs.<br><br>MARIE-THERESE ASSA'AD-FALTAS | )<br>)<br>)<br>)<br>) | ORDER |

This matter came before me on October 6, 2010 upon eight (8) motions of the Defendant Faltas, and one (1) motion of the City of Columbia as follows:

1. Defendant Moves to Declare the Position of Chief Administrative Judge as unconstitutional under both the Federal and State Constitutions.

2. Defendant Moves to Dismiss the charge of Unlawful Use of Telephone, warrant #K613866, alleging the following grounds: (a) arrest was by an officer who did not witness the alleged misdemeanor; (b) City has failed to produce the recordings of the calls to dispatch on December 12, 2009; (c) the statute does not criminalize abusive language; and (d) the statute is unconstitutional.

3. Defendant Moves to Dismiss the charge of Unlawful Use of the Telephone, warrant #K61366, alleging the following grounds: (a) Defendant cannot get a fair trial because judges serve at the pleasure of City Council: (b) Defendant has a civil case against the City and members of City management, to wit, 2009-CP-40-2219; (c) City refused to provide discovery and plans to call false witnesses; (d) the City has intentionally procrastinated in prosecuting John M. Jones; (e) the City has failed to serve courtesy summonses against Teresa Ingram and Corey Curry; (f)Judge Turner has never done the "right thing" with regard to Defendant's cases but has done the "right thing" in other situations; and (g) the Defendant is being set up to be held in contempt of court.

4. Defendant Moves to Transfer her Cases to the Richland County Magistrate's court, alleging the following grounds: (a) it is improper for agents of the City to try her when the City is a defendant in her civil lawsuit and is also subject to other complaints; and (b) the Defendant has a civil case against the City and individual members of City management.

5. Defendant Moves for a Speedy Trial.

6. Defendant Moves to Dismiss Uniform Ordinance Summons 6034, alleging the following grounds: (a) the Defendant cannot get a fair trial because judges serve at the pleasure of City Council; (b) the Defendant has a civil case against the City and members of City Management-2009-CP-40-2219; (c) the City refused to provide discovery and plans to call false witnesses; (d) the City has intentionally procrastinated in prosecuting John M. Jones; (e)the City has failed to serve courtesy summonses against Teresa Ingram and Corey Curry; (f) Judge Turner has never done the "right thing" with regard to Defendant's cases, but has done the "right thing" in other situations; and (g) the Defendant is being set up to be held in Contempt of Court.

7. Defendant Moves to Dismiss Uniform Ordinance Summons 6034, alleging the following grounds: (a) the ordinance is unconstitutional because she was selectively prosecuted and (b) the ordinance is unconstitutional because her speedy trial rights have been violated.

8. Defendant Moves to Dismiss Uniform Ordinance Summons 6034, alleging the following grounds: (a) the Defendant may not be prosecuted because double jeopardy attached before a mistrial was declared; and (b) the ordinance is unconstitutional because it imposes criminal penalties on conduct not illegal under State law.

The City of Columbia's Motion is as follows:

The City Moves to Restrict Access by the Defendant Faltas to Municipal Court and City Prosecutors, alleging the following grounds: (a) the Defendant refuses to comply with the City Attorney's WRITTEN CORRESPONDENCE ONLY policy by placing numerous demands and phone calls to the City Attorney's office; (b) The Defendant insists on hand-delivery exchange of documentation and consistently engages in disruptive and abusive behavior accompanied by repeated use of profanity; (c) the Defendant engages in harassing behavior by confronting attorneys from the City Attorney's office in the parking lot of their offices; (d) the Defendant frequently appears in the Municipal Court when her cases are not on the docket, disrupting the administration of justice; and (e) the Defendant calls the phone number for the jury trial prosecutor repeatedly, disrupting the prosecutor and impeding his or her ability to discuss cases with others.

Within her motions set forth above, the Defendant Faltas has made several allegations for which she seeks relief on grounds that were previously heard before me on July 23, 2010, particularly her Motions to Transfer Venue to the Richland County Magistrate's Court and related Motions in which she raises the issue of the independence of the judges of the Municipal Court. The transcript of that hearing and the ruling therein denying those Motions and finding no merit in those allegations are hereby incorporated and included herein by reference and

attachment of the transcript. It is noted that the ruling on July 23, 2010 was made applicable to all pending cases of the City of Columbia vs. Marie-Theresa Assa'Ad Faltas.

As to Defendant's First Motion, no argument was presented and no ruling made.

Defendant's Motions Two and Three are moot because the prosecution has decided to *nolle prosequi* the charge of Unlawful Use of the Telephone brought by warrant #K613866.

As shown above, Defendant' Motion number Four has already been adjudicated.

Defendant's Motion for a Speedy Trial IS HEREBY DENIED because the Defendant has not demonstrated any actions by the Prosecution or the court to delay justice in her cases. On the contrary, any delay that may have occurred has most probably been due to the misbehavior and disruption of the court processes by the Defendant herself.

Defendant's Sixth Motion has already been determined as to venue. Defendant cannot raise the rights of other persons whom she has mentioned in Motion number Six, nor has any argument been presented concerning the "right thing" allegations, and are, therefore, abandoned by the defendant.

Defendant's Motion number Seven IS HEREBY DENIED. The defendant has presented no credible argument as to why the front-yard parking ordinance should be declared unconstitutional.

Defendant's Eighth Motion IS HEREBY DENIED. The rule against trying a person twice for the same offense is not violated where a mistrial has been rightfully declared.

The City of Columbia presented affidavits and witnesses in support of its Motion to Restrict Access by the Defendant Faltas to the Municipal Court and Prosecutors. The Defendant was afforded extensive time and latitude to cross-examine the witnesses and present her defense to the Motion.

Having heard from the Assistant City Attorney, David A. Fernandez, and his witnesses, including Assistant City Attorney, Constance Holloway; Chief Administrative Judge, Dana D. Turner; Court Officers, Sheila Wise, Isaac Canteen and Anthony Avery; CPD Court Liaison Officer, Thomas Hampe; and Jury Trial Scheduling Clerk, Freda Burris; having observed the Defendant's abusive and disruptive behavior throughout this and other proceedings; and having noted that, of all of the allegations concerning her aberrant behavior, Defendant denies only that she has ever used what she would characterize as a "bad word,"

I FIND AND CONCLUDE AS FOLLOWS:

The Defendant Faltas has engaged in a consistent pattern of abuse of the Municipal Court processes, the Court's personnel, the City Attorney's office and the City Attorneys. She has caused delays in and disruptions of the court's business on a constant basis. She has attempted to and has succeeded in intimidating some court personnel and the City Attorneys. She has violated every request of this court to refrain from seeking *ex parte* communications with judges. She has violated the City Attorney's office's WRITTEN CORRESPONDENCE ONLY policy reasonably put into place to attempt to avoid her abusive and disruptive behavior. She makes numerous phone calls and emails to the Municipal Court and to the City Attorney's office, both at the Municipal Court site and on Main Street wherein she is abusive and disruptive. She excessively appears at the Municipal Court and disrupts the business of the court personnel and the court itself. On more than one occasion, she has rightfully been asked to leave, always initially refusing to do so. She has appeared in at least one DUI trial and asked to be listed as a witness in a case she knew nothing about. She appears and demands to be heard by the presiding judge when none of her cases or motions is before the court. No request for the Defendant to cease her disruptive behavior has ever been honored. She is totally disrespective of this Court, its employees, the business of the court, other people's access to the court, and of the City Attorney's office and the attorneys themselves. During the hearing on these Motions, the Defendant gratuitously insulted other judges of this court, and the people of South Carolina in general. She has stated on more than one occasion that she is superior to others. She repeatedly insists, often by yelling out

during court proceedings, on being called "Doctor" due to her education as an M.D. and M.PH.

This court respects the rights of all defendants to have access to the courts of this State and the right to petition the government through the judicial process, but the right does not extend to the harassment of court officials, prosecuting attorneys, or to disruptive behavior within the walls or curtilage of any courthouse, nor to the abuse of the criminal system to the detriment of others. The people's business must be conducted in an orderly and unencumbered manner. The Defendant Faltas has created an obstruction to this process.

NOW, THEREFORE, THE DEFENDANT, MARIE-THERESA ASS'AD-FALTAS IS HEREBY RESTRICTED FROM ENTERING OR COMING ABOUT THE COLUMBIA MUNICIPAL COURTHOUSE AND FROM COMING INTO CONTACT WITH COURT PERSONNEL , EXCEPT ONLY (A) FOR HER SCHEDULED COURT APPEARANCES AND (B) FOR THE PURPOSE OF FILING DOCUMENTS WITH THE CLERK OF COURT RELATING TO HER CRIMINAL CHARGES ONLY BETWEEN THE HOURS OF 2:00 P.M. AND 4:00 P.M. DURING THE NORMAL OPERATING HOURS OF THIS COURT. THE DEFENDANT IS FURTHER RESTRICTED FROM ENTERING OR COMING ABOUT THE OFFICE OF THE CITY ATTORNEY FOR THE CITY OF COLUMBIA OR THE BUILDING IN WHICH IT IS LOCATED AT 1401 MAIN STREET, COLUMBIA, SC 29202, AND FROM COMING INTO CONTACT WITH PERSONS EMPLOYED THEREIN AND WITH ANY INDIVIDUALS INVOLVED IN THE PROSECUTION OF ANY OF HER SEVERAL CRIMINAL CHARGES, WHETHER AT THEIR PLACES OF EMPLOYMENT, THEIR RESPECTIVE PARKING LOTS, THEIR RESIDENCES, OR AT ANY OTHER PLACE. SHE IS PROHIBITED FROM CONFRONTING, OR ACCOSTING, WHETHER BY PHONE, EMAIL, OR IN PERSON ANY OF THE JUDGES AND EMPLOYEES OF THE CITY COURT, AND THE ATTORNEYS AND EMPLOYEES OF THE CITY ATTORNEY'S OFFICE. DEFENDANT FALTAS SHALL MAKE NO *EX PARTE* COMMUNICATIONS WITH THE JUDGES, CITY ATTORNEY'S OFFICE, ITS PERSONNEL, OR THAT OF THE CITY COURT.

THE DEFENDANT, FALTAS, IS HEREBY DIRECTED TO UTILIZE THE U.S. MAIL WHEN MAKING NECESSARY CORRESPONDENCE WITH THE OFFICE OF THE CITY ATTORNEY, OR SHE MAY COORDINATE WITH HER STANDBY COUNSEL TO HAVE

CORRESPONDENCE DELIVERED BY HIM. SHE IS PROHIBITED FROM MAKING UNNECESSARY, ABUSIVE, THREATENING OR UNCIVIL COMMUNICATION BY ANY MEANS WITH THE CITY COURT AND WITH THE CITY ATTORNEY'S OFFICE AND PERSONNEL OF EACH. FOR DOCUMENTATION THAT REQUIRES FORMAL SERVICE, THE DEFENDANT FALTAS IS HEREBY REQUIRED TO SERVE THOSE DOCUMENTS PURSUANT TO THE SOUTH CAROLINA RULES OF CRIMINAL PROCEDURE OR ANY APPLICABLE RULES OF CIVIL PROCEDURE CONCERNING ALL OF HER PENDING CRIMINAL CHARGES IN THE CITY OF COLUMBIA MUNICIPAL COURT; PROVIDED, HOWEVER, THAT SHE MAY NOT SERVE ANY DOCUMENT UPON A PROSECUTOR IN PERSON.

AND IT SO ORDERED.

Marion O. Hanna, Presiding Judge

October 13, 2010
Columbia, South Carolina

VIOLATION OF THIS ORDER SHALL CONSTITUTE PRIMA FACIA EVIDENCE OF CONTEMPT OF COURT PUNISHABLE BY FINE OR IMPRISONMENT.

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| CITY OF COLUMBIA, | ) | TRANSCRIPT OF RECORD |
| | ) | |
| vs. | ) | OCTOBER 6, 2010 |
| | ) | JURY TRIALS |
| MARIE-THÉRÈSE ASSA'AD-FALTAS, | ) | WARRANT NO.: K-613866, L-066971, |
| | ) | L-066954; SUMMONS NO.: 6034 |
| DEFENDANT. | ) | JUDGE MARION O. HANNA |
| | ) | ACA DAVID A. FERNANDEZ |

RICHLAND COUNTY
FILED
2010 OCT 28 PM 2:03
JEANNETTE W. MCBRIDE
C.C.P. & G.S.

**THE COURT:** IS EVERYONE READY TO PROCEED? MR. SCHNEE IS HERE, MS. FALTAS IS HERE.

**DEFENDANT FALTAS:** I'M DR. FALTAS.

**THE COURT:** I UNDERSTAND. AND MR. FERNANDEZ IS HERE AND ALSO?

**MR. FERNANDEZ:** MS. BEESON FROM OUR OFFICE. SHE'S NOT GOING TO PARTICIPATE.

**THE COURT:** ALL RIGHT. AND WE ALSO HAVE A COURT REPORTER. MR. SCHNEE, IS THE COURT REPORTER HERE ON BEHALF OF THE PUBLIC DEFENDER'S OFFICE?

**MR. SCHNEE:** I'M NOT WITH THE PUBLIC DEFENDER'S OFFICE, YOUR HONOR.

**THE COURT:** OH, I'M SORRY. IS THE COURT REPORTER HERE ON YOUR BEHALF?

**MR. SCHNEE:** NOT ON MY PERSONAL BEHALF. I'M STANDBY COUNSEL. I DON'T KNOW IF DR. FALTAS HAS SECURED PAYMENT FOR THAT.

**THE COURT:** ALL RIGHT. THE COURT REPORTER IS HERE ON YOUR PERSONAL BEHALF, MA'AM?

**DEFENDANT FALTAS:** I ASKED HER TO BE HERE, YOUR HONOR, BECAUSE I HAVE HAD PROBLEMS GETTING TRANSCRIPTS FROM THIS COURT.

**THE COURT:** I JUST ASKED YOU IS SHE HERE ON YOUR BEHALF?

**DEFENDANT FALTAS:** YES.

**THE COURT:** AND YOU UNDERSTAND YOU'LL BE RESPONSIBLE FOR PAYMENT?

**DEFENDANT FALTAS:** NO, MA'AM. I MEAN I'VE ALWAYS PAID HER BUT I THINK I'M ENTITLED TO REIMBURSEMENT.

**THE COURT:** WELL, HAVE A SEAT. THAT WOULD BE A DIFFERENT MATTER. THANK YOU.

**DEFENDANT FALTAS:** YES, THANK YOU.

**THE COURT:** ALL RIGHT. NOW FIRST OF ALL BEFORE WE GET INTO THE MOTIONS THAT MAY BE HEARD TODAY, WE HAD A HEARING ON -- A MOTION PREVIOUSLY WHICH HAS SOME OF THE SAME -- THE SAME ISSUE HAS BEEN BROUGHT ACCORDING TO THE LETTER THAT WAS SENT OUT. SOME OF THE SAME ISSUE IS BEING COVERED OR SOMEONE WISHES TO COVER IT. AS WAS HEARD ON JULY 23RD, 2010, I HAVE A TRANSCRIPT OF THAT HEARING AND HEREBY MAKE THIS TRANSCRIPT A PART OF THIS RECORD BY REFERENCE TO IT AND WE WILL PROVIDE BOTH SIDES WITH COPIES OF IT IF YOU SO DESIRE. AT THIS HEARING THE COURT, MYSELF, I QUESTIONED THE DEFENDANT FALTAS AS TO HER UNDERSTANDING AS TO WHY WE WERE THERE ON JULY 23RD. MY UNDERSTANDING IS THAT THE DEFENDANT, DR. FALTAS, HAS MOVED THAT ALL OF HER CASES BE REMOVED FROM THE COLUMBIA MUNICIPAL COURT BECAUSE SHE BELIEVES THAT THERE IS SOME CONFLICT ARISING FROM THE FACT THAT THE CITY OF COLUMBIA -- CITY COUNCIL OF COLUMBIA APPOINTS THE JUDGES. SHE ALSO INDICATES THAT THE JUDGES SERVE AT THE PLEASURE OF THE CITY MANAGER, STEVE GANTT, WHICH IS NOT THE CASE. AND, THEREFORE, THAT

ISSUE WHICH IS BROUGHT UP IN SOME OF THE DESCRIPTIONS OF THE OTHER MOTIONS HAS ALREADY BEEN DECIDED AND WE WILL NOT GO INTO IT AGAIN. IT WAS FULLY HEARD ON JULY 23RD BY ME AND APPLIES TO ALL CASES AGAINST MARIE ASSA'AD-FALTAS IN THIS COURT AT THIS TIME. ALL RIGHT. NOW WE HAVE SEVERAL MOTIONS THAT ARE LISTED OTHER THAN INVOLVING THAT PARTICULAR MATTER. MS. FALTAS HAS MADE A MOTION THAT THE POSITION OF CHIEF ADMINISTRATIVE JUDGE BE DECLARED UNCONSTITUTIONAL UNDER BOTH THE FEDERAL AND STATE CONSTITUTIONS. DO YOU WISH TO ADDRESS THAT, MS. FALTAS?

**DEFENDANT FALTAS:** YOUR HONOR, ONCE AGAIN I AM DR. FALTAS IF IT PLEASES THE COURT AND THE OTHER MATTER IS, YES, I DO WISH A COPY OF THE TRANSCRIPT.

**THE COURT:** IF YOU WOULD STAND AT THAT MICROPHONE. THAT ONE, PLEASE.

**DEFENDANT FALTAS:** YOUR HONOR JUST REFERENCED A TRANSCRIPT THAT YOU ARE MAKING AS AN EXHIBIT.

**THE COURT:** AS I SAID, WE WILL PROVIDE YOU A COPY, WE WILL PROVIDE THE CITY A COPY. I WISH FOR YOU TO ADDRESS AT THIS POINT YOUR MOTION TO DECLARE THE POSITION OF CHIEF ADMINISTRATIVE JUDGE AS UNCONSTITUTIONAL AND I MUST INSIST THAT YOU DO SO SPECIFICALLY AS TO WHY AND WHAT PORTIONS OF THE CONSTITUTIONS ARE BEING VIOLATED AS YOU SEE IT.

**DEFENDANT FALTAS:** MA'AM, I SPECIFICALLY SAY THAT YOU HAVE NO JURISDICTION TO HEAR THIS MOTION. I DO NOT KNOW WHY CHIEF ADMINISTRATOR TURNER PUT IT IN THE LETTER. I HAVE NO CONTROL OVER

WHAT SHE PUT AND DIDN'T PUT IN IT.

**THE COURT:** YOU DO NOT WANT THIS MOTION HEARD AT THIS TIME?

**DEFENDANT FALTAS:** MAY I JUST SAY THE GROUNDS?

**THE COURT:** MA'AM, DO YOU WANT THIS MOTION HEARD AT THIS TIME?

**DEFENDANT FALTAS:** I WANT IT HEARD BY ANOTHER COURT BECAUSE YOU ARE NOT A COURT OF GENERAL JURISDICTION. YOU HAVE NO CIVIL JURISDICTION AND SO YOU HAVE NO JURISDICTION --

**THE COURT:** WELL, IF YOU WANT A MOTION HEARD BY ANOTHER COURT YOU'LL HAVE TO MAKE IT IN ANOTHER COURT.

**DEFENDANT FALTAS:** THAT'S ABSOLUTELY --

**THE COURT:** LET'S MOVE ON TO THE SECOND ONE THEN.

**DEFENDANT FALTAS:** THAT'S ABSOLUTELY CORRECT. AND --

**THE COURT:** MA'AM, WHEN I'M TALKING YOU ARE NOT. YOU'VE GOT TO UNDERSTAND THAT. ONE PERSON AT A TIME AND I DECIDE WHO THAT'S GOING TO BE AND RIGHT NOW YOU HAVE SAID YOU DON'T WANT THIS MOTION HEARD BECAUSE IT NEEDS TO BE IN ANOTHER COURT. THEREFORE, WE MOVE ON TO MOTION NUMBER TWO. DEFENDANT'S MOTION TO DISMISS THE CHARGE OF UNLAWFUL USE OF TELEPHONE, K-613866. THE DEFENDANT ALLEGES THE FOLLOWING GROUNDS. ARREST WAS BY AN OFFICER WHO DID NOT WITNESS THE ALLEGED MISDEMEANOR. THAT WAS "A." "B," THE CITY HAS FAILED TO PRODUCE THE RECORDINGS OF THE CALLS TO DISPATCH ON DECEMBER 12TH, 2009, AND "C," THE STATUTE DOES NOT CRIMINALIZE ABUSIVE LANGUAGE AND "D," THE STATUTE IS UNCONSTITUTIONAL. MR. FERNANDEZ.

**MR. FERNANDEZ:** YOUR HONOR, I THINK I CAN SAVE A LITTLE TIME.

**THE COURT:** ALL RIGHT. THANK YOU.

**MR. FERNANDEZ:** WE WOULD NOW ASK THE COURT FIRST TO WRITE IN THE UNLAWFUL TELEPHONE CHARGE ON TODAY'S DOCKET SO WE CAN NOLLE PROS IT.

**THE COURT:** ALL RIGHT. MADAM CLERK, DO YOU HAVE THAT? I MAY HAVE IT HERE ON THE DESK. DO YOU HAVE IT?

**COURT CLERK:** I DON'T HAVE IT, NO, MA'AM.

**MR. FERNANDEZ:** YOUR HONOR, I DO HAVE THE WARRANT NUMBER.

**THE COURT:** ALL RIGHT. GOOD.

**MR. FERNANDEZ:** K-613866, UNLAWFUL USE OF A TELEPHONE.

**THE COURT:** ALL RIGHT. AND, MADAM CLERK, WHAT PAGE ARE YOU PUTTING IT ON?

**COURT CLERK:** YOUR HONOR, I'M PUTTING THIS ON PAGE 9. I'M WRITING THIS OFFENSE ON LINE 11.

**THE COURT:** OKAY. ON PAGE 9, LINE 11 OF THIS WEEK'S DOCKET, K-613866, UNLAWFUL USE OF TELEPHONE AND THAT'S DEFENDANT MARIE ASSA'AD-FALTAS. ALL RIGHT. AND THAT CHARGE IS NOLLE PROSSED, MR. FERNANDEZ?

**MR. FERNANDEZ:** YES, YOUR HONOR.

**THE COURT:** ALL RIGHT THEN.

**DEFENDANT FALTAS:** YOUR HONOR, FIRST I WANT TO SAY THANK YOU BUT I WANT TO SAY THREE THINGS.

**THE COURT:** ALL RIGHT. DR. FALTAS, EXCUSE ME, MA'AM. BUT WE ARE NOW MOVING ON TO MOTION NUMBER FOUR.

**DEFENDANT FALTAS:** MAY I --

**THE COURT:** EXCUSE ME. MOTION -- MOTION NUMBER TWO AND THREE APPLIED TO THAT CHARGE WHICH IS NOLLE PROSSED. IT IS NO LONGER BEFORE THE COURT SO I WILL NOT HEAR ANYTHING ABOUT IT. NUMBER FOUR, DEFENDANT'S MOTION TO TRANSFER CASES TO THE RICHLAND COUNTY MAGISTRATE'S COURT. AS I SAID EARLIER, AND THESE ARE YOUR SAME GROUNDS, IT IS IMPROPER FOR THE CITY TO TRY HER AND SO FORTH. WE'VE ALREADY MADE OUR DECISION ON THAT AS YOU WILL RECALL FROM JULY 23RD. WE'LL MOVE TO NUMBER FIVE, DEFENDANT'S MOTION FOR A SPEEDY TRIAL. MS. FALTAS.

**DEFENDANT FALTAS:** THIS IS DR. FALTAS, YOUR HONOR. ON THE ONES THAT WERE -- ON THE ONE THAT WAS NOLLE PROCESSED --

**THE COURT:** MA'AM, LISTEN TO ME. IF YOU CANNOT FOLLOW MY DIRECTIONS THIS IS NOT GOING TO WORK WELL. THERE IS NO CASE. THERE IS NO CASE OF UNLAWFUL USE OF TELEPHONE. IT HAS BEEN NOLLE PROSSED. IT IS NOT BEING PROSECUTED. YOU MUST MOVE ON TO YOUR MOTION FOR A SPEEDY TRIAL.

**DEFENDANT FALTAS:** I MAKE A MOTION FOR EXPUNGEMENT OF THE ARREST RECORD AND IF YOU GIVE ME THE BENEFIT OF THE DOUBT YOU WOULD KNOW THAT I HAVE SOMETHING VALID TO SAY AND THAT I UNDERSTOOD WHAT NOLLE PROSSED MEANS.

**THE COURT:** I KNOW THAT YOU DO, DR. FALTAS.

**DEFENDANT FALTAS:** ALL RIGHT. NOW I HAVE THE RIGHT TO RE-

QUEST EXPUNGEMENT BECAUSE THAT IS MY RIGHT.

**THE COURT:** MA'AM, THIS IS NOT THE VENUE FOR THAT.

**DEFENDANT FALTAS:** WELL, WHAT IS THE VENUE?

**THE COURT:** THE VENUE FOR THAT FOR WHAT WE ARE HERE FOR NOW, THE NEXT THING AND I WANT TO HEAR FROM YOU ON IT IS YOUR MOTION FOR A SPEEDY TRIAL. THE OTHER THINGS WILL COME LATER. MOTION FOR A SPEEDY TRIAL NOW.

**DEFENDANT FALTAS:** ALL RIGHT.

**THE COURT:** THANK YOU.

**DEFENDANT FALTAS:** NOW JUST COULD YOU PLEASE, PLEASE LET ME MAKE MY RECORD? UNDER KOPFLER VS. NORTH CAROLINA THERE IS NO SUCH THING AS NOLLE PROS WITH LEAVE TO REOPEN.

**THE COURT:** MA'AM, NO. WE ARE NOT GOING AT -- WE HAVE NOT NOLLE PROSSED WITH LEAVE. DID YOU HEAR ME SAY WITH LEAVE TO REOPEN?

**DEFENDANT FALTAS:** I JUST WANT TO SAY THAT MEANS IT'S GONE FOREVER.

**THE COURT:** I'VE ALREADY HEARD ALL THAT FROM YOU AND WE ARE NOT HEARING IT TODAY.

**DEFENDANT FALTAS:** ALL RIGHT. FINE.

**THE COURT:** I WANT TO HEAR FROM YOU ON YOUR MOTION FOR A SPEEDY TRIAL.

**DEFENDANT FALTAS:** ABSOLUTELY, YOUR HONOR.

**THE COURT:** NOW.

**DEFENDANT FALTAS:** YES, MA'AM.

**THE COURT:** ALL RIGHT. THANK YOU. GO AHEAD.

**DEFENDANT FALTAS:** THANK YOU. THE LETTER REFERENCES FOUR CHARGES. TWO OF THEM CITY OF COLUMBIA VS. MARIE ASSA'AD-FALTAS, M.D., M.P.H. IS L-066971 AND L-066954. I HAVE MOTIONS TO DISMISS ON THOSE, MOTIONS FOR SPEEDY TRIALS ON THOSE AS WELL MOTIONS FOR SPEEDY TRIAL ON THE CHARGES THAT WERE REMANDED FROM GENERAL SESSIONS.

**THE COURT:** WE ARE GOING TO HEAR ONE MOTION AT A TIME.

**DEFENDANT FALTAS:** OKAY.

**THE COURT:** THIS IS MOTION FOR A SPEEDY TRIAL.

**DEFENDANT FALTAS:** IT APPLIES TO ALL THE PENDING CASES.

**THE COURT:** ONE AT A TIME.

**DEFENDANT FALTAS:** ALL RIGHT. SO THEM MAY I TELL YOU ONE CASE AT A TIME?

**THE COURT:** YOU MAY TELL ME WHY YOU WANT A SPEEDY TRIAL (INAUDIBLE) YOU ARE BEING DENIED ONE.

**DEFENDANT FALTAS:** OH, BECAUSE THAT'S MY CONSTITUTIONAL RIGHT UNDER THE 6TH AMENDMENT TO THE UNITED STATES CONSTITUTION BECAUSE THE PENDENCY OF CRIMINAL CHARGES HAS COLLATERAL NEGATIVE CONSEQUENCES ON THE PERSON CHARGED BECAUSE THESE CHARGES HAVE NO VALIDITY WHATSOEVER. THEY WERE COMPLETELY BROUGHT TO HARASS ME, TO INTIMIDATE ME FROM EXERCISING MY CIVIL RIGHTS BECAUSE THE LAPSE OF TIME MAKES IT IMPOSSIBLE FOR ME TO PROVIDE FOR MY DEFENSE BECAUSE ALL OF THE REASONS THAT WERE STATED IN KOPFLER VS. NORTH CAROLINA AND ALL THE U.S. SUPREME COURT CASES THAT SAID THAT THE 6TH AMENDMENT TO THE U.S. CONSTITUTION IS BINDING UPON THE STATES SO THE 14TH AMENDMENT AND THE RIGHT TO SPEEDY TRIAL AGAIN IN KOPFLER VS.

NORTH CAROLINA IS ONE OF THE MOST PROMINENT OF THESE. ADDITIONALLY, YOUR HONOR, AGAIN IN U. S. SUPREME COURT OF MYER VS. CITY OF CHICAGO, MYER, THE PETITIONER, WAS A MEDICAL STUDENT WHEN HE WAS ARRESTED FOR SOME KIND OF SPEECH OFFENSE AND THAT WAS BASICALLY A FREE TRANSCRIPT CASE WHICH THE U.S. SUPREME COURT SAID, YES, EVEN IN MUNICIPAL COURT, EVEN THE LOW LEVEL COURTS, HAVE THE DUTY TO PROVIDE FREE TRANSCRIPTS TO INDIGENT DEFENDANTS. BUT IT ALSO SAID SOMETHING VERY IMPORTANT. THAT EVEN LOW LEVEL MISDEMEANORS, EVEN IF THEY WERE PUNISHABLE ONLY BY FINES AND NOT INCARCERATION, THEY HAVE COLLATERAL CONSEQUENCES AND MOST PEOPLE THE CONTACT WITH THE COURTS AND THAT WAS JUSTICE BRENNER WRITING THE CONTACTS WITH THE COURTS ARE ON LOW LEVEL CHARGES AND THAT'S WHERE THEY SHOULD SEE THAT JUSTICE WORKS. SO LET ME GO THROUGH THE PENDING CASES AND TELL YOU ON EACH ONE WHY MY RIGHT TO A SPEEDY TRIAL HAS BEEN VIOLATED AND WHY THAT EFFECTS ME VERY NEGATIVELY IF I MAY PLEASE. THERE IS A UNIFORM ORDINANCE SUMMONS WHICH IS 6034. THAT IS FROM JUNE, 2008. THERE WAS -- IT CAME FOR A JURY TRIAL IN NOVEMBER, 2008. I ASKED FOR THE STATUTE TO BE DECLARED UNCONSTITUTIONAL. JUDGE BENJAMIN WHO IS NOT IN MY OPINION A CONSTITUTIONAL SCHOLAR, SHE DENIED THE MOTION WITHOUT EVEN HEARING ABOUT IT. AND THEN DURING THE OPENING STATEMENTS OF THE PROSECUTOR HE MADE IMPROPER COMMENTS. AND I MOVED FOR A MISTRIAL AND THEN BECAME ILL. THERE WAS A MISTRIAL DECLARED. THERE WAS AN APPEAL AND IT WAS DECIDED THAT IN JUNE OF 2009 THE CITY TOOK ABSOLUTELY NO ACTION BETWEEN 2009 AND JUNE, 2010, TO BRING THE CASE TO TRIAL. SO THAT IS AN UNDULY LONG TIME. IT'S A WHOLE

YEAR. AND EVEN THEN IT ONLY GOT SOME ACTION WHEN THE CLERK OF RICHLAND COUNTY CIRCUIT COURT MISTAKENLY PUT IT ON THE APPEAL DOCKET AGAIN NOT REALIZING THAT IT HAD ALREADY BEEN ADJUDICATED. I SHOULD NOT --

**THE COURT:** ARE YOU SAYING THAT YOU APPEALED THE MISTRIAL? YOU APPEALED THE CASE?

**DEFENDANT FALTAS:** YOUR HONOR, I APPEALED IT.

**THE COURT:** OKAY. YOU APPEALED IT.

**DEFENDANT FALTAS:** IN NOVEMBER OF 2008. ALL THE AFFIANTS WERE HEARD AND DISPOSED BY JUNE, 2009, AND THE CITY RECEIVED THE REMITTITUR. NONETHELESS THE CITY TOOK ABSOLUTELY NO ACTION TO PUT IT ON THE TRIAL DOCKET OR ANYTHING ABOUT IT AND I WOULD SAY THAT BECAUSE THERE WAS A MISTRIAL THERE IS, OF COURSE, CASE LAW IN SOUTH CAROLINA THAT ALL RULINGS IN A CASE THAT ENDS IN A MISTRIAL ARE A NULLITY AT LAW. IT MEANS THAT I CAN MAKE ALL THE MOTIONS ABOUT THE UNCONSTITUTIONALITY AND IT WOULD NOT BE A DECIDED ISSUE BECAUSE IT WAS ENDED IN A MISTRIAL. SO FROM JUNE, 2009, WHEN THE STATE SUPREME COURT SAID THAT I CANNOT APPEAL FROM A MISTRIAL AND SENT THE REMITTITUR TO JUNE, 2010, WHICH NOW WE ARE IN OCTOBER, 2010, THE CITY TOOK ABSOLUTELY NO ACTION TO BRING THE CASE TO TRIAL SO THAT'S A YEAR AND THREE MONTHS NOT FROM THE DATE OF THE ALLEGED OFFENSE BUT FROM THE DATE OF THE REMITTITUR. THAT IS TOO LONG. THE CHARGE IS INVALID AND BY NOW -- IN FACT, BACK THEN IN NOVEMBER THEY SAID THAT THEY HAD LOST SOME OF THE PICTURES, THEY DID NOT GIVE ME THE DISCOVERY THAT I WANTED SO THAT EFFECTS MY ABILITY TO DEFEND MYSELF.

THAT'S ON THAT CHARGE.

THEN THERE ARE TWO CHARGES, THE L-066971 AND L-066954. ONCE AGAIN THESE ARE FROM SEPTEMBER, 2009, WHICH IS A YEAR LATER BUT NONETHELESS THE REASON THEY HAD KEPT BEING POSTPONED IS THAT THE CITY WAS REFUSING TO PRODUCE DISCOVERY. AND SO BY NOW IT'S BEEN VERY LONG. THOSE CHARGES ARE PENDING AGAINST ME. THEY CAST A SHADOW ON ME. I HAVE BEEN LAWFULLY ADMITTED AN ALIEN, LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE U.S., LONG ENOUGH TO APPLY FOR U.S. CITIZENSHIP. WHEN I GO TO APPLY I HAVE TO ANSWER WHETHER I HAVE BEEN ARRESTED OR WHETHER THERE ARE PENDING CHARGES AGAINST ME. IN THE UNITED STATES SUPREME COURT OF PADEA VS. KENTUCKY THE U.S. SUPREME COURT CLEARLY WENT THROUGH THE RAMIFICATIONS ON DEPORTABILITY OF ALIENS LAWFULLY PRESENT IN THE U.S. FOR MISDEMEANORS THAT THE CITIZEN DOESN'T GIVE A SECOND THOUGHT ABOUT. SO THE PENDENCY OF THESE CHARGES HAS COLLATERAL CONSEQUENCES TO ME. THOSE TWO CHARGES --

**THE COURT:** WHAT CONSEQUENCES? HAVE YOU BEEN DEPORTED?

**DEFENDANT FALTAS:** THE CONSEQUENCES IS THAT I AM UNABLE TO APPLY FOR CITIZENSHIP WITH THESE CHARGES PENDING.

**THE COURT:** ALL RIGHT.

**DEFENDANT FALTAS:** THESE CHARGES ARE DEPORTABLE, NOT THEMSELVES NECESSARILY BUT THE AMOUNT OF MISDEMEANORS AND THREE MISDEMEANORS MAY PROVIDE AN OBSTACLE TO CITIZENSHIP, TO THE ACQUISITION OF CITIZENSHIP. IN ADDITION THEY ALSO HAVE CONSEQUENCES TO MY RENEWED MEDICAL LICENSE. THEY HAVE CONSEQUENCES TO MY APPLI-

CATION FOR JOBS. THEY HAVE --

**THE COURT:** EXCUSE ME. DO YOU HAVE A MEDICAL LICENSE IN THE UNITED STATES?

**DEFENDANT FALTAS:** YES, MA'AM, I DO. AND I'VE HAD ONE SINCE 1988.

**THE COURT:** YOU ARE ABLE TO PRACTICE AS A PHYSICIAN ALTHOUGH YOU ARE NOT A CITIZEN?

**DEFENDANT FALTAS:** OH, YES. AND JUST IN CASE YOU DIDN'T KNOW THAT, THERE WAS A SPECIFIC U.S. SUPREME COURT CASE THAT SAID THAT ANY STATUTE THAT DENIES THE RIGHT TO PRACTICE THE PROFESSION OF MEDICINE ON ACCOUNT OF ALIENAGE IS UNCONSTITUTIONAL.

**THE COURT:** ARE YOU PRACTICING MEDICINE IN THE UNITED STATES?

**DEFENDANT FALTAS:** MA'AM, I HAVE EXPANDING LICENSE, VALID, UNRESTRICTED LICENSE TO PRACTICE MEDICINE --

**THE COURT:** ARE YOU PRACTICING MEDICINE IN THE UNITED STATES?

**DEFENDANT FALTAS:** I AM NOT CURRENTLY PRACTICING CLINICAL MEDICINE.

**THE COURT:** HAVE YOU EVER PRACTICED MEDICINE IN THE UNITED STATES?

**DEFENDANT FALTAS:** YES, MA'AM, I DID.

**THE COURT:** IN THIS COUNTRY?

**DEFENDANT FALTAS:** YES, MA'AM, I DID. I'M SORRY.

**THE COURT:** OKAY. LET'S GET BACK TO FOCUSING ON YOUR

MOTION FOR A SPEEDY TRIAL, PLEASE.

**DEFENDANT FALTAS:** THEN THERE ARE -- I THINK I'VE COVERED THOSE TWO CHARGES -- THE ALLEGED TRESPASS AND ALLEGED ASSAULT, SIMPLE ASSAULT WHICH WERE BROUGHT BY MY LANDLADY BECAUSE I HAVE SUED HER FOR HOUSING DISCRIMINATION. SO THESE ARE FALSE CHARGES AND THEY ARE BROUGHT JUST FOR THE COLLATERAL BENEFIT -- TO IMPOSE BAD COLLATERAL CONSEQUENCES ON ME. IN FACT, THAT VERY LANDLADY AND HER CONSORT WERE KEEPING ON WRITING ME LETTERS SAYING WE'RE WRITING TO HOMELAND SECURITY ABOUT YOUR CHARGES. SO THESE WERE FALSE CHARGES BROUGHT TO BRING ADVANTAGE IN CIVIL LITIGATION AND OTHER ADVANTAGE. THEN THERE ARE THE TWO FALSE HARASSMENT CHARGES THAT WERE REMANDED FROM THE COURT OF GENERAL SESSIONS. I WAS ARRESTED ON DECEMBER 2ND, 2009. THE DAY AFTER I APPEARED BEFORE THE HONORABLE CIRCUIT JUDGE ALISON RENEE LEE REQUESTING A MOTION -- REQUESTING AN INJUNCTION FOR TWO THINGS. ONE IS THAT SHE REQUIRE THE DEFENDANTS TO LEAVE OUT THE SEWER LINES WHICH, YOUR HONOR, I NEED TO TELL YOU WHAT ALL OF THIS IS ABOUT.

**THE COURT:** YOU WENT INTO THIS SEWER LINES ON JULY 23RD. I RECALL THEM.

**DEFENDANT FALTAS:** ALL RIGHT. SO THE NEXT DAY I WAS ARRESTED. THE HONORABLE JUDGE LEE NOTED CLEARLY HER HONOR BELIEVED THAT THAT ARREST WAS CONNECTED TO THE CIVIL LAWSUIT. NOW THAT I HAVE SEEN THE VIDEOS OF THE ARREST WHICH WERE PRODUCED ONLY DURING MY TRIAL NOT ONLY WAS THE MAN, THE LANDLADY'S CONSORT WHOSE NAME IS LARRY (INAUDIBLE) MASON THRE, THE LAWYER WAS

ALLOWED TO ENTER MY APARTMENT, TO GO TO MY BEDROOM -- HIS NAME IS DELANEY -- AND THERE IS IN (INAUDIBLE) NAREWSKI GOING THROUGH THE FRONT DOOR OF MY APARTMENT SAYING WHERE IS DELANEY. ANOTHER INVESTIGATOR WHO WAS RIFLING THROUGH ALL MY PAPERS SAID (INAUDIBLE) WITH HER HEAD TO MY BEDROOM, IT GOES TO MY BEDROOM. NOT ONLY DID THEY LET THE CIVIL LAWYER GO TO MY BEDROOM, HE STOLE MY PASSPORT AND THE BIBLE THAT WAS --

**THE COURT:** HOLD ON JUST A SECOND, I'M SORRY.

**MR. FERNANDEZ:** WE'RE GETTING SOMEWHAT FAR AFIELD. THIS IS NOT I DON'T THINK IN ANY WAY RELATED TO THE MOTION FOR A SPEEDY TRIAL AND I JUST WANTED TO ASK ARE WE DOING A MOTION FOR A SPEEDY TRIAL FOR ALL PENDING CHARGES OR JUST THE ONES LISTED ON THE NOTICE?

**THE COURT:** AND THOSE WOULD BE THE ONES ON THE NOTICE.

**MR. FERNANDEZ:** THE CHARGES SHE'S REFERRING TO ARE NOT -- WE ARE NOT NOTICED FOR THOSE TODAY.

**THE COURT:** ALL RIGHT. DR. FALTAS, I UNDERSTAND IT'S DIFFICULT BUT I REALLY DO NEED FOR YOU TO FOCUS ON WHAT WE ARE DOING HERE TODAY. THESE THREE CASES -- THIS IS CASE 613866, L-066971, L-066954 AND ORDINANCE NUMBER 6034 WHICH IS THE ONE -- IS THAT THE ONE THAT WAS NOLLE PROSSED?

**MR. FERNANDEZ:** YES, YOUR HONOR.

**THE COURT:** OKAY. SO THAT ONE WE ARE DONE WITH.

**DEFENDANT FALTAS:** THE ONE THAT WAS NOLLE PROSSED IS K-613866. LET'S BE CLEAR ON THAT.

**MR. FERNANDEZ:** IT'S THE UNLAWFUL TELEPHONE.

**THE COURT:** K-613866. YOU AGREE?

**MR. FERNANDEZ:** YES, THAT'S THE ONE WE'RE TALKING ABOUT.

**THE COURT:** ALL RIGHT.

**DEFENDANT FALTAS:** I HOPE YOU ARE NOLLE PROCESSING THE OTHER ONE, TOO.

**THE COURT:** ALL RIGHT. SO LET ME JUST -- YOU'RE SAYING YOU WANT A SPEEDY TRIAL, YOUR MOTION FOR A SPEEDY TRIAL IS HERE AND YOU'VE BEEN DENIED A SPEEDY TRIAL BECAUSE YOU HAD A CASE THAT WAS -- A MISTRIAL WAS DECLARED AND YOU APPEALED IT YOURSELF WHEREUPON YOU LEARNED THAT YOU CANNOT APPEAL SUCH A CASE AT THAT JUNCTURE. YOU ARE BACK HERE AND YOU SAY IT'S BEEN A YEAR AND THERE'S NO ACTION TAKEN. CORRECT?

**DEFENDANT FALTAS:** YES, YOUR HONOR.

**THE COURT:** ALL RIGHT.

**DEFENDANT FALTAS:** I ALSO SAY THAT ON THE OTHERS THAT ARE NOT LISTED MY MOTION FOR A SPEEDY TRIAL IN GENERAL SESSIONS COURT WHICH -- LET ME JUST MAKE MY --

**THE COURT:** I HAVE NOTHING TO DO WITH THAT, MA'AM. YOU HAVE TO UNDERSTAND THAT'S NOT BEFORE ME.

**DEFENDANT FALTAS:** I NEED TO MAKE MY RECORD BECAUSE --

**THE COURT:** YOU NEED TO DO WHAT I ASK AND I'M ASKING YOU TO PLEASE TRY TO FOCUS. I'M ASKING YOU TO SIMPLY FOCUS ON THIS MATTER THAT'S BEFORE ME TODAY -- THE MOTION FOR A SPEEDY TRIAL IN THESE TWO CASES THAT WE HAVE LEFT.

**DEFENDANT FALTAS:** THREE.

**THE COURT:** WELL, ONE IS NOLLE PROSSED.

**MR. FERNANDEZ:** TWO CASES, THREE CHARGES.

**THE COURT:** THREE CHARGES. OKAY. SO YOU WERE DENIED A SPEEDY TRIAL BECAUSE YOU APPEALED AND THAT TOOK A WHILE AND THEN THE CITY DIDN'T DO ANYTHING AFTER IT CAME BACK. IS THERE ANY OTHER REASON YOU WERE DENIED A SPEEDY TRIAL?

**DEFENDANT FALTAS:** I'M NOT SAYING THAT'S AN EXCUSE FOR THE CITY. I'M SAYING --

**THE COURT:** I KNOW YOU ARE NOT. YOU ARE SAYING THAT TOOK A WHILE AND WHEN IT CAME BACK IN A YEAR THEY HAVEN'T DONE ANYTHING.

**DEFENDANT FALTAS:** I'M SAYING THE APPEALS WERE CONCLUDED IN JUNE, 2009 --

**THE COURT:** I HAVE THAT.

**DEFENDANT FALTAS:** ALL RIGHT. AND THE OTHER -- HE SAYS ONE CASE, TWO CHARGES. THERE ARE REALLY TWO CASES.

**THE COURT:** TWO CASES, I UNDERSTAND.

**DEFENDANT FALTAS:** BUT THEY ARE ALSO FROM SEPTEMBER, 2009, AND, YES, I HAVE BEEN DENIED MY SPEEDY TRIAL RIGHT AND THE REASON IS THAT THE CITY KNOWS IT HAS NO EVIDENCE, THAT IT WAS PLANNING TO USE FALSE WITNESSES, THAT I EXPOSED THOSE FALSE WITNESSES. THEY KNOW THEY CANNOT TRY THEM AND GET A CONVICTION SO THEY ARE JUST KEEPING THEM ON THE BOOKS. AND AS I JUST TOLD YOU THE PENDENCY OF CRIMINAL CHARGES HAS COLLATERAL NEGATIVE CONSEQUENCES.

**THE COURT:** ALL RIGHT.

**DEFENDANT FALTAS:** IS THAT FOCUSED ENOUGH?

**THE COURT:** ALL RIGHT. THANK YOU, MA'AM. PLEASE BE SEATED AND I'LL HEAR FROM MR. FERNANDEZ.

**DEFENDANT FALTAS:** THANK YOU.

**MR. FERNANDEZ:** YES, YOUR HONOR. REGARDING THE TWO MATTERS LAST, FRONT YARD PARKING I BELIEVE THE DEFENDANT DID GIVE A RELATIVELY ACCURATE DESCRIPTION OF WHAT OCCURRED. THIS WAS CALLED -- THE INCIDENT OCCURRED IN 2008. IT WAS BROUGHT TO TRIAL IN NOVEMBER. MY PREDECESSOR, OVERTURE WALKER, ACTUALLY BEGAN THE TRIAL. AT SOME POINT DURING THE TRIAL THE DEFENDANT BECAME ILL AND REQUIRED ASSISTANCE TO GO TO THE HOSPITAL. WE DON'T KNOW WHAT THAT ILLNESS EXACTLY WAS BUT SHE WAS RELEASED THAT SAME DAY.

**DEFENDANT FALTAS:** NO.

**MR. FERNANDEZ:** YOUR HONOR, AND --

**THE COURT:** MA'AM, HOLD ON JUST A MINUTE. I HEAR FROM ONE AT A TIME. HE GAVE YOU THE COURTESY OF NOT INTERRUPTING YOU UNLESS HE HAD TO. I EXPECT THE SAME FROM YOU. NOW BE SEATED AND NO MORE INTERRUPTIONS. OKAY. TELL ME AGAIN WHAT CHARGING DOCUMENT YOU ARE REFERRING TO SO WE CAN KEEP THESE STRAIGHT.

**MR. FERNANDEZ:** UNIFORM ORDINANCE SUMMONS 6034. THIS WOULD BE THE FRONT YARD PARKING.

**THE COURT:** FRONT YARD PARKING?

**MR. FERNANDEZ:** YES, YOUR HONOR. A MISTRIAL WAS DECLARED. IT HAS BEEN -- AS WE WENT THROUGH THE APPEAL HAS BEEN SENT BACK TO MUNICIPAL COURT. I DON'T CONTROL WHEN CASES ARE SCHEDULED. I SIMPLY WORK WITH WHAT IS GIVEN TO ME ON A WEEKLY BASIS. FOR

WHATEVER REASON THE COURT HAS ELECTED NOT TO SCHEDULE THIS CHARGE BEFORE ANY OTHER CHARGES THAT HAVE BEEN SCHEDULED. I HAVE NO OBJECTION TO TRYING THE CASE. IN FACT, IF THE DEFENDANT WILL RECALL WE HAD A CONVERSATION VERY RECENTLY WITH HER FORMER ATTORNEY, STANDBY COUNSEL, CLARKE NEWTON IN WHICH WE AGREED TO TRY AS MANY CASES AS POSSIBLE IN A ONE-WEEK SESSION. THOSE CASES INCLUDED TWO CHARGES NOT HERE TODAY BUT IT DID INCLUDE THE SIMPLE ASSAULT AND TRESPASS COURTESY SUMMONS, L-066971 AND L-066954. WE WERE UNABLE TO TRY IT THAT WEEK BECAUSE OF THE DEFENDANT'S REQUEST FOR CONTINUANCES, YOUR HONOR. I HAVE NEVER BEEN OPPOSED TO TRYING THESE CASES. IN FACT, I'VE MADE EVERY EFFORT TO MOVE THESE CASES ALONG. THE COURTESY SUMMONS SIMPLE ASSAULT AND TRESPASS, THE ONLY THING PREVENTING THAT FROM GOING TO TRIAL IS THE DEFENDANT'S INSISTENCE ON DISCOVERY BUT HER FAILURE TO MAKE A MOTION FOR DISCOVERY OR MOTION TO COMPEL. WE HAVE COMPLETED DISCOVERY IN THAT CASE. SHE REQUESTS CERTAIN DOCUMENTATION THAT I HAVE TIME AND AGAIN IN WRITING, IN PERSON, EVERY WHICH WAY SO THAT I BELIEVE THAT GOES BEYOND THE SCOPE OF RULE 5 (INAUDIBLE). I HAVE INFORMED MS. FALTAS THAT SHE NEEDS TO MAKE A MOTION FOR DISCOVERY AND IT WILL BE HEARD IN DUE COURSE. SHE HAS NOT DONE THAT. YOUR HONOR, I HAVE SINCE (INAUDIBLE) SHE HAS DECLINED TO FILE ANY FORMAL MOTION THAT WE CAN HANDLE THAT PRETRIAL BECAUSE THE DOCUMENTATION SHE'S ASKING I BELIEVE GOES BEYOND RULE 5 BUT EVEN IF THE COURT SAYS IT DOESN'T IT'S EASY ENOUGH TO GET PRIOR TO TRIAL. SO THERE'S NOTHING PREVENTING US FROM GOING TO TRIAL ON ANYTHING, ONLY THE DEFENDANT'S OWN REQUEST FOR CONTIN-

UANCES.

**THE COURT:** ALL RIGHT. THANK YOU.

**DEFENDANT FALTAS:** MAY I REPLY?

**THE COURT:** YES, YOU MAY.

**DEFENDANT FALTAS:** FIRST, IT'S TOTALLY FACTUALLY NOT TRUE THAT I WAS RELEASED THE SAME DAY. IT WAS THE MEDICAL JUDGMENT THAT I SHOULD BE KEPT OVERNIGHT AND THAT'S WHAT HAD HAPPENED. IT WAS THAT SERIOUS. AND I STILL HAVE PHYSICAL CONSEQUENCES FROM THAT. THE OTHER THING IS THAT, NO, HE DID NOT SAY HE WAS WAITING TO TRY THAT CASE. IN FACT, HE SPECIFICALLY SAID THAT HE WAS GOING TO NOLLE PROS IT. SO IT'S NOT TRUE THAT I DID NOT FILE A MOTION TO COMPEL. IN FACT, THERE ARE IN THAT CASE SEVERAL MOTIONS TO COMPEL, INCLUDING BECAUSE ONE OF THE REASONS TO DISMISS IS THE UNCONSTITUTIONALITY OF THE STATUTE AND THE SELECTIVE PROSECUTION. I HAVE SPECIFICALLY SOUGHT -- IN FACT, HE DIDN'T EVEN GIVE ME THE NAMES OF THE WITNESSES. NEITHER HE NOR MR. WALKER AND THAT WAS CLEARLY IN THAT CASE FILE. IN ADDITION, YOUR HONOR WE APPEARED ON MY DISCOVERY MOTIONS BEFORE JUDGE BENJAMIN ON MARCH 3RD, 2010, AND THAT WAS BEFORE THE GENERAL SESSIONS CASES WERE REMANDED. AND MR. FERNANDEZ WAS THERE AND HE HAD FAXED MR. NEWTON AND THEN JUDGE BENJAMIN RULED THAT HE HAS TO GIVE ME THAT DISCOVERY WITHIN THIRTY DAYS. AND THERE WAS A TRANSCRIPT OF IT. AND THEN MR. FERNANDEZ WRITES TO MR. NEWTON DR. FALTAS, WHICH HE INCORRECTLY REFERS ME AS MS. FALTAS, HAS REFERENCED A HEARING BEFORE JUDGE BENJAMIN ON MARCH 3RD. I DON'T THINK THAT HEARING EVER OCCURRED. SO THINGS HAPPEN AND HE JUST STANDS THERE AND SAY THEY

DIDN'T HAPPEN. I FILE MOTIONS TO COMPEL AND HE JUST STANDS THERE AND SAY I DIDN'T. AND THERE WAS A HEARING BEFORE JUDGE BENJAMIN OF WHICH THERE IS A TRANSCRIPT AND HE WROTE A LETTER SAYING THAT IT NEVER OCCURRED. MR. NEWTON RESPONDED TO HIM SAYING THE HEARING DID OCCUR, YOU, FERNANDEZ WAS THERE, I, NEWTON WAS THERE, DR. FALTAS WAS THERE. SO SINCE THEN, SINCE THIRTY DAYS FROM MARCH 3RD, 2010, WHEN JUDGE BENJAMIN SAID HE HAD TO GIVE ME THE DISCOVERY HE HASN'T. THAT WOULD HAVE PUT IT, THE DUE DATE, APRIL 2ND, 2010. WE ARE EASILY SIX MONTHS FROM THERE WHICH IS THE CLOCK NORMALLY FOR SPEEDY TRIALS. SO, NO, HE DIDN'T. I MADE THE MOTIONS FOR DISCOVERY. HE DID NOT GIVE ME DISCOVERY. TO THIS DAY, TO THIS DAY, I DO NOT KNOW WHO THE CITY'S WITNESSES MIGHT BE ON THOSE CHARGES, WHAT THE IMPEACHMENT EVIDENCE IS. I DO NOT HAVE A LIST OF ANY PHOTOGRAPHS THEY ARE TRYING TO USE AND I'M TALKING ABOUT THE UNIFORM ORDINANCE (INAUDIBLE).

**THE COURT:** ALL RIGHT. THANK YOU, MA'AM. PLEASE BE SEATED. MR. FERNANDEZ.

**MR. FERNANDEZ:** YOUR HONOR, THERE'S NOTHING IN RULE 5 THAT REQUIRES THAT I PROVIDE A WITNESS LIST. I HAVE AS A COURTESY TO THE DEFENDANT LISTED THE POTENTIAL WITNESSES THAT WOULD BE SUBJECT TO BEING CALLED SO SHE'S MISTAKEN. I DO HAVE CORRESPONDENCE HERE FOR YOUR HONOR TO REVIEW. THIS IS REGARDING THE WEEK THAT I WAS REFERENCING WHEN WE ATTEMPTED TO TRY THE DEFENDANT'S CASES. I'M PRETTY CLEAR THAT I LISTS ALL THE CASES THAT ARE TO BE CALLED OR SUBJECT TO BEING CALLED THAT WEEK IN THE EXACT ORDER. I EVEN GO THROUGH THE OUTSTANDING DISCOVERY ISSUES WITH THE CASES AND

ADDRESS THAT INDIVIDUALLY. YOUR HONOR, WE DIDN'T GO TO TRIAL THAT WEEK. I HAD ALL THE WITNESSES LINED UP, I WAS READY TO GO AND THE DEFENDANT ASKED FOR A CONTINUANCE SO THERE'S NO DELAY ON THE CITY'S PART.

**THE COURT:** THESE LETTERS ARE ADDRESSED TO MARIE FALTAS. ONE IS DATED AUGUST 20TH, 2020. ONE IS DATED AUGUST 26TH, 2010. I ASSUME YOU HAVE --

**DEFENDANT FALTAS:** NO, MA'AM, I DO NOT.

**THE COURT:** YOU DIDN'T RECEIVE THEM?

**DEFENDANT FALTAS:** I DON'T KNOW WHAT YOU ARE LOOKING AT.

**THE COURT:** WOULD YOU LIKE TO LOOK AT THEM?

**DEFENDANT FALTAS:** ABSOLUTELY. AND, IN FACT, HE SHOULD HAVE SHOWN THEM TO ME BEFORE.

**THE COURT:** ALL RIGHT. YOU MAY TAKE A LOOK AT THEM.

**DEFENDANT FALTAS:** THANK YOU.

**MR. FERNANDEZ:** AND, YOUR HONOR, THE HEARING THAT THE DEFENDANT IS REFERENCING WITH JUDGE BENJAMIN IS A BIT OF A MISREPRESENTATION OF THE LETTER. WHAT I SAID WAS THAT I DID NOT RECALL THAT HEARING BECAUSE, YOUR HONOR, THE DEFENDANT HAS THE -- SHE TYPICALLY WILL COME IN UNANNOUNCED VERY FREQUENTLY AND THERE ARE NUMEROUS HEARINGS, YOUR HONOR, ON ANY GIVEN TIME. TO RECALL A SPECIFIC HEARING THAT HAPPENED A MONTH PRIOR IS DIFFICULT. THE LETTER SAYS I DO NOT RECALL THE HEARING, PLEASE ADVISE. AND HE DID. HE SAID THERE WAS A HEARING ON THIS DATE BEFORE JUDGE BENJAMIN AND THEN I

REQUESTED A TRANSCRIPT. SO THERE A BIT OF MISREPRESENTATION GOING ON BY THE DEFENDANT.

**DEFENDANT FALTAS:** MAY I REPLY TO THAT?

**THE COURT:** PLEASE, HAVE A LOOK AT THESE AND TELL ME WHETHER YOU RECOGNIZE THEM AND THEN PASS THEM BACK UP TO ME. (PAUSE) DO YOU RECOGNIZE THESE DOCUMENTS, MA'AM?

**DEFENDANT FALTAS:** YES, MA'AM, I DO. HOWEVER --

**THE COURT:** ALL RIGHT. PLEASE HAVE A SEAT SO I MAY REVIEW THEM. THANK YOU.

**DEFENDANT FALTAS:** THANK YOU.

**THE COURT:** (PAUSE)

**MR. FERNANDEZ:** YOUR HONOR, I DO HAVE A LETTER ALSO THAT I WAS REFERENCING ABOUT THE HEARING THE DEFENDANT WAS MENTIONING. THE LETTER IS THERE FOR YOUR HONOR TO REVIEW AS WELL.

**THE COURT:** ALL RIGHT. YOU'VE PASSED THAT OVER TO MR. SCHNEE AND MS. FALTAS?

(PAUSE)

**THE COURT:** ALL RIGHT. I'VE REVIEWED THESE LETTERS. AUGUST 20TH, AUGUST 26TH AND APRIL 15TH, 2010, HANDED UP BY THE PROSECUTION IN THIS MATTER, CITY OF COLUMBIA. MR. FERNANDEZ, UNLESS YOU OBJECT I'M GOING TO ALLOW MS. FALTAS AT THIS TIME TO ADDRESS THE BALANCE OF HER MOTIONS AS IT SEEMS TO ME -- UPON REFLECTION NOW SEEM TO BE INTERTWINED AND THAT IT IS IMPOSSIBLE FOR ME TO MAKE SURE THAT THEY ARE NOT INTERTWINED. ANY OBJECTION TO THAT?

**MR. FERNANDEZ:** FOR THE SPEEDY MOTION?

**THE COURT:** WE'VE HEARD THE SPEEDY TRIAL.

**MR. FERNANDEZ:** YOUR HONOR, I'M FINE WITH THAT.

**THE COURT:** AND THE REST OF THEM ARE HERE NOW. MS. FALTAS.

**DEFENDANT FALTAS:** THANK YOU, YOUR HONOR. I JUST WANT TO SAY THAT I REQUEST SINCE THE COURT HAS DIRECT ACCESS TO THE TRANSCRIPT OF THE HEARING OF MARCH 3RD, 2010, THAT IT BE MADE AN EXHIBIT TO THIS HEARING BECAUSE CLEARLY --

**THE COURT:** EXCUSE ME. I DON'T HAVE THAT.

**DEFENDANT FALTAS:** WELL --

**THE COURT:** I DON'T HAVE THAT, MA'AM.

**DEFENDANT FALTAS:** I HAVE A COPY -- AN ORIGINAL THAT WAS GIVEN TO ME. I'D BE GLAD TO MAKE A COPY FOR THE COURT.

**THE COURT:** I HAVE TO GET THE ORIGINAL FROM OUR PERSON WHO TRANSCRIBES.

**DEFENDANT FALTAS:** OH, THAT'S FINE.

**THE COURT:** I DON'T HAVE THAT AT THIS TIME. YOU MAY PROCEED.

**DEFENDANT FALTAS:** BUT I JUST WANT TO SAY AGAIN THAT THE ISSUE OF DISCOVERY WAS ADDRESSED. THE LIST THAT'S ATTACHED TO MR. FERNANDEZ'S LETTER OF AUGUST 20TH DOES NOT MATCH AT ALL WHAT HE PRODUCED TO ME. ITEM TWENTY SAYS PHOTOGRAPHS. IT DOESN'T LIST HOW MANY PHOTOGRAPHS AND OF WHAT SO HE PRODUCED TO ME THREE OR FOUR PHOTOGRAPHS. HE CAN SOMETIME LATER COME AND SAY, NO, I PRODUCED THIRTY OR FORTY. I WANT TO KNOW WHAT THE PHOTOGRAPHS ARE, ON WHAT

DATE, WHO TOOK THEM. THIS IS VERY DISCOVERY. IN ADDITION, YOUR HONOR, I DON'T THINK WE ARE GOING TO HAVE -- AS I SAID, AS OF THIS DATE AND I REQUEST THAT HE STAND UP AND SAY WHO THE WITNESSES ARE IN THE CASES THAT HE HAS NOT NOLLE PROSSED. AND, IF SO, I AM CERTAINLY ENTITLED TO THOSE WITNESSES' RAP SHEETS, I AM ALSO ENTITLED TO ANY IMPEACHMENT MATERIAL INCLUDED WHICH IS (INAUDIBLE).

**MR. FERNANDEZ:** YOUR HONOR, THIS IS NOT A MOTION FOR A SPEEDY TRIAL. THIS IS THE DISCOVERY MOTION WHICH WE (INAUDIBLE) FOR TODAY.

**THE COURT:** ALL RIGHT. WE'VE HEARD ENOUGH ON THE SPEEDY TRIAL MOTION AND I'M NOT SURE WHERE YOU ARE GOING AT THIS TIME. YOU ARE TALKING ABOUT DISCOVERY AND WE HAVE HERE MOTIONS TO DISMISS, OTHER THAN A SPEEDY TRIAL, AND THE OTHER MOTIONS WE'VE ALREADY DISPOSED OF HERE. MOTION TO DISMISS 6034 UNIFORM ORDINANCE SUMMONS; MOTION TO DISMISS AGAIN THAT SUMMONS, MOTION FOR A CONTINUANCE TO THAT SUMMONS, MOTION TO -- AND THEN THE CITY HAS A MOTION. SO LET'S PLEASE FOCUS ON THAT.

**DEFENDANT FALTAS:** WELL, FIRST OF ALL, I DON'T THINK I MADE A MOTION FOR A CONTINUANCE.

**THE COURT:** WELL, WE HAVE THAT HERE SO IF YOU DON'T WANT THAT HEARD THAT'S FINE.

**DEFENDANT FALTAS:** NO, I'M SAYING THERE IS A CLERICAL ERROR. I DID NOT PREPARE THAT LETTER. CHIEF ADMINISTRATOR TURNER DID. I DO NOT HAVE A MOTION --

**THE COURT:** ALL RIGHT. IF YOU DON'T HAVE A MOTION FOR A

CONTINUANCE, THAT'S FINE. THEN LET'S ADDRESS THE MOTIONS TO DISMISS ORDINANCE 6034. WE'VE GOT TWO INDICATIONS OF THAT.

**DEFENDANT FALTAS:** MAY I JUST EXPLAIN THAT WHAT SHE PROBABLY --

**THE COURT:** IT DOESN'T MATTER. IF YOU DON'T WANT THAT HEARD, IT HAS NO CONSEQUENCE AND IT'S NOT GOING TO BE HEARD. PLEASE TRY TO FOCUS ON WHAT WE NEED TO HEAR FROM YOU. MOTION TO DISMISS NOW.

**DEFENDANT FALTAS:** YES, MA'AM. AND THAT WHICH APPEARS AS A MOTION FOR A CONTINUANCE IS REALLY A MOTION TO COMPEL DISCOVERY AND THAT --

**THE COURT:** DO YOU HAVE A COPY OF YOUR MOTION?

**DEFENDANT FALTAS:** IT'S IN THE FILE, MA'AM.

**THE COURT:** MA'AM, THAT'S NOT WHAT I ASKED YOU.

**DEFENDANT FALTAS:** AND MAY I TELL YOU --

**THE COURT:** DO YOU HAVE A COPY OF WHAT YOU ARE ALLUDING TO?

**DEFENDANT FALTAS:** MA'AM, THE COPY --

**THE COURT:** DO YOU HAVE A COPY?

**DEFENDANT FALTAS:**. I CANNOT GIVE YOU A YES OR NO ANSWER FOR THIS REASON, THE REASON BEING THAT COPY WOULD BE IN MY APARTMENT AND ON MY COMPUTER.

**THE COURT:** ALL RIGHT.

**DEFENDANT FALTAS:** BUT IT IS IN THE FILE.

**THE COURT:** LET'S GO AHEAD THEN WITH THE MOTION TO DIS-

MISS. I'LL HOLD THAT ABOUT THE DISCOVERY HERE IN ABEYANCE FOR A WHILE IF YOU'LL PLEASE ADDRESS YOUR MOTIONS TO DISMISS SUMMONS 6034.

**DEFENDANT FALTAS:** ALL RIGHT. THANK YOU. THE GROUND -- ITEM 6, GROUND "A" YOU SAID THAT YOU WOULD NOT HEAR ABOUT IT. I JUST PRESERVE IT. AND I IMAGINE 6"B" AS WELL. YOU SAY THAT YOU WILL NOT REHEAR IT. I'M JUST PRESERVING IT. MAY I DO THAT?

**THE COURT:** ALL RIGHT. GO AHEAD.

**DEFENDANT FALTAS:** CITY REFUSE TO PROVIDE DISCOVERY AND PLANS TO CALLS FALSE WITNESSES. THIS IS WHERE --

**THE COURT:** OKAY. NOW LET ME JUST INTERRUPT YOU, PLEASE, FOR A MOMENT. IF YOU BELIEVE THAT WITNESSES ARE NOT TELLING THE TRUTH DURING THE TRIAL IS THE TIME TO BRING THAT OUT. I CAN'T RULE ON SOMETHING THAT I HAVEN'T HEARD FROM ANY WITNESSES AND SO I CAN'T RULE ON THAT. THAT IS SOMETHING THAT YOU NEED TO BRING OUT DURING THE TRIAL. AND ONCE AGAIN AS I HAVE BEFORE, BEFORE TODAY, WILL CAUTION YOU THAT YOU WOULD DO MUCH BETTER TO HAVE COUNSEL. AND I KNOW AS YOU'VE TOLD ME YOU DON'T WANT COUNSEL EXCEPT FOR THE STANDBY. SO THE CITY REFUSED TO PROVIDE DISCOVERY, YOU ARE GETTING THAT IN NOW.

**DEFENDANT FALTAS:** YES, MA'AM.

**THE COURT:** GO AHEAD.

**DEFENDANT FALTAS:** MAY I JUST MAKE MY RECORD ON THE FALSE WITNESSES?

**THE COURT:** NO. THAT IS SOMETHING THAT HAS TO BE DONE DURING TRIAL. IF YOU ARE GOING TO IMPEACH A WITNESS, IT HAS TO BE DONE

AT TRIAL. YOU CANNOT DO IT NOW. WE DON'T EVEN HAVE A WITNESS. NOW, PLEASE.

**DEFENDANT FALTAS:** LET ME PUT ON THE RECORD IF YOU PLEASE THAT IT'S SUBSTANTIVE DUE PROCESS RIGHT WHICH THE U. S. SUPREME COURT ADDRESSED IN (INAUDIBLE) COUNTY VS. McGEE AND JUSTICE SOTOMAYOR QUOTED THE 2ND U.S. COURT OF APPEALS JUDGE SAYING WITHOUT THE FABRICATED EVIDENCE THERE WOULDN'T EVEN BE A TRIAL. SO THERE IS A SUBSTANTIVE CONSTITUTIONAL DUE PROCESS RIGHT --

**THE COURT:** THAT WAS AFTER A TRIAL HAD OCCURRED AND THAT'S THE ONLY TIME WE CAN LOOK AT THAT SO LET'S GO BACK. YOU WANT ME TO HEAR ABOUT THIS DISCOVERY. THIS IS YOUR CHANCE

**THE COURT:** YES, MA'AM. ON THAT 6034 I STILL DO NOT KNOW WHO THE CITY'S WITNESSES ARE AND I ASK THAT MR. FERNANDEZ STATE ON THE RECORD WHO THE WITNESSES ARE ON THIS ORDINANCE SUMMONS, WHAT PICTURES HE'S GOING TO USE AND IF THOSE PICTURES CORRELATE WITH THE DATE OF THE SUMMONS. HE CANNOT USE PICTURES FROM ANCIENT HISTORY OR PICTURES THAT POSTDATE THE DATE OF THE SUMMONS. IT HAS TO BE PICTURES THAT CORRELATE WITH THE DATE THE SUMMONS WAS ISSUED. HE HAS NONE AND THAT'S WHY -- AND SO I'M ASKING TWO SPECIFIC THINGS.

**THE COURT:** ALL RIGHT.

**DEFENDANT FALTAS:** CONCRETE, OBJECTIVE, QUANTIFIABLE, NUMBER ONE. THREE ANSWERS. WHO HIS WITNESSES ARE. NUMBER TWO, WHAT PICTURES DOES HE HAVE AND IF HE WOULD GIVE THEM TO ME AND WHAT THE DATES OF THEM ARE, THE NUMBERS AND THE DATES; AND, THREE, THE IMPEACHMENT MATERIAL THAT IS KNOWN TO HIM THAT HE IS REQUIRED

UNDER BRADY TO GIVE ME PRIOR TO TRIAL. SO THESE ARE THREE QUANTIFIABLE THINGS AND I WILL STOP NOT WITH THE REST OF THE MOTION BUT WITH THE DISCOVERY PART. MAY I? DOES THAT PLEASE THE COURT THAT I SPECIFICALLY STATED THE DISCOVERY THREE THINGS.

**THE COURT:** RIGHT. OKAY.

**DEFENDANT FALTAS:** I ASK HIM TO RESPOND TO THOSE, PLEASE.

**MR. FERNANDEZ:** YES, YOUR HONOR. AS I PREFACED EARLIER, THERE'S NOTHING IN DISCOVERY, RULE 5, THAT REQUIRES ME TO SUBMIT A WITNESS LIST. THAT IS A CIVIL REQUIREMENT. WE DON'T REQUIRE IT. AS A COURTESY I HAVE -- AS YOUR HONOR REVIEWED THE LETTERS, I DID INDICATE WHO WOULD BE SUBJECT TO BEING CALLED, NOT THAT WE'D NECESSARILY CALL EVERY SINGLE PERSON BUT WHO WOULD BE SUBJECT TO BEING CALLED. BUT THERE'S NOTHING REQUIRING ME TO DO SO AND THAT'S WHY I HAVE NOT. REGARDING THE EVIDENCE, TWO ISSUES OF THE EVIDENCE THAT SHE HASN'T RECEIVED ALL THE DISCOVERY. YOUR HONOR, THIS CASE DID GO TO TRIAL ORIGINALLY. DISCOVERY HAD BEEN COMPLETED BY MY PREDECESSOR, OVERTURE WALKER. THE DEFENDANT HAS EVERYTHING I HAVE. THE ADMISSION OR EXCLUSION OF EVIDENCE -- NOT THAT'S WITHIN HER PURVIEW, THAT'S FOR THE COURT TO DECIDE SO WHEN TIME COMES FOR THE TRIAL AND THE CITY GOES TO SUBMIT CERTAIN DOCUMENTS THAT WILL BE THE JUDGE'S RULING. THAT'S NOT UP TO THE DEFENDANT TO DECIDE WHAT IS OR IS NOT ADMISSIBLE. SO I DON'T THINK I NEED TO ADDRESS THAT. THAT WOULD BE THE COURT THAT DOES IT. I THINK I ANSWERED ALL THE QUESTIONS BUT I JUST WANT TO REITERATE THAT NOT ONLY AM I CONFIDENT THAT MR. WALKER HAS PROVIDED -- COMPLIED WITH RULE 5 AND PROVIDED THE DEFENDANT ALL THE

DISCOVERY IN THE CASE BUT I THEN AGAIN HAVE SINCE SENT HER COPIES OF EVERYTHING. I DON'T RECALL EXACTLY BUT (INAUDIBLE) COPY FILES (INAUDIBLE).

**THE COURT:** ALL RIGHT. THANK YOU.

**DEFENDANT FALTAS:** YOUR HONOR, THAT'S PRECISELY THE POINT. HE SAYS THAT HE SENT ME THINGS BUT HE DIDN'T. THAT'S ONE THING. AND THE OTHER THING IS I DO NOT HAVE WHAT HE HAS BECAUSE WHATEVER MR. WALKER GAVE ME IS IN MY APARTMENT. THAT PREDATED THE FIRST ARREST AND MY BEING LOCKED OUT OF MY APARTMENT. I CANNOT GO BACK TO MY APARTMENT TO GET WHATEVER MR. WALKER GAVE ME BACK THEN WHICH WAS INCOMPLETE BACK THEN AND I CANNOT -- MR. FERNANDEZ NEVER GAVE ME WHAT HE HAS AND HE STOOD HERE AND TOLD YOU THAT HE DOES NOT WANT TO TELL ME WHO THE WITNESSES ON THIS PARTICULAR ONE ARE AND HE TAKES THE POSITION THAT IS NOT REQUIRED, NOT ONLY TO IDENTIFY THE WITNESSES, BUT TO GIVE ME THE IMPEACHMENT MATERIAL THAT IS AVAILABLE TO HIM. THIS IS NONSENSE.

**THE COURT:** IMPEACHMENT OF WHOM?

**DEFENDANT FALTAS:** OF THE WITNESSES THAT ARE TO BE CALLED BY THE STATE.

**THE COURT:** IMPEACHMENT OF HIS OWN WITNESSES?

**DEFENDANT FALTAS:** YES, MA'AM, THAT'S TYPICAL BRADY AND ALSO EXCULPATORY MATERIAL WHICH THE EXCULPATORY WOULD INCLUDE THE EVIDENCE THAT THEY NEVER PROSECUTED ANYONE ON THIS AND THE EVIDENCE THAT THEY WERE GETTING CALLS SAYING WE WANT TO RUN HER OFF, WHY DON'T YOU GO AND HARASS HER WITH THIS IDIOTIC ORDINANCE.

**THE COURT:** ALL RIGHT.

**DEFENDANT FALTAS:** AND SO THIS BRADY -- AND HE STOOD HERE AND SAID HE DOESN'T WANT TO GIVE IT TO ME AND AGAIN I'M ASKING GIVE NAMES (INAUDIBLE) FOR THIS TRIAL. WHAT ARE THE NAMES OF HIS WITNESSES? IT'S NOT A CIVIL ISSUE, IT'S A DUE PROCESS, 6TH AMENDMENT, FAIR TRIAL ISSUE.

**THE COURT:** ALL RIGHT.

**MR. FERNANDEZ:** YOUR HONOR, THERE'S REALLY CONFUSION ON THE DEFENDANT'S PART. I'M NOT SAYING I'M NOT TURNING ANYTHING OVER, I'M SAYING I'M NOT TURNING IT OVER TO HER PRIOR TO TRIAL. WHAT WE PREFER TO DO AND THIS IS WHAT TIME AND TIME AGAIN I'VE TOLD THE DEFENDANT THAT SHE NEEDS TO MAKE A MOTION PRETRIAL AND DISCOVERY RULINGS CAN BE HANDLED PRETRIAL. I'LL HAVE AVAILABLE TO ME RAP SHEETS. I'LL PROVIDE THEM TO THE COURT PRIOR TO TRIAL AND THE COURT CAN REVIEW THEM BEFORE TURNING THEM OVER TO THE DEFENDANT. IF THE COURT DECIDES THAT THERE IS IMPEACHABLE MATERIAL THEN I'M CERTAIN THE COURT WILL PROVIDE THAT TO THE DEFENDANT. I AM NOT INCLINED TO GIVE THE DEFENDANT RAP SHEETS OF ANYONE INVOLVED IN THESE CASES PRIOR TO TRIAL. IT'S NOT SOMETHING THAT SHE NEEDS. IF THERE'S ANYTHING THAT'S RELEVANT, ANYTHING IMPEACHABLE SHE WILL RECEIVE IT. AS FAR AS THE WITNESS LIST, I AM SIMPLY SAYING THERE'S NOTHING REQUIRING ME TO DO THAT. THERE'S NOTHING IN RULE 5 -- WE LOOKED UP AND DOWN -- THERE'S NOTHING THERE ABOUT WITNESSES. AND THAT'S WHY I HAVE NOT PROVIDED IT IN THIS PARTICULAR CASE.

**THE COURT:** SHE'S ALSO REFERRED TO A BRADY MOTION. HAS A

BRADY MOTION BEEN MADE?

**MR. FERNANDEZ:** SHE MADE A BRADY MOTION?

**THE COURT:** SHE JUST MENTIONED A BRADY MOTION. I DON'T KNOW THAT SHE MADE ONE, SHE JUST BROUGHT UP BRADY.

**MR. FERNANDEZ:** I MEAN I THINK WE COULD PROBABLY CLASSIFY HER MOTION AS A BRADY MOTION.

**THE COURT:** BRADY AND RULE 5?

**MR. FERNANDEZ:** YES, YOUR HONOR. REGARDING BRADY I DON'T THINK BRADY REQUIRES A WITNESS LIST. I THINK BRADY REQUIRES A GENERAL ISSUE OF A FAIR TRIAL AND I'M NOT OPPOSED TO PROVIDING RAP SHEETS. IT'S JUST NOT FOR HER TO SAY AND IT'S NOT IN HER DISCRETION OR DEMAND. IT WILL BE PROVIDED PRIOR TO TRIAL TO THE COURT TO REVIEW. AND PERSONNEL FILES FOR CITY POLICE OFFICERS. SHE'S REQUESTED THAT IN OTHER CASES AND I COULD FURNISH THEM BUT I AM NOT GOING TO PROVIDE THEM TO THE DEFENDANT. I AM CERTAINLY NOT GOING TO DO THAT. I WILL PROVIDE THEM TO THE COURT FOR REVIEW IN CHAMBERS.

**DEFENDANT FALTAS:** YOUR HONOR, MAY I SAY THERE WAS A CLEAR BRADY MOTION IN THAT CASE. AGAIN I DO NOT HAVE MY COPY OF IT. IT'S SUPPOSED TO --

**THE COURT:** EXCUSE ME, MA'AM. ARE YOU SAYING THAT EVERYTHING YOU WERE PROVIDED BY THE CITY YOUR ACCESS TO YOUR APARTMENT HAS BEEN RESTRICTED AND, THEREFORE, YOU DON'T HAVE IT? THAT'S WHY YOU DON'T HAVE IT? THAT'S WHY YOU DON'T HAVE ANYTHING ABOUT THIS OR DO YOU HAVE SOMETHING THAT MR. FERNANDEZ GAVE YOU?

**DEFENDANT FALTAS:** (NO RESPONSE)

**THE COURT:** YOU HAVE NOTHING BECAUSE YOU CAN'T GET INTO YOUR APARTMENT?

**DEFENDANT FALTAS:** THAT'S CORRECT.

**THE COURT:** OKAY. DID MR. FERNANDEZ PROVIDE YOU WITH ANYTHING? EARLIER YOU MENTIONED PHOTOGRAPHS AND YOU MENTIONED --

**DEFENDANT FALTAS:** HE PROVIDED ME A TOTAL OF THREE PHOTOGRAPHS NOT RELATED TO THIS CASE. ONE OF THEM -- I'M SORRY, MAYBE FOUR OR FIVE PHOTOGRAPHS, SOME OF THEM CLEARLY NOT RELATED TO THAT CASE. I DO NOT THINK MR. FERNANDEZ GAVE ME ANY PHOTOGRAPHS RELATED TO THIS CASE.

**THE COURT:** ALL RIGHT. SO YOUR ANSWER TO MY QUESTION HAS MR. FERNANDEZ GIVEN YOU ANYTHING, YOU STATE, NO, BECAUSE WHAT HE GAVE ME DID NOT APPLY TO THESE CASES, CORRECT?

**DEFENDANT FALTAS:** TO THIS ONE CASE THAT WE ARE TALKING ABOUT NOW. THE UNIFORM ORDINANCE SUMMONS. NOT CASES IN THE PLURAL.

**THE COURT:** 6034.

**DEFENDANT FALTAS:** YES, MA'AM.

**THE COURT:** ALL RIGHT.

**DEFENDANT FALTAS:** AND WHATEVER MR. WALKER HAD GIVEN ME BACK THEN IS LOCKED IN MY APARTMENT. MAYBE IT HAS BEEN LOOTED BY NOW. I HAVE NO IDEA.

**THE COURT:** ALL RIGHT.

**DEFENDANT FALTAS:** I HAVE NO IDEA. NOW LET ME JUST SAY AGAIN THERE IS NO QUESTION IN MY MIND THAT I DID FILE A BRADY MOTION. IT SHOULD BE IN THE FILE.

**THE COURT:** I'VE ALREADY HEARD THAT.

**DEFENDANT FALTAS:** YES, MA'AM

**THE COURT:** I'VE HEARD THAT YOU DID AND HE DOESN'T SAY YOU DIDN'T. ALL RIGHT.

**DEFENDANT FALTAS:** AND ALSO I JUST WANT TO SAY I NEED TO RECEIVE THE EXCULPATORY AND IMPEACHMENT MATERIAL REASONABLY IN ADVANCE OF THE TRIAL IF THERE IS GOING TO BE A TRIAL.

**THE COURT:** AND YOU ARE REFERRING TO CRIMINAL RECORDS OF CERTAIN WITNESSES?

**DEFENDANT FALTAS:** ALL EXCULPATORY MATERIAL, YOUR HONOR, SO I CAN REASONABLY PREPARE MY DEFENSE.

**THE COURT:** WELL, WAIT A MINUTE. YOU HAD REFERRED TO IMPEACHMENT MATERIAL.

**DEFENDANT FALTAS:** IMPEACHMENT AND EXCULPATORY. THOSE BOTH ARE COVERED BY BRADY. IMPEACHMENT AND EXCULPATORY.

**THE COURT:** BUT YOU ARE SPECIFICALLY ASKING FOR --

**DEFENDANT FALTAS:** BOTH.

**THE COURT:** CRIMINAL RECORDS OF PROPOSED WITNESSES?

**DEFENDANT FALTAS:** CRIMINAL RECORDS, DISCIPLINARY RECORDS OF CITY EMPLOYEES AND EXCULPATORY MATERIAL. AND I SPECIFICALLY -- I'M NOT JUST, YOU KNOW, GIVE ME ANYTHING THAT MIGHT BE EXCULPATORY THAT I IMAGINE. I SPECIFICALLY, YOU KNOW, MEANT QUANTIFIABLE WHAT MAY BE EXCULPATORY AND THAT'S ALL ON FILE, ALL WRITTEN AND HE -- AGAIN I REITERATE THAT HE DOESN'T WANT TO DO IT UNTIL THE MORNING OF THE TRIAL. YOU KNOW, YOUR HONOR, WE'VE BEEN THROUGH

THAT ISSUE WHEN THEY GOT ME FALSELY CONVICTED WITH A FABRICATED POLAROID THAT THEY DID NOT PRODUCE UNTIL THE MORNING OF THE TRIAL. AND THE STATE COURT OF APPEALS SIDED WITH ME AND I -- I THINK I TOLD YOUR HONOR THAT. I ORALLY ARGUED THAT CASE MYSELF BEFORE THREE JUDGES, ONE OF WHOM IS NOW A JUSTICE AND I PREVAILED THREE ZERO. SO THE ISSUE WAS BY IMPLICATION DECIDED THAT, YES, I SHOULD BE GIVEN THAT MATERIAL NOT THE MORNING OF THE TRIAL BUT REASONABLY IN ADVANCE TO ADEQUATELY PREPARE MY DEFENSE. THAT IS A 6TH AMENDMENT FAIR TRIAL ISSUE.

**MR. FERNANDEZ:** YOUR HONOR, THESE CASES PROVIDE THE COURT WITH A UNIQUE RESPONSIBILITY. THE DEFENDANT IS REPRESENTING HERSELF. THERE ARE PRIVACY CONCERNS. GIVEN THE DEFENDANT'S HISTORY, THEY ARE LEGITIMATE PRIVACY CONCERNS. SHE IS NOT A MEMBER OF THE BAR. SHE HAS NO DUTY. SHE DID NOT TAKE THE OATHS THAT WE TOOK. SHE HAS NO DUTY TO RESPECT OTHER PEOPLE THE WAY THAT WE AS ATTORNEYS MIGHT GIVEN THAT SENSITIVE INFORMATION. THAT IS ALSO A MAIN REASON WHY I WOULD ASK THAT THE COURT HANDLE IT FIRST PRIVATELY BUT THEN IF THE COURT DETERMINES THAT THERE IS SOMETHING THAT'S DISCLOSABLE THAT WE NOT GIVE THE DEFENDANT EVERY OPPORTUNITY TO DO IT (INAUDIBLE). WE CAN ONLY IMAGINE.

**DEFENDANT FALTAS:** YOUR HONOR, I TAKE SERIOUS OFFENSE AT THAT.

**THE COURT:** ALL RIGHT. THANK YOU, MA'AM, THAT'S FINE. I UNDERSTAND.

**DEFENDANT FALTAS:** I'M A MEDICAL DOCTOR. I'M MORE THAN

LAWYERS. I HAVE A RESPECT FOR PRIVACY. IT IS THEY, THE CITY, WHO HAVE RAPED MY PRIVACY. THEY'VE GOT TEN ARMED PEOPLE IN MY APARTMENT AND THEY LET INTO MY APARTMENT THE LAWYER FOR THE CIVIL DEFENDANT AND HE STOLE MY PASSPORT. AND I HAD TO WRITE TO THE EGYPTIAN AMBASSADOR AND THEN THEY LET HIM BACK IN AND HE PUT THE PASSPORT BACK. SO DON'T THEY DARE TALK ABOUT PRIVACY. THEY ARE NOTHING BUT (INAUDIBLE) TO MY APARTMENT WITH A FALSE ARREST AND SEARCH WARRANT (INAUDIBLE). THERE WAS A MAN THERE WHO STOOD RIFLED EVERY ....

**THE COURT:** ALL RIGHT. THE DEFENDANT HAS INDICATED THERE IS NO MOTION TO DISMISS UNIFORM ORDINANCE SUMMONS 6034. WE MOVE ON TO NUMBER EIGHT, DEFENDANT'S MOTION FOR A CONTINUANCE WITH REGARD TO THAT SUMMONS.

**DEFENDANT FALTAS:** I'M SORRY, YOUR HONOR.

**THE COURT:** THERE WAS NO MOTION FOR A CONTINUANCE.

**DEFENDANT FALTAS:** AND I HAVE STOPPED AT PART "C" OF MOTION NUMBER SIX TO ALLOW THE CITY BUT I STILL HAVE "D" AND "E" AND "F" AND "G."

**THE COURT:** NUMBER "C" WE HAVE HEARD. "D," CITY HAS INTENTIONALLY PROCRASTINATED IN PROSECUTING JOHN M. JONES. MA'AM, I DON'T KNOW WHO HE IS BUT IF HE'S A DEFENDANT IN THIS COURT YOU CANNOT RAISE HIS CONSTITUTIONAL RIGHTS. "E," CITY HAS FAILED TO SERVE COURTESY SUMMONSES AGAINST TERESA INGRAM AND KOREY CURRY. ARE THESE WITNESSES IN YOUR CASE?

**DEFENDANT FALTAS:** YES, YOUR HONOR.

**THE COURT:** IS THERE A TRIAL COMING UP?

**DEFENDANT FALTAS:** THEY ARE WITNESSES AGAINST ME THAT THE CITY HAS LISTED IN NUMBER --

**THE COURT:** WELL, WHAT DO YOU MEAN? YOU MEAN BY COURTESY SUMMONSES, ARE YOU TALKING ABOUT A PROSECUTING DOCUMENT, A CHARGING DOCUMENT OR ARE YOU TALKING ABOUT SOMETHING ELSE? WHAT ARE YOU TALKING ABOUT THERE?

**DEFENDANT FALTAS:** MAY I GIVE YOU A COMPLETE AND ACCURATE ANSWER AND IF YOU'LL LET ME I'LL GIVE YOU AN ANSWER TO THE POINT, PLEASE.

**THE COURT:** MS. FALTAS, COULD YOU PLEASE SIMPLY ANSWER MY QUESTION. ARE YOU REFERRING TO A CHARGING DOCUMENT AGAINST TERESA INGRAM AND KOREY CURRY? ARE YOU REFERRING TO A CHARGING DOCUMENT THERE?

**DEFENDANT FALTAS:** YES, MA'AM, THREE CHARGING DOCUMENTS WHERE I AM THE ALLEGED VICTIM AND THOSE PEOPLE ARE LISTED AND --

**THE COURT:** AND THERE WAS NONE ISSUED, IS THAT CORRECT?

**DEFENDANT FALTAS:** NO, MA'AM, THEY WERE ISSUED.

**THE COURT:** YOU SAID THE CITY HAS FAILED TO SERVE COURTESY SUMMONSES AGAINST THESE TWO PEOPLE, INGRAM AND CURRY.

**DEFENDANT FALTAS:** THE COURTESY SUMMONSES WERE ISSUED, THE CHARGING DOCUMENTS WERE ISSUED BUT THE CITY HAS NOT SERVED THEM WHILE --

**THE COURT:** OKAY, I HAVE NO WAY TO KNOW ABOUT THAT. YOU DON'T HAVE ANYTHING TO SHOW ME, CORRECT?

**DEFENDANT FALTAS:** NO, I DO.

**THE COURT:** WHAT?

**DEFENDANT FALTAS:** THE ACTUAL --

**THE COURT:** PICK IT UP AND SHOW IT TO ME. WHERE IS IT?

**DEFENDANT FALTAS:** I'M SORRY. I MAY NOT HAVE IT ON ME RIGHT THIS MINUTE.

**THE COURT:** ALL RIGHT. WELL THEN WE'LL GO TO THE NEXT THING.

**DEFENDANT FALTAS:** WHAT I'M SAYING --

**THE COURT:** SO LISTEN TO ME. THE NEXT THING YOU COMPLAIN ABOUT IS JUDGE TURNER HAS NEVER DONE THE, QUOTE, RIGHT THING WITH REGARD TO YOUR CASES BUT HAS DONE THE RIGHT THING IN OTHER SITUATIONS. THAT IS A STATEMENT THAT IS SO UNCLEAR AND IS NOT A MOTION AND I'M NOT GOING TO HEAR THAT. AND THE LAST ONE YOU SAY THAT DEFENDANT IS BEING SET UP TO BE HELD IN CONTEMPT OF COURT. NOW THAT IS AN ALLEGATION OF WRONGDOING BY WHOM I DON'T KNOW BUT IS NOT A PROPER MOTION EITHER. I'M NOT GOING TO HEAR THAT. NEXT IS YOUR MOTION TO DISMISS WHICH YOU SAID ON ONE OF THESE YOU DID NOT MAKE. THAT WAS A MOTION FOR A CONTINUANCE I BELIEVE. MOTION TO DISMISS. THE ORDINANCE IS UNCONSTITUTIONAL BECAUSE THE DEFENDANT HAS BEEN SELECTIVELY PROSECUTED. AND WE'VE ALREADY HEARD ABOUT YOUR SPEEDY TRIAL RIGHT. SO HOW HAVE YOU BEEN SELECTIVELY PROSECUTED?

**DEFENDANT FALTAS:** NOT A PERSON IN THE CITY OF COLUMBIA WAS EVER ISSUED A SUMMONS UNDER THE ORDINANCE --

**THE COURT:** OTHER THAN YOU?

**DEFENDANT FALTAS:** OTHER THAN I.

**THE COURT:** WHAT DO YOU HAVE TO SHOW ME ON THAT?

**DEFENDANT FALTAS:** WHAT I HAVE --

**THE COURT:** YOU HAVE MADE THAT ALLEGATION. DO YOU HAVE ANY PROOF?

**DEFENDANT FALTAS:** YES, MA'AM. I HAVE PROOF.

**THE COURT:** WHERE IS IT?

**DEFENDANT FALTAS:** IT'S IN MY APARTMENT.

**THE COURT:** AH.

**DEFENDANT FALTAS:** WELL, DON'T SAY AH. I DIDN'T DO THIS TO MYSELF. THE CITY DID IT.

**THE COURT:** MA'AM, I DON'T WANT TO HEAR THIS KIND OF OUTBURST.

**DEFENDANT FALTAS:** MAY I SAY THAT I AM -- THAT'S EXACTLY --

**THE COURT:** TELL ME WHAT WAS IN YOUR APARTMENT THAT YOU DON'T HAVE ACCESS TO NOW THAT SHOWS YOU ARE THE ONLY PERSON WHO HAS EVER BEEN PROSECUTED UNDER THAT ORDINANCE. TELL ME.

**DEFENDANT FALTAS:** I'LL TELL YOU BUT I WILL --

**THE COURT:** TELL ME NOW.

**DEFENDANT FALTAS:** I AM ABOUT TO TELL YOU.

**THE COURT:** THEN DO IT.

**DEFENDANT FALTAS:** OKAY. I HAD PULLED FROM THE CITY OF COLUMBIA ALL RECORDS, EVEN STATISTICS, OF ANYONE WHO WAS EVER ISSUED A SUMMONS UNDER THAT ORDINANCE AND I ALSO PULLED FOR THEM THE LEGISLATIVE HISTORY --

**THE COURT:** FREEDOM OF INFORMATION ACT, IS THAT WHAT YOU ARE SAYING?

**DEFENDANT FALTAS:** YES, MA'AM.

**THE COURT:** ALL RIGHT.

**DEFENDANT FALTAS:** AND THE RESPONSES ARE IN MY APARTMENT. AND WHAT I'M SAYING THAT I WANTED TO SAY THE DEFENDANT IS BEING SET UP TO BE HELD IN CONTEMPT OF COURT, THIS INTERCHANGE BETWEEN THE BENCH AND ME IS AN EXAMPLE OF THAT WHEN YOU SAID AH ABOUT IT BEING IN MY APARTMENT. WHEN I WAS ARRESTED ON DECEMBER 2ND, 2009, THAT CASE WAS INITIALLY TRIED IN NOVEMBER, 2008, AND CONCLUDED IN JUNE, 2009. SO ALL THE MATERIAL DIRECTED TO IT IS IN MY APARTMENT. NOT IN MY WILDEST DREAM DID I EVER DREAM THAT TEN ARMED THUGS FROM THE COLUMBIA POLICE DEPARTMENT WOULD BE --

**THE COURT:** ALL RIGHT. I'VE HEARD THAT SEVERAL TIMES. I DON'T WANT TO HEAR IT AGAIN.

**DEFENDANT FALTAS:** NO, NO. LET ME JUST SAY THE TWO IMPORTANT GROUNDS ARE THIS IS CLEARLY A MISTYPING. EIGHT IS NOT A MOTION FOR A CONTINUANCE, IT'S A MOTION TO DISMISS. AND THE TWO IMPORTANT GROUNDS IS THAT JEOPARDY HAD ATTACHED AND THE ORDINANCE IS UNCONSTITUTIONAL. NOW --

**THE COURT:** ALL RIGHT. JEOPARDY DOES NOT ATTACH -- IT'S NOT DOUBLE JEOPARDY IF THERE IS A MISTRIAL AND I THINK YOU KNOW THAT ALREADY. AND "B" THE ORDINANCE IS UNCONSTITUTIONAL WHY?

**DEFENDANT FALTAS:** I'M ABOUT TO TELL YOU. BUT I AM TRYING TO SAY THAT, NO, IT'S WRONG THAT SOME MISTRIALS DO ATTACH --

**THE COURT:** NOT THIS ONE SO MOVE ON TO THE NEXT ONE.

**DEFENDANT FALTAS:** WELL, I'M TAKING EXCEPTION.

**THE COURT:** YOU HAVE SAID SO. IT'S IN THE RECORD. I WANT TO KNOW FROM YOU WHY THE ORDINANCE IS CONSTITUTIONAL. IS IT BECAUSE IT IMPOSES CRIMINAL PENALTIES ON CONDUCT NOT ILLEGAL UNDER STATE LAW?

**DEFENDANT FALTAS:** EXACTLY. IN BEACHFRONT ENTERTAINMENT VS. THE CITY OF MYRTLE BEACH AND AGAIN IN ANOTHER CASE UNDER --

**THE COURT:** YOU ARE REFERRING TO THE SMOKING ORDINANCES.

**DEFENDANT FALTAS:** THE SMOKING ORDINANCE AND THEN THERE WAS THE HELMET LAW ORDINANCE ALSO.

**THE COURT:** MYRTLE BEACH.

**DEFENDANT FALTAS:** YES, MA'AM. BOTH WERE -- AND MYRTLE BEACH HAS ALSO OTHER CRAZY ORDINANCES. IT'S CRIMINAL TO FEED THE BIRDS, IT'S CRIMINAL TO --

**THE COURT:** MA'AM, THAT'S BESIDE THE POINT.

**DEFENDANT FALTAS:** NEXT THING THEY WILL SAY IT'S CRIMINAL TO PARK YOUR CAR THE WRONG WAY.

**THE COURT:** MA'AM --

**DEFENDANT FALTAS:** BUT IN ANY EVENT, THE STATE SUPREME COURT SAID THAT AN ORDINANCE CANNOT MAKE CRIMINAL CONDUCT WHICH IS NOT CRIMINAL UNIFORMLY.

**THE COURT:** AND HOW HAS THAT BEEN VIOLATED IN THIS CASE?

**DEFENDANT FALTAS:** IT IS NOT CRIMINAL IN OTHER PARTS OF THE STATE TO PARK IN ONE'S FRONT YARD. SO THIS IS CONDUCT THAT -- MAY I

MAKE MY --

**THE COURT:** I'M LISTENING TO YOU, MA'AM.

**DEFENDANT FALTAS:** BUT YOUR HONOR IS MAKING FACIAL EXPRESSIONS THAT --

**THE COURT:** I'M LISTENING TO YOU.

**DEFENDANT FALTAS:** ALL RIGHT. FINE. OKAY.

**THE COURT:** YOU HAVE STATED THAT COLUMBIA IS THE ONLY CITY THAT HAS THAT ORDINANCE AND THAT MAKES IT UNCONSTITUTIONAL.

**DEFENDANT FALTAS:** BECAUSE IT CRIMINALIZES CONDUCT THAT IS NOT CRIMINAL UNDER STATE LAW AND STATE LAW PREEMPTS THAT. NOT ONLY --

**THE COURT:** HOW DOES STATE LAW PREEMPT IT?

**DEFENDANT FALTAS:** OKAY. MAY I TELL YOU SOMETHING, PLEASE?

**THE COURT:** HOW DOES STATE LAW PREEMPT IT?

**DEFENDANT FALTAS:** I AM ABOUT TO TELL YOU.

**THE COURT:** WELL, IF YOU'LL JUST ANSWER MY QUESTION, DR. FALTAS, I AM ASKING YOU TO TELL ME. YOU DON'T HAVE TO TELL ME THAT YOU ARE GOING TO TELL ME. WHAT YOU HAVE TO DO IS ANSWER THE QUESTION. HOW IS IT PREEMPTED BY STATE LAW?

**DEFENDANT FALTAS:** BECAUSE STATE LAW COVERS OPERATION AND PARKING OF MOTOR VEHICLES ONLY ON PUBLIC HIGHWAYS. WHAT ONE DOES WITH A MOTOR VEHICLE ON ONE'S OWN PROPERTY WHETHER IT'S OWNER OWED OR RENTED WHICH IS THE SAME EQUIVALENT TO ONE'S OWN HOME IS NOT COVERED BY STATE LAW. STATE LAW CANNOT REACH IT STATE LAW

REGARDING THE OPERATION OF MOTOR VEHICLES ONLY IS LIMITED TO OPERATION ON PUBLIC HIGHWAYS. SO THIS HAS PREEMPTED --

**THE COURT:** I'M SORRY. WHAT IS LIMITED TO PUBLIC HIGHWAYS?

**DEFENDANT FALTAS:** OPERATION AND LOCATION OF MOTOR VEHICLES. THE OTHER THING THAT IS IMPORTANT IN STATE LAW AND EVEN FEDERAL LAW WHICH IS THE CONSTITUTIONAL RIGHT TO ONE'S PROPERTY. ONE'S PROPERTY. NOW IN A CASE FROM SOUTH CAROLINA WHERE THE U. S. SUPREME COURT REVERSED THE SOUTH CAROLINA SUPREME COURT WHICH IS LUCAS VS SOUTH CAROLINA COASTAL COUNCIL. IT WAS A JUST COMPENSATION CASE BUT IT WENT INTO THE BUNDLE OF RIGHTS THAT ONE HAS WHEN ONE ACQUIRES LAND OR REAL PROPERTY WHETHER BY OWNERSHIP OR BY RENT. AND THE U. S. SUPREME COURT SPECIFICALLY SAID THAT THE BUNDLE OF RIGHTS INCLUDES SITTING ON THE LAWN, PARKING ON THE LAWN, BUILDING -- NOT BUILDING, WHATEVER. ANY REGULATION THAT LIMITS THAT RIGHT TO USE ONE'S PROPERTY IS REGULATORY TAKING WHICH IS PROSCRIBED BY THE 5TH AMENDMENT TO THE UNITED STATES CONSTITUTION. NOW ANY REGULATION THAT WITHOUT RATIONAL BASIS LIMITS THE USE OF ONE'S PROPERTY IS UNCONSTITUTIONAL. IN ADDITION TO IT BEING PREEMPTED BY STATE LAW IN SOUTH CAROLINA THERE IS NO RATIONAL BASIS FOR THE CITY'S ORDINANCE.

**THE COURT:** ALL RIGHT.

**DEFENDANT FALTAS:** AND AS I TOLD YOU I HAVE I HAD F.O.I.A. THE SO CALLED LEGISLATIVE HISTORY (INAUDIBLE) OF THE CITY COUNCIL AND IT'S IN MY APARTMENT. BUT THERE WAS NEVER A RATIONAL COMPELLING (INAUDIBLE) BECAUSE THE STATE CANNOT COME TO YOUR HOUSE AND TELL

YOU HOW TO ARRANGE THE FURNITURE. IT HAS TO BE A COMPELLING THING. THERE IS NO RATIONAL BASIS LET ALONG A COMPELLING ON BUT IN ANY EVENT THAT IS CONDUCT THAT IS NOT CRIMINAL UNDER STATE LAW; THEREFORE, THE CITY ORDINANCE CANNOT MAKE IT CRIMINAL.

**THE COURT:** ALL RIGHT. THANK YOU, MA'AM. PLEASE HAVE A SEAT. MR. FERNANDEZ, AS TO THE MOTION TO DISMISS PLEASE ON THE PARKING, FRONT YARD PARKING.

**MR. FERNANDEZ:** I'LL JUST ADDRESS THE F.O.I.A. FIRST. THE DEFENDANT COMES HERE TODAY TO SAY THAT ALL THE DOCUMENTATION SHE HAS IN HER APARTMENT, SHE CAN'T ACCESS IT. THERE'S NOTHING PREVENTING HER FROM REFILING F.O.I. REQUESTS. SHE COULD CERTAINLY HAVE DONE THAT. CERTAINLY SHE KNEW THAT THIS WAS COMING UP FOR A HEARING. SHE COULD HAVE DONE THAT. YOUR HONOR, IT'S MY UNDERSTANDING ALSO THROUGH PUBLIC RELATIONS THAT THERE HAVE BEEN NUMEROUS -- MULTIPLE, I DON'T KNOW HOW MANY EXACTLY -- MULTIPLE F.O.I. REQUESTS MADE BY THE DEFENDANT. THEY ARE READY TO PICK UP BUT THE DEFENDANT HAS INDICATED SHE WILL NOT PAY FOR THE MATERIALS AND THAT IS WHY THEY ARE NOW I GUESS IN LIMBO. SO THE FACT THAT THE DEFENDANT CAME UNPREPARED IS HER OWN DOING AND NOTHING MORE.

YOUR HONOR, REGARDING THE CONSTITUTIONALITY OF THE FRONT YARD PARKING, THERE IS NO STATE PREEMPTION. MUNICIPALITIES ARE ABLE TO SET LAWS THAT SPEAK TO AREAS THE STATE DOES NOT REGULATE. THERE ARE NUMEROUS TRAFFIC LAWS THAT ARE MUNICIPAL ENACTED ORDINANCES. THERE ARE SCHOOL ZONE SPEEDING, THERE ARE RESTRICTED HOURS ORDINANCES, THERE ARE ALL SORTS OF VEHICULAR VIOLATIONS THAT

STATE LAW DOES NOT ADDRESS. IN THIS CASE THIS IS SIMILAR. THE CITY IS PROHIBITING THE PARKING -- THE ORDINANCE NUMBER, YOUR HONOR, IS 17-319. YOUR HONOR, THE RELEVANT PART IS SUBSECTION "D" PARKING IN FRONT OF A PRINCIPAL STRUCTURE. THE ORDINANCE GOES INTO GREAT DETAIL DEFINING A PERSON'S YARD AND THE LAYOUT OF THE YARD. IT ACTUALLY PROVIDES GRAPHICAL PICTURES INDICATING WHAT IS A FRONT YARD, WHAT'S THE SIDE, WHAT'S THE DRIVEWAY, THAT KIND OF THING. IT'S A VERY SPECIFIC STATUTE AND IN SUBSECTION "B" STATES WITH EXTREME SPECIFICITY OF WHAT VEHICLES ARE PROHIBITED FROM PARKING IN WHAT IS DEFINED AS THE FRONT YARD AND WHAT VEHICLES ARE CONSIDERED FOR PURPOSES OF THAT. IT ALSO SAYS THAT -- THERE'S A SECTION THERE ABOUT HOW THIS IS NOT PROHIBITING THE TEMPORARY PARKING OF A VEHICLE ON WHAT'S REFERRED TO AS A DRIVEWAY. YOUR HONOR, IT'S A VERY NARROW RESTRICTION. SOMEONE SIMPLY CAN'T PARK IN WHAT'S DEFINED AS THE PRIMARY FRONT YARD. AND THAT'S WHAT I WAS TALKING ABOUT GRASS OPENINGS DESCRIBE WHAT A PRIMARY FRONT YARD IS. THERE'S NO VAGUENESS TO IT. IT'S NOT PREEMPTED BY ANY STATE LAW AND IT IS WITHIN REALMS THAT MUNICIPALITIES ARE ABLE TO GO.

**THE COURT:** WHAT IS THE PURPOSE OF IT? DO YOU KNOW?

**MR. FERNANDEZ:** DO I KNOW THE LEGISLATIVE INTENT? I'M NOT PRIVY TO THAT.

**THE COURT:** PURPOSE OF IT. HAVE A SEAT.

**MR. FERNANDEZ:** I DON'T KNOW WHEN THE STATUTE WAS ENACTED BUT I'M SURE IT'S BEFORE MY TIME WITH THE CITY BUT -- I DON'T KNOW IF I COULD DEFINE WHAT THE INTENT IS JUST READING.

**THE COURT:** LET'S TAKE A LOOK AT IT. ALL RIGHT. WE'LL COME BACK TO THAT IN A MOMENT. DEFENDANT FALTAS HAS INDICATED THAT SHE HAS BEEN SELECTIVELY PROSECUTED. DO YOU WISH TO RESPOND TO THAT?

**MR. FERNANDEZ:** I THINK THAT GOES TO THE F.O.I. REQUEST SHE REFERENCED BUT DOESN'T HAVE WITH HER OR WHATEVER INFORMATION SHE HAS THAT SAYS SHE WAS SELECTIVELY PROSECUTED. BUT BEYOND THAT IT'S NOT A DEFENDANT'S CHOICE TO WHO IS PROSECUTED FOR WHAT. THE FACT THAT SHE WAS CITED FOR THIS ORDINANCE DOESN'T IN ANY WAY REFLECT THAT SOMEONE ELSE MIGHT NOT HAVE BEEN CITED. THERE ARE A NUMBER OF REASONS WHY SOMEONE MIGHT NOT HAVE BEEN CITED -- "A," THEY DIDN'T SEE THEM. THERE'S ALL SORTS OF FACTORS THAT I COULDN'T POSSIBLY ADDRESS ON A CASE-TO-CASE BASIS. BUT THE DEFENDANT DOESN'T GET TO CHOOSE WHO IS AND WHO IS NOT PROSECUTED FOR A CRIME.

**DEFENDANT FALTAS:** I'M READY TO REPLY, YOUR HONOR.

**THE COURT:** JUST A MINUTE. (PAUSE) ALL RIGHT, MS. FALTAS, YOU WISH TO REPLY TO THAT?

**DEFENDANT FALTAS:** YES, YOUR HONOR. ABOUT THE F.O.I.A., THERE IS SOME PENDING F.O.I.A. MATERIAL THAT I HAVE NOT PICKED UP AND I I REFUSE TO PICK UP BECAUSE IT IS INCOMPLETE AND IT DOESN'T RELATE TO --

**THE COURT:** EXCUSE ME BUT HOW DO YOU KNOW THAT IT'S INCOMPLETE WHEN YOU HAVEN'T PICKED IT UP?

**DEFENDANT FALTAS:** I LOOKED AT IT.

**THE COURT:** ALL RIGHT.

**DEFENDANT FALTAS:** BUT I DIDN'T... SO IT'S NOT AN ISSUE OF PAYMENT, IT'S AN ISSUE OF IT BEING COPIED BUT IT DOESN'T RELATE TO THIS

CHARGE. THE OTHER ONE THAT RELATED TO THIS CHARGE THERE WAS A RESEARCH FEE WHICH I HAVE PAID AND PICKED UP SO THERE'S NO REASON FOR ME TO BE LOCKED OUT OF MY APARTMENT AND FOR THEM TO KEEP DOING THE (INAUDIBLE) FOR ME TO BE PUT UNDER THE PRESSURE OF DOING DUPLICATIVE THINGS. BUT I WILL TELL YOU THAT THE ONLY THING I FOUND IN THE SO CALLED LEGISLATIVE HISTORY IS THAT THEY CALLED IT A BEAUTIFICATION KIND OF THING. WELL, I AM SORRY, IT IS NOT THE PURPOSE OF THE GOVERNMENT TO SAY WHAT'S BEAUTIFUL AND WHAT'S NOT. WHAT'S NEXT THING? THEY SAY THAT I'M TOO UGLY, I CANNOT WALK DOWN THE STREETS OF COLUMBIA? SO THERE IS YOUR HONOR CORRECTLY ASKED WHAT IS THE PURPOSE OF THAT ORDINANCE AND THERE REALLY IS NO PURPOSE TO IT, MUCH LESS A PURPOSE THAT WOULD BE SO COMPELLING FOR THE GOVERNMENT TO ENTER INTO SOMEONE'S HOME AND TELL THEM WHERE TO PARK IN THE HOME AND HOW TO PARK. WHATEVER I SAW THERE WAS THAT THERE WAS SOME BUSYBODIES TALKING ABOUT THE LEGISLATIVE HISTORY AND THAT'S FROM MEMORY. BUSYBODIES FROM THE WOODLANDS NEIGHBORHOOD THAT'S RECENTLY HAD A VERY HORRIFIC MURDER. THEY WERE WORRIED ABOUT SOME PEOPLE WHO HAVE BIG FRONT YARDS. THEY PARK THREE OR FOUR CARS IN THEM. WELL, THEY CAN PARK A HUNDRED CARS IN THEM SO LONG AS IT'S NOT A FIRE HAZARD. NOTHING IN THIS ORDNANCE IS MEANT TO PREVENT FIRES, TO PREVENT SMOKE, TO PREVENT ANYTHING. IN FACT, IF YOU HAVE A FRONT YARD THAT'S BIG ENOUGH AND FORTY PERCENT OF IT YOU CAN PREPARE A SURFACE, YOU CAN PARK TWENTY CARS THERE. AND THEN WHEN THEY SAY YOU CAN PUT PINE STRAW UNDER IT AND PARK IN THE FRONT YARD THAT IS A HEALTH HAZARD. PINE STRAW IS FLAMMABLE AND IT ALSO DRAWS BUGS. SO

THE ORDINANCE NOT ONLY HAS NO RATIONAL BASIS, WHAT IT SUGGESTS IS A PUBLIC HEALTH HAZARD. AND THEN, FOR EXAMPLE, IF SOMEONE HAS A TREE THAT IS PROVIDING SHADE AND THE SURFACE UNDER IT IS NOT PREPARED AND WHEN IT'S A HUNDRED AND TWO DEGREE HEAT ONE IS PREVENTED FROM PARKING IN THE SHADE OF ONE'S OWN TREE IN ONE'S OWN FRONT YARD WHEN IT'S HUNDRED AND TWO DEGREE HEAT. SO NOT ONLY THE ORDINANCE HAS NO RATIONAL BASIS AS I SAY, IT CAUSES -- IF ONE WERE TO COMPLY WITH IT -- IT WOULD CAUSE UNDER MYRIADS OF CIRCUMSTANCES RISKS TO THE PERSON AND TO PUBLIC HEALTH AND SAFETY.

**THE COURT:** ALL RIGHT. THANK YOU. NOW YOU'VE SAID YOU ARE NOT PICKING UP THE FREEDOM OF INFORMATION REPORTS BECAUSE THEY ARE NOT COMPLETE, NOT BECAUSE YOU CANNOT AFFORD TO GET IT OR DON'T WANT TO PAY FOR IT. IS THAT RIGHT?

**DEFENDANT FALTAS:** IT'S NOT RELATED TO THIS CHARGE.

**THE COURT:** NO, MA'AM. PLEASE ANSWER MY QUESTION.

**DEFENDANT FALTAS:** YOUR QUESTION IS IRRELEVANT. I RESPECTFULLY REFUSE TO ANSWER BECAUSE IT'S NOT RELEVANT TO THE MATTERS BEFORE THE COURT.

**THE COURT:** ANYTHING I ASK YOU I EXPECT A RESPONSE. NOW ARE YOU ABLE TO PAY FOR THOSE F.O.I. REPORTS?

**DEFENDANT FALTAS:** NOT THE CHARGE THEY HAVE PUT ON THE RECENT ONES.

**THE COURT:** AND HOW MUCH WAS IT?

**DEFENDANT FALTAS:** THEY PUT NINETY-THREE DOLLARS.

**THE COURT:** OKAY. NOW I'M STILL TALKING, OKAY? YOU INDI-

CATED TO ME EARLIER THAT YOU PRACTICED MEDICINE IN THIS COUNTRY AND IF YOU DO --

**DEFENDANT FALTAS:** NO, MA'AM. YOU ASKED IF I HAD EVER PRACTICED IN THE PAST.

**THE COURT:** IN THIS COUNTRY.

**DEFENDANT FALTAS:** YES, MA'AM, IN THE PAST.

**THE COURT:** AND DO YOU PRACTICE MEDICINE NOW?

**DEFENDANT FALTAS:** NO, MA'AM, I DON'T.

**THE COURT:** HAVE YOU EVER PRACTICED MEDICINE IN SOUTH CAROLINA?

**DEFENDANT FALTAS:** YES, MA'AM.

**THE COURT:** AND WHEN WAS THAT?

**DEFENDANT FALTAS:** IN '93.

**THE COURT:** IN '93.

**DEFENDANT FALTAS:** THE LAST TIME, YES, MA'AM.

**THE COURT:** ALL RIGHT. WHERE WAS THAT?

**DEFENDANT FALTAS:** I TAUGHT PREVENTIVE MEDICINE AT U.S.C. SCHOOL OF MEDICINE. I ALSO CONDUCTED CLINIC IN THE VETERANS HOSPITAL, A CLINICAL CLINIC AND IT STILL MAKES MY DAY WHEN SOME OF MY OLD PATIENTS RUN INTO ME AND THEY TELL ME THAT I CAUSED THEM TO STOP SMOKING AND HAVE BEEN SMOKE FREE FOR THE LAST FIFTEEN YEARS AND THEY THANK ME FOR IT.

**THE COURT:** AND YOU ARE STILL ALLOWED TO PRACTICE MEDICINE, IS THAT WHAT YOU ARE TELLING ME? THAT'S WHAT I HAVE GLEANED FROM ALL OF THIS.

**DEFENDANT FALTAS:** I STILL HOLD A VALID LICENSE AND YOU ASKED IN THIS COUNTRY, YOU DIDN'T ASK IN SOUTH CAROLINA AND I ANSWERED ACCURATELY ACCORDING TO THE QUESTION.

**THE COURT:** WELL, DO YOU -- STILL HOLD A VALID U.S. --

**DEFENDANT FALTAS:** THERE IS NO SUCH THING AS A U.S. LICENSE.

**THE COURT:** WELL, I DIDN'T THINK SO.

**DEFENDANT FALTAS:** THERE IS A LICENSE IN VARIOUS STATES AND I HOLD A VALID LICENSE TO PRACTICE MEDICINE IN VIRGINIA TO WHICH I CANNOT GO BECAUSE I AM UNDER A BOND FROM OTHER FALSE CHARGES THAT PREVENT ME FROM LEAVING SOUTH CAROLINA. AND THAT'S WHAT I'M TALKING ABOUT, THE COLLATERAL CONSEQUENCES OF FALSE CHARGES HANGING OVER ONE'S HEAD.

**THE COURT:** ALL RIGHT.

**DEFENDANT FALTAS:** SO YOU ASKED ME WHETHER I'M LICENSED. I SAID YES. YOU ASKED ME IF I EVER --

**THE COURT:** DO YOU HAVE ANY SORT OF EMPLOYMENT?

**DEFENDANT FALTAS:** NO, MA'AM.

**THE COURT:** ALL RIGHT. PLEASE HAVE A SEAT.

**DEFENDANT FALTAS:** THANK YOU. BUT ONCE AGAIN THE PENDING F.O.I.A. THAT'S WITH THE CITY IS NOT RELATED TO THIS CHARGE.

**THE COURT:** MR. FERNANDEZ, I'M READY TO HEAR FROM YOU ON THE CITY'S MOTION TO RESTRICT ACCESS TO MUNICIPAL COURT AND PROSECUTORS.

**MR. FERNANDEZ:** THANK YOU, YOUR HONOR. IF YOUR HONOR WOULD -- I KNOW YOU'RE NOT ASKING IT SO I WON'T ADDRESS IT BUT IF YOU

WOULD LIKE TO HEAR ABOUT THE CITY'S POSITION REGARDING THE DEFENDANT'S FINANCIAL SITUATION WE CAN CERTAINLY ADDRESS THAT.

**THE COURT:** WELL, IF YOU HAVE INFORMATION THAT'S VALID AND RELEVANT, YOU CERTAINLY MAY ADDRESS --

**MR. FERNANDEZ:** I ONLY BRING IT UP BECAUSE IT'S COME TO LIGHT THAT THE DEFENDANT REFUSES TO PAY THE FEES FOR F.O.I.A. AND I THINK SHE'S ALSO MENTIONED THIS BEFORE, THAT THE COSTS OF TRANSCRIPTS AND MENTIONED THAT SHE EXPECTS TO BE REIMBURSED FOR THE PRIVATE REPORTER THAT SHE HAS BROUGHT. WHILE I WOULD CERTAINLY STIPULATE THAT THE DEFENDANT DOES NOT HAVE ANY EMPLOYMENT OF HER OWN, THE FACT THAT SHE DOESN'T HAVE ANY ACCESS TO MONEY IS FICTION. SHE HAS BY ALL ACCOUNTS EXTREMELY WEALTHY FAMILY MEMBERS WHO PROVIDE HER WITH A CONSIDERABLE AMOUNT OF MONEY TO LIVE OFF OF. YOUR HONOR, THE FEDERAL COURT ACTUALLY TOOK THIS ISSUE UP, HER PAUPER STATUS WAS REJECTED. AND WHILE THEY DENIED HER STATUS AS A PAUPER BASED ON HER EVASIVE ANSWERS TO THEIR QUESTIONS AND HER LACK OF CANDOR WITH THEM ABOUT SPECIFIC QUESTIONS, IT'S CLEAR IN THE OPINION THAT THERE'S CONSIDERABLE MONEY BEING GIVEN TO HER BY FAMILY MEMBERS. AT THE BOND HEARING FOR THE UNLAWFUL -- FOR THE HARASSMENT CHARGES, HER SOMETIMES PRIVATE ATTORNEY ORIN BRIGGS ANNOUNCED ON THE RECORD THAT HE HAS ACCESS TO I BELIEVE HE SAID A HUNDRED THOUSAND DOLLARS TO DISTRIBUTE FOR THE DEFENDANT. WE KNOW SHE HAS -- CURRENTLY PAYS RENT ON THE BYRON ROAD APARTMENT STILL. THERE'S AN EVICTION PROCESS THAT I THINK IS STILL ONGOING. SHE'S REQUIRED TO PAY RENT IN ORDER TO STAY OR MAINTAIN HER APPEAL. WHATEVER LIVING ARRANGEMENTS SHE

CURRENTLY HAS, SHE'S OBVIOUSLY GETTING MONEY SOMEHOW FOR THAT. OF COURSE, THERE'S THE COURT REPORTER THAT SHE PROVIDES AT HER OWN EXPENSE. THERE'S THE VOLUME OF PAPERWORK THAT SHE PRODUCES, YOUR HONOR. MAILINGS. ALL SORTS OF PAPERWORK AND MOTIONS. SHE HAS A VEHICLE. THERE'S EVERY INDICATION THAT THERE IS ACCESS TO MONEY. THE CITY OBJECTS TO ANY KIND OF WAIVING OF FEES OR COMPENSATION FOR PRIVATE REPORTERS. THE PRIVATE REPORTER IS BASED ON HER OBJECTIONS PAYING FOR TRANSCRIPTS THAT THIS COURT PROVIDES TO PEOPLE AT THEIR REQUEST. AND I BELIEVE JUDGE TURNER CITED HER A CERTAIN AMOUNT OF MONEY PER PAGE THAT THE CITY WILL CHARGE. THAT'S WHAT (INAUDIBLE). SO IF IT COMES TO YOUR HONOR CONSIDERING ANY KIND OF MONETARY ARRANGEMENT THE CIRCUIT COURT HAS GRANTED HER ACCESS TO A PUBLIC APPOINTED ATTORNEY FROM THE PUBLIC DEFENDER'S OFFICE AND NOW FROM THE PRIVATE BAR, MR. SCHNEE. THE CITY DIDN'T HAVE ANY STANDING TO OBJECT TO THAT BUT CERTAINLY IF WE ARE TALKING ABOUT COMPENSATING HER OR WAIVING FEES THE CITY STRONGLY OBJECTS.

**DEFENDANT FALTAS:** YOUR HONOR, I STRONGLY, STRONGLY, STRONGLY OBJECT, NUMBER ONE, TO YOUR HEARING FROM HIM ON THIS AND I AM GOING TO SAY THAT HE STOOD UP AND LIED. NUMBER ONE, IT IS NOT TRUE THAT THE FEDERAL COURT DENIED ME IN FORMA PAUPERIS STATUS. IN FACT, AS RECENTLY AS THREE WEEKS AGO THERE IS AN ORDER GRANTING ME IN FORMA PAUPERIS STATUS. THERE ARE SEVERAL RECENT FEDERAL COURT CASES GRANTING ME IN FORMA PAUPERIS STATUS BUT THERE WAS A RECENT CIRCUIT COURT GRANTING ME IN FORMA PAUPERIS STATUS. MY FAMILY IS NOT EXTREMELY WEALTHY. MY MOTHER WHEN SHE WAS HERE IN SOUTH CAROLINA

SHE WORKED TWO JOBS AS A SEAMSTRESS. MY TWO SISTERS ARE ALSO PHYSICIANS. THEY ARE MARRIED TO PHYSICIANS. THEY WORK VERY HARD. I AM NOT THEIR DEPENDENT. THEY ARE NOT RESPONSIBLE FOR ME. I DON'T KNOW WHAT BRIGGS FANTASIZED. THAT IS VULTURISM. ONCE I WAS ARRESTED EVERYONE WAS TRYING TO SNATCH AT MY SISTER'S MONEY AND TRYING TO SOMEHOW MAKE THEM PARTIES TO THIS TO BRING THEM UNDER THE JURISDICTION OF THIS UNFAIR AND CORRUPT STATE.

**THE COURT:** ALL RIGHT. THANK YOU. PLEASE HAVE A SEAT.

**DEFENDANT FALTAS:** NO, I NEED --

**THE COURT:** PLEASE HAVE A SEAT. I'M GOING TO HEAR NOW FROM THE CITY ON THIS MOTION. THANK YOU.

**MR. FERNANDEZ:** YOUR HONOR, I DO JUST FOR THE RECORD, THIS IS THE CASE I'M RELYING ON, A 1997 FEDERAL COURT CASE REGARDING THE DEFENDANT'S (INAUDIBLE) REVOKED. I SEARCHED WEST LAW AND I DON'T SEE ANYTHING MORE RECENT THAN THAT. I KNOW THE DEFENDANT HAS MENTIONED MORE RECENT CASE LAW BUT THERE IS NOTHING ON AT LEAST MY RESEARCH MORE RECENT THAN THAT CASE. AND THAT CASE IS CLEAR THAT IT WAS REVOKED. (INAUDIBLE) YOUR HONOR, I'LL PROCEED WITH MY MOTION -- THE CITY'S MOTION, I BELIEVE YOU HAVE A COPY OF IT, YOUR HONOR. IT ACTUALLY REQUIRES A CERTAIN AMOUNT OF OTHER INDIVIDUALS TO BE PRESENT. IN MY ORIGINAL LETTER I ASKED JUDGE TURNER TO NOTICE -- (INAUDIBLE) IS ALWAYS PRESENT. MR. ISAAC CANTEEN, MS. SHEILA WISE, SHEILA STRIPLING WHO I UNDERSTAND IS ACTUALLY ILL AND NOT AVAILABLE, FREDA BURRIS AND DEDRE FLUITT. THOSE WOULD BE THE RELEVANT PEOPLE FOR THE PURPOSE OF THIS MOTION. THE OTHER INDIVIDUALS ON MY LETTER

HAVE TO DO WITH A MOTION THAT'S NOT BEFORE US TODAY. SO I DON'T KNOW IF WE WANT TO TAKE A BREAK SO I CAN GET THOSE PEOPLE AND HAVE THEM AVAILABLE SINCE THEY ARE A MAJORITY OF THE COURT EMPLOYEES.

**DEFENDANT FALTAS:** YOUR HONOR, I OBJECT TO THE COURT HEARING THAT MOTION. I ALSO WANT TO ASSERT THAT IF HE'S GOING TO BRING PEOPLE THEY NEED TO BE UNDER OATH AND I GET TO CROSS EXAMINE THEM.

**THE COURT:** MA'AM, IF YOU'LL HAVE A SEAT AND LET ME DO MY JOB WE MIGHT COULD PROCEED WITH THIS MATTER. HAVE A SEAT. ALL RIGHT. WE'LL TAKE A BREAK FOR YOU TO BRING -- WE DON'T KNOW IF ALL OF THESE PEOPLE ARE HERE IN THE BUILDING BECAUSE IT'S AROUND LUNCH TIME OR WHATEVER. YOU ARE GOING TO CHECK? ALL RIGHT. WE'LL TAKE A RECESS.

**DEFENDANT FALTAS:** HOW LONG IS THE RECESS? I'M JUST ASKING WHETHER I COULD GO GET ANOTHER TAPE OR IF IT'S GOING TO BE A SHORT RECESS.

**THE COURT:** A SHORT RECESS.

(RECESS)

(COURT RESUMES)

**THE COURT:** MR. FERNANDEZ.

**MR. FERNANDEZ:** YES, YOUR HONOR. THANK YOU. I BELIEVE WHEN WE WERE OUT WE DID GET A FEW OF THE COURT PERSONNEL. AS FAR AS I'M AWARE THE PEOPLE THAT I WOULD INTEND TO CALL TO SUPPORT MY MOTION WOULD BE MS. FREDA BURRIS, MS. DEDRE FLUITT, MR. ISAAC CANTEEN WHO I UNDERSTAND IS ACTUALLY AT LUNCH BUT HE SHOULD BE BACK SHORTLY, MS. SHEILA WISE. ALSO JUDGE DANA TURNER WILL BE HERE. AND

POTENTIALLY OFFICER (INAUDIBLE). I WILL BEGIN, YOUR HONOR. I UNDERSTAND YOU HAVE A COPY OF MY MOTION THAT'S BEEN FILED. I'VE PROVIDED BOTH SIDES WITH THE WRITTEN COPY. YOUR HONOR, I RELY PRIMARILY ON WHAT I'VE WRITTEN IN THIS MOTION SO PARDON ME IF I SIMPLY REITERATE WHAT'S ALREADY THERE. YOUR HONOR, THIS MOTION IS A MOTION TO RESTRICT DEFENDANT'S ACCESS TO THE COURT. I WILL TELL YOUR HONOR THAT THERE IS A SIMILAR ORDER IN EFFECT FOR THE CIRCUIT COURT AS WELL AS THE FEDERAL COURT. I HAVE PROVIDED -- I BELIEVE I PROVIDED THE COURT WITH A COPY OF THE CIRCUIT COURT ORDER AS AN EXHIBIT. YOUR HONOR, THE FEDERAL COURT I UNDERSTAND THEY ARE TRYING TO LOCATE THE ORDER. IT'S BEEN SOME TIME SINCE THE DEFENDANT HAS BEEN IN FEDERAL COURT AND THEY WERE GOING TO FURNISH IT TO US AS SOON AS THEY LOCATE IT OUT OF JUDGE ANDERSON'S OFFICE. THEY HAVE NOT YET SO I DO NOT HAVE THAT TO PROVIDE YOU BUT THEY ARE SIMILAR IN THEIR RESTRICTIONS.

YOUR HONOR, THE CITY'S MOTION IS TO RESTRICT THE DEFENDANT'S ACCESS TO MUNICIPAL COURT AND THE PROSECUTION OFFICE WHICH IS LOCATED AT 1401 MAIN STREET. IT'S A CITY OFFICE, YOUR HONOR. THE MOTION IS BASED ON THE FOLLOWING. THE CITY HAS A WRITTEN ONLY CORRESPONDENCE RULE, POLICY WHEN DEALING WITH THE DEFENDANT FOR GOOD REASON AS EVIDENCED IN OUR PREVIOUS DEALINGS. THERE SEEMS TO BE MISREPRESENTATIONS, THE POTENTIAL FOR MISREPRESENTATION WHEN DEALING WITH THE DEFENDANT AND SO WE IMPLEMENTED THE POLICY THAT WE'LL ONLY CONTACT HER THROUGH WRITTEN COMMUNICATION. SHE CONSISTENTLY TRIES TO AVOID THAT POLICY. SHE MAKES PHONE CALLS TO OUR OFFICE NUMEROUS TIMES. SHE APPEARS IN PERSON WHICH IS

PARTICULARLY PROBLEMATIC AND I'LL GET TO THAT SOON. AND HAS FREQUENTLY NOW USED E-MAIL CORRESPONDENCE WHICH WE PREFER TO HAVE WRITTEN CORRESPONDENCE AS IN A MAILING. I THINK THE DEFENDANT HAS IN TIME INSISTED THAT E-MAIL CORRESPONDENCE IS CORRESPONDENCE. WE WOULD PREFER A SIGNATURE ON ALL CORRESPONDENCE INDICATING THAT IT IS FROM HER. IF SHE SIMPLY WANTS TO PRINT THAT E-MAIL OUT AND THEN SEND IT VIA U. S. MAIL WITH A SIGNATURE ON IT WE ARE FINE WITH THAT. THERE'S NOTHING REQUIRING A FORMAL LETTER BUT WE DO PREFER A WRITTEN CORRESPONDENCE, PHYSICAL CORRESPONDENCE WITH A SIGNATURE ATTACHED. AND SIMPLY BECAUSE THE TECHNOLOGY IS WHAT IT IS SOMETIMES E-MAILS ARE BLOCKED OR THERE'S FILTERS ON THE CITY'S E-MAILS. SOMETIMES PEOPLE DON'T GET THEM WHEN SHE SENDS SOMETHING IN THE CITY'S -- THE E-MAIL ADDRESS MAY BE INCORRECT ALSO. SO, YOUR HONOR, THE DEFENDANT CONSISTENTLY REFUSES TO COMPLY WITH THIS POLICY. THE DEFENDANT INSISTS ON HAND EXCHANGES OF DOCUMENTS EITHER WHEN SHE'S PROVIDING US WITH MOTIONS IN OUR COURT, OTHER COURTS, LETTERS, PHYSICAL DOCUMENTATION. SHE (INAUDIBLE) HAND DELIVERIES AND THAT HAS BEEN EXTREMELY PROBLEMATIC BECAUSE THERE HAVE BEEN ISSUES AND THERE HAVE BEEN A COUPLE OF SITUATIONS WHICH I'LL TALK ABOUT IN A SECOND. SHE ENGAGES IN HARASSING BEHAVIOR AT THE CITY ATTORNEY'S OFFICE AT 1401 MAIN STREET. THIS HAS BEEN DONE TO MYSELF IN PARTICULAR, TO MS. HOLLOWAY WHO IS ALSO PRESENT, TO OTHER ATTORNEYS WHO WILL NOT BE PRESENT BUT IT IS A PATTERN AND IT IS OF SOME CONCERN. AND I'LL PUT ON THE RECORD EXACTLY WHY. BUT SHE ENGAGED IN -- SHE IS VERY AGGRESSIVE WHEN DEALING SOMEONE IN PRIVATE, IN PARKING LOT

SITUATIONS THAT'S NOT ON THE RECORD, NOT BEING VIDEOTAPED, NOT BEING RECORDED. SHE'S EXTREMELY AGGRESSIVE, SHOUTS INSULTS AND BY SHOUTING I MEAN SHOUTING, SCREAMING INSULTS, SCREAMING PROFANITY, SCREAMING THREATS. YOUR HONOR, IT'S INAPPROPRIATE BEHAVIOR TO SAY THE LEAST IN PUBLIC SOCIETY BUT PARTICULARLY WHEN SHE IS ATTEMPTING TO WHAT I VIEW HARASS AND INTIMIDATE THE PROSECUTION OF HER CASES. THERE IS NO REASON THAT SHE SHOULD HAVE TO EVER APPEAR IN PERSON TO OUR OFFICE, THE OFFICE OF THE PROSECUTOR. THE SOLICITOR'S OFFICE ALSO HAS A POLICY. THERE WERE INSTANCES AT THE SOLICITOR'S OFFICE. SHE'S NOT ALLOWED UP THERE ANY MORE. IN FACT, THE ORDER STATES SHE'S NOT ALLOWED IN CIRCUIT COURT AT ALL EXCEPT FOR A PERIOD OF TIME AND ONLY FOR THE PURPOSE OF FILING MOTIONS OR IF SHE IS SUMMONED INTO COURT.

ALSO REGARDING MUNICIPAL COURT ACTIVITY, THE DEFENDANT APPEARS IN COURT ON DAYS SHE'S NOT SCHEDULED OR NOTICED. SHE WILL FREQUENTLY APPEAR ON HER OWN VOLITION AND DEMAND TO BE HEARD BY WHOEVER THE PRESIDING JUDGE IS FOR WHATEVER REASON SHE PREFERS. IF SHE'S NOT GRANTED THE OPPORTUNITY TO APPEAR IN FRONT OF THE JUDGE, SHE BECOMES HOSTILE, AGGRESSIVE AND DISRUPTIVE. WHILE SITTING IN COURT ON DAYS SHE'S NOT SCHEDULED SHE IS DISRUPTIVE TO THE PROCESS, SHE'S DISRUPTIVE TO OTHER INDIVIDUALS, COURT PERSONNEL, COURT OFFICERS AND TO MY OWN -- TO ME USUALLY WHO IS IN THE BACK ROOM IN THE ATTORNEY'S OFFICE SHE'S PARTICULARLY DISRUPTIVE TO THAT PROCESS. SHE WILL OFTEN REFUSE TO COOPERATE WITH COURT OFFICER INSTRUCTIONS. SHE WILL ACCUSE THEM OF ASSAULTING HER IF THEY TRY TO ATTEMPT TO REMOVE HER FROM SITUATIONS WHERE SHE HAS BECOME IRRITABLE AND

AGITATED. SHE MAKES ALL SORTS OF ACCUSATIONS IN COURT AND GENERALLY DISRUPTS MY ABILITY TO DO MY JOB IN THIS COURTROOM BEFORE THE JUDGE EVEN ARRIVES.

THERE'S NO REASON SHE SHOULD BE HERE ON DAYS SHE'S NOT SCHEDULED FOR COURT. THERE'S NO REASON SHE SHOULD DEMAND TO MAKE MOTIONS THAT HAVE NOT BEEN SUBMITTED IN WRITING TO THE COURT. THERE'S NO REASON AT ALL SHE SHOULD BE ALLOWED TO HAVE ACCESS TO THE BACK ROOM WHICH IS FOR ATTORNEYS AND POLICE OFFICERS. YOUR HONOR, IT IS MY UNDERSTANDING ALSO THAT THE DEFENDANT NOT ONLY DISRUPTS MY ACTIVITIES WHEN I'M TRYING TO HOLD COURT BUT ALSO DOES SO TO THE COURT PERSONNEL. MOST RECENTLY I BELIEVE SHE CAME UP HERE AND WAS YELLING AT PEOPLE, MAKING ACCUSATIONS. THIS WAS AT A TIME WHEN COURT WASN'T EVEN BEING HELD. YOUR HONOR, ALSO SHE MAKES PHONE CALLS TO THE ATTORNEY'S OFFICE ROOM. THAT PHONE DOES NOT HAVE CALLER I.D. I SUSPECTED IF IT DID SHE WOULD FIND A WAY TO ACCESS NUMBERS THAT DIDN'T HAVE A REGISTERED NUMBER THAT WE COULD READ SO IT'S PROBABLY IRRELEVANT. BUT SHE WILL CALL THAT NUMBER FREQUENTLY, AT LEAST WEEKLY, SOME WEEKS DAILY. AND DAILY MEANS THREE, FOUR, FIVE, SIX PHONE CALLS, FIVE PHONE CALLS DEMANDING TO BE HEARD BY MYSELF. I USUALLY PICK UP THE PHONE AND ANNOUNCE JURY TRIALS, THIS IS DAVID, HOW MAY I HELP YOU, AT THIS POINT SHE'LL BEGIN SPEAKING. I WILL REMIND HER ABOUT POLICY ABOUT WRITTEN CORRESPONDENCE ONLY, THAT I HAVE NO BUSINESS WITH HER THAT DAY AND THAT SHE NEEDS TO NOT CALL THAT PHONE SO THAT IT CAN REMAIN OPEN FOR OFFICERS OR WITNESSES TO COMMUNICATE WITH ME. SHE WILL DISREGARD THAT REQUEST AND SHE WILL

CALL BACK AND BACK AND BACK TO THE POINT WHERE I NO LONGER WILL PICK UP THE PHONE AND HAVE A COURT CLERK OR POLICE OFFICER PICK IT UP, SEE WHO IT IS AND REMIND HER OF THE POLICY. THERE'S NO REASON SHE NEEDS TO BE CALLING THAT NUMBER. ABSOLUTELY NO REASON. ANYTHING SHE HAS TO STATE TO ME CAN BE PUT IN WRITING AND SHOULD BE PUT IN WRITING. AS EVIDENCE BY TODAY'S HEARING, THERE ARE REASONS WHY I NEED TO HAVE EVERYTHING SHE SAYS IN WRITING AND THAT'S JUST A FACT. AND I DO MEMORIALIZE EVERYTHING I'VE SENT TO HER. WE HAVE HAD -- AND I COUNT -- ONE DISCUSSION THAT HAS NOT BEEN MEMORIALIZED. IT WAS ABOUT POSSIBLE NEGOTIATIONS. IT DID NOT GO ANYWHERE BUT WE HAD THE DISCUSSION. THAT IS THE ONLY TIME AND I INSISTED THAT IT BE WITNESSED BY HER THEN ATTORNEY, CLARKE NEWTON, AND OFFICER HAMPE SOLELY FOR THE PURPOSE THAT THERE WOULD BE NO MISREPRESENTATIONS ABOUT WHAT I SAID OR WHAT WAS DISCUSSED. THAT IS THE ONLY TIME THAT I'VE EVER HAD ANY COMMUNICATION WITH HER OUTSIDE OF OUR WRITTEN -- BY MY CHOICE, YOUR HONOR -- OUTSIDE OF OUR WRITTEN CORRESPONDENCE.

WHAT WE ARE REQUESTING IS YOUR HONOR TO RESTRICT HER ACCESS TO THE COURT. THERE'S NO REASON SHE NEEDS TO BE HERE EXCEPT TO FILE MOTIONS OR TO APPEAR WHEN SHE'S NOTICED. WHILE THIS IS A PUBLIC PLACE, HER BEHAVIOR SHE'S DEMONSTRATED THAT SHE CANNOT COMPLY WITH THE BASIC RULES OF CONDUCT THAT WOULD BE BEFITTING FOR A COURTROOM. YOU CAN LOSE YOUR PRIVILEGE TO APPEAR IN CERTAIN PLACES AS SHE ALREADY HAS AT THE RICHLAND COUNTY COURTHOUSE AND SHE HAS DONE THAT BY FAR. I WILL PRESENT WITNESSES TO TALK ABOUT HER BEHAVIOR, HER DEMEANOR, HER DISRUPTIVENESS, ALL SORTS OF THINGS. IT'S

CONSISTENT, NOT ONE TIME, IT'S CONSISTENT. AND I AM ON A FIVE-WEEK -- I COME IN COURT EVERY OTHER WEEK AND I CAN SAY THERE IS A RARE WEEK WHEN I DO NOT HAVE TO DEAL WITH THE DEFENDANT AND SHE HAS NOT BEEN NOTICED EXCEPT A COUPLE OF TIMES. THE CITY'S REQUESTS ARE AS FOLLOWS: RESTRICT THE DEFENDANT FROM ACCESSING MUNICIPAL COURT EXCEPT FOR SCHEDULED COURT APPEARANCES OR THE PURPOSES OF FILING DOCUMENTS WITH THE CLERK REGARDING HER PENDING CRIMINAL CHARGES AND THAT ONLY OCCURS BETWEEN THE HOURS OF TWO AND FOUR P.M., THE REASON BEING CITY COURT WILL LIKELY BE OVER BY THAT POINT OR THERE MAY BE A JURY TRIAL STILL ONGOING BUT BY IN LARGE BETWEEN TWO AND FOUR THERE WILL BE NO COURT FOR HER TO DISRUPT. YOUR HONOR, RESTRICT THE DEFENDANT'S ACCESS FROM COMING ABOUT THE OFFICE OF THE CITY ATTORNEY THAT'S LOCATED AT 1401 MAIN STREET, OR PERSONS EMPLOYED THERE AND ANY INDIVIDUALS INVOLVED IN THE PROSECUTION OF HER NUMEROUS CRIMINAL CHARGES, INCLUDING WITNESSES AND PROSECUTORS EXCEPT AT A SCHEDULED HEARING. YOUR HONOR, I'LL PUT ON THE RECORD WHY I REQUEST THAT. YOUR HONOR, I'D ALSO ASK THAT YOUR HONOR RESTRICT THE DEFENDANT FROM COMMUNICATING WITH THE CITY PROSECUTOR EXCEPT BY LETTER, INCLUDING SPECIFICALLY A PROHIBITION AGAINST CALLING THE NUMBER -- AND I LIST IT, 545-3126 -- THAT IS THE JURY TRIAL CITY ATTORNEY'S OFFICE IN THE BACK. REQUEST A PROHIBITION ON HER FROM CALLING THAT NUMBER. I WOULD ASK THAT YOUR HONOR REQUIRE THE DEFENDANT TO SEND ALL FUTURE CORRESPONDENCE VIA U. S. MAIL AND/OR IF SHE HAS A PROBLEM WITH SENDING IT IN THE U. S. MAIL SHE'S CERTAINLY ABLE TO SEND IT TO HER STANDBY COUNSEL, MR. SCHNEE. HE IS ABLE TO GET IT TO

OUR OFFICE ONE WAY OR ANOTHER. WE ARE CERTAINLY ABLE TO WORK WITH HER THERE IF SHE REFUSES TO SEND SOMETHING VIA U. S. MAIL, BUT NO MORE HAND DELIVERY OF DOCUMENTS. THAT WOULD BE OUR REQUEST.

**THE COURT:** NO MORE HAND DELIVERY OF DOCUMENTS TO 1401 MAIN STREET?

**MR. FERNANDEZ:** YES, YOUR HONOR.

**THE COURT:** ALL RIGHT.

**MR. FERNANDEZ:** FOR CORRESPONDENCE AND DOCUMENTATION THAT REQUIRE FORMAL SERVICE, WE'D ASK YOUR HONOR TO REITERATE THE DEFENDANT MUST SERVE THE DOCUMENTS PURSUANT TO SOUTH CAROLINA RULES OF CRIMINAL PROCEDURE OR CIVIL PROCEDURE, WHICHEVER APPLIES. FREQUENTLY SUBPOENAS ARE NOT COMPLIED WITH. THAT IS ALSO ANOTHER ISSUE I NEED TO ADDRESS. I WOULD ASK YOUR HONOR TO RESTRAIN THE DEFENDANT FROM MAKING OR ATTEMPTING TO MAKE EX PARTÉ COMMUNICATIONS WITH JUDGES, CITY ATTORNEYS OR ANY MUNICIPAL COURT PERSONNEL. THERE IS INDICATION THAT SHE DOES ATTEMPT TO MAKE EX PARTÉ COMMUNICATIONS WITH JUDGES. AND I'D ASK YOUR HONOR TO INSTRUCT THE DEFENDANT THAT VIOLATIONS OF THESE RESTRICTIONS CONSTITUTES PRIMA FACIE EVIDENCE OF CONTEMPT OF COURT WHICH SHE WILL BE RULED IN FOR IF SHE VIOLATES ANY OF THE ORDER IF YOUR HONOR GRANTS THE SPECIFIC MOTION. THE BASIS OF THIS MOTION FOR MY PART WOULD BE MY SWORN AFFIDAVIT WHICH I SUBMITTED TO YOUR HONOR AND TO THE DEFENDANT. I WILL REVIEW THAT SHORTLY. THERE'S ALSO AN AFFIDAVIT PROVIDED BY MS. CONSTANCE HOLLOWAY AND, YOUR HONOR, THE EXHIBIT I MENTIONED BEFORE WHICH IS THE CIRCUIT COURT ORDER DETAILING SIMILAR

REQUESTS AND DETAILING SIMILAR ACTIONS BY (INAUDIBLE).

**DEFENDANT FALTAS:** YOUR HONOR, OBJECTION TO THE USE OF HIS AFFIDAVIT AND THE AFFIDAVIT OF ANY PERSON WHO IS PRESENT.

**THE COURT:** THIS IS NOT A TRIAL, MA'AM. HE HAS PRESENTED THIS IN SUPPORT OF HIS MOTION. THANK YOU. PLEASE BE SEATED.

**MR. FERNANDEZ:** YOUR HONOR, I'M GOING TO REVIEW MY AFFIDAVIT AT THIS POINT.

**THE COURT:** ALL RIGHT.

**MR. FERNANDEZ:** YOUR HONOR, MY NAME IS DAVID FERNANDEZ, ASSISTANT CITY ATTORNEY FOR THE CITY OF COLUMBIA. I AM THE SOLE PROSECUTOR INVOLVED IN THE PROSECUTION OF CRIMINAL CHARGES AGAINST MARIE ASSA'AD-FALTAS. I WOULD SAY -- I DID SAY THAT THE DEFENDANT FREQUENTLY APPEARS ON DAYS IN COURT WHEN SHE IS NOT SCHEDULED OR WHEN SHE'S SCHEDULED SHE'S DISRUPTIVE, MAKES OUTRAGEOUS DEMANDS, DISREGARDS ORDERS FROM THE COURT SECURITY PERSONNEL AND STAFF, DISRUPTS MY RESPONSIBILITIES AND MY ABILITY TO EFFECTIVELY MANAGE WHAT IS IN EFFECT THIRTY CASES A DAY. THERE ARE PEOPLE WHO ARE HERE TRYING TO GO ABOUT THEIR BUSINESS AND TRYING TO TALK TO ME. THERE ARE ATTORNEYS AND INDIVIDUALS. I AM UNABLE TO DO IT BECAUSE OF THE DEFENDANT'S CONTINUED DISRUPTIONS. THE DEFENDANT IS OFTEN DISRUPTIVE, HOSTILE, DEMANDING, RUDE, THREATENING, INSULTING AND AGGRESSIVE WHILE IN THE CITY OF COLUMBIA MUNICIPAL COURT.

**DEFENDANT FALTAS:** OBJECTION.

**MR. FERNANDEZ:** I HAVE WITNESSED THIS PERSONALLY. SHE HAS DONE IT TO ME PERSONALLY. I WOULD REFERENCE, YOUR HONOR, TWO SPECIFIC INCIDENTS. ONE OCCURRED ON AUGUST 20TH --

**DEFENDANT FALTAS:** OBJECTION.

**MR. FERNANDEZ:** OF THIS YEAR, 2010 --

**THE COURT:** MA'AM, I'LL ASK YOU TO BE QUIET. I'LL GIVE YOU TIME TO RESPOND AT THE APPROPRIATE TIME AND THIS IS NOT IT AND NO MORE INTERRUPTIONS FROM YOU. THIS IS GOING TO BE A VERY LONG DAY AND YOU JUST KEEP MAKING IT LONGER AND I DON'T NEED THAT, NO ONE IN HERE NEEDS THAT, YOU DON'T NEED THAT. I WANT YOU TO WAIT UNTIL I CALL UPON YOU. I UNDERSTAND YOU DON'T AGREE WITH ANYTHING HE SAYS. ALL RIGHT. THANK YOU. GO AHEAD.

**DEFENDANT FALTAS:** I AM OBJECTING TO HIS TESTIFYING.

**THE COURT:** MA'AM, SIT. THANK YOU. ALL RIGHT.

**MR. FERNANDEZ:** YOUR HONOR, ON AUGUST 20TH, 2010, THE DEFENDANT APPEARED AT THE OFFICE, CITY ATTORNEY'S OFFICE, LOCATED AT 1401 MAIN STREET WITH THE PREMISE OF PICKING UP DISCOVERY. THERE WAS I BELIEVE A VIDEO OR A C.D. OR SOMETHING SHE WAS PICKING UP FOR ONE OF HER CASES. THE STAFF IN OUR OFFICE DID NOT WANT TO GO DOWN TO PICK IT UP BECAUSE THEY ARE INTIMIDATED BY THE DEFENDANT. THEY WANT TO HAVE NOTHING TO DO WITH HER. AND SO I VOLUNTEERED TO GO DOWN THERE. I DID BRING ALONG WITH ME MS. CONSTANCE HOLLOWAY BECAUSE I NEED SOMETHING WITNESSED WHENEVER I HAVE ANY PERSONAL INTERACTION WITH THE DEFENDANT. AND, YOUR HONOR, THE DEFENDANT ENGAGED IN NUMEROUS NAME CALLING. SHE SPECIFICALLY AND REPEATEDLY DEGRADED MY

INTELLIGENCE, MY COMPETENCE, MY INTEGRITY. SHE MADE DEROGATORY COMMENTS ABOUT MY ETHNICITY OR WHAT SHE PERCEIVES MY ETHNICITY TO BE. SHE WAS INCORRECT BUT THAT'S IRRELEVANT. THE DEFENDANT ALSO MADE THREATS TO MY FAMILY. SHE SPECIFICALLY SAID THAT MY WIFE AND FAMILY WOULD BE RAPED FOR SEVEN GENERATIONS.

**DEFENDANT FALTAS:** (SOUND)

**THE COURT:** MA'AM, ONE MORE OUTBURST FROM YOU AND YOU WILL BE REMOVED FROM THE COURT AND TAKEN TO THE JAIL FOR CONTEMPT OF COURT. DO YOU UNDERSTAND ME? YES OR NO AND NOTHING MORE.

**DEFENDANT FALTAS:** NO, I DO NOT UNDERSTAND YOU. I DO NOT UNDERSTAND YOUR INABILITY TO REALIZE THAT WHEN BAD ACCUSATIONS LIKE THIS ARE MADE AGAINST ME THEY SHOULD BE SWORN AND I HAVE AN OPPORTUNITY TO CROSS EXAMINE.

**THE COURT:** MA'AM, YOU HAVE A SEAT. WHEN THERE ARE WITNESSES YOU WILL HAVE AN OPPORTUNITY TO CROSS EXAMINE. THIS IS THE ATTORNEY. HE IS ALWAYS UNDER OATH IN COURT, SOMETHING THAT YOU ARE NOT SO HAVE A SEAT. ONE MORE OUTBURST AND YOU ARE OUT OF HERE.

**MR. FERNANDEZ:** TO OFFER SOME PROSPECTIVE, YOUR HONOR, THE DEFENDANT FREQUENTLY USES BIBLICAL REFERENCES AND BIBLICAL STORIES WHEN TRYING TO RELATE.

**THE COURT:** I'M SORRY. BUT WOULD YOU PLEASE BACK UP TO WHAT WAS INTERRUPTED. YOU WERE SAYING THAT YOUR FAMILY WAS THREATENED.

**MR. FERNANDEZ:** YES, YOUR HONOR. THE DEFENDANT SAID THAT FOR MY -- SHE CONSISTENTLY TELLS ME THAT I AM AN EVIL PERSON AND SHE

TELLS ME THAT I AM -- SHE TELLS STORIES FROM THE BIBLE ABOUT HOW GOD WILL SMITE THE UNJUST AND SEND THEM TO HELL AND ALL SORTS OF THINGS LIKE THAT. THERE WERE STORIES BEING RELATED TO ME AND SHE SAID -- SHE TOLD ONE PARTICULAR STORY WHICH SAID MY FAMILY WOULD PAY FOR MY SINS. MY WIFE AND FAMILY GENERATIONS (INAUDIBLE). MY WIFE WOULD BE RAPED FOR MY SINS AND MY FAMILY WOULD BE RAPED FOR SEVEN GENERATIONS.

**THE COURT:** RAPED?

**MR. FERNANDEZ:** RAPED. YES, YOUR HONOR. YOUR HONOR, SHE FREQUENTLY TELLS ME THAT I WILL BE GOING TO HELL FOR MY SINS AND THAT GOD WILL WIPE ME OFF THE FACE OF THIS EARTH. SHE ALSO THREATENED MY LAW LICENSE WHICH SHE'S -- SHE'S FREQUENTLY TOLD ME SHE WILL HAVE MY LAW LICENSE BEFORE SHE'S DONE WITH ME AND THAT SHE WILL GO AFTER MY CAREER WITH THE CITY OF COLUMBIA AND MY EMPLOYMENT. THIS INCIDENT WAS ALSO WITNESSED BY CONSTANCE HOLLOWAY (INAUDIBLE). YOUR HONOR, SHE ALSO MADE DEROGATORY COMMENTS DIRECTED AT MS. HOLLOWAY (INAUDIBLE). IT WAS VERY CONCERNING. UNFORTUNATELY, THERE WAS NO AUDIO. THERE WAS THE TAPE RECORDING SYSTEM AT THE LOCATION, 1401 MAIN, BUT IT DOESN'T TRIGGER UNTIL AFTER HOURS. THIS INCIDENT OCCURRED I BELIEVE APPROXIMATELY ABOUT 4:30 IN THE EVENING. THE VIDEOTAPING DOESN'T TRIGGER UNTIL ABOUT 5:30 SO WE DON'T HAVE ANY VIDEO OF THE INCIDENT BUT SHE WAS EXTREMELY HOSTILE AND I ALREADY RELATED WHAT SHE SAID. THESE THREATS ARE NOT NEW. GENERALLY I'VE BEEN TOLD I'M GOING TO HELL NUMEROUS TIMES. ON SEPTEMBER 9TH THIS YEAR, 2010, AT APPROXIMATELY 4:45 MS. HOLLOWAY AGAIN AND I -- I ALWAYS

TRY TO HAVE SOMEONE GO WITH ME OUT OF THE OFFICE BECAUSE OF THESE PARTICULAR INSTANCES SO I HAVE A WITNESS. YOUR HONOR, THE DEFENDANT CONFRONTED ME IN THE PARKING LOT OF 1401 MAIN STREET. THE PARKING LOT IS LOCATED DIRECTLY NEXT TO THE OFFICE BUILDING. THE PRESUMPTION WAS FOR HER TO HAND DELIVER A SIZABLE DOCUMENT AND I SAY THAT BECAUSE I DON'T HAVE THE DOCUMENT. SHE WANTED TO GIVE ME THE DOCUMENT AND I DID NOT WANT TO ACCEPT IT. I TOLD HER SHE COULD LEAVE IT AT THE FRONT DESK OR SHE COULD MAIL IT BUT THAT WAS THE (INAUDIBLE). SHE BECAME IRATE AT THAT. IT WAS A SIZABLE DOCUMENT AND WHAT SHE DID WAS SHE -- I ATTEMPTED TO WALK AWAY AND SHE SCREAMED YOU BASTARD. THIS IS IN A PUBLIC STREET. THIS IS WASHINGTON STREET IN AN OPEN AIR PARKING LOT BUT THERE'S NO GARAGE. SHE SCREAMED YOU BASTARD AND YOU LYING SON OF A BITCH AND YOU WILL GO TO HELL. AND THEN SHE CAME UP TO ME IN AN AGGRESSIVE MANNER BECAUSE AT THIS POINT I WAS APPROXIMATELY TWENTY OR THIRTY FEET AWAY FROM HER WHEN I WAS TRYING TO WALK AWAY FROM HER. SHE CAME UP TO ME AND RUSHED TO MY SIDE AND THREW THE DOCUMENTATION AT MY ARM. NOW IN MY ARM I HAD A PHONE OR A PORTABLE RADIO OF SOME SORT AND SHE KNOCKED THAT OUT OF MY HAND BECAUSE SHE THREW THE DOCUMENT AT MY ARM, MY LEFT ARM. SHE THEN GOT MAD AT ME AND TOLD ME THAT WHAT SHE DID WAS NOT AN ASSAULT AND THAT I COULD NOT PROSECUTE HER ON ASSAULT BECAUSE I AM A LIAR AND THAT WHAT SHE DID WAS NOT AN ASSAULT. SHE KEPT REPEATING THAT. I PICKED UP MY RADIO AND I PROCEEDED TO LEAVE. SHE THEN AGAIN USED THE SAME PROFANITY AND EPITAPHS AT ME. SHE SAID I'M A LYING SON OF A BITCH BASTARD AND THAT I WILL HAVE MY LAW LICENSE REVOKED AND THAT -- I BELIEVE IT'S A

COMBINATION OF THAT. SHE THREATENED ME IN ALL SORTS OF WAYS -- HAVING MY LAW LICENSE REVOKED, HAVING ME FIRED, AGAIN REFERENCED WHERE I ULTIMATELY WILL END UP. THE DEFENDANT PICKED UP HER NOW DOCUMENTATION THAT WAS ON THE GROUND BECAUSE SHE THREW IT AT ME AND SHE TOLD ME -- SHE ACCUSED ME OF MISHANDLING HER TREASURED RIGHTS. SHE SAID THAT I WAS -- I DON'T KNOW WHAT SHE EXACTLY SAID ABOUT IT BUT SHE WAS VERY UPSET THAT I WOULD NOT -- SHE IS VERY PROUD OF HER WRITING WHATEVER IT WAS AND SHE WAS UPSET THAT I WOULD NOT -- THAT I WOULD TREAT IT IN SUCH A WAY. BUT I WOULD REMIND THE COURT THAT SHE WAS THE ONE WHO THREW THE DOCUMENT.

THE DEFENDANT THEN BEGAN TO WALK AWAY AGAIN THREATENING TO TAKE MY LAW LICENSE WITH WHAT SHE DESCRIBED AS HER VERY LAST BREATH. THE DEFENDANT WALKED AWAY ON HER OWN ACCORD AND WHEN SHE THEN WAS LEAVING SHE SCREAMED AGAIN, SHE WAS APPROXIMATELY AT THIS POINT FIFTY FEET AWAY, SCREAMED YOU LYING SON OF A BITCH BASTARD. AND THAT WAS THE END AND I LEFT.

YOUR HONOR, THAT'S MY PERSONAL EXPERIENCE WITH THE DEFENDANT. IT HAS BEEN EXTREMELY HOSTILE AND FRANKLY CONCERNING. I DO NOT WANT TO HAVE ANYTHING TO DO WITH HER OUTSIDE OF THIS COURT WHEN I AM NOTICED TO BE HERE WITH HER. I AM PROSECUTING THE CASES TO THE BEST OF MY ABILITY. I HAVE EXERCISED ALL JUDGMENTS THAT A PROSECUTOR SHOULD ON EVERY CASE. OF COURSE IF THE DEFENDANT DISAGREES NOW THAT'S HER RIGHT BUT I WILL ONLY PUT FORTH CASES THAT ARE VALID AND I FIRMLY BELIEVE -- AM CONVINCED OF GUILT. THAT IS THE ONGOING RESPONSIBILITY OF THE PROSECUTOR AND ONE I TAKE VERY

SERIOUSLY. IT'S UNFORTUNATE THE DEFENDANT HAS DONE THIS BUT THE ONLY OTHER THING TO DO IS TO MOVE IT BEYOND WHAT I HOPED INITIALLY BUT I THINK THIS MOTION WILL AT LEAST PREVENT HER FROM HAVING ACCESS TO ME, MY FAMILY AND ONLY ENCOUNTER HER ON A PROFESSIONAL LEVEL THAT'S DOCUMENTED IN WRITING OR ON THE RECORD. NOW I'LL DEFER TO MS. CONSTANCE HOLLOWAY WHO CAN RELAY WHAT SHE WITNESSED THAT DAY REGARDING (INAUDIBLE).

**DEFENDANT FALTAS:** YOUR HONOR, MAY I CROSS EXAMINE HIM?

**THE COURT:** HE IS NOT TESTIFYING. WOULD YOU PLEASE HAVE A SEAT.

**DEFENDANT FALTAS:** WELL, THEN I OBJECT TO YOUR --

**THE COURT:** PLEASE HAVE A SEAT.

**DEFENDANT FALTAS:** I OBJECT TO YOUR HAVING TAKEN FACTUAL THINGS FROM HIM WHEN --

**THE COURT:** YOU ARE GOING TO BE ABLE TO RESPOND. I'VE MENTIONED THAT ALREADY, ONCE, TWICE OR THREE TIMES. I WANT YOU TO HAVE A SEAT.

**DEFENDANT FALTAS:** MAY --

**THE COURT:** I WANT YOU TO HAVE A SEAT. THANK YOU. MS. HOLLOWAY.

**MS. HOLLOWAY:** YOUR HONOR, I'LL BE BRIEF. MY PURPOSE FOR BEING AT THE HEARING WAS JUST TO RELAY MY INVOLVEMENT IN THE TWO INCIDENTS THAT I WITNESSED. I'M NOT AWARE OF ALL THE DATES, ALL DATES KIND OF BLUR TOGETHER WITH ME BUT THE FIRST INCIDENT WAS AN INCIDENT WHERE MR. FERNANDEZ (INAUDIBLE) DOWNSTAIRS TO HAND OVER SOME

DISCOVERY. YOUR HONOR, I WILL SAY THAT I WITNESSED HER BEING WHAT I WOULD CONSIDER IN AN ANGER STATE. I DON'T KNOW IF SHE WAS ANGERED AT MY PRESENCE AND MR. FERNANDEZ'S PRESENCE BUT AS SOON AS WE APPEARED SHE DID (INAUDIBLE) AN ANGER STATE. AT THAT POINT SHE STARTED TO MAKE DEROGATORY COMMENTS TO NOT ONLY MR. FERNANDEZ BUT ALSO TO ME. AT ONE POINT SHE REFERRED TO ME AS A TOKEN BLACK IN THE CITY ATTORNEY'S OFFICE. AND THEN ANOTHER POINT SHE SAID SOMETHING IN REFERENCE TO BLACKS. NORMALLY BLACK PEOPLE GO TO CHURCH AND ARE CHRISTIANS AND I MUST NOT BE ONE OF THOSE PEOPLE. SHE CONTINUED TO BERATE MR. FERNANDEZ WHILE I WAS STANDING THERE AND MADE COMMENTS ABOUT HIS INTELLIGENCE. YOUR HONOR, I HEARD HER MAKE A COMMENT IN REFERENCE TO THE -- SOME BIBLICAL PASSAGE THAT SHE USED TO REFERENCE THAT HIS WIFE WOULD BE RAPED AND THAT HIS FAMILY WOULD SUFFER FOR HIS SINS FOR GENERATIONS TO COME. AT SOME POINT, YOUR HONOR, BECAUSE I WAS IN AN AGITATED STATE AT THAT POINT, AT SOME POINT I TOLD MR. FERNANDEZ THAT ENOUGH IS ENOUGH, THAT WE HAD GIVEN HER WHAT SHE'S ASKED FOR, THAT WE SHOULD JUST PROCEED UPSTAIRS. AT THAT POINT WE PROCEEDED UPSTAIRS. YOUR HONOR, IN REGARD TO THE SECOND INCIDENT, WE WERE LEAVING FOR THE DAY FROM THE CITY ATTORNEY'S OFFICE. THERE WAS NOT A SCHEDULED MEETING FOR HER TO DROP OFF ANY DOCUMENTS THAT DAY. WE JUST HAPPENED TO BE GOING IN THE PARKING LOT. I IMMEDIATELY SAW HER AND INSTRUCTED DAVID TO KEEP, MR. FERNANDEZ, TO KEEP WALKING, JUST DON'T STOP WALKING, JUST KEEP WALKING TO YOUR CAR. SHE SAW US IN THE PARKING LOT, APPROACHED US IN THE PARKING LOT, STARTED MAKING ALL THESE STATEMENTS ABOUT YOU "F-ING" BASTARD, YOU RE A LIAR. AT SOME

POINT -- I DON'T KNOW IF IT WAS INTENTIONAL, AT SOME POINT SHE TRIED TO MAKE HIM TAKE THE DOCUMENTS THAT SHE WAS GOING TO FILE WHICH CAUSED HIS CELL PHONE TO BE KNOCKED OUT OF HIS HAND. DAVID THEN PROCEEDED TO PICK HIS CELL PHONE UP. SHE MADE MORE STATEMENTS. AT THAT POINT, YOUR HONOR, I JUST PROCEEDED TO MY CAR BECAUSE I HAD HAD ENOUGH. I BELIEVE DAVID TOLD ME THAT HE WAS GOING TO GO BACK UPSTAIRS. WE HAVE A POLICY THAT IF ANYTHING HAPPENS IN REGARD TO DR. FALTAS THAT WE IMMEDIATELY REPORT IT TO ONE OF OUR SUPERIORS. SO HE WENT BACK UPSTAIRS TO REPORT WHAT HAD HAPPENED. I DON'T KNOW WHAT HE WAS TOLD OR ADVISED TO DO. AT THAT POINT I LEFT THE BUILDING AND WENT HOME. YOUR HONOR, I WILL SAY THAT IT'S BECOMING AN UNCOMFORTABLE SITUATION. I'VE BEEN HERE AT TIMES IN THE CITY ATTORNEY'S OFFICE WHEN SHE'S CALLED. I'VE BEEN DOWN (INAUDIBLE) ON DAYS THAT DAVID IS SCHEDULED FOR JURY TRIALS AND SHE'S CALLED. SOME WEEKS I GUESS SHE GETS A LITTLE CONFUSED THAT I'M IN JURY TRIALS AND SHE WILL CALL. IF I ANSWER THE PHONE AND I RECOGNIZE HER VOICE, I JUST IMMEDIATELY HANG UP. I DON'T DO THE WHOLE SPEEL ABOUT YOU KNOW YOU'RE SUPPOSED TO PUT EVERYTHING IN WRITING. I JUST USUALLY HANG UP. YOUR HONOR, I WILL SAY LAST WEEK I HAD COURT WITH JUDGE BOGAN AND SHE CAME IN REFERENCE TO A D.U.I. FOR MR. MASON AND TRIED TO INTERJECT HERSELF AS I BELIEVE SHE REFERRED TO AS SHE WANTED TO BE ADDED AS A WITNESS FOR THE STATE IN REGARD TO (INAUDIBLE) MASON. JUDGE BOGAN IMMEDIATELY SAID THAT ALL THE PARTIES ARE NOT IN THE COURTROOM, I WON'T HEAR ANY MOTIONS REGARDING THAT CASE. I DON'T PERSONALLY HAVE MUCH INTERACTION WITH HER. MY MODE OF OPERATION IS TO LIMIT MY

INTERACTION, NOT TO DIRECTLY TALK TO HER, ANYTHING THAT NEEDS TO BE SAID SHOULD BE IN WRITING SO MY INTERSECTION IS LIMITED. IT JUST SO HAPPENS THAT ME AND DAVID ARE TOGETHER ON A LOT OF CASES AND I WITNESSED HIS INTERACTION OR HIS ATTEMPT TO NOT HAVE INTERACTION WITH HER AND THOSE TWO INCIDENTS BEING THE MOST RECENT INCIDENTS ARE THE ONES THAT ARE IN THE FOREFRONT OF MY MIND.

**THE COURT:** ALL RIGHT. THANK YOU. DR. FALTAS, I WANT YOU TO UNDERSTAND SOMETHING. I ASSUME AT THIS POINT THAT YOU DISAGREE WITH EVERYTHING THAT HAS BEEN SAID. I'M NOT ASKING YOU TO SAY ANYTHING AT THIS POINT BUT I WANT YOU TO UNDERSTAND MY ASSUMPTION IS THAT YOU DISAGREE WITH EVERYTHING THAT HAS BEEN SAID. AND ONE MORE OUTBURST, AND YOU'VE ALREADY HAD ONE SO YOU ARE ON HALF A ONE NOW, AND YOU ARE OUT OF HERE. SIT DOWN AND YOU WILL HAVE YOUR OPPORTUNITY AS IT IS APPROPRIATE. HAVE A SEAT. ALL RIGHT, MR. FERNANDEZ.

**MR. FERNANDEZ:** YES, YOUR HONOR. THANK YOU. I WOULD ASK JUDGE DANA TURNER TO PROVIDE SOME INSIGHT AS TO HER ENCOUNTERS WITH DR. FALTAS. AS THE COURT ADMINISTRATOR SHE'S HERE ALL THE TIME, MONDAY THROUGH FRIDAY. SHE'S CERTAINLY HAD SOME INTERACTIONS. WE'D ASK THAT SHE PROVIDE EVIDENCE OF HER DISORDERLY BEHAVIOR.

**THE COURT:** DO YOU WANT JUDGE TURNER TO BE SWORN IN?

**MR. FERNANDEZ:** I DON'T REQUIRE IT BUT (INAUDIBLE).

**DANA D. TURNER, AFTER BEING DULY SWORN BY THE COURT, TESTIFIES AS FOLLOWS:**

**THE COURT:** ALL RIGHT. THANK YOU. PLEASE SIT THERE AND

STATE YOUR FULL NAME FOR THE RECORD.

**A.** MY NAME IS DANA TURNER.

**DIRECT EXAMINATION BY**

**MR. FERNANDEZ:**

**Q.** JUDGE TURNER, IF YOU WOULD SOLELY IN YOUR ENCOUNTERS WITH MARIE FALTAS NOT HAVING TO DO WITH ANYTHING YOU HEAR OFFICIALLY, IT'S ONLY IN YOUR CAPACITY OF ADMINISTRATOR OF THE COURT, WOULD YOU PLEASE TELL US WHAT ENCOUNTERS YOU MIGHT HAVE HAD THAT SHE MIGHT HAVE BEEN DISRUPTIVE OR --

**DEFENDANT FALTAS:** OBJECTION. LEADING.

**MR. FERNANDEZ:** YOUR HONOR --

**THE COURT:** OVERRULED. GO AHEAD.

**Q.** (BY MR. FERNANDEZ) WHAT ENCOUNTERS YOU MIGHT HAVE HAD THAT MIGHT HAVE BEEN DISRUPTIVE, YOUR OPINIONS OF HER --

**DEFENDANT FALTAS:** OBJECTION. COMPOUND.

**THE COURT:** DR. FALTAS, OVERRULED. AND LET HIM FINISH A SENTENCE BEFORE YOU DECIDE THAT YOU WANT TO OBJECT TO IT. GO AHEAD.

**DEFENDANT FALTAS:** WELL, THEN MAY I OBJECT AFTER HE FINISHES THE QUESTION BEFORE SHE ANSWER?

**THE COURT:** MA'AM, HAVE A SEAT. IF YOU DON'T HAVE A SEAT AND ACT ACCORDINGLY YOU ARE GOING TO BE MOVED, MR. SCHNEE WILL TAKE OVER. YOU UNDERSTAND THAT?

**DEFENDANT FALTAS:** NO, MA'AM, I DO NOT BECAUSE --

**THE COURT:** WHAT PART OF IT DO YOU NOT UNDERSTAND? IF YOU DON'T FOLLOW MY DIRECTIONS YOU ARE GOING TO BE REMOVED FROM

THE COURT AND MR. SCHNEE WILL STAY HERE AND ADVOCATE FOR YOU. YOU HAVE THAT NOW?

**DEFENDANT FALTAS:** NO, MA'AM, I DO NOT.

**THE COURT:** WHAT DO YOU NOT UNDERSTAND ABOUT IT?

**DEFENDANT FALTAS:** MAY I ANSWER?

**THE COURT:** I JUST ASKED YOU. WHAT DO YOU NOT UNDERSTAND ABOUT IT?

**DEFENDANT FALTAS:** I DO NOT UNDERSTAND THE EXTREME UNFAIRNESS OF MY NOT BEING ALLOW TO OBJECT --

**THE COURT:** NO. WHAT DO YOU NOT UNDERSTAND ABOUT WHAT I JUST SAID THAT IF YOU DON'T ACT ACCORDING TO MY INSTRUCTIONS AND I AM TIRED OF YOUR OUTBURSTS. YOU CANNOT OBJECT TO A QUESTION THAT HASN'T BEEN ASKED AND YOU CANNOT OBJECT OBSESSIVELY EITHER.

**DEFENDANT FALTAS:** WHAT I DO NOT UNDERSTAND IS THE EXTREME UNFAIRNESS WHILE YOU CLAIM TO BE FAIR. IT'S MY DUTY TO OBJECT BEFORE --

**THE COURT:** HAVE A SEAT. I CAN SEE YOU ARE NOT GOING TO ANSWER. HAVE A SEAT. ALL RIGHT. GO AHEAD.

**Q.** (BY MR. FERNANDEZ) AS TO YOUR PERSONAL OBSERVATIONS WITH MARIE FALTAS AND WHAT EFFECT SHE MIGHT HAVE ON THE COURT'S ABILITY TO EFFECTIVELY ADMINISTER JUSTICE, EFFECTIVELY ADDRESS PEOPLE, NOT MARIE FALTAS, AND ANY ENCOUNTERS SPECIFICALLY YOU MIGHT BE ABLE TO TALK ABOUT.

**DEFENDANT FALTAS:** OBJECTION NOW THAT HE HAS FINISHED THE QUESTION.

**THE COURT:** WHAT'S THE NATURE OF YOUR OBJECTION? YOU OBJECT TO WHAT?

**DEFENDANT FALTAS:** ARGUMENTATIVE, LEADING, COMPOUND, SELF-SERVING. SHE'S NOT AN EXPERT WITNESS. SHE'S NOT BEEN QUALIFIED AS AN EXPERT WITNESS. THERE ARE AT LEAST SIX BASES --

**THE COURT:** ALL RIGHT. THANK YOU, MA'AM. OVERRULED. HAVE A SEAT. ALL RIGHT, JUDGE TURNER.

A. THANK YOU. DR. FALTAS IS FREQUENTLY HERE AT THE COURT. AS HE STATED SHE FREQUENTLY APPEARS WHETHER SHE'S ON THE DOCKET OR NOT ON THE DAILY DOCKET. SHE CALLS REPEATEDLY. MANY TIMES SHE WILL CALL MY OFFICE (INAUDIBLE) OUR CONVERSATION (INAUDIBLE) NOTHING THAT NEEDS TO BE CALLED ABOUT. I'VE TOLD HER OVER AND OVER AGAIN IN OUR CONVERSATIONS THAT I CAN'T TALK ABOUT THAT, I CANNOT DISCUSS THAT WITH YOU, YOU'LL HAVE TO (INAUDIBLE) ON THE RECORD. SHE REPEATEDLY CALLS THE STAFF. REPEATEDLY CALLS THE JURY TRIAL CLERKS OFTEN BY CALLING FIVE AND SIX AND SEVEN TIMES IN ONE DAY (INAUDIBLE). FREQUENTLY THE CALLS ARE FOR THE SAME QUESTION.

**DEFENDANT FALTAS:** OBJECTION. HEARSAY.

**THE COURT:** OVERRULED.

A. FREQUENTLY THEY ARE ASKING THE SAME QUESTION, A QUESTION THAT HAS (INAUDIBLE). IF SHE'S TOLD THAT -- WHEN SHE ASKS TO SPEAK WITH ME WHEN SHE'S TOLD THAT I'M NOT THERE SHE WILL CALL REPEATEDLY UNTIL SHE EITHER GIVES UP OR LEARNS THAT I AM (INAUDIBLE) TALK TO HER. (INAUDIBLE). UNTIL RECENTLY I'VE BEEN ABLE TO RECOGNIZE WHEN SHE WAS CALLING BUT NOW I CAN NO LONGER RECOGNIZE WHEN SHE'S CALLING AND

(INAUDIBLE). SHE E-MAILS ME INAPPROPRIATE -- E-MAILS ME (INAUDIBLE) COMMUNICATION, EX PARTÉ COMMUNICATIONS (INAUDIBLE). LAST WEEK SHE FOLLOWED ME INTO THE GARAGE IN AN ATTEMPT TO (INAUDIBLE). I WAS ABLE TO LEAVE THE GARAGE (INAUDIBLE) CONVERSATION. SHE APPEARED IN MY COURTROOM LAST WEEK WHEN I WAS DOING A BOND SETTING. I WAS NOT COMPLETELY (INAUDIBLE) SHE WAS NOT THERE FOR ANY PURPOSE. SHE (INAUDIBLE) AN ATTEMPT TO GAIN ENTRY TO THE COURTHOUSE BY GOING THROUGH DOORS SHE'S NOT SUPPOSED TO GO THROUGH. (INAUDIBLE) GAIN ENTRY (INAUDIBLE). SHE (INAUDIBLE) OUTSIDE (INAUDIBLE). ALTHOUGH DID TALK TO HER ON THE RECORD IN THE COURTROOM THE QUESTIONS THAT SHE ASKED (INAUDIBLE). SHE ASKED ME DURING THAT SESSION IF I WOULD SHOW HER AS A WITNESS IN D.U.I. CASES (INAUDIBLE). IN SHORT, HER (INAUDIBLE) PRESENCE HERE IS --

**DEFENDANT FALTAS:** OBJECTION.

**A.** MY WORK DONE --

**THE COURT:** OVERRULED. GO AHEAD. I'M SORRY. GO AHEAD.

**A.** I'LL JUST FINISH UP BY SAYING (INAUDIBLE) TO THE STAFF.

**THE COURT:** ALL RIGHT.

**MR. FERNANDEZ:** THANK YOU. THAT'S ALL I HAVE.

**THE COURT:** ALL RIGHT.

**DEFENDANT FALTAS:** MAY I CROSS EXAMINE?

**THE COURT:** YOU MAY IF YOU DO SO RESPECTFULLY AND PROPERLY.

**MR. FERNANDEZ:**. YOUR HONOR, I'D ALSO REQUEST THAT THE QUESTIONS BE LIMITED TO WHAT WAS TESTIFIED TO.

**THE COURT:** ABSOLUTELY.

**DEFENDANT FALTAS:** NO, MA'AM.

**THE COURT:** DON'T NO, MA'AM, ME, MA'AM. WE ARE NOT IN A TRIAL. WE ARE NOT IN A TRIAL. THIS IS A MOTION. THE RULES ARE DIFFERENT. WE ARE GOING TO STICK TO THE POINT.

**DEFENDANT FALTAS:** WHATEVER WE ARE IN, I GET A CHANCE TO CROSS EXAMINE THE WAY I SEE FIT SO LONG AS I ASK PROPER QUESTIONS.

**THE COURT:** SO YOU ARE GONG TO OVERRULE THE COURT? IS THAT WHAT YOU ARE GOING TO DO?

**DEFENDANT FALTAS:** NO, MA'AM. I'M ASKING THE COURT TO BE FAIR.

**MR. FERNANDEZ:** YOUR HONOR, THIS IS NOT A TRIAL.

**THE COURT:** NO, IT ISN'T.

**MR. FERNANDEZ:** THIS IS A MOTION HEARING. AND IT IS HIGHLY (INAUDIBLE) TO ALLOW THE DEFENDANT TO JUST ASK ANY QUESTION.

**THE COURT:** I HAVE ALREADY SAID THAT. STICK TO THE POINT THAT WE ARE HERE FOR NOW.

**DEFENDANT FALTAS:** WHAT IS THE POINT?

**THE COURT:** IF YOU DON'T KNOW THEN YOU HAVE A SEAT, MR. SCHNEE WILL TAKE OVER.

**DEFENDANT FALTAS:** NO, ACCORDING TO YOU WHAT IS THE POINT? THAT YOU WANT TO BE UNFAIR TO ME. THAT'S THE POINT.

**THE COURT:** HOLD ON A MINUTE. DR. FALTAS. YOU HAVE A SEAT. MR. SCHNEE, I'M SORRY BUT YOU ARE GOING TO HAVE TO TAKE OVER. DR. FALTAS HAS DEMONSTRATED SHE CANNOT COOPERATE AND FUNCTION

PROPERLY IN THIS COURT TODAY.

**MR. SCHNEE:** WITH RESPECT, YOUR HONOR, IN REGARDS TO THIS PARTICULAR MOTION I HAVE NOT RECEIVED A COPY OF THE AFFIDAVITS IN QUESTION.

**THE COURT:** ALL RIGHT. WELL, LET'S GET THAT TO YOU SO YOU CAN TAKE A LOOK AT IT. LET'S SEE.

**MR. SCHNEE:** IN ANY OTHER RESPECT I HAVE A PARTICULAR LACK OF PERSONAL KNOWLEDGE IN REGARD TO ANYTHING THAT'S BEEN OCCURRING PRIOR TO MY REPRESENTATION AND PERHAPS EVEN THINGS AFTER AND I HAVE NOT EVEN DISCUSSED THE MATTER WITH MY CLIENT SINCE MY JOB IS PRIMARILY TO ADVISE ON PROCEDURAL MATTERS.

**THE COURT:** WELL, WHY DON'T YOU STEP OUTSIDE AND ADVISE HER NOW.

**MR. SCHNEE:** ABSOLUTELY, YOUR HONOR.

**DEFENDANT FALTAS:** AND --

**THE COURT:** NOW. AND NOTHING FROM YOU.

(PAUSE)

(HEARING RESUMES)

**MR. SCHNEE:** ... THE RULES THAT SHE NEEDS TO FOLLOW AND THE PURPOSE OF THIS PROCEDURE AND SHE HAS AGREED TO FOLLOW THOSE RULES.

**THE COURT:** ALL RIGHT. DR. FALTAS, YOU MAY RESUME.

**DEFENDANT FALTAS:** THANK YOU.

**CROSS EXAMINATION BY**

**DEFENDANT FALTAS:**

**Q.** MA'AM, MAY I ASK YOU YOUR AGE AND EDUCATION, PLEASE?

**A.** I'M FIFTY-TWO YEARS OLD. I HAVE AN UNDERGRADUATE DEGREE FROM ERSKINE COLLEGE.

**Q.** ERSKINE?

**A.** ERSKINE. I HAVE A LAW DEGREE FROM THE UNIVERSITY OF SOUTH CAROLINA.

**Q.** HAVE YOU EVER PRACTICED HERE?

**A.** I HAVE.

**Q.** WHERE?

**A.** I FIRST STARTED PRACTICING LAW (INAUDIBLE) SMALL FIRM (INAUDIBLE). THEN I PRACTICED WITH (INAUDIBLE). THEN I WENT TO WORK FOR (INAUDIBLE). CITY OF COLUMBIA AND I WAS AN ASSISTANT CITY ATTORNEY.

**Q.** YOU WERE ASSISTANT CITY ATTORNEY FOR DEVELOPMENT?

**A.** I WAS AN ASSISTANT CITY ATTORNEY (INAUDIBLE).

**Q.** WHO WAS YOUR BOSS AT THE TIME?

**A.** JIM MEGGS.

**Q.** AND WERE YOU AT ANY TIME SUPERVISED OR HAD A SENIOR COLLEAGUE, EITHER ROBERT G. COOPER OR KEN GAINES?

**A.** I CERTAINLY WORKED WITH BOTH MR. COOPER AND MR. GAINES.

**THE COURT:** ALL RIGHT. DR. FALTAS, LET'S TRY TO FOCUS ON WHAT WE ARE HERE FOR NOW WHICH IS THE ALLEGATIONS THAT YOU ARE DISRUPTIVE OF THE COURT. LET'S FOCUS ON THAT.

**DEFENDANT FALTAS:** THANK YOU.

**Q.** (BY DEFENDANT FALTAS) YOU DO REALIZE THAT I DON'T THINK YOU SHOULD BE BOTH A JUDGE AND A --

**THE COURT:** DR. FALTAS, I JUST ASKED YOU TO FOCUS ON WHAT SHE HAS TESTIFIED TO. WE ARE NOT HERE TO GO OVER YOUR MOTIONS AGAIN.

**DEFENDANT FALTAS:** I UNDERSTAND THAT.

**THE COURT:** THEN STICK TO THE POINT.

**DEFENDANT FALTAS:** I'M LAYING THE FOUNDATION.

**THE COURT:** NO.

**DEFENDANT FALTAS:** ALL RIGHT.

**Q.** (BY DEFENDANT FALTAS) ARE THERE DUTIES THAT YOU DO THAT WOULD BE CONSIDERED STRICTLY ADMINISTRATIVE?

**THE COURT:** DR. FALTAS, WOULD YOU PLEASE ADDRESS THE TESTIMONY? DO YOU HAVE ANY QUESTIONS CONCERNING THAT TESTIMONY?

**DEFENDANT FALTAS:** YES, MA'AM.

**THE COURT:** I WANT TO HEAR ONE OF THEM RIGHT NOW.

**DEFENDANT FALTAS:** YES, MA'AM.

**THE COURT:** RIGHT NOW.

**DEFENDANT FALTAS:** YES, MA'AM. OKAY.

**Q.** (BY DEFENDANT FALTAS) MA'AM, YOU CLAIM THAT I WANTED TO BE ADDED AS A WITNESS IN A D.U.I. CASE, IS THAT CORRECT?

**A.** THAT'S CORRECT.

**Q.** IS D.U.I. A SERIOUS PUBLIC ISSUE?

**THE COURT:** THAT'S NOT AN APPROPRIATE QUESTION. WE ARE CONCENTRATING ON WHAT SHE'S TESTIFIED ABOUT. YOU ARE GETTING OFF THE MARK. EVERYONE KNOWS THAT'S A SERIOUS PROBLEM. THAT HAS NOTHING TO DO WITH WHAT WE ARE HERE FOR. TRY.

**DEFENDANT FALTAS:** COULD I ALSO FOR THE RECORD WHY I

ASKED THAT QUESTION?

**THE COURT:** NO. YOU ARE GOING TO ASK HER ABOUT HER TESTIMONY.

**DEFENDANT FALTAS:** ALL RIGHT.

**Q.** (BY DEFENDANT FALTAS) (INAUDIBLE) YOUR COMING HERE AS WHAT IS CALLED CHIEF ADMINISTRATIVE JUDGE?

**THE COURT:** DR. FALTAS, WE ARE NOT GOING TO DEAL WITH PREVIOUS. ONE MORE TIME. LISTEN TO ME. WE ARE HERE -- YOU WANTED TO CROSS EXAMINE THE WITNESSES ABOUT WHAT THEY'VE HAD TO SAY TODAY. I'VE GIVEN YOU THE OPPORTUNITY TO GET JUDGE TURNER'S RÉSUMÉ ON THE RECORD. THAT'S ENOUGH.

**Q.** (BY DEFENDANT FALTAS) WAS THERE ONE TIME, AT LEAST ONE TIME, WHEN YOU TOLD ME THAT THE ANSWER TO MY QUESTION DEPENDS ON WHAT THE CITY ATTORNEY WANTS TO DO?

**A.** NO.

**Q.** WAS THERE SEVERAL TIMES WHEN I NEEDED COPIES OF COURT PROCEDURES AND I WAS TOLD THAT I NEEDED TO DISCUSS THAT WITH YOU, LIKE COPIES OF TAPES OR TRANSCRIPTS OR THINGS LIKE THAT?

**A.** (INAUDIBLE)

**THE COURT:** THE QUESTION WAS WERE THERE ANY TIMES WHEN SHE SPOKE TO YOU THAT YOU -- AND SHE ASKED FOR TRANSCRIPTS OR TAPES RATHER THAT SHE WAS TOLD BY WHOM? WHO ARE YOU REFERRING TO?

**DEFENDANT FALTAS:** WELL, BY THE PEOPLE IN VIOLATIONS, BY THE PEOPLE IN THE SCHEDULING OFFICE.

**THE COURT:** OKAY. DID ANYONE TELL YOU THAT SHE WOULD

HAVE TO TALK WITH YOU? IS THAT YOUR QUESTION?

**DEFENDANT FALTAS:** YES, MA'AM.

**A.** I DON'T DOUBT THAT THERE HAVE BEEN TIMES WHEN YOU HAVE BEEN TOLD THAT YOU HAVE BEEN TOLD THAT YOU'VE HAVE TO TALK TO ME ABOUT OBTAINING TAPES.

**Q.** AND WERE THERE AT LEAST TWO TIMES WHEN TAPES FOR WHICH I HAVE ASKED IN WRITING AND PAID WERE DEFECTIVE?

**A.** THERE WAS AT LEAST ONE TIME THAT YOU ALLEGED THAT THE TAPE DIDN'T WORK (INAUDIBLE) BUT YOU ALLEGED THAT THE TAPE WAS NOT WORKING.

**Q.** AND I HAVE TO TALK TO YOU ABOUT THAT TAPE, RIGHT?

**A.** WE DID TALK ABOUT THAT TAPE.

**Q.** AND THEN YOU MADE ANOTHER TAPE?

**A.** WE DID.

**Q.** AND YOU TOLD FOR ME TO PAY FOR IT AGAIN?

**A.** I DON'T REMEMBER CHARGING YOU. IT'S POSSIBLE.

**Q.** AND THEN THERE WAS ANOTHER TIME WHEN I REQUESTED --

**THE COURT:** MA'AM, YOU NEED TO ASK A QUESTION.

**Q.** (BY DEFENDANT FALTAS) WAS THERE ALSO A SECOND TIME WHEN I REQUESTED THE TAPE OF THE BOND HEARING FROM MY 8 JULY, 2010, POST ARREST, THE BOND HEARING BEFORE JUDGE BAGBY AND I WAS GIVEN A TAPE THAT WAS INCOMPLETE AND ALSO HAD TO TALK TO YOU ABOUT IT?

**A.** I THINK YOU ALLEGED IT WAS INCOMPLETE. WE BELIEVE IT WAS COMPLETE.

**Q.** AND WAS ANOTHER TAPE MADE AND WAS I CHARGED FOR IT AGAIN?

A. I DON'T KNOW, DR. FALTAS. I DON'T KNOW IF ANOTHER TAPE WAS MADE BUT IN ANY EVENT IF ANOTHER TAPE WAS MADE AND IT WAS APPROPRIATE WE CHARGED YOU FOR IT.

Q. AND THESE TWO CONTACTS WERE IN YOUR CAPACITY AS ADMINISTRATOR, NOT IN YOUR CAPACITY WHATEVER JUDICIAL IS, IS THAT CORRECT?

**THE COURT:** DR. FALTAS, YOU ARE NOT GOING TO ASK THESE QUESTIONS. I'VE ALREADY TOLD YOU ONCE. NOW DO YOU HAVE ANYTHING ELSE ABOUT THIS PARTICULAR TESTIMONY?

**DEFENDANT FALTAS:** YES, MA'AM.

**THE COURT:** LET ME HEAR THAT.

**DEFENDANT FALTAS:** YES, MA'AM, A WHOLE LOT. A WHOLE LOT. A WHOLE LOT.

Q. (BY DEFENDANT FALTAS) YOU CLAIM THAT I'M DISRUPTIVE TO YOU, IS THAT CORRECT?

**THE COURT:** MA'AM, A QUESTION.

**DEFENDANT FALTAS:** THAT'S WHAT SHE SAID ON DIRECT.

**THE COURT:** A QUESTION. DO YOU CLAIM THAT I AM DISRUPTIVE?

Q. (BY DEFENDANT FALTAS) YOU DID CLAIM THAT, DIDN'T YOU, IN YOUR DIRECT TESTIMONY?

A. YOU ARE.

Q. CAN YOU GIVE THE COURT SPECIFIC, CONCRETE, QUANTIFIABLE EXAMPLES OF THINGS THAT YOU WERE UNABLE TO DO BECAUSE OF (INAUDIBLE)?

**A.** WELL, JUST TWO WEEKS AGO, DR. FALTAS, I HAD TO CALL DOWNSTAIRS AND ASK A COURT OFFICER TO PLEASE COME UPSTAIRS BECAUSE YOU WERE SO LOUD AND DISRUPTIVE IN THE COURTHOUSE SCREAMING IN THE HALLWAY THAT I COULD HEAR YOU IN MY OFFICE WITH THE DOOR CLOSED. YOU WERE ALLEGING THAT I WAS INCOMPETENT AND A LIAR. COURT OFFICER AVERY HAD TO COME FROM DOWNSTAIRS AT HIS POST UPSTAIRS AND ASK YOU TO LEAVE THE BUILDING.

**Q.** DO YOU CONSIDER YOURSELF A PUBLIC OFFICIAL?

**THE COURT:** DR. FALTAS, ASK QUESTIONS ABOUT WHAT HAS BEEN TESTIFIED TO.

**DEFENDANT FALTAS:** WELL, THAT IS RELATED.

**THE COURT:** NO, IT ISN'T. GO AHEAD WITH SOMETHING ELSE.

**DEFENDANT FALTAS:** THE MEMBERS OF THE PUBLIC HAVE THE RIGHT TO FORM THAT OPINION THAT A CERTAIN MEMBER OF THE PUBLIC IS INCOMPETENT OR UNTRUTHFUL?

**THE COURT:** DR. FALTAS, IF YOU CAN'T STICK WITH THE QUESTIONS, IF YOU DON'T HAVE ANY QUESTIONS ABOUT THE TESTIMONY YOUR SEAT IS OVER THERE. WE ARE GOING TO MOVE ON.

**Q.** (BY DEFENDANT FALTAS) SO I ASK YOU SPECIFICALLY. YOU SAID YOU CALLED OFFICER AVERY UPSTAIRS BECAUSE I WAS SAYING THINGS CRITICAL OF YOU BUT MY QUESTION TO YOU IS WHAT IS IT QUANTIFIABLY, CONCRETE, OBJECTIVE THAT YOU WERE PREVENTED FROM DOING BECAUSE OF MY PRESENCE? JUST (INAUDIBLE). FOR EXAMPLE, YOU WERE GOING TO TRY A CASE AND YOU DIDN'T GET TO TRY IT. YOU WERE GOING TO A BOND HEARING, YOU DIDN'T GO TO THE BOND HEARING. YOU SEE WHAT I'M SAYING? GIVE SOME-

THING OBJECTIVE, QUANTIFIABLE.

**THE COURT:** GIVE THE WITNESS A CHANCE TO ANSWER.

**A.** I HAVE RESPONSIBILITIES IN MY OFFICE THAT I WAS TRYING TO TAKE CARE OF (INAUDIBLE). WHAT I WAS DOING (INAUDIBLE). TWO STAFF MEMBERS OF THE COURT WERE ALSO (INAUDIBLE) TAKING CARE OF THEIR RESPONSIBILITIES AS WELL AS MR. AVERY WAS PREVENTED FROM TAKING CARE OF HIS RESPONSIBILITIES BY HAVING TO COME UPSTAIRS AND TO ASK YOU TO LEAVE.

**Q.** WHAT WOULD HAVE HAPPENED IF I HAD SAID MY PEACE AND LEFT?

**THE COURT:** DON'T ASK THE WITNESS TO SPECULATE.

**DEFENDANT FALTAS:** OKAY.

**Q.** (BY DEFENDANT FALTAS) WHAT IS IT THAT YOU WERE -- DID I COME TO YOUR DESK AND TAKE PAPERS AWAY THAT YOU WERE WORKING ON? I AM ASKING ABOUT CONCRETE, OBJECTIVE, QUANTIFIABLE (INAUDIBLE).

**MR. FERNANDEZ:** YOUR HONOR, WE'VE ALREADY HAD TESTIMONY ABOUT HER DISRUPTING THE DAILY BUSINESS.

**THE COURT:** ALL RIGHT.

**Q.** (BY DEFENDANT FALTAS) IS THIS A PUBLIC COURTHOUSE?

**A.** THIS IS A PUBLIC BUILDING.

**Q.** CAN PEOPLE COME AND OBSERVE?

**A.** PEOPLE CAN COME AND OBSERVE BUT PEOPLE HAVE TO COME AND OBSERVE IN A MANNER THAT IS APPROPRIATE FOR A COURTROOM AND FOR A PUBLIC BUILDING.

**Q.** DOES THE SITTING JUDGE HAVE THE RIGHT TO TELL ME TO GO OUTSIDE IF I AM BEHAVING IMPROPERLY?

**THE COURT:** DR. FALTAS, THERE'S BEEN NO TESTIMONY ABOUT THAT.

**DEFENDANT FALTAS:** YES, THERE HAS BEEN TESTIMONY THAT I COME IN AND DISRUPTIVE AND ALL THAT SO I'M JUST TRYING TO ESTABLISH THAT THE SITTING JUDGE HAS THE RIGHT TO SAY --

**THE COURT:** WELL, ALL RIGHT. YOU CAN ANSWER THAT QUESTION.

**A.** THE PRESIDING JUDGE DOES HAVE THE AUTHORITY TO ASK YOU TO LEAVE.

**Q.** (BY DEFENDANT FALTAS) HAS IT EVER COME TO YOUR ATTENTION THAT A PRESIDING JUDGE DID ASK ME TO LEAVE?

**A.** I'M NOT AWARE OF (INAUDIBLE).

**Q.** THANK YOU. NOW IS IT POSSIBLE FOR MEMBERS OF THE PUBLIC TO BELIEVE THAT YOU ARE LENIENT -- CERTAIN COURT IS LENIENT ON DRUNK DRIVERS OR ANY KIND OF CRIME --

**THE COURT:** DR. FALTAS, THAT'S INAPPROPRIATE.

**DEFENDANT FALTAS:** ALL RIGHT. FINE. LET ME ASK IT ANOTHER WAY.

**THE COURT:** NO, IT'S INAPPROPRIATE. ASK A DIFFERENT QUESTION.

**DEFENDANT FALTAS:** ALL RIGHT. I'M GOING TO ASK A DIFFERENT QUESTION.

**Q.** (BY DEFENDANT FALTAS) HOW CAN A MEMBER OF THE PUBLIC KNOW THAT A CERTAIN COURT IS (INAUDIBLE) OR VIGILANT IN PROSECUTING CRIMINALS WITHOUT COMING AND OBSERVING?

**MR. FERNANDEZ:** SPECULATION, YOUR HONOR.

**THE COURT:** WELL, THE QUESTION -- LET'S STICK TO THE TESTIMONY. WE ARE NOT TALKING ABOUT THE ENTIRE POPULATION, DR. FALTAS. WE ARE TALKING ABOUT YOUR PARTICULAR BEHAVIOR.

**DEFENDANT FALTAS:** MY PARTICULAR BEHAVIOR --

**THE COURT:** YES, MA'AM.

**DEFENDANT FALTAS:** -- IS OBSERVING THE FUNCTIONING OF THIS COURT.

**THE COURT:** ALL RIGHT. AND YOU ARE ONCE AGAIN VIOLATING MY ORDERS TO YOU.

**Q.** (BY DEFENDANT FALTAS) MA'AM, HOW CAN I, DR. MARIE ASSA'AD-FALTAS, OBSERVE WHETHER MUNICIPAL COURT IS VIGILANT AGAINST CERTAIN TYPES OF CRIMES OR FAIR TO DIFFERENT ETHNICITIES OR THIS OR THAT WITHOUT OBSERVING DIFFERENT TRIALS? DO YOU THINK THERE IS ANY OTHER WAY?

**A.** I THINK THERE MAY BE SOME WAYS THAT YOU COULD KNOW WHAT'S HAPPENING AT THE COURT.

**Q.** CAN YOU NAME THEM, PLEASE?

**A.** THERE ARE (INAUDIBLE) RECORDS THAT (INAUDIBLE) DOCKETS (INAUDIBLE) INFORMATION. THERE ARE LOTS OF WAYS (INAUDIBLE).

**Q.** AND IF I AM A DEFENDANT WHO INTENDS TO REPRESENT MYSELF PRO SE AND MR. FERNANDEZ IS THE PROSECUTOR, AM I NOT ENTITLED TO COME AND OBSERVE HOW HE CONDUCTS JURY TRIALS, FOR EXAMPLE?

**A.** NOT IF YOU ARE DISRUPTIVE.

**Q.** AND I ASK YOU THE QUESTION, FIRST YOU CAN SAY YES OR NO AND THEN

YOU --

**THE COURT:** SHE'S ANSWERED THE QUESTION. MOVE ON. MOVE ON.

**Q.** (BY DEFENDANT FALTAS) AND THEN WERE THERE TIMES WHEN YOU WERE REFUSING TO SCHEDULE MY CASES?

**A.** NO.

**Q.** LET ME ASK YOU THIS QUESTION. DID WE HAVE A HEARING BEFORE YOU WHICH WAS TRANSCRIBED ON SEPTEMBER 1ST, 2010?

**A.** I DON'T KNOW THE DATES, DR. FALTAS. WE DID HAVE A HEARING RIGHT BEFORE MR. SCHNEE WAS APPOINTED AS YOUR STANDBY COUNSEL OR APPROXIMATELY THE SAME DAY. (INAUDIBLE).

**Q.** AND DID YOU ON THAT DAY CLAIM THAT YOU HAD NOT RECEIVED THE TWO REMANDED CASES FROM GENERAL SESSIONS?

**A.** I --

**MR. FERNANDEZ:** YOUR HONOR, I JUST WANT TO SAY THAT NONE OF THIS GOES TOWARD HER BEHAVIOR. THESE ARE ALL QUESTIONS THAT HAVE ABSOLUTELY NOTHING TO DO WITH HOW SHE ACTS.

**THE COURT:** SUSTAINED. DR. FALTAS, ONE MORE TIME. TRY TO FOCUS ON WHY WE ARE HERE.

**DEFENDANT FALTAS:** YOUR HONOR, WE ARE HERE --

**THE COURT:** TRY TO FOCUS. I'VE TOLD YOU WHAT WE ARE HERE FOR. THAT'S MY PURVIEW, NOT YOURS.

**Q.** (BY DEFENDANT FALTAS) WAS I IN FACT CORRECT THAT BY THAT DATE YOU HAD RECEIVED THE FILES FROM GENERAL SESSIONS BUT YOU SAID YOU HAD NOT?

**MR. FERNANDEZ:** YOUR HONOR --

**THE COURT:** DR. FALTAS, YOU'VE JUST GONE AND ASKED A QUESTION. YOU HAVE A SEAT. THAT'S ENOUGH. HAVE A SEAT.

**DEFENDANT FALTAS:** I TAKE EXCEPTION TO THAT.

**THE COURT:** HAVE A SEAT.

**MR. FERNANDEZ:** NOTHING ON FOLLOW-UP.

**THE COURT:** ALL RIGHT. THANK YOU. JUDGE TURNER, YOU MAY STEP DOWN.

(WITNESS TO THE SIDE)

**MR. FERNANDEZ:** YOUR HONOR, THE NEXT WITNESS I'LL CALL IS ISAAC CANTEEN.

**THE COURT:** MR. CANTEEN?

**JUDGE TURNER:** JUDGE, MAY I BE EXCUSED?

**THE COURT:** YES, YOU MAY UNLESS THERE'S ANY OBJECTION.

**MR. FERNANDEZ:** NO OBJECTION.

**THE COURT:** ALL RIGHT.

**DEFENDANT FALTAS:** THERE IS OBJECTION FROM ME.

**THE COURT:** WHAT IS YOUR OBJECTION?

**DEFENDANT FALTAS:** THAT I MAY NEED TO RECALL HER IN MY --

**THE COURT:** YOU DIDN'T CALL HER IN THE FIRST PLACE.

**DEFENDANT FALTAS:** YES, MA'AM, BUT PEOPLE CAN RECALL A WITNESS.

**THE COURT:** YOU CAN'T RECALL UNLESS YOU CALL. YOU MAY BE EXCUSED, JUDGE TURNER.

**ISAAC CANTEEN, AFTER BEING DULY SWORN BY THE COURT,**

**TESTIFIES AS FOLLOWS:**

**THE COURT:** THANK YOU. PLEASE BE SEATED AND STATE YOUR NAME.

**A.** ISAAC CANTEEN.

**DIRECT EXAMINATION BY**

**MR. FERNANDEZ:**

**Q.** MR. CANTEEN, PLEASE TELL THE COURT WHAT YOUR -- WHO ARE YOU EMPLOYED BY?

**A.** EMPLOYED BY CITY OF COLUMBIA.

**Q.** AND WHAT'S YOUR JOB DUTIES?

**A.** COURT OFFICER.

**Q.** FOR THE CITY OF COLUMBIA MUNICIPAL COURT?

**A.** YES, SIR.

**Q.** THE BUILDING WE ARE ACTUALLY PRESENT IN. HOW LONG HAVE YOU BEEN EMPLOYED BY THE CITY?

**A.** (INAUDIBLE) YEARS.

**Q.** AND HAVE YOU HAD OCCASION TO ENCOUNTER MARIE FALTAS SEATED OVER AT THE OPPOSING TABLE?

**A.** YES.

**Q.** IN YOUR PROFESSIONAL -- UNDER YOUR PROFESSIONAL RESPONSIBILITIES AS A COURT OFFICER?

**DEFENDANT FALTAS:** OBJECTION. LEADING.

**THE COURT:** OVERRULED.

**Q.** (BY MR. FERNANDEZ) NOW, OFFICER CANTEEN, WOULD YOU PLEASE TELL THE COURT ABOUT YOUR OBSERVATIONS OF THE DEFENDANT, MARIE FALTAS,

YOUR ENCOUNTERS WITH HER SPECIFICALLY NOTING HER BEHAVIOR --

**DEFENDANT FALTAS:** OBJECTION. COMPOUND.

**THE COURT:** OVERRULED. GO AHEAD.

**A.** (BY MR. FERNANDEZ) HER ABILITY TO FOLLOW YOUR INSTRUCTIONS THAT YOU DEEMED IMPORTANT FOR COURT SAFETY AND SECURITY?

**DEFENDANT FALTAS:** OBJECTION. LEADING.

**THE COURT:** OVERRULED.

**Q.** (BY MR. FERNANDEZ) ANY ACCUSATIONS SHE (INAUDIBLE).

**A.** YES. I HAD AN ALTERCATION WITH HER (INAUDIBLE). YOU'RE NOT ALLOWED TO COME IN THE BACK WHERE THE ATTORNEYS ARE. SHE HAS WALKED THROUGH THERE. I HAD TO REMOVE HER FROM THERE. SHE SAID NOT TO TOUCH HER (INAUDIBLE). SHE WON'T GO 'CAUSE SHE SAYS SHE HAS A RIGHT TO BE BACK (INAUDIBLE). JUST THE OTHER WEEK SHE INTERFERED IN BOND COURT WHILE WE WAS HAVING BOND COURT. SHE JUST CAME IN, I ASKED HER TO LEAVE. SHE WANTED TO KNOW WHY. I TOLD HER WE WERE HAVING A BOND HEARING. SHE SAY THIS IS A PUBLIC BUILDING, SHE DOESN'T HAVE TO LEAVE. (INAUDIBLE) I TOLD HER I ASK THE JUDGE. SHE WENT OUTSIDE AND SAT DOWN FOR A WHILE. I TO GO (INAUDIBLE). AT THAT TIME SHE CAME BACK INSIDE (INAUDIBLE). SHE COMES WHEN I'M IN JURY TRIALS (INAUDIBLE). SHE COMES AND SHE CONSTANTLY ASKED TO SPEAK (INAUDIBLE). I TELL HER SHE NEEDS TO HAVE A SEAT (INAUDIBLE) MR. FERNANDEZ. AT THAT TIME SHE WALK OUT OF THE COURTROOM, FIND HER WAY DOWN THE HALL AND SOMEHOW GETS IN THE BACK (INAUDIBLE).

**Q.** WHEN MARIE FALTAS WAS PRESENT IN COURT, DID THAT PROHIBIT YOU FROM DOING YOUR OTHERWISE ASSIGNED DUTIES FOR THE DAY IF YOU ARE

ASSIGNED TO MONITOR MARIE FALTAS? DO YOU CONSIDER HER BEHAVIOR TO BE DISRUPTIVE --

**DEFENDANT FALTAS:** OBJECTION.

**THE COURT:** OVERRULED.

**Q.** (BY MR. FERNANDEZ) DISRUPTIVE TO THE COURT, THE FUNCTION OF THE COURT AND YOUR ABILITY TO DO YOUR JOB?

**A.** AT TIMES, YES, SIR.

**Q.** IS MARIE FALTAS RUDE TO YOU?

**A.** SHE HAS BEEN.

**Q.** IS SHE HOSTILE IN GENERAL?

**A.** ABSOLUTELY. VERY HOSTILE.

**Q.** HAVE YOU OBSERVED HER BEING HOSTILE TO INDIVIDUALS?

**A.** (INAUDIBLE)

**DEFENDANT FALTAS:** OBJECTION.

**MR. FERNANDEZ:** YOUR HONOR, I THINK THAT'S ALL THE QUESTIONS I HAVE.

**THE COURT:** ALL RIGHT. DR. FALTAS.

**CROSS EXAMINATION BY**

**DEFENDANT FALTAS**

**Q.** GOOD AFTERNOON, SIR. PLEASE GIVE US YOUR AGE AND EDUCATION.

**A.** (INAUDIBLE)

**Q.** GOOD AFTERNOON, SIR. COULD YOU PLEASE GIVE US YOUR AGE AND EDUCATION.

**A.** FIFTY-SEVEN. (INAUDIBLE) I HAVE AN ASSOCIATE DEGREE IN HEATING AND AIR.

Q IN WHAT?

A. HEATING AND AIR.

Q. HEATING AND AIR. AND YOU SAID YOU STARTED WORKING HERE EIGHT YEARS AGO? SO YOU WERE WORKING IN HEATING AND AIR BEFORE THAT?

A. NO.

Q. WHAT WERE YOU DOING BEFORE THAT?

A. (INAUDIBLE).

Q. AND WHO IS YOUR SUPERVISOR?

A. JUDGE TURNER.

Q. SO IS SHE THE ONE WHO DECIDES IF YOU CONTINUE EMPLOYMENT OR IF YOU GET A RAISE OR GET A PROMOTION OR GET FIRED?

A. (INAUDIBLE)

Q. DOES SHE DO EVALUATIONS OF YOU AND -- PERIODIC EVALUATIONS OF YOU AND YOU SIT WITH HER AND GO OVER THE EVALUATION?

A. (INAUDIBLE)

Q. AND BEFORE THAT WHO DID YOUR EVALUATIONS?

A. MR. JOHN MOORE, MS. TERRI HOOPER.

Q. AND IS IT CORRECT THAT BOTH MR. JOHN MOORE AND MR. TERRI HOOPER WERE NOT JUDGES?

A. NO.

**THE COURT:** ALL RIGHT, DR. FALTAS. LET'S MOVE ON TO WHAT WE ARE HERE FOR.

Q. (BY DEFENDANT FALTAS) WAS THERE A TIME WHEN YOU GRABBED ME BY THE ARM AND I SAID PLEASE TAKE YOUR HAND OFF MY ARM?

A. I DID NOT GRAB YOU. I TOUCHED YOUR ARM AND ASKED YOU TO LEAVE

(INAUDIBLE). YOU TOLD ME NOT TO TOUCH YOU SO I REMOVED MY HAND.

**Q.** DO I HAVE THE RIGHT TO PROTECT MY BODY FROM BEING TOUCHED BY ANYONE?

**A.** YES, YOU DO HAVE THAT RIGHT.

**Q.** WHY DID YOU EVEN TOUCH ME?

**A.** BECAUSE YOU WOULDN'T LEAVE. I TOUCHED YOU (INAUDIBLE). I ASKED YOU NICE AT FIRST.

**Q.** MAY I ASK YOU A QUESTION PLEASE. THERE ARE PEOPLE WHO GO INTO THAT ROOM WHO DO NOT WORK IN THIS COURT, ISN'T THAT CORRECT?

**A.** (INAUDIBLE)

**Q.** AND THOSE PEOPLE ARE USUALLY WHO?

**A.** ATTORNEYS. (INAUDIBLE)

**Q.** AND SOMETIMES THEIR CLIENTS?

**A.** (INAUDIBLE)

**Q.** AND DO YOU REALIZE THAT WHEN I PRESENT MYSELF I HAVE THE RIGHTS AND DUTIES OF AN ADVOCATE?

**MR. FERNANDEZ:** YOUR HONOR, BEYOND --

**THE COURT:** HE'S NOT AN EXPERT, HE DOESN'T KNOW. YOU CAN'T ASK HIM THAT.

**Q.** (BY DEFENDANT FALTAS) AND THAT MAY BE THE FUNCTION OF MY NOT HAVING HEARD YOU. DID YOU ANSWER THAT I WAS NEVER HOSTILE TO YOU?

**A.** YOU WERE (INAUDIBLE) BUT YOU HAVE BEEN RUDE.

**Q.** WHAT IS IT THAT YOU CONSIDER RUDE?

**A.** WHEN I ASKED YOU TO DO SOMETHING AND YOU DON'T DO IT. (INAUDIBLE) CONSTANTLY DISRUPTIVE WHEN I'M TRYING TO MAINTAIN MY

COURT.

**Q.** LET ME ASK YOU THE SAME QUESTION I ASKED CHIEF ADMINISTRATIVE JUDGE. CAN YOU GIVE AN OBJECTIVE, QUANTIFIABLY, SPECIFIC TIME WHEN THERE WAS A CERTAIN SPECIFIC JOB YOU WERE GOING TO DO AND YOU DID NOT DO BECAUSE OF ME? IN OTHER WORDS, YOU WERE GOING TO GO TO BOND COURT AND DIDN'T GO TO BOND COURT. YOU ARE GOING TO PUT THE TELEVISION ON FOR THE PEOPLE AND YOU DIDN'T. GIVE SOMETHING OBJECTIVE, QUANTIFIABLE AND CONCRETE THAT YOU WERE UNABLE TO DO BECAUSE OF ME. JUST ONE.

**A.** ONE?

**Q.** YES.

**A.** CONSTANCE WAS IN THE BACK AND I WAS SUPPOSED TO BE OUT HERE TAKING NAMES OF INDIVIDUALS THAT HAD COME IN FOR A JURY TRIAL. I WASN'T ABLE TO DO THAT BECAUSE I HAD TO GO IN THE BACK TO ESCORT YOU FROM BACK HERE.

**Q.** AND WHAT BAD WOULD HAVE HAPPENED IF YOU HAD LET ME STAY THERE?

**MR. FERNANDEZ:** SPECULATION, YOUR HONOR.

**THE COURT:** OVERRULED.

**A.** I DON'T KNOW. (INAUDIBLE)

**Q.** SO YOU ARE JUST THINKING I MIGHT DO BAD THINGS BECAUSE I'M EGYPTIAN, ISN'T THAT CORRECT?

**A.** NO.

**Q.** HAS THERE EVER BEEN ANYTHING MISSING FROM ANY PART OF THE COURT BECAUSE OF ME?

A. I DO NOT KNOW.

Q. NO, TO YOUR KNOWLEDGE.

A. I DO NOT KNOW.

**THE COURT:** ALL RIGHT, DR. FALTAS. STICK WITH THE POINT WE ARE HERE FOR.

Q. (BY DEFENDANT FALTAS) HAS ANY COURT PROPERTY BEEN DAMAGED BY ME THAT YOU KNOW OF?

A. I DO NOT KNOW.

Q. HAS ANYBODY BEEN DAMAGED IN THEIR PERSON BY ME? IN OTHER WORDS, DID I HIT SOMEBODY, DID I EVER PULL SOMEBODY'S HAIR, TEAR SOMEBODY'S CLOTHES, THROW SOMETHING AT SOMEBODY? ANYTHING LIKE THAT?

A. NOT THAT I KNEW OF.

Q. DID I EVER SAY I WAS GOING TO DO ANY OF THAT?

A. TO ME?

Q. DID YOU EVER OBSERVE ME SAYING THAT I WOULD TEAR SOMEBODY'S CLOTHES OR HURT SOMEBODY OR ANYTHING?

**THE COURT:** I DON'T THINK THERE'S BEEN ANY TESTIMONY ABOUT THAT, DR. FALTAS. LET'S MOVE ON TO SOMETHING ABOUT WHICH THERE WAS TESTIMONY.

**DEFENDANT FALTAS:** THAT'S ALL I HAVE.

**THE COURT:** HAVE A SEAT. ALL RIGHT. YOU MAY STEP DOWN. MR. CANTEEN, DO YOU NEED TO BE EXCUSED?

A. YES, MA'AM.

**THE COURT:** ALL RIGHT.

(WITNESS TO THE SIDE)

**MR. FERNANDEZ:** YOUR HONOR, THE CITY CALLS MS. SHEILA WISE. OFFICER SHEILA WISE.

**SHEILA WISE, AFTER BEING DULY SWORN BY THE COURT, TESTIFIES AS FOLLOWS:**

**DIRECT EXAMINATION BY**

**MR. FERNANDEZ:**

**Q.** OFFICER WISE, WOULD YOU PLEASE FOR THE RECORD STATE YOUR NAME?

**A.** MY NAME IS SHEILA WISE.

**Q.** AND WITH WHOM ARE YOU CURRENTLY EMPLOYED?

**A.** CITY OF COLUMBIA MUNICIPAL COURT.

**Q.** AND YOU ACT AS A COURT OFFICER FOR THE CITY OF COLUMBIA MUNICIPAL COURT?

**A.** I DO.

**Q.** PLEASE -- PART OF YOUR DUTIES AND RESPONSIBILITIES AS A COURT OFFICER IS TO MAINTAIN ORDER IN THE COURT AND --

**DEFENDANT FALTAS:** OBJECTION. LEADING.

**THE COURT:** DR. FALTAS, YOU ARE GOING TO HAVE TO STOP DISRUPTING THE PROCEDURE. THERE IS NO POINT IN THOSE MEANINGLESS OBJECTIONS. OVERRULED. GO AHEAD.

**Q.** (BY MR. FERNANDEZ) IS PART OF YOUR DUTIES PROVIDING GENERAL SECURITY FOR THE COURTHOUSE AS WELL AS MAINTAINING ORDER IN THE COURTROOMS?

**A.** YES, SIR.

Q. AND HAVE YOU HAD AN OCCASION ENCOUNTERED MARIE FALTAS WHEN SHE'S COME TO THIS COURTHOUSE?

A. YES, I HAVE.

Q. WOULD YOU PLEASE TELL US ABOUT YOUR OPINION ON HER DEMEANOR, WHETHER OR NOT SHE'S --

**DEFENDANT FALTAS:** OBJECTION.

**THE COURT:** OVERRULED GO AHEAD.

Q. (BY MR. FERNANDEZ) WOULD YOU PLEASE TELL US ABOUT YOUR PERSONAL ENCOUNTERS WITH MARIE FALTAS, ABOUT HER DEMEANOR, WHETHER OR NOT SHE WAS DISRUPTIVE WITH YOU OR WITH THE PROCESS IN GENERAL AND ANY OTHER SPECIFIC ENCOUNTERS YOU MIGHT HAVE (INAUDIBLE)

A. I HAVE SEEN DR. FALTAS THERE NUMEROUS OF TIMES. I HADN'T REALLY HAD ANY ENCOUNTERS WITH HER UNTIL A COUPLE OF WEEKS AGO WHEN SHE WAS IN FRONT OF JUDGE TURNER AND SHE WAS FINISHED AND SO I WAS ESCORTING HER OUT THE DOOR. AND I HELD MY HAND OUT FOR HER TO GO OUT SHE SAID DON'T TOUCH ME WHICH I HAD NOT TOUCHED HER. I JUST WAS ASKING HER TO LEAVE. AFTER THAT SHE WANTED TO COME UP TO ME AND TELL ME AS TO WHY SHE (INAUDIBLE) COURT. AS I TOLD HER MY JOB IS TO (INAUDIBLE).

Q. YOU ARE (INAUDIBLE)?

A. (INAUDIBLE)

**DEFENDANT FALTAS:** I'M SORRY, I JUST DIDN'T HEAR.

Q. YOU ARE A CLASS THREE OFFICER?

A. YES.

Q. YOU HAVE THE ABILITY TO -- IF YOU DETERMINE IF IT'S APPROPRIATE YOU HAVE THE ABILITY TO PHYSICALLY DO SOMETHING IN COURT EITHER ON YOUR OWN MOTION OR AT THE REQUEST OF THE JUDGE?

A. THAT IS MY JOB, YES.

Q. NOW WHAT'S YOUR OPINION? DO YOU BELIEVE THAT YOUR ENCOUNTER WITH MARIE FALTAS OR YOUR OBSERVATIONS, DO YOU BELIEVE HER TO BE DISRUPTIVE TO THE COURT?

A. YES, AT TIMES SHE IS BECAUSE, YOU KNOW, WHEN WE ARE TELLING HER SOMETHING SHE REALLY WANTS TO OUTTALK YOU OR TELL YOU WHAT SHE'S GOING TO DO AND NO ONE ELSE COULD DO THAT.

Q. HAS MARIE FALTAS DISREGARDED ANY COMMANDS YOU'VE GIVEN HER OR REQUESTS?

A. SHE HAS.

Q. AND THOSE REQUESTS HAVE BEEN IN YOUR OFFICIAL FUNCTION AS SECURITY PERSONNEL FOR THE COURTHOUSE?

A. YES.

Q. AND SINCE WE'VE HEARD THE QUESTION ALREADY, COULD YOU NAME ANY SPECIFIC TIMES IN YOUR DEALINGS WITH MARIE FALTAS WHERE SHE PREVENTED YOU FROM DOING YOUR NORMAL DUTIES?

A. YES. IF I HAVE TO TAKE HER OUT, ESCORT HER OUT OR CONTINUE TO TALK WITH HER AND I'M SUPPOSED TO BE IN ANOTHER PLACE I CAN'T DO THAT.

**MR. FERNANDEZ:** THAT'S ALL THE QUESTIONS I HAVE, YOUR HONOR.

**THE COURT:** DR. FALTAS.

**CROSS EXAMINATION BY**

**DEFENDANT FALTAS:**

**Q.** GOOD AFTERNOON, MA'AM.

**A.** GOOD AFTERNOON.

**Q.** I THINK YOU HAVE HEARD THE QUESTION I BEGIN WITH SO NOW YOU'RE EXPECTING IT. IF YOU COULD PLEASE GIVE US YOUR AGE AND EDUCATION.

**A.** (INAUDIBLE) YEARS OLD AND (INAUDIBLE)

**Q.** WHERE IS THAT? WHERE ARE THE THREE YEARS OF COLLEGE? IN WHAT COLLEGE?

**A.** (INAUDIBLE)

**Q.** AND WHAT SPECIALTY?

**A.** (INAUDIBLE) SERVICES.

**Q.** AND I TAKE IT YOU DID NOT GRADUATE?

**A.** NO, I DIDN'T.

**Q.** AND YOUR EMPLOYMENT HISTORY, PLEASE?

**A.** I'VE WORKED AT THE DEPARTMENT OF JUVENILE JUSTICE FOR SIX YEARS AND I'VE BEEN HERE NINE.

**Q.** NINE YEARS HERE?

**A.** YES.

**Q.** AND WHO IS YOUR SUPERVISOR?

**A.** JUDGE TURNER.

**Q.** AND AGAIN THE SAME QUESTION. DOES SHE --

**THE COURT:** ALL RIGHT. DR. FALTAS, I THINK -- MR. FERNANDEZ, WILL YOU STIPULATE THAT JUDGE TURNER IS THE SUPERVISOR FOR ALL OF YOUR WITNESSES YOU ARE GOING TO CALL AND THAT SHE WOULD HAVE SOMETHING TO DO WITH THEIR EVALUATIONS?

**MR. FERNANDEZ:** YES, YOUR HONOR.

**THE COURT:** MOVE ON.

**DEFENDANT FALTAS:** AND THAT PREVIOUSLY THAT JOB WAS DONE BY PERSONS WHO ARE NOT JUDGES. I'M TRYING TO ESTABLISH --

**THE COURT:** NO, YOU ARE NOT HERE TO ESTABLISH ANYTHING. MR. FERNANDEZ IS HERE TO ESTABLISH SOMETHING. IF YOU HAVE A QUESTION ABOUT WHAT WE ARE HERE FOR, ASK IT.

**DEFENDANT FALTAS:** THANK YOU. I'M ABOUT TO ASK IT.

**Q.** (BY DEFENDANT FALTAS) DURING THIS NINE YEARS, WERE YOU AWARE OF THE NATURE OF WHY I CAME HERE?

**A.** YES.

**Q.** WERE YOU AWARE THAT THERE WAS A CASE THAT TOOK A LONG TIME BUT IT WAS EVENTUALLY ESTABLISHED THAT I HAD BEEN WRONGFULLY CONVICTED WITH A FABRICATED POLAROID AND THEN I WAS EXONERATED?

**A.** I'M NOT (INAUDIBLE).

**Q.** YOU ARE NOT AWARE OF ANY OF THE NATURE OF MY CASES?

**A.** NOT ALL OF THEM, MA'AM. I'M NOT REALLY AWARE OF YOUR CASES. I KNOW YOU'VE BEEN HERE BUT ACTUALLY WHY YOU WERE HERE AND YOUR CASES I'M NOT SURE, MA'AM.

**Q.** ARE YOU PRESENTLY CHEWING GUM?

**A.** I HAVE GUM IN MY MOUTH. I'M NOT CHEWING IT.

**Q.** WHAT ARE YOU DOING WITH IT?

**MR. FERNANDEZ:** YOUR HONOR, (INAUDIBLE).

**THE COURT:** WHAT IS THIS QUESTION FOR?

**DEFENDANT FALTAS:** FOR WHAT IS PERCEIVED BY SOME PEOPLE

TO BE DISRESPECTFUL OF THE COURT MAY NOT BE PERCEIVED BY OTHERS TO BE DISRESPECTFUL OF THE COURT.

**THE COURT:** WELL, YOU CAN MAKE THAT POINT LATER. GO AHEAD.

**DEFENDANT FALTAS:** I NEED TO ESTABLISH FACTUALLY --

**THE COURT:** ALL RIGHT. SHE HAS GUM IN HER MOUTH. MOVE ON.

**DEFENDANT FALTAS:** THANK YOU.

**Q.** (BY DEFENDANT FALTAS) AND WERE THERE TIMES WHEN YOU AND I HAD SOME -- I WOULDN'T CALL THEM ARGUMENTS -- WHETHER (INAUDIBLE) PEOPLE WHEN THEY GO THROUGH THESE CAMERA ARE FINDERS KEEPERS OR YOUR PROPERTY? DO YOU REPORT SOMETHING LIKE THAT?

**A.** I'M SORRY. (INAUDIBLE)

**Q.** WHEN PEOPLE GO THROUGH THE SCANNER AND THEY EMPTY THEIR POCKETS SOMETIMES PENNIES FALL ON THE FLOOR. DO YOU RECALL THAT?

**A.** YES.

**Q.** YES. DO YOU RECALL THAT AT ONE TIME I TOLD YOU THAT, ONE, THERE IS A PENNY ON THE FLOOR, I'D LIKE TO PICK IT UP FOR LUCK AND YOU SAID SOMETHING THAT YOU WOULD LIKE TO PICK IT OR SOMETHING? DID WE HAVE CONVERSATION ABOUT THAT?

**A.** NO, MA'AM, I DON'T RECALL IT.

**Q.** YOU DON'T RECALL THAT. ALL RIGHT THEN. YOU SAID THERE WAS ONLY ONE TIME WHEN YOU HAD TO ASK ME TO LEAVE THE COURT AND THAT I ASKED YOU TO NOT TOUCH ME. IS THAT CORRECT?

**A.** YES.

Q. ISN'T IT TRUE THAT THERE WAS A MAN SITTING THERE?

A. YES.

**THE COURT:** ISN'T IT TRUE THAT THERE WAS A MAN SITTING THERE.

Q. (BY DEFENDANT FALTAS) AND ISN'T IT TRUE THAT I EXPLAINED TO YOU THAT I NEEDED TO STAY BEHIND AND SEE IF HE WAS TALKING TO CHIEF TURNER?

A. NO, MA'AM. I TOLD YOU AT THAT TIME THAT YOU WERE FINISHED AND I NEEDED TO ESCORT YOU OUT BECAUSE YOU KEPT INTERRUPTING JUDGE TURNER.

Q. DID YOU ESCORT THAT MAN OUT?

A. (INAUDIBLE) TIME HAD NOT BEEN YET.

Q. WHAT WAS HE HERE FOR, DO YOU KNOW?

A. I'M NOT SURE, MA'AM.

Q. DID HE ADDRESS JUDGE TURNER AFTER I LEFT?

A. I'M NOT SURE IF HE DID BECAUSE I BELIEVE I HAD TO STAY OUT IN THE FOYER WITH YOU.

Q. DO YOU KNOW WHO THAT MAN IS?

A. NO.

Q. DID YOU KNOW WHAT BUSINESS HE HAD TO STAY IN THE COURT?

**THE COURT:** SHE'S ALREADY ANSWERED THAT.

Q. (BY DEFENDANT FALTAS) SO IF YOU HADN'T BEEN ASKING ME TO LEAVE YOU COULD HAVE JUST BEEN DOING WHATEVER ELSE YOU NEEDED TO DO, RIGHT?

A. (INAUDIBLE)

Q. SO SINCE THERE WAS SOMEBODY ELSE IN THE COURTROOM AND THERE WAS A JUDGE IN THE COURTROOM THERE WOULD BE NO REASON FOR YOU TO ASK ME TO LEAVE WHEN THAT OTHER PERSON WAS NOT LEAVING.

A. MA'AM, I HAD TO ASK YOU TO LEAVE BECAUSE YOU WERE INTERRUPTING THE JUDGE. MY JOB IS TO REMOVE YOU FROM THE COURT IF YOU ARE BEING DISRUPTIVE.

Q. DID CHIEF TURNER TELL YOU REMOVE DR. FALTAS FROM THE COURTROOM?

A. SHE DID NOT REALLY HAVE TO TELL ME.

Q. DID SHE TELL YOU, YES OR NO?

A. NO.

Q. ALL RIGHT. SO OUT OF YOUR OWN MIND YOU DECIDED TO REMOVE ME?

A. YES, MA'AM.

Q. ALL RIGHT. THAT'S ALL I NEEDED TO KNOW. THE OTHER TIME DO YOU RECALL YOU WERE PRESENT WHEN I HAD THE PRELIMINARY HEARING BEFORE JUDGE BENJAMIN?

A. (INAUDIBLE) JUDGE BENJAMIN.

Q. AND DO YOU RECALL THAT YOU CAME FROM BEHIND ME WHILE I WAS ASKING THE WITNESS AND TRIED TO SIT ME DOWN?

A. NO, MA'AM.

Q. WHAT DID YOU DO?

A. I NEVER TOUCHED YOU.

Q. NEVER TOUCHED ME?

A. NO, MA'AM.

Q. OKAY.

**THE COURT:** ALL RIGHT. THANK YOU. PLEASE HAVE A SEAT. ALL RIGHT. MS. WISE, YOU MAY BE EXCUSED.

(WITNESS TO THE SIDE)

**MR. FERNANDEZ:** YOUR HONOR, THE CITY WOULD CALL MS. FREDA BURRIS.

**THE COURT:** ALL RIGHT.

**FREDA BURRIS, AFTER BEING DULY SWORN BY THE COURT, TESTIFIES AS FOLLOWS:**

**DIRECT EXAMINATION BY**

**Q.** MS. BURRIS, PLEASE STATE YOUR NAME FOR THE RECORD.

**A.** FREDA BURRIS.

**Q.** AND WHAT IS YOUR CURRENT POSITION?

**A.** JURY TRIAL SCHEDULING CLERK.

**Q.** AND WHERE ARE YOU CURRENTLY EMPLOYED?

**A.** CITY OF COLUMBIA

**DEFENDANT FALTAS:** MAY I ASK THAT SHE SPEAK A LITTLE LOUDER, PLEASE?

**THE COURT:** ALL RIGHT. PLEASE SPEAK UP SO MS. FALTAS CAN HEAR YOU.

**Q.** YOUR PHYSICAL LOCATION WOULD BE THE UPSTAIRS ON THE THIRD FLOOR?

**A.** THIRD FLOOR, JURY TRIALS.

**Q.** AND SINCE THIS IS GOING TO BE ASKED, PLEASE TELL US YOUR NAME AND EDUCATION? I MEAN YOUR AGE AND YOUR EDUCATION.

**A.** I'M FORTY-SEVEN YEARS OLD AND I HAVE A CERTIFICATE OF (INAUDIBLE)

Q. THE ONLY THING I'VE CALLED YOU HERE TODAY IS TO DISCUSS YOUR ENCOUNTERS WITH MARIE FALTAS. HAVE YOU HAD AN OCCASION TO ENCOUNTER HER?

A. YES.

Q. NOW MOST RECENTLY?

A. YES. I TALKED HER -- WELL, SHE TALKS TO MOSTLY DEDRE.

Q. SHE CALLS YOU? PHONE CALLS?

A. YES.

Q. VERY FREQUENTLY? WOULD YOU CALL IT VERY FREQUENTLY?

A. YES.

Q. IS THERE ANY OTHER DEFENDANT THAT YOU DEAL WITH OR DEFENSE ATTORNEY, I IMAGINE THEY ALSO CALL YOU, IS THERE ANY OTHER DEFENDANT IN THE CITY OF COLUMBIA THAT CALLS YOU AS MUCH AS MARIE FALTAS?

A. NO.

Q. AND WOULD IT BE ACCURATE TO SAY THAT MARIE FALTAS CALLS YOU -- WHEN SHE DOES CALL IT'S FREQUENT, NUMEROUS TIMES IN A DAY?

A. YES.

Q. AND THE SHEER VOLUME OF PHONE CALLS, DOES THAT PREVENT YOU FROM DOING YOUR OTHER DUTIES REGARDING SCHEDULING JURY TRIALS?

A. YES.

Q. MOST RECENTLY WERE YOU A WITNESS TO AN ENCOUNTER DURING THIS MONTH -- SORRY, SEPTEMBER -- THAT MARIE FALTAS WAS UPSTAIRS DEMANDING TO SPEAK WITH JUDGE TURNER?

A. YES.

Q. NOW YOUR OFFICE IS OFF OF THE BIG HALLWAY, CORRECT?

A. YES.

Q. WERE YOU ABLE TO HEAR MARIE FALTAS YELLING IN THE HALLWAY?

A. YES, (INAUDIBLE).

Q. WAS THAT DISRUPTIVE TO FLOW OF BUSINESS THAT DAY?

A. YES.

Q. HAVE YOU EVER BEEN INTIMIDATED BY MS. FALTAS' PRESENCE OR CONCERNED?

**DEFENDANT FALTAS:** WOULD YOU -- I'M SORRY, I JUST DIDN'T HEAR.

**THE COURT:** REPEAT IT, PLEASE.

Q. (BY MR. FERNANDEZ) IN YOUR OFFICE YOUR DESK IS POSITIONED VERY CLOSE ALSO TO MS. DEDRE FLUITT, IS THAT CORRECT?

A. YES.

Q. YOU ARE RIGHT NEXT TO EACH OTHER?

A. YES.

**MR. FERNANDEZ:** THAT'S ALL THE QUESTIONS I HAVE.

**THE COURT:** ALL RIGHT. WAIT. DR. FALTAS. DO YOU HAVE A QUESTION OR NOT?

**DEFENDANT FALTAS:** YES, MA'AM, I DO.

**THE COURT:** I JUST CALLED UPON YOU. GET UP.

**CROSS EXAMINATION BY**

**DEFENDANT FALTAS:**

**DEFENDANT FALTAS:** OH, I'M SORRY. YOU SAID WAIT MEANING FOR HER TO WAIT IN THE WITNESS CHAIR?

**THE COURT:** I DID NOT SAY ANY SUCH THING AND THIS IS NOT A

LAUGHING MATTER. IF YOU HAVE A QUESTION, I WANT TO HEAR IT NOW.

**DEFENDANT FALTAS:** WELL, I'M SURE IT'S NOT A LAUGHING MATTER. TRUST ME IT'S NOT A LAUGHING MATTER FOR ME --

**THE COURT:** DON'T ARGUE WITH ME. ASK A QUESTION.

**DEFENDANT FALTAS:** YES, MA'AM.

**Q.** (BY DEFENDANT FALTAS) I'M SORRY. YOU ARE MS. BURRIS, RIGHT?

**A.** YES.

**Q.** AND HAVE I EVER CALLED YOU WHEN I DID NOT HAVE A CASE TO BE SCHEDULED?

**A.** YOU WOULD CALL IN REFERENCE TO YOUR CASE.

**Q.** LET ME MAKE IT EASIER OR MORE COMPLETE. HOW LONG HAVE YOU BEEN HERE IN THIS COURT?

**A.** FIVE YEARS.

**Q.** FIVE YEARS. AND HAVE YOU ALWAYS DONE JURY TRIAL SCHEDULING?

**A.** YES.

**Q.** OKAY. SO YOU CAME HERE IN 2005?

**A.** (INAUDIBLE)

**Q.** WHAT MONTH?

**A.** I COME IN 2004 BUT I'LL BE HERE SIX YEARS.

**Q.** WHAT MONTH IN --

**A.** OCTOBER.

**Q.** OKAY. DID I CALL YOU BETWEEN OCTOBER, 2004 AND NOVEMBER, 2008? DID I CALL YOU ANY TIME WITHIN THOSE THREE YEARS WHEN I DIDN'T --

**A.** I CAN'T REMEMBER. I JUST KNOW I TALKED TO YOU A LOT RECENTLY.

**Q.** RECENTLY. OKAY. AND WAS I ALWAYS ASKING QUESTIONS ABOUT MY

CASES?

**A.** YES.

**Q.** DID I EVER ASK ANYTHING ABOUT YOUR PERSONAL LIFE?

**A.** NO.

**Q.** WAS I ALWAYS PLEASANT SAYING GOOD MORNING OR GOOD AFTERNOON AND HOW ARE YOU TODAY?

**A.** YES.

**Q.** DID I EVER MAKE A THREAT TO YOU?

**A.** NO.

**Q.** DID I EVER OFFER A BRIBE TO YOU?

**A.** NO.

**Q.** OKAY. WERE THERE SOMETIMES ISSUES WHEN -- I'M TRYING TO PUT THIS IN THE CORRECT WAY WITHOUT PUTTING YOU IN THE SPOT BUT WERE THERE SOME TIMES --AND, FRANKLY, OVER THE PHONE WOULD YOU SAY OVER THE PHONE YOU PRETTY MUCH SOUND LIKE YOUR COLLEAGUE, THAT SOMETIMES I DON'T KNOW --

**A.** YES.

**Q.** YES. AND SOMETIMES MY SCHEDULING WOULD BE WITH YOU OR WITH HER, IS THAT CORRECT?

**A.** YES, BUT MOSTLY (INAUDIBLE).

**Q.** (INAUDIBLE). AND WERE THERE TIMES WHEN I HAD NOT RECEIVED NOTICE OF SOMETHING AND YOU WERE KIND ENOUGH TO TELL ME THAT IT WAS ACTUALLY ON THE SCHEDULE?

**A.** I ALWAYS TRIED -- WHEN YOU CALLED I ALWAYS TRY TO FIND OUT WHAT IT IS EXACTLY YOU NEED. (INAUDIBLE) OR SOMETHING LIKE THAT, TELL YOU I

DON'T KNOW BUT I'LL TRY TO FIND OUT. SOMETIMES YOU'D CALL ME BACK BEFORE I COULD FIND OUT.

**Q.** BUT SOMETIMES YOU WOULD TELL ME TO CALL BACK?

**A.** (INAUDIBLE)

**Q.** AND DID THERE COME A TIME WHEN YOU TOLD ME THAT YOU WERE TOLD TO NOT SCHEDULE MY CASES?

**A.** (INAUDIBLE)

**Q.** ALL RIGHT. LET ME ASK IT A DIFFERENT WAY. EVERYBODY ELSE WHO HAS A CASE ON JURY TRIAL YOU AUTOMATICALLY RESCHEDULE IT EVERY FOUR WEEKS OR SO WHEN THERE ARE JURY PANELS AVAILABLE, IS THAT CORRECT?

**A.** IT DEPENDS ON SEVERAL THINGS.

**Q.** WHAT IS THE INPUT THAT SOMETIMES THE CITY ATTORNEY WILL CALL YOU AND TELL YOU DON'T SCHEDULE THIS PERSON OR SOMETIMES CHIEF TURNER TELLS YOU DON'T SCHEDULE THIS PERSON?

**A.** NO.

**Q.** WHAT ARE THE CIRCUMSTANCES THAT YOU SAY THAT --

**A.** IF THE OFFICER IS AVAILABLE. THAT'S THE MAIN THING THAT WE GO BY. WE HAVE TO SEE IF THE OFFICER IS AVAILABLE OR IF ALL THE INFORMATION THAT WE NEED IS THERE SO THAT WE TRY TO PUT IT BACK ON THE DOCKET. OR (INAUDIBLE). IT ALWAYS DEPENDS ON, YOU KNOW, IF SOMEONE IS AVAILABLE OR NOT.

**Q.** YOU ARE AWARE THAT THERE IS A UNIFORM ORDINANCE SUMMONS CASE THAT --

**MR. FERNANDEZ:** YOUR HONOR, THIS GOES WELL BEYOND DR. FALTAS' DEMEANOR AND BEHAVIOR IN COURT.

**THE COURT:** WELL, YOU ARE ASKING HER IF SHE'S AWARE OF CERTAIN ORDINANCES? THAT DOESN'T HAVE ANYTHING TO DO WITH THIS.

**DEFENDANT FALTAS:** NOT THE ORDINANCE ITSELF. THE CASE CONCERNING THE ORDINANCE.

**THE COURT:** IF SHE'S AWARE OF YOUR PARTICULAR CASES?

**DEFENDANT FALTAS:** YES.

**THE COURT:** ALL RIGHT.

**A.** I KNOW WE HAVE YOUR CASES BUT INDIVIDUALLY, NO, I DO NOT (INAUDIBLE)

**Q.** AS YOU SIT HERE, DO YOU KNOW WHY THE CASE ON THE MUNICIPAL ORDINANCE SUMMONS HAS NOT BEEN SCHEDULED FOR OVER A YEAR? I'M JUST ASKING THE QUESTION.

**MR. FERNANDEZ:** YOUR HONOR, THAT ACTUALLY HAS BEEN SCHEDULED.

**THE COURT:** ALL RIGHT.

**DEFENDANT FALTAS:** I'M ASKING IF SHE HAS ANY KNOWLEDGE ABOUT THAT CASE?

**A.** I CAN'T SINGLE OUT JUST ONE CASE. THERE'S A LOT OF CASES.

**Q.** AND THE LAST TIME I HAD -- YOU PHYSICALLY SAW ME BEFORE TODAY I HAD MADE AN APPOINTMENT WITH MR. SCHNEE TO COME AND LOOK AT MY FILES, IS THAT CORRECT?

**A.** YES.

**Q.** AND WHAT DAY WAS THAT?

**A.** I'M NOT SURE. SEEMS LIKE A FRIDAY.

**Q.** IT WAS A THURSDAY.

A. IT WAS A THURSDAY?

Q. YES, MA'AM. AND THERE WERE FILES RECEIVED FROM GENERAL SESSIONS TWO OR THREE WEEKS BEFORE THAT DAY WOULD YOU SAY?

A. (INAUDIBLE)

Q. WOULD YOU AGREE THAT I WAS TRYING TO MAKE AN APPOINTMENT EARLIER TO COME AND REVIEW THAT FILE?

A. YES.

Q. OKAY. AND DID YOU TELL ME THAT I HAD TO TALK TO CHIEF TURNER, WHOM YOU CALL JUDGE TURNER, TO GET THAT APPOINTMENT?

A. I DON'T KNOW IF I TOLD YOU YOU'D HAVE TO TALK TO HER OR IF I TOLD YOU I WOULD HAVE TO GET WITH HER TO SEE ABOUT SCHEDULING A TIME WHEN YOU COULD COME.

Q. ALL RIGHT. AND WERE THERE TIMES WHEN I ALSO ASKED YOU ABOUT TRANSCRIPTS AND YOU SAID THAT EITHER I HAD TO TALK TO HER OR YOU'LL HAVE TO TALK TO HER?

A. YES.

Q. ALL RIGHT. THANK YOU. AND WERE THERE ALSO TIMES WHEN I ASKED YOU ABOUT TAPES OR C.D.'S FROM HEARINGS AND YOU EITHER TOLD ME THAT YOU WOULD HAVE TO ASK HER AND I'D HAVE TO CALL YOU BACK OR --

A. I WOULD HAVE TO TALK HER, YES.

Q. OR I HAVE TO TALK TO HER?

A. YES.

Q. SO WAS THERE ANY TIME WHEN YOU THOUGHT I WAS CALLING JUST TO BOTHER YOU?

A. I DON'T THINK YOU WERE CALLING JUST TO BOTHER ME BUT CALLING

BACK BEFORE I GET A CHANCE TO FIND OUT (INAUDIBLE) I'D HAVE TO TRY TO FIND OUT AND CALL YOU BACK, YOU WOULDN'T GIVE ME A CHANCE. YOU CALLED BACK.

**Q.** DID I EVER SAY AN INSULTING WORD TO YOU?

**A.** NO.

**Q.** DID YOU EVER SEE ME SAY AN INSULTING WORD TO SOMEBODY?

**A.** I THINK IT WAS THAT SAME THURSDAY I THINK YOU GOT A LITTLE UPSET AND YOU WAS HOLLERING IN THE HALL.

**Q.** BUT I WASN'T TALKING TO SOMEBODY AND SAYING WHAT MR. FERNANDEZ AND MS. HOLLOWAY --

**THE COURT:** IS THIS A QUESTION?

**Q.** (BY DEFENDANT FALTAS) DID YOU EVER HEAR ME SAY THE "F" WORD?

**A.** NO, I DIDN'T BUT THEN I LEFT TO TRY TO GO AND GET AN OFFICER.

**Q.** DID YOU EVER HEAR ME SAY TO YOU OR TO ANYONE YOU'LL GO TO HELL?

**A.** NO.

**Q.** DID YOU EVER HEAR ME SAY TO YOU OR TO ANYONE YOU'RE A BASTARD?

**A.** NO.

**Q.** AND WHAT WAS THE OTHER THING?

**MR. FERNANDEZ:** YOUR HONOR, WE'LL STIPULATE THAT MS. BURRIS DIDN'T HEAR HER SAY THE COMMENTS THAT SHE SAID TO ME.

**THE COURT:** THERE'S BEEN NO ALLEGATION THAT SHE DID.

**DEFENDANT FALTAS:** OR TO ANYONE.

**THE COURT:** ALL RIGHT. MS. BURRIS, YOU WERE INTERRUPTED. A

MOMENT AGO YOU SAID THAT THE DEFENDANT WAS -- MS. FALTAS WAS HOLLERING IN THE HALL AND YOU SAID THAT YOU -- I BELIEVE YOU SAID YOU HAD TO GO GET AN OFFICER, IS THAT CORRECT?

**A.** YES, I WAS GOING DOWNSTAIRS TO GET -- I DIDN'T KNOW WHAT WAS GOING ON. I JUST HEARD SHE HAD GOT UPSET AND WAS SORT OF SCREAMING AND SO I SAID LET ME GO AND FIND AN OFFICER. BY THE TIME I GOT DOWNSTAIRS OFFICER AVERY HAD CAME UP AND HAD CONTROL OF (INAUDIBLE)

**DEFENDANT FALTAS:** EXCUSE ME.

**Q.** (BY DEFENDANT FALTAS) AND ISN'T IT TRUE THAT THE REASON I WAS UPSET IS THAT I LEARNED THAT THERE WERE AT LEAST FOUR JURY TRIAL WEEKS THAT MY CASES COULD HAVE BEEN ON BUT YOU TOLD ME THAT THEY WERE NOT -- THAT MY CASES WERE NOT ON THE SCHEDULE?

**A.** I DON'T THINK I WAS IN THERE. I WAS IN THERE WHEN YOU STARTED BECAUSE I (INAUDIBLE).

**Q.** WHAT IN YOUR OPINION UPSET ME? DO YOU REMEMBER WHAT --

**A.** I WASN'T IN THERE. WHEN I LEFT YOU AND THE ATTORNEY -- I HAD WENT DOWNSTAIRS, YOU AND THE ATTORNEY WAS ABOUT TO WRAP IT UP BUT BY THE TIME I COME BACK HAD BROKE LOOSE (INAUDIBLE).

**Q.** NO, NO, NO. PLEASE LET'S BE OBJECTIVE AND COMPLETE.

**THE COURT:** MA'AM, SHE'S ANSWERING THE QUESTIONS. YOU DON'T HAVE A RIGHT TO TELL HER HOW TO ANSWER IT.

**Q.** (BY DEFENDANT FALTAS) WHAT DOES EVERYTHING HAD BROKE LOOSE MEAN?

**A.** WHEN I LEFT TO GO DOWNSTAIRS (INAUDIBLE) PAPERWORK OR WHAT-

EVER I HAD TO DO Y'ALL WERE GOING TO THROUGH THE FILES AND EVERYTHING WAS FINE. WHEN I COME BACK UP THAT'S WHEN I HEARD THE SCREAM AND THEN -- IN THE HALLWAY AND I WENT TO GET AN OFFICER. AND BY THE TIME I GOT BACK UPSTAIRS OFFICER AVERY -- I DON'T KNOW. ONE OF THE OFFICERS HAD ALREADY COME UP THERE (INAUDIBLE).

**THE COURT:** ALL RIGHT. MS. BURRIS, DURING THAT TIME DID YOU HEAR ANYONE ELSE SCREAMING OR HOLLERING IN THE HALL OTHER THAN DR. FALTAS?

**A.** NO. I THINK MY COWORKER, DEDRE, WAS TRYING TO TALK TO HER (INAUDIBLE).

**Q.** (BY DEFENDANT FALTAS) SO BASICALLY YOU WERE DOING YOUR WORK, YOU HAD DONE YOU WORK, YOU HAD GONE AWAY TO DO YOUR WORK WHEN I WAS REVIEWING THE FILES WITH MR. SCHNEE?

**A.** YES.

**Q.** YOU WERE NOT PREVENTED FROM DOING YOUR WORK? THE ONLY THING THAT DELAYED YOU A LITTLE BIT IS YOUR DECISION TO CALL OFFICER AVERY, RIGHT?

**A.** TO FIND AN OFFICER, YES.

**Q.** DID SOMEONE TELL YOU TO FIND ONE?

**A.** NO, I JUST KNOW WHEN I NEED TO HAVE AN OFFICER ON THE FLOOR.

**Q.** WHAT DID YOU THINK WAS HAPPENING (INAUDIBLE)?

**THE COURT:** SHE DOES NOT NEED TO SPECULATE ABOUT THAT, MA'AM. THANK YOU. PLEASE BE SEATED. YOU MAY STEP DOWN. YOU MAY STEP DOWN.

**DEFENDANT FALTAS:** I HAVE ONE MORE QUESTION.

**THE COURT:** YOU MAY STEP DOWN. YOU MAY BE SEATED.

(WITNESS TO THE SIDE)

**MR. FERNANDEZ:** THE CITY WILL CALL OFFICER HAMPE.

**T. R. HAMPE, AFTER BEING DULY SWORN BY THE COURT, TESTIFIES AS FOLLOWS:**

**DIRECT EXAMINATION BY**

**MR. FERNANDEZ:**

**Q.** OFFICER HAMPE, IF YOU WOULD, PLEASE STATE YOUR NAME AND CURRENT EMPLOYER, AGE AND EDUCATION.

**A.** OFFICER TOM HAMPE, CITY OF COLUMBIA POLICE DEPARTMENT. FIFTY-THREE AND I HAVE A B.A. IN INTERDISCIPLINARY STUDIES FROM THE UNIVERSITY OF SOUTH CAROLINA.

**Q.** YOUR DUTIES AS I UNDERSTAND THEM, AND CORRECT ME IF I'M WRONG, ARE THAT YOU ARE THE COURT LIAISON FOR THE CITY OF COLUMBIA?

**A.** THAT'S CORRECT.

**Q.** AND YOU ARE PRESENT IN THE COURTHOUSE EVERY DAY?

**A.** I AM.

**Q.** HAVE YOU ENCOUNTERED -- DID YOU HAVE AN OCCASION TO ENCOUNTER MARIE FALTAS?

**A.** YES, I HAVE SEVERAL TIMES.

**Q.** WOULD YOU PLEASE TELL US YOUR OPINIONS ABOUT THOSE ENCOUNTERS AND ANY SPECIFICS YOU MIGHT HAVE IN YOUR OPINION REGARDING THE DISRUPTIVENESS, HER DEMEANOR --

**DEFENDANT FALTAS:** OBJECTION.

**THE COURT:** IF ANY YOU MAY HAVE.

Q. (BY MR. FERNANDEZ) HER DEMEANOR AND I GUESS SPECIFICALLY WHAT YOU OBSERVED.

A. I'VE BEEN WITH THE CITY FOR SIXTEEN YEARS. I'VE KNOWN MS. FALTAS FOR A WHILE. MY PERSONAL FEELING ABOUT HER IS SHE'S EXTREMELY RUDE TO THE COURT OFFICERS. SHE ARROGANT. SHE HAS A WAY ABOUT HER THAT SHE FEELS LIKE SHE'S ABOVE EVERYBODY ELSE. I'VE HAD SEVERAL ENCOUNTERS WITH HER WHERE SHE'S ACTUALLY WALKED BACK IN THE CITY ATTORNEY'S OFFICE BACK THERE. I'VE STOPPED HER ON SEVERAL OCCASIONS. SHE KNOWS SHE'S NOT SUPPOSED TO GO BACK THERE BECAUSE THERE'S A BIG RED SIGN DOWN HERE THAT SAYS --

**DEFENDANT FALTAS:** OBJECTION. HE CANNOT TESTIFY ABOUT MY STATE OF MIND.

**THE COURT:** DR. FALTAS, THAT IS NOT AN OBJECTION. ALL RIGHT GO AHEAD.

A. THERE IS A BIG RED SIGN ON THERE THAT SAYS DO NOT ENTER, COURT PERSONNEL ONLY. SHE KNOWS SHE (INAUDIBLE) BACK THERE. I HAVE ON OCCASIONS BEEN IN MY OFFICER DOING PAPERWORK AND I SEE HER, YOU KNOW, COME BY AND I PERSONALLY ASK HER TO LEAVE. SOMETIMES SHE ADDRESSES WHY, GIVES ME THE SAME SPEEL THAT SHE GIVES THE REST OF THE PEOPLE. I HAVE TO ASK HER TO LEAVE.

Q. YOUR DUTIES AS COURT LIAISON OFFICER DO NOT INCLUDE DEALING WITH MARIE FALTAS, IS THAT CORRECT?

A. ABSOLUTELY NOT.

Q. SO WHEN YOU HAVE TO DEAL WITH MARIE FALTAS EITHER AS AN OFFICER OF THE LAW OR AS A PERSON OBSERVING SOMETHING THAT

SHOULDN'T BE HAPPENING, DOES THAT TAKE AWAY FROM YOUR ABILITY TO DO YOUR JOB?

**A.** IT DOES.

**Q.** AND IT HAS BEFORE NUMEROUS TIMES?

**A.** YES, IT HAS.

**Q.** DO YOU HAVE ANY OTHER SPECIFIC INSTANCES WHERE YOU FOUND MARIE FALTAS TO BE DISRUPTIVE?

**A.** YES, SIR. SEVERAL WEEKS AGO NEXT DOOR IN CRIMINAL COURT SHE WAS THERE REQUESTING A JURY TRIAL ON SEVERAL CHARGES SHE HAS AND SHE WAS SITTING IN THE CHAIRS LIKE YOU ARE SITTING THERE OVER THERE WHICH IS FOR COURT PERSONNEL TO SIT. (INAUDIBLE) I ASKED HER TO GET UP AND MOVE AND SHE SAID SHE DIDN'T WANT TO BUT I ASKED HER AGAIN AND SHE (INAUDIBLE). (INAUDIBLE) BENCHES ARE EXTREMELY HARD AND SHE DIDN'T LIKE SITTING ON THEM. AND I SAID, WELL, I'M SORRY, I HAVE NOTHING TO DO WITH THAT. A FEW MINUTES LATER SHE JUST STOOD UP AND STARTED SCREAMING LOOK AT MY WRISTS, LOOK WHAT THE POLICE OFFICERS DID, POLICE BRUTALITY, AND I JUST, YOU KNOW, TOLD HER POINT BLANK IF SHE DIDN'T CALM DOWN THAT I PERSONALLY WOULD ARREST HER FOR DISORDERLY CONDUCT.

**Q.** AND YOUR DUTIES -- I KNOW WE DIDN'T TOUCH ON THIS, BUT YOUR DUTIES PRIOR TO JOINING C.P.D. YOU WERE ACTUALLY A COURT OFFICER, IS THAT CORRECT?

**A.** I WAS.

**Q.** SO YOU WERE FAMILIAR WITH THE PROPER DEMEANOR AND DECORUM BEFITTING A COURTROOM?

A. THAT IS CORRECT.

Q. AND IN YOUR OPINION AS BOTH AN OFFICER AND AS A FORMER COURT OFFICER DOES MS. FALTAS OR DOES THE DEFENDANT, MARIE FALTAS, EXHIBIT BEHAVIOR THAT'S INAPPROPRIATE FOR A COURTROOM?

A. I'D SAY INAPPROPRIATE AND JUST ABSOLUTELY RUDE.

**MR. FERNANDEZ:** THAT'S ALL THE QUESTIONS I HAVE, YOUR HONOR.

**THE COURT:** ALL RIGHT, MS. FALTAS.

**CROSS EXAMINATION BY**

**DEFENDANT FALTAS:**

Q. GIVE US YOUR PREVIOUS EMPLOYMENT PLEASE.

A. MY PREVIOUS EMPLOYMENT? CITY OF COLUMBIA MUNICIPAL COURT.

Q. YOU'VE NEVER WORKED ANYWHERE ELSE?

A. YES, I HAVE.

Q. WHERE?

A. V. C. SUMMER NUCLEAR STATION.

Q. DID YOU EVER TAKE AN OATH TO PROTECT AND DEFEND THE CONSTITUTION OF THE UNITED STATES?

A. YES, I HAVE.

Q. ON WHAT OCCASION?

A. MILITARY, POLICE DEPARTMENT (INAUDIBLE).

Q. THAT'S WHAT I WAS GOING FOR WHEN I ASKED YOU YOUR PREVIOUS EMPLOYMENT. SO YOU HAVE BEEN IN THE MILITARY AND YOU DID TAKE AN OATH TO DEFEND THE CONSTITUTION OF THE UNITED STATES?

A. AS EVERYONE DOES.

Q. EVERYONE IN THE MILITARY, CORRECT?

A. CORRECT.

Q. AND ARE YOU AWARE THAT THE CONSTITUTION OF THE UNITED STATES HAS A FIRST AMENDMENT?

A. I AM.

Q. AND ARE YOU AWARE THE FIRST AMENDMENT GIVES ME THE RIGHT TO RUDE AND TO BE CRITICAL?

**MR. FERNANDEZ:** YOUR HONOR, I THINK OFFICER HAMPE IS AWARE OF WHAT RESPONSIBILITY A POLICE OFFICER HAS. I THINK WE CAN STIPULATE TO THAT.

**THE COURT:** YES. DR. FALTAS, THE QUESTION WAS WHETHER HE'S AWARE THAT SHE HAS THE RIGHT UNDER THE FIRST AMENDMENT TO BE RUDE AND CRITICAL. I ASSUME IN COURT. IS THAT YOUR QUESTION?

**DEFENDANT FALTAS:** YES, MA'AM, I HAVE THE RIGHT TO BE RUDE AND ARROGANT AND CRITICAL IN COURT. THAT'S WHAT I THINK.

**THE COURT:** MR. HAMPE, DO YOU KNOW WHETHER SHE HAS A RIGHT TO BE RUDE AND ARROGANT IN COURT?

A. YOUR HONOR, SHE WAS INTERRUPTING THE COURT THAT DAY. SHE WAS EXTREMELY RUDE, SCREAMING AT THE TOP OF HER LUNGS (INAUDIBLE). SHE WAS SCREAMING EXTREMELY LOUD. EVERYBODY IN THE COURTROOM HAD STOPPED AND IF SHE WOULD HAVE SAID TWO OR THREE MORE WORDS I PROBABLY WOULD HAVE LOCKED HER UP FOR DISORDERLY CONDUCT. WHEN I APPROACHED HER AND TOLD HER TO PLEASE BE QUIET SHE ACTUALLY DID BE-CAUSE SHE PROBABLY KNEW THAT I WASN'T GOING TO MESS AROUND.

**THE COURT:** ALL RIGHT.

Q. (BY DEFENDANT FALTAS) IS POLICE BRUTALITY AN IMPORTANT PUBLIC ISSUE?

A. ANY KIND OF BRUTALITY IS A PUBLIC ISSUE, MA'AM.

Q. AND IF OTHER POLICE OFFICERS HAVE CONSTANTLY ARRESTED ME AND IN THE PROCESS BRUISED MY WRISTS AND ALMOST BROKE THEM, AM I ENTITLED TO TELL THE PUBLIC ABOUT IT?

A. NOT IN THAT MANNER I WOULDN'T THINK, MA'AM.

Q. THAT'S YOUR OPINION?

A. THAT IS MY OPINION YOU ASKED FOR.

Q. THERE WAS A JUDGE IN THE COURTROOM, WASN'T THERE?

A. THERE WAS NOT.

Q. OH, SO YOU ARE TELLING ME I DON'T HAVE THE RIGHT TO SPEAK TO OTHER MEMBERS IN THE PUBLIC BEFORE A JUDGE COMES IN THE COURTROOM?

A. NOT IN A DISORDERLY FASHION, MA'AM. YOU WERE RAISING YOUR VOICE, SCREAMING WITH YOUR HANDS UP IN THE AIR LOOKING SAYING POLICE BRUTALITY, POLICE BRUTALITY. YOU WERE DISRUPTING THE FLOW OF THE ENTIRE COURT AND THAT IS MY JOB.

Q. OKAY. AND DID YOU HAVE AN IDEA THAT THE PEOPLE WHO INFLICTED THAT BRUTALITY ON ME ARE YOUR COLLEAGUES?

A. I DON'T KNOW WHO DID IT BUT I WOULD ASSUME THAT YOU WERE IN THIS COURT AND YOU ALLEGED THAT YOU HAD POLICE BRUTALITY AND ONE WOULD ASSUME THAT A CITY OF COLUMBIA POLICE OFFICER ALLEGEDLY DID THE POLICE BRUTALITY.

Q. DID YOU ACTUALLY SEE THAT MY WRISTS WERE BRUISED?

A. I DID NOT.

Q. YOU DID NOT LOOK?

A. NO, BECAUSE YOU WERE WAVING AROUND IN THE AIR LIKE THAT AND MY JOB IS NOT TO LOOK AT YOUR WRISTS, IT'S TO CALM YOU DOWN TO SET THE FLOW OF THE COURT IN ORDER.

Q. RIGHT. SO IT'S VERY IMPORTANT FOR PEOPLE TO SHUT UP RATHER THAN TO SPEAK ABOUT POLICE BRUTALITY?

**MR. FERNANDEZ:** YOUR HONOR, I OBJECT TO THE QUESTION. THERE IS A TIME AND A PLACE FOR HER ALLEGATIONS. WE ARE NOT TALKING ABOUT THAT.

**THE COURT:** ALL RIGHT, MR. FERNANDEZ. DR. FALTAS, ONCE AGAIN PLEASE TRY TO FOCUS ON WHY WE ARE HERE IF YOU POSSIBLY CAN.

**DEFENDANT FALTAS:** MA'AM, MAY I SAY THAT WE --

**THE COURT:** NO, YOU MAY NOT SAY ANYTHING EXCEPT WHAT I'M ASKING YOU TO DO WHICH IS IF YOU HAVE ANY MORE QUESTIONS ABOUT HIS SPECIFIC TESTIMONY LET ME HEAR IT.

**DEFENDANT FALTAS:** YES, MA'AM.

Q. (BY DEFENDANT FALTAS) YOU CLAIM THAT YOUR JOB IS TO NOT LET ME GO TO THE ROOM WHERE THE ATTORNEYS GO, IS THAT CORRECT?

A. IT'S NOT MY JOB FOR YOU. IT'S FOR ANYBODY. I DON'T JUST SINGLE YOU OUT. IF I SEE SOMEBODY IN THE CORNER OF MY EYE THAT I DON'T RECOGNIZE COME PAST THAT DOOR AND I HEAR THAT DOOR OPEN, I UNDERSTAND GET UP BECAUSE THE COURT OFFICERS CAN'T BE EVERYWHERE AT ONE TIME. I HELP THEM OUT AND I WILL GO BACK AND ASK THE PERSON WHY THEY ARE THERE AND I ASK THEM TO GO OUTSIDE. IN FACT, THE OTHER OFFICERS (INAUDIBLE) COURTROOM.

Q. DO YOU KNOW ALL ATTORNEYS IN SOUTH CAROLINA?

A. NO.

Q. HAS THERE EVER BEEN AN OCCASION WHEN YOU SAW SOMEBODY YOU DIDN'T RECOGNIZE AND YOU TOLD THEM TO GO OUT AND IT TURNS OUT THEY ARE A LAWYER?

A. NO.

Q. OKAY. SO I AM THE ONLY ONE WHOM YOU TOLD NOT TO GO IN THERE?

A. THAT'S NOT CORRECT. I DID NOT SAY THAT.

Q. ALL RIGHT. WHO ELSE DID YOU TELL NOT TO GO IN THERE?

A. I'D SAY LOTS OF PEOPLE. I CAN'T PUT A NUMBER ON IT.

Q. OKAY. AND THEN WHAT HAPPENED WITH THESE LOTS OF PEOPLE? DID SOMEONE FILE A MOTION THAT THEY CANNOT COME AND OBSERVE?

A. NOT TO MY KNOWLEDGE.

Q. OKAY. AND YOU SAY YOU'VE BEEN HERE FOR SIXTEEN YEARS, IS THAT CORRECT?

A. THAT'S CORRECT.

Q. OKAY. HAVE YOU BEEN THE COURTROOM OFFICER IN A COUPLE OF MY TRIALS?

A. I BELIEVE I HAVE.

Q. AND WAS THERE ONE TRIAL IN A TRAFFIC THAT I REPRESENTED MYSELF AND THE JURY FOUND ME NOT GUILTY? DO YOU RECALL THAT?

A. NO.

Q. OKAY. WAS THERE ANOTHER TRIAL. --

**THE COURT:** DR. FALTAS, LET'S STAY FOCUSED. WE ARE NOT HERE TO GO THROUGH YOUR TRIALS. DO YOU HAVE ANY IDEA NOW AT THIS

POINT WHAT WE ARE HERE FOR?

**DEFENDANT FALTAS:** YES, MA'AM.

**THE COURT:** WELL, THEN STICK TO IT. HIS TESTIMONY.

**Q.** (BY DEFENDANT FALTAS) AND YOU CLAIM THAT I SHOULD NEVER GO TO THAT ROOM BUT WASN'T THERE A TIME WHEN MR. FERNANDEZ -- AND PLEASE NOW I'M CONFESSING I CONFUSE YOU WITH HIM SOMETIMES SO IF IT WAS HE JUST PLEASE FORGIVE ME, BUT WAS THERE A TIME WHEN MR. FERNANDEZ ASKED YOU TO BRING ME TO THAT VERY ROOM WHICH YOU SAY YOUR JOB IS TO KEEP ME OUT OF?

**A.** THAT'S KIND OF A RIDICULOUS QUESTION. MY JOB IS TO KEEP EVERYONE BUT IF MR. FERNANDEZ ASKED ME TO BRING YOU BACK IN THERE SURELY I WOULD --

**Q.** SO DO YOU RECALL RECENTLY --

**A.** ARE YOU DOING TO LET ME FINISH?

**THE COURT:** GO AHEAD.

**A.** SURELY IF HE ASKED ME TO BRING YOU BACK IN HERE I WOULD HONOR THAT AND BRING YOU BACK IN THERE BUT I DO NOT RECALL HIM EVER ASKING ME THAT.

**Q.** WERE YOU PRESENT DURING A MEETING AMONG MR. FERNANDEZ, MR. CLARKE NEWTON AND MYSELF WHERE HE WAS TRYING TO INDUCE ME TO ACCEPT P.T.I.?

**A.** I WAS.

**Q.** ALL RIGHT. SO NOW YOU DO RECALL THAT?

**A.** I RECALL THAT, YES, MA'AM.

**Q.** SO THAT'S THE ONE. SO YOU ESCORTED ME TO THAT VERY ROOM THAT

YOU CLAIM I SHOULD NOT BE IN, RIGHT?

**A.** I'VE ALREADY ANSWERED THAT (INAUDIBLE).

**Q.** AND THEN DID YOU GET SO ENTHUSIASTIC THAT YOU OFFERED TO GO AND GET THE P.T.I. FORM FOR ME TO FILL OUT?

**A.** I DON'T RECALL. I DON'T BELIEVE I ASKED YOU TO FILL OUT A P.T.I. FORM. THAT'S NOT MY JOB.

**Q.** I DIDN'T SAY THAT YOU ASKED ME TO FILL IT OUT. DID YOU OFFER TO GO AND GET IT?

**MR. FERNANDEZ:** YOUR HONOR, I DON'T KNOW PLEA NEGOTIATIONS -- NOT THAT THESE ARE AT ALL ACCURATE BUT I DON'T SEE HOW THAT HAS ANYTHING TO DO WITH HER DEMEANOR.

**THE COURT:** WELL, I THINK SHE'S JUST TRYING TO ESTABLISH THAT THERE WAS ONE TIME WHEN YOU REQUESTED HER. MR. HAMPE --

**MR. FERNANDEZ:** I THINK I STIPULATED TO THAT WHEN I WAS (INAUDIBLE).

**THE COURT:** RIGHT. DO YOU RECALL WHEN THAT WAS, HOW LONG AGO IT WAS ABOUT, OFFICER HAMPE?

**A.** I DON'T -- IT WAS TWO OR THREE MONTHS AGO, YOUR HONOR, AND I DON'T RECALL IF I WENT AND GOT HER OR IF SHE CAME BY THERE, SOMEBODY BROUGHT HER BACK THERE, HER ATTORNEY BROUGHT HER BACK THERE. I DO NOT RECALL THAT I PHYSICALLY GOT IN THE COURTROOM AND BROUGHT HER BACK IN THE ROOM.

**THE COURT:** ALL RIGHT. THANK YOU.

**Q.** (BY DEFENDANT FALTAS) DURING THAT MEETING, DID YOU HEAR ME SAY A BAD WORD TO ANYONE?

A. NO.

Q. DURING THAT MEETING, DID YOU SEE ME OR HEAR ME DISRUPT ANYONE?

A. YES.

Q. HOW?

A. MR. FERNANDEZ WAS TALKING ABOUT THE EVIDENCE HE HAD AND YOU WERE -- WHICH I THOUGHT WAS EXTREMELY RUDE AND DISCOURTEOUS ON YOUR PART -- LAUGHING HYSTERICALLY AT SOME OF THE EVIDENCE HE HAD TO PRESENT AND I WAS EMBARRASSED FOR YOU.

Q. YOU WERE EMBARRASSED FOR ME?

A. YES, MA'AM, I WAS.

Q. OKAY. AND YOU ARE NOT EMBARRASSED FOR YOUR COLLEAGUES WHO FALSELY ARRESTED ME ON THAT CHARGE --

A. MA'AM, I WAS THERE.

**MR. FERNANDEZ:** ALL ALLEGATIONS AND CERTAINLY OFFICER HAMPE WOULDN'T KNOW ANYTHING ABOUT IT.

**THE COURT:** SUSTAINED.

Q. (BY DEFENDANT FALTAS) AND DO YOU RECALL DURING THAT MEETING THAT MR. FERNANDEZ SUGGESTED THAT THE P.T.I. WOULD BE FOR ME TO WORK IN THE DOG POUND FOR SIX MONTHS.

**MR. FERNANDEZ:** YOUR HONOR, THESE ARE PLEA NEGOTIATIONS CLEARLY --

**DEFENDANT FALTAS:** HE WAS THERE.

**MR. FERNANDEZ:** MS. FALTAS DOESN'T ACCURATELY REMEMBER WHAT WAS DISCUSSED, SHE HAS HER VERSION OF IT, BUT IT'S ALL IRRELEVANT FOR THE PURPOSE OF THIS MOTION.

**THE COURT:** ALL RIGHT. WELL, IT IS.

**Q.** (BY DEFENDANT FALTAS) DO YOU RECALL HIS HAVING MENTIONED THAT THE P.T.I. WOULD --

**A.** I BELIEVE I RECALL HIM SAYING THAT ALONG WITH OTHER THINGS. IT WASN'T JUST THAT. HE SAID P.T.I. LET YOU DO SEVERAL DIFFERENT OPTIONS.

**Q.** ONE OF THEM WAS FOR ME TO WORK IN THE DOG POUND?

**A.** ONE OF SEVERAL, YES, MA'AM.

**Q.** HE DID MENTION THE DOG POUND?

**A.** HE MENTIONED A KENNEL.

**Q.** WHICH IS WHERE DOGS ARE.

**A.** (INAUDIBLE)

**Q.** STRAY DOGS.

**THE COURT:** ALL RIGHT. LET'S MOVE ON.

**Q.** (BY DEFENDANT FALTAS) ARE YOU AWARE THAT I'M A MEDICAL DOCTOR?

**A.** EXCUSE ME?

**Q.** ARE YOU AWARE THAT I'M A MEDICAL DOCTOR?

**A.** I NOT QUITE SURE. I KNOW THEY CALL YOU DR. FALTAS BUT I HAVE NO IDEA IF YOU ARE OR NOT.

**Q.** AND IF IN FACT I AM IT WOULD BE JUSTIFIED FOR ME TO BE OFFENDED TO BE ASKED TO WORK IN A KENNEL FOR SIX MONTHS.

**MR. FERNANDEZ:** YOUR HONOR,

**THE COURT:** ALL RIGHT. MS. FALTAS, LET'S MOVE ON. HE CAN'T -

**Q.** (BY DEFENDANT FALTAS) AND YOU ARE CALLING ME ARROGANT? YOU DON'T THINK THAT WAS DEMEANING TO SUGGEST TO A DOCTOR THAT YOU GO

WORK IN THE KENNELS FOR SIX MONTHS FOR SOMETHING SHE DID NOT DO? YOU DON'T THINK THAT'S DEMEANING? YOU DON'T THINK THAT'S PROPER DECORUM? DO YOU THINK COURTS ARE ABOUT CHARM SCHOOL OR ABOUT TRUTH? THAT'S THE QUESTION. "A" OR "B." ARE COURTS ABOUT CHARM SCHOOL OR ABOUT THE TRUTH?

**THE COURT:** MS. FALTAS, YOU WILL NOT BERATE THE WITNESS. YOU'LL HAVE A SEAT.

**DEFENDANT FALTAS:** THANK YOU.

**THE COURT:** ALL RIGHT. OFFICER HAMPE, YOU MAY BE EXCUSED.

(WITNESS TO THE SIDE)

**THE COURT:** MR. FERNANDEZ?

**MR. FERNANDEZ:** YOUR HONOR, I'M DONE CALLING WITNESSES. I THINK I'VE COVERED ALL THE ELEMENTS.

**THE COURT:** ALL RIGHT.

**DEFENDANT FALTAS:** SO YOU ARE NOT CALLING OFFICER AVERY?

**THE COURT:** HE'S NOT CALLING OFFICER AVERY. HE'S NOT CALLING ANY OTHER WITNESS, IS THAT CORRECT?

**MR. FERNANDEZ:** YES, YOUR HONOR.

**DEFENDANT FALTAS:** MAY I CALL OFFICER AVERY, PLEASE?

**THE COURT:** MR. AVERY, COME FORWARD.

**TONY AVERY, AFTER BEING DULY SWORN BY THE COURT TESTIFIES AS FOLLOWS:**

**THE COURT:** THANK YOU. PLEASE BE SEATED THERE AND STATE YOUR NAME.

**A.** OFFICER AVERY.

**DIRECT EXAMINATION BY**

**DEFENDANT FALTAS:**

**Q.** AND THE QUESTION YOU'VE HEARD. YOUR AGE, EDUCATION AND OCCUPATION, PLEASE.

**A.** I'M (INAUDIBLE).

**Q.** IN WHAT?

**A.** (INAUDIBLE).

**Q.** AND YOUR OCCUPATION?

**A.** COURT OFFICER.

**Q.** IS OFFICER HAMPE YOUR SUPERVISOR IN ANY WAY?

**A.** (INAUDIBLE).

**Q.** DO YOU SUPERVISE OTHER OFFICERS IN ANY WAY?

**A.** (INAUDIBLE).

**Q.** OKAY. HOW LONG HAVE YOU KNOW ME?

**A.** (INAUDIBLE).

**Q.** TWELVE YEARS. HAVE YOU EVER KNOWN ME TO COME TO COURT WHEN I DIDN'T HAVE A CASE?

**A.** (INAUDIBLE).

**Q.** OKAY. HOW WAS THAT?

**A.** (INAUDIBLE).

**Q.** AND DID YOU ALSO SEE ME IN THE ALVIN GLENN DETENTION CENTER AT LEAST TWO TIMES?

**A.** (INAUDIBLE).

**Q.** AND WAS THERE ONE TIME WHEN YOU TOLD ME THAT I'M CHARGED WITH A FELONY?

A. (INAUDIBLE).

Q. THAT WAS (INAUDIBLE) 2009?

A. (INAUDIBLE).

Q. HOW HAVE I BEEN TO YOU?

A. VERY CORDIAL.

Q. VERY CORDIAL? THANK YOU. HAVE YOU EVER SEEN ME SAY A BAD WORD TO SOMEBODY?

A. I DON'T KNOW.

Q. THANK YOU. AND THAT DAY WHEN YOU WERE CALLED AND TOOK ME AWAY, DID SOMEONE TELL YOU THAT I WAS DAMAGING ANY PROPERTY?

A. NO, MA'AM.

Q. DID YOU THINK I WAS GOING TO DAMAGE ANYTHING?

A. I WAS TOLD (INAUDIBLE).

Q. DID YOU HAVE ANY OPINION THAT I WAS GOING TO DAMAGE ANYTHING?

A. (INAUDIBLE).

Q. SO YOU DID NOT SEE ME IN ANY DISRUPTIVE OPINION? I HOPE YOUR JOB IS NOT ON THE LINE FOR TELLING THE TRUTH ABOUT THIS.

**THE COURT:** DR. FALTAS, LET'S STAY AWAY FROM INAPPROPRIATE REMARKS.

**DEFENDANT FALTAS:** YOUR HONOR, WHAT IS INAPPROPRIATE?

**THE COURT:** IT IS NOT APPROPRIATE FOR YOU WHEN YOU ARE SUPPOSED TO BE ASKING QUESTIONS TO MAKE SNIDE REMARKS AND LAUGH ABOUT THEM. DO YOU HAVE ANY OTHER QUESTIONS?

**DEFENDANT FALTAS:** YES, I DO.

**THE COURT:** WELL, LET'S GET ON WITH IT.

Q. (BY DEFENDANT FALTAS) HAS THERE BEEN TALK AROUND THE COURTHOUSE ABOUT ME?

A. YES.

Q. MY CASES, THE FACT THAT I WON MY PREVIOUS CASES AND THEY HAVE NEW CASES AGAINST ME OR ANYTHING LIKE THAT?

A. (INAUDIBLE).

**DEFENDANT FALTAS:** ALL RIGHT. THANK YOU. THAT'S ALL I HAVE.

**THE COURT:** ALL RIGHT. THANK YOU. MR. FERNANDEZ.

**CROSS EXAMINATION BY**

**MR. FERNANDEZ:**

Q. OFFICER AVERY, HAVE YOU EVER KNOWN MS. FALTAS TO BE DISRUPTIVE? HAVE YOU EVER WITNESSED IT?

**THE COURT:** HAVE A SEAT.

Q. (BY MR. FERNANDEZ) HAVE YOU EVER WITNESSED ACTIONS WHERE MAYBE NOT YOURSELF BUT OTHER OFFICERS WERE REQUIRED TO LEAVE THEIR ASSIGNED DUTIES IN ORDER TO DEAL WITH HER INVOLVEMENT?

A. (INAUDIBLE)

Q. AND (INAUDIBLE) EITHER YOUR OR THEIR ABILITY TO DO THEIR JOB EFFECTIVELY WAS RESTRICTED BY MS. FALTAS' ACTIONS?

A. (INAUDIBLE)

**MR. FERNANDEZ:** THAT'S ALL THE QUESTIONS, YOUR HONOR.

**THE COURT:** ALL RIGHT.

**DEFENDANT FALTAS:** MAY I HAVE SOME REDIRECT?

**THE COURT:** PARDON ME?

**DEFENDANT FALTAS:** MAY I HAVE SOME REDIRECT, PLEASE.

**THE COURT:** ALL RIGHT. THIS IS GOING TO BE IN RESPONSE TO WHAT WAS ASKED.

**REDIRECT EXAMINATION BY**

**DEFENDANT FALTAS:**

**Q.** WHO WERE THOSE OFFICERS?

**A.** (INAUDIBLE)

**Q.** WHO ALREADY TESTIFIED. AND WHO ELSE?

**A.** (INAUDIBLE)

**Q.** YOU MEAN A CITY POLICE OFFICER, NOT A COURTROOM. AND THESE ARE THE ONLY TWO?

**A.** THE ONLY TIME I (INAUDIBLE).

**DEFENDANT FALTAS:** THANK YOU. MAY I CALL CONSTANCE HOLLOWAY, PLEASE?

**THE COURT:** PARDON ME?

**DEFENDANT FALTAS:** I CALL CONSTANCE HOLLOWAY.

**THE COURT:** YOU MAY BE EXCUSED.

(WITNESS TO THE SIDE)

**THE COURT:** MS. HOLLOWAY.

**CONSTANCE D. HOLLOWAY, AFTER BEING DULY SWORN BY THE COURT, TESTIFIES AS FOLLOWS:**

**DIRECT EXAMINATION BY**

**Q.** GOOD AFTERNOON.

**A.** GOOD AFTERNOON.

**Q.** YOUR AGE?

A. TWENTY-EIGHT.

Q. OCCUPATION?

A. I'M AN ASSISTANT CITY ATTORNEY FOR THE CITY OF COLUMBIA.

Q. EDUCATION?

A. I WENT U.S.C. IN COLUMBIA UNDERGRAD. I HAVE A BACHELOR'S OF ART IN HISTORY. I HAVE A J.D. DEGREE (INAUDIBLE) FROM THE UNIVERSITY OF SOUTH CAROLINA SCHOOL OF LAW.

Q. DID YOU GRADUATE AT THE TOP OF YOUR CLASS?

A. NOT AT THE TOP. I GRADUATED.

Q. WOULD YOU SAY DO YOU KNOW WHAT YOUR GRADUATION RANK IS?

**MR. FERNANDEZ:** YOUR HONOR --

**THE COURT:** DR. FALTAS, THAT IS NOT RELEVANT. LET'S MOVE ON.

**DEFENDANT FALTAS:** MA'AM, MAY I JUST PUT ON THE RECORD THAT SHE SAID THAT I THINK SHE'S A TOKEN BLACK AND I'M TRYING TO ESTABLISH --

**MR. FERNANDEZ:** YOUR HONOR,

**THE COURT:** DO WHAT? YOU THINK THAT SHE'S TALKING BLACK? IS THAT WHAT YOU ARE SAYING?

**DEFENDANT FALTAS:** NO, MA'AM.

A. TOKEN, YOUR HONOR.

**THE COURT:** TOKEN. OH.

Q. (BY DEFENDANT FALTAS) SO --

**THE COURT:** ARE YOU TESTIFYING THAT YOU SAID THIS? NO, YOU ARE NOT GOING TO TESTIFY. YOU CAN ASK HER ABOUT HER AFFIDAVIT.

**DEFENDANT FALTAS:** THAT'S WHAT SHE SAID IN THE AFFIDAVIT.

**THE COURT:** WELL, WHAT ARE YOU ASKING? YOU ARE ASKING HER DID SHE SAY THAT IN HER AFFIDAVIT, THAT YOU SAID SHE WAS A TOKEN BLACK?

**DEFENDANT FALTAS:** AND SHE SAID IT FROM HERE, YES.

**THE COURT:** WELL, MS. HOLLOWAY?

**A.** DID I SAY THAT PREVIOUSLY, YOUR HONOR?

**THE COURT:** DID YOU SAY THAT IN YOUR AFFIDAVIT?

**A.** YES, YOUR HONOR.

**Q.** (BY DEFENDANT FALTAS) ARE YOU THE ONLY BLACK ASSISTANT CITY ATTORNEY?

**A.** I AM THE ONLY BLACK ASSISTANT, YES.

**Q.** AND PREVIOUS TO YOU THERE WAS OVERTURE WALKER WHO IS ALSO BLACK?

**A.** YES.

**Q.** AND HE WAS THE ONLY BLACK IN THE CITY, BLACK ASSISTANT CITY ATTORNEY, IS THAT CORRECT?

**A.** PRIOR TO ME COMING, YES.

**Q.** AND PRIOR TO MR. WALKER (INAUDIBLE) THERE WAS MS. CHRISTA BELL?

**A.** PRIOR TO MR. WALKER I DON'T KNOW.

**Q.** YOU DON'T KNOW. ALL RIGHT. AND SO THERE WAS NEVER MORE THAN ONE BLACK TO YOUR KNOWLEDGE?

**THE COURT:** SHE SAID SHE DOESN'T KNOW AND YOU WON'T PUT WORDS IN HER MOUTH.

**DEFENDANT FALTAS:** I'M ASKING HER.

**THE COURT:** SHE SAID SHE DID NOT KNOW. MOVE ON.

**Q.** (BY DEFENDANT FALTAS) IS YOUR SALARY SIXTY-FIVE THOUSAND DOLLARS --

**THE COURT:** YOU HAVE NO -- HER SALARY IS NOT RELEVANT.

**DEFENDANT FALTAS:** IT'S PUBLIC --

**THE COURT:** NO, IT ISN'T. IT'S NOT RELEVANT HERE. I DON'T CARE HOW PUBLIC IT IS. MOVE ON.

**Q.** (BY DEFENDANT FALTAS) IS YOUR SALARY HIGHER THAN WHAT GRADUATES OF THE SAME --

**THE COURT:** DR. FALTAS, I SAID HER SALARY IS NOT RELEVANT.

**DEFENDANT FALTAS:** I'M TRYING TO MAKE A RECORD, MA'AM.

**THE COURT:** I AM TELLING YOU --

**DEFENDANT FALTAS:** ALL RIGHT. I'LL ASK ANOTHER QUESTION.

**THE COURT:** IT BETTER BE RELEVANT.

**DEFENDANT FALTAS:** YES.

**Q.** (BY DEFENDANT FALTAS) YOU SAID FROM HERE BUT NOT IN THE AFFIDAVIT THAT I SAID BLACK PEOPLE NORMALLY GO TO CHURCH, IS THAT CORRECT?

**A.** YES. WELL, (INAUDIBLE) BLACK PEOPLE (INAUDIBLE).

**Q.** YES. AND WHAT'S WRONG WITH THAT?

**A.** THERE'S NOTHING WRONG WITH THAT STATEMENT BUT YOU CONTINUED TO SAY THAT I MUST NOT BE ONE OF THOSE BLACK PEOPLE.

**Q.** THANK YOU. ARE YOU ONE OF THE PEOPLE WHO ARE CHRISTIAN AND GO TO CHURCH?

**THE COURT:** THAT IS NOT RELEVANT. YOU HAVE NO RIGHT TO

ASK HER ABOUT HER RELIGIOUS AFFILIATION.

**Q.** (BY DEFENDANT FALTAS) YOU HEARD -- DID YOU READ MR. FERNANDEZ'S AFFIDAVIT?

**A.** YES.

**Q.** AND DID YOU HEAR HIM TESTIFY UNDER GUISE OF MAKING ARGUMENTS HERE?

**A.** I HEARD HIM MAKE A STATEMENT.

**Q.** OKAY. DID THAT STATEMENT REFER TO HIS FAMILY?

**A.** PART OF IT DID.

**Q.** ARE YOU AWARE OF A BIBLICAL PASSAGE THAT SAYS I AM --

**THE COURT:** WE ARE NOT GOING INTO THE BIBLE. YOU MOVE ON.

**DEFENDANT FALTAS:** MA'AM, HE'S CONTENDING THAT MY BIBLICAL QUOTATION WAS --

**THE COURT:** SHE DID NOT. SHE DID NOT.

**Q.** (BY DEFENDANT FALTAS) DID YOU HEAR ME THREATEN FERNANDEZ'S FAMILY?

**A.** I HEARD YOU SAY THAT HIS WIFE WOULD BE RAPED AND HIS FAMILY WOULD SUFFER FOR GENERATIONS OR (INAUDIBLE).

**Q.** RAPED BY WHOM?

**A.** I DON'T RECALL THAT YOU (INAUDIBLE).

**Q.** DID YOU HEAR I WAS GOING TO RAPE HER?

**A.** NO, I DON'T RECALL YOU SAYING, DAVID, I'M GOING TO RAPE YOUR WIFE.

**Q.** DID YOU SAY I WAS GOING TO SEND SOMEBODY TO RAPE HIS WIFE?

**A.** NO, YOU DID NOT SAY THAT.

**Q.** WASN'T THAT IN CONNECTION WITH THE BIBLICAL STORY OF DAVID?

**MR. FERNANDEZ:** YOUR HONOR, OBJECTION.

**DEFENDANT FALTAS:** I AM ASKING WHAT SHE WITNESSED.

**THE COURT:** NO, YOU ARE ASKING HER TO INTERPRET WHAT YOU SAID AND YOU ARE NOT GOING TO ASK HER THAT. GO TO SOMETHING ELSE.

**Q.** (BY DEFENDANT FALTAS) DID YOU PHYSICALLY HEAR ME REFER TO THE BIBLICAL STORY OF DAVID BECAUSE HIS FIRST NAME IS DAVID?

**A.** YOU REFER TO A LOT BIBLICAL PASSAGES BUT I HEARD YOU REFER, YOU SAID HIS WIFE WAS GOING TO BE RAPED AND THAT HIS FAMILY IS GOING TO SUFFER FOR GENERATIONS FOR YOUR SINS.

**Q.** ISN'T IT POSSIBLE THAT YOU CONFUSED MY QUOTING THE BIBLICAL VERSE THAT SAYS I AM A GOD VISITING THE SINS OF THE FATHERS ON THE SONS TO THE SEVENTH GENERATION?

**A.** IS IT POSSIBLE THAT I WAS CONFUSED FROM WHAT I HEARD?

**Q.** YES.

**A.** YOU SAID THAT. I DON'T KNOW WHAT YOU MEANT WHEN YOU SAID IT BUT YOU SAID YOUR WIFE IS GOING TO BE RAPED AND YOU ARE GOING TO SUFFER --

**Q.** NO, NO, NO, NO, NO.

**THE COURT:** DON'T TELL HER NO, NO, NO. THAT'S NOT APPROPRIATE. THAT'S NOT APPROPRIATE.

**A.** (BY DEFENDANT FALTAS) I'M ASKING ABOUT THIS PHRASE, TO THE SEVENTH GENERATION. DID YOU HEAR THAT COME OUT OF MY MOUTH?

**A.** I DON'T KNOW IF YOU SAID EXACTLY TO THE SEVENTH GENERATION. YOU SAID SOMETHING ABOUT SEVEN SOMETHING.

**DEFENDANT FALTAS:** GENERATIONS.

**THE COURT:** DON'T TELL THE WITNESS WHAT TO SAY.

**Q.** (BY DEFENDANT FALTAS) HAVE YOU, CONSTANCE HOLLOWAY, EVER READ THE BIBLICAL STORY OF DAVID, OF KING DAVID?

**THE COURT:** THAT IS ABSOLUTELY INAPPROPRIATE.

**DEFENDANT FALTAS:** MA'AM, IT IS APPROPRIATE --

**THE COURT:** DON'T ARGUE WITH ME.

**DEFENDANT FALTAS:** ALL RIGHT.

**Q.** (BY DEFENDANT FALTAS) DID I TELL YOU THAT YOU WERE GOING TO BE RAPED?

**A.** NO.

**Q.** DID I MAKE ANY THREAT TO YOU?

**A.** NO.

**Q.** DID I MAKE ANY GRIEVANCE AGAINST YOU?

**A.** NO.

**Q.** ARE YOU AWARE THAT THERE IS A GRIEVANCE AGAINST DAVID FERNANDEZ?

**A.** YES.

**Q.** SO HE CAME TO THE OFFICE ONE DAY AND SAID DR. FALTAS FILED A GRIEVANCE AGAINST ME AT THE OFFICE OF DISCIPLINARY COUNCIL?

**A.** I'M NOT AWARE IF HE CAME TO THE OFFICE ONE DAY AND SAID IT. I DON'T KNOW HOW I FOUND OUT. I'M AWARE OF IT.

**Q.** ARE YOU AWARE WHY THERE WAS A GRIEVANCE FILED?

**A.** NO.

**Q.** WAS THERE A TIME WHEN MY CASES EVEN THOUGH THEY WERE TREMENDOUS CASES WERE SCHEDULED ON YOUR DOCKET?

A. I BELIEVE THERE WAS A TIME WHEN YOU GUYS AGREED ON A DAY CERTAIN TO TRY ALL OF YOUR CASES THAT WEEK AND THAT HAPPENED TO BE MY WEEK OF COURT SO THEY PUT IT ON MY DOCKET FOR (INAUDIBLE).

Q. DID YOU SEE ME AGREE TO THAT?

A. NO, I DIDN'T. THAT WAS MY UNDERSTANDING.

Q. AND THEN DID YOU WRITE AN E-MAIL TO CLARKE NEWTON SAYING THAT, NO, THE CASES WERE NOT GOING TO BE CALLED?

A. I DID PRIOR TO SPEAKING TO MR. FERNANDEZ. I SAW YOUR NAME ON MY DOCKET AND AUTOMATICALLY ASSUMED IT WAS A MISTAKE. AFTER I (INAUDIBLE) I SPOKE TO MR. FERNANDEZ WHO SAID THERE WAS AN AGREEMENT FOR A DAY CERTAIN AND THEN I (INAUDIBLE).

Q. EXPLAIN THAT TO ME. YOU KNEW THERE WAS AN AGREEMENT FOR IT TO BE ON YOUR DOCKET BUT THEN WHEN YOU SAW IT ON YOUR DOCKET YOU AUTOMATICALLY ASSUMED IT WAS A MISTAKE?

A. NO, WHAT I SAID WAS I RECEIVED MY DOCKET -- I RECEIVED MY DOCKET, SAW YOUR NAME ON MY DOCKET. I AUTOMATICALLY ASSUMED THAT IT WAS A MISTAKE BECAUSE I DON'T HANDLE YOUR CASES. I E-MAILED CLARKE AND SAID, CLARKE, I DON'T KNOW WHY -- I CAN REMEMBER VERBATIM WHAT THE E-MAIL SAID BUT I SAID I WAS NOT INVOLVED IN THE CASES, I'M NOT TRYING THE CASES. SUBSEQUENTLY THAT DAY I SPOKE WITH MR. FERNANDEZ AND HE ADVISED ME THAT YOU GUYS HAD AGREED ON A DATE CERTAIN OR A WEEK CERTAIN AND THEN I RETRACTED MY E-MAIL TO CLARKE.

Q. IN FACT, DIDN'T CLARKE SEND AN E-MAIL TO FERNANDEZ SAYING WHAT'S UP, WHY IS CONSTANCE SAYING THAT THE CASES WILL NOT BE TRIED?

A. THAT'S POSSIBLE. ALL I KNOW IS I DIDN'T SEE OR TALK TO DAVID. ALL I

KNOW IS I SPOKE WITH MR. FERNANDEZ AND MR. FERNANDEZ ADVISED ME THAT YOU GUYS HAD AGREED TO (INAUDIBLE).

**Q.** ISN'T IT TRUE, MS. HOLLOWAY, THAT YOU WERE IN A CONSPIRACY TO TRY ME IN MY ABSENCE BY YOU SENDING AN E-MAIL --

**MR. FERNANDEZ:** YOUR HONOR --

**Q.** (BY DEFENDANT FALTAS) -- SAYING THE CASE WOULD NOT BE TRIED AND THEN FERNANDEZ WOULD SAY, NO, THAT WAS A MISTAKE AND THEY WOULD COME HERE AND TRY ME IN MY ABSENCE BECAUSE YOU KNOW THERE IS NO EVIDENCE AGAINST ME?

**A.** DO YOU WANT ME TO ANSWER THAT QUESTION (INAUDIBLE)?

**THE COURT:** ANSWER IT.

**A.** I AM NOT AWARE OF ANY CONSPIRACY. I PERSONALLY DO NOT GET INVOLVED IN YOUR CASES. WHEN I SEE YOUR NAME, I (INAUDIBLE) GO THE OTHER DIRECTION. I DON'T KNOW ANYTHING ABOUT YOUR CASES. I DON'T CARE TO KNOW ANYTHING ABOUT YOUR CASES.

**Q.** WHAT HAVE YOU HEARD IN THE OFFICE ABOUT ME?

**A.** I'VE PERSONALLY -- I KNOW THAT YOU CALL FREQUENTLY. I KNOW THAT YOU HAVE HARASSED SEVERAL STAFF MEMBERS. I'VE PERSONALLY (INAUDIBLE) SITUATIONS INVOLVING MR. FERNANDEZ. I ALSO KNOW THAT THERE IS -- I DON'T KNOW (INAUDIBLE) I DON'T KNOW WHO MADE THE DECISION THAT THEY WOULDN'T TAKE PHONE CALLS FROM YOU AT THE OFFICE, THAT EVERYTHING HAD TO BE IN WRITING.

**Q.** WHO IS YOUR SUPERVISOR, MS. HOLLOWAY?

**A.** BOB COOPER.

**Q.** HE'S THE ONE WHO HIRED YOU?

**A.** NO, HE'S NOT.

**Q.** WHO HIRED YOU?

**A.** KEN GAINES.

**Q.** WHO SETS YOUR SALARY?

**A.** I ASSUME KEN GAINES AND CITY COUNCIL SET IT.

**Q.** WHO CAN FIRE YOU?

**A.** KEN GAINES.

**Q.** ALL RIGHT. AND DON'T YOU KNOW THAT THEY ARE MAD THAT I PROVED THAT PREVIOUSLY?

**MR. FERNANDEZ:** YOUR HONOR, SPECULATION.

**THE COURT:** SUSTAINED.

**DEFENDANT FALTAS:** ALL RIGHT.

**Q.** (BY DEFENDANT FALTAS) THAT OTHER DAY -- DO YOU JUST DO PROSECUTORIAL WORK FOR THE CITY ATTORNEY'S OFFICE OR DO YOU DO OTHER CONTRACTS AND OTHER MATTERS AND SOMETIME CIVIL DEFENSE?

**MR. FERNANDEZ:** IRRELEVANT, YOUR HONOR.

**DEFENDANT FALTAS:** CAN YOU LET ME FINISH THE QUESTION?

**THE COURT:** YOU HAVEN'T FINISHED WITH THAT QUESTION? THERE'S MORE TO IT? WHAT?

**DEFENDANT FALTAS:** I WAS ASKING ABOUT THE RANGE OF THE LEGAL WORK SHE DOES IN THE CITY ATTORNEY'S OFFICE AND THAT'S LEADING LIKE -- NOT LEADING BUT ESTABLISHING THE FOUNDATION FOR THE NEXT QUESTION.

**THE COURT:** YOU SAID YOU HAD NOT FINISHED THAT QUESTION. WHAT MORE DO YOU WISH TO ADD TO IT?

**Q.** (BY DEFENDANT FALTAS) DOES YOUR WORK FOR THE CITY ATTORNEY INCLUDE CIVIL DEFENSE OF SOME CASES, CONTRACT WORK, REVIEW OF OTHER LEGAL MATTERS FOR THE CITY OTHER THAN PROSECUTING --

**THE COURT:** WHAT'S THE RELEVANCE OF THIS?

**DEFENDANT FALTAS:** I'LL GET TO THE RELEVANCE.

**THE COURT:** WHAT IS THE RELEVANCE OF IT?

**DEFENDANT FALTAS:** THE RELEVANCE IS THAT SHE WOULD KNOW THAT THE CITY OF COLUMBIA DOES NOT OWN BUILDING 1401.

**THE COURT:** DOES NOT WHAT?

**DEFENDANT FALTAS:** OWN. O-W-N (SPELLED).

**THE COURT:** OWN WHAT?

**DEFENDANT FALTAS:** BUILDING 1401.

**THE COURT:** THAT'S TOTALLY IRRELEVANT.

**DEFENDANT FALTAS:** MA'AM, IT'S VERY RELEVANT.

**THE COURT:** DON'T ARGUE WITH ME.

**DEFENDANT FALTAS:** I AM MAKING MY --

**THE COURT:** DON'T ARGUE WITH ME. THAT'S NOT RELEVANT AND YOU'LL MOVE ON TO SOMETHING THAT IS IF YOU CAN.

**DEFENDANT FALTAS:** I CAN.

**Q.** (BY DEFENDANT FALTAS) AND THEN THAT OTHER DAY THAT YOU CLAIM I CALLED HIM A NEPHEW SOMETHING -- YOU'RE A LAWYER, RIGHT?

**A.** YES.

**Q.** IS THE WORD --

**THE COURT:** NEPHEW? I HAVEN'T HEARD ANY ALLEGATIONS ABOUT A NEPHEW. IS THAT WHAT YOU SAID, NEPHEW?

**DEFENDANT FALTAS:** YOUR HONOR, AN "F'ING." SHE SAID "F-ING."

**THE COURT:** OH. ALL RIGHT. GO AHEAD.

**DEFENDANT FALTAS:** I NEVER SAID "F-ING." BUT --

**THE COURT:** NO, YOU ARE NOT TESTIFYING.

**DEFENDANT FALTAS:** YES, MA'AM, I KNOW BUT THEY WERE.

**Q.** (BY DEFENDANT FALTAS) IS THE WORD BASTARD A LEGAL TERM?

**A.** NO.

**Q.** (SOUND)

**A.** A LEGAL TERM?

**Q.** YES, MA'AM.

**A.** NO. DEROGATORY BUT NOT ILLEGAL.

**Q.** NO, NO, NOT ILLEGAL. A LEGAL TERM.

**A.** A LEGAL TERM?

**Q.** YES, MA'AM.

**A.** THE TERM BASTARD?

**Q.** YES, MA'AM.

**A.** I'M NOT AWARE OF IT BEING A LEGAL TERM.

**Q.** HAVE YOU EVER LOOKED IN BLACK'S LAW DICTIONARY? IT HAS THE TERM BASTARD IN IT.

**A.** I HAVE NEVER PARTICULARLY LOOKED FOR THAT WORD.

**Q.** DO YOU --

**THE COURT:** DR. FALTAS, IF YOU ARE GOING TO KEEP UP WITH THE LAW THEN YOU NEED TO GO STUDY YOUR PROBATE COURT CASES, TOO. LET'S ASK SOMETHING THAT'S RELEVANT OR YOU GO SIT DOWN.

**DEFENDANT FALTAS:** YES, MA'AM, I AM.

**THE COURT:** DO IT.

**Q.** (BY DEFENDANT FALTAS) AND ON THAT OTHER DAY WHEN I HAD GIVEN MR. FERNANDEZ ONE OF MY BETTER WRITINGS WERE YOU AWARE THAT PREVIOUSLY I HAD BEEN SERVING THE CITY BY DELIVERING COPIES TO THE SECURITY GUARD DOWNSTAIRS?

**A.** YES.

**Q.** AND THEY -- HE WOULD USUALLY CALL AND SOMEONE WOULD COME AND PICK IT UP?

**A.** YES.

**Q.** AND THAT ARRANGEMENT HAS BEEN SATISFACTORY, ISN'T THAT CORRECT?

**A.** I DON'T KNOW IF THE ARRANGEMENT IS SATISFACTORY. (INAUDIBLE) DESCRIBE IT AS SATISFACTORY.

**Q.** THAT DAY ON AUGUST 20TH, 2010, THAT YOU CAME WITH DAVID FERNANDEZ, ISN'T IT TRUE THAT THE REASON DAVID FERNANDEZ WAS WANTING TO COME DOWNSTAIRS WAS TO GIVE ME THOSE DOCUMENTS SO HE CAN TRY A CASE ON AUGUST 30TH?

**A.** I KNOW THAT HE TURNING OVER DISCOVERY. I DON'T KNOW WHAT (INAUDIBLE).

**Q.** AND ISN'T IT TRUE THAT THE ONLY THING HE TURNED OVER WAS A CASSETTE TAPE?

**A.** I'M NOT SURE. MY PURPOSE OF GOING WAS SO HE COULD HAVE A PERSON THERE (INAUDIBLE). I DIDN'T REVIEW DISCOVERY, I DIDN'T LOOK AT WHAT HE WAS TURNING OVER TO YOU.

Q. YOUR PURPOSE WAS TO ASSIST HIM BUT YOU DIDN'T OBSERVE --

A. MY PURPOSE WAS TO -- AS HE INDICATED EARLIER THAT HE ALWAYS LIKED TO HAVE SOMEONE WITH HIM WHEN HE (INAUDIBLE).

Q. BUT YOU WEREN'T OBSERVING WHAT HE WAS DOING?

A. I WAS NOT.

Q. SO YOU CAME TO BE A WITNESS AS TO WHAT HE GAVE ME BUT YOU DIDN'T NOTICE WHAT HE --

A. NO, I DID NOT COME TO BE A WITNESS AND SAY DAVID GAVE YOU ONE TAPE, DAVID GAVE YOU TWO PIECES OF PAPER, DAVID GAVE YOU (INAUDIBLE). THAT WAS NOT MY PURPOSE. MY PURPOSE WAS TO ASSIST HIM DOWNSTAIRS SO THAT HE COULD HAVE THE ADDITIONAL WITNESS TO HEAR INTERCHANGE BETWEEN THE TWO OF YOU BECAUSE OF YOUR PREVIOUS HISTORY WITH EACH OTHER.

Q. OKAY. SO THAT WAS A TIME WHEN HE OF HIS OWN VOLITION WHEN IT SUITS HIS PURPOSE HE CAME DOWN AND SPOKE TO ME, ISN'T THAT CORRECT?

A. I'M NOT SURE. I'M NOT SURE OF HIM EVER COMING DOWN. I KNOW THE STAFF WOULD NORMALLY GO DOWN AND PICK THE DOCUMENTS UP.

Q. THAT DAY HE DID COME DOWN?

A. HE DID COME DOWN BECAUSE NONE OF THE STAFF WANTED TO GO.

Q. AND DID HE BRING WITH HIM THE STAMP (INAUDIBLE)?

A. YES, HE DID.

Q. AND DID I GIVE HIM DOCUMENTS SHOWING THAT I HAVE A HEARING IN GENERAL SESSIONS COURT ON AUGUST 30TH?

A. I DIDN'T READ THE DOCUMENTS BUT I KNOW YOU ASKED HIM TO STAMP SOME DOCUMENTS (INAUDIBLE).

Q. AND DID HE?

A. I THINK HE DID. I DON'T RECALL. THINGS GOT SO OUT OF HAND WITH THE COMMENTS THAT YOU WERE MAKING THAT I DON'T RECALL IF HE (INAUDIBLE).

Q. ALL RIGHT. AND THEN DID I HAVE TO PAY EITHER FIVE DOLLARS OR (INAUDIBLE)?

A. I DO RECALL YOU PAYING SOME AMOUNT. I'M NOT SURE IF IT'S FIVE DOLLARS BUT I RECALL YOU ASKING THE SECURITY GUARD FOR CHANGE.

Q. AND DO YOU RECALL MY HAVING TOLD HIM THAT IN THE RECEIPT HE NEEDS TO PUT (INAUDIBLE) CORRECTLY?

A. I RECALL YOU REFERRING TO HIM AS AN IDIOT (INAUDIBLE). SOMETHING IN REFERENCE TO YOU WANT THE RECEIPT TO SAY RECEIVED BY OR SOMETHING.

Q. SO IN FACT HE WANTED ME TO SIGN A RECEIPT SAYING THAT THE MONEY THAT I ALREADY HAD PAID WAS STILL DUE, ISN'T THAT CORRECT?

A. NO. HE WANTED YOU TO SIGN A RECEIPT SAYING YOU HAD RECEIVED THE INFORMATION AND YOU PAID I THINK IT WAS FIVE DOLLARS.

Q. IN FACT, THAT'S HOW THE RECEIPT ENDED BUT AT THE BEGINNING HE WANTED ME TO SIGN --

**MR. FERNANDEZ:** YOUR HONOR, THIS ISN'T A QUESTION.

**THE COURT:** NO, IT'S NOT A QUESTION. DON'T ARGUE WITH THE WITNESS AND DON'T MAKE A STATEMENT.

Q. (BY DEFENDANT FALTAS) FINE. DID YOU WITNESS MY TELLING HIM THAT THIS IS NOT A CORRECT RECEIPT BECAUSE IT SHOWS THAT THE AMOUNT DUE IS STILL THERE BUT IT DOESN'T SHOW THAT YOU RECEIVED THE PAYMENT?

A. I DO RECALL YOU SAYING IT WAS AN INCORRECT RECEIPT. I DON'T RECALL WHY YOU SAID IT WAS INCORRECT.

Q. DO YOU RECALL HIS HAVING CORRECTED IT?

A. I RECALL HIM STARTING TO MAKE SOME CHANGES TO THE RECEIPT, HANDWRITING ON IT.

Q. AND AFTER HE DID THAT IT WAS SATISFACTORY TO ME?

**THE COURT:** I DON'T THINK SHE CAN MAKE THAT ASSESSMENT.

Q. (BY DEFENDANT FALTAS) DID I COMPLAIN ANY MORE AFTER HE DID THE WRITING THAT I WANTED TO MAKE IT A CORRECT RECEIPT?

A. DID YOU COMPLAIN ABOUT THE RECEIPT?

Q. UH-HUH.

A. WELL, YOU WERE DOING SO MUCH COMPLAINING AND MAKING SO MANY STATEMENTS AT SOME POINT (INAUDIBLE) ZONED YOU OUT.

Q. ZONED OUT. AND THAT MAKES YOU A COMPETENT LAWYER AND A COMPETENT WITNESS, RIGHT?

**THE COURT:** DR. FALTAS, THAT'S IT. YOU ARE NOT HERE TO INSULT PEOPLE. YOU ARE NOT HERE TO LAUGH THROUGH THIS ENTIRE PROCEDURE AS YOU HAVE BEEN DOING ALL DAY. YOU ARE NOT HERE TO ARGUE WITH THE COURT. WE ARE HERE FOR A SPECIFIC PURPOSE. YOU SIT DOWN. I FIND YOU IN CONTEMPT OF COURT. WE'LL GET TO THE PUNISHMENT IN A FEW MINUTES. HAVE A SEAT.

**DEFENDANT FALTAS:** MAY I SAY --

**THE COURT:** HAVE A SEAT.

**MR. FERNANDEZ:** NO QUESTIONS, YOUR HONOR.

**THE COURT:** ALL RIGHT. YOU MAY STEP DOWN.

(WITNESS TO THE SIDE)

**THE COURT:** DO YOU WISH, DR. FALTAS, TO MAKE ANY RESPONSE ON YOUR OWN? IF YOU DO, IT BETTER BE SUCCINCT, IT BETTER BE TO THE POINT AND IT BETTER NOT INCLUDE LAUGHTER.

**DEFENDANT FALTAS:** MA'AM, I NEED TO CALL DAVID FERNANDEZ AS A WITNESS.

**THE COURT:** NO. DO YOU WISH TO BE A WITNESS YOURSELF? DO YOU WISH TO RESPOND TO THESE ALLEGATIONS AT ALL EITHER IN YOUR OWN DEFENSE OR AS A WITNESS?

**DEFENDANT FALTAS:** WELL, I WOULD HAVE THE SAME RIGHT THAT FERNANDEZ DID TO SAY FACTUAL THINGS WITHOUT TESTIFYING. HE WAS NOT PUT UNDER OATH.

**THE COURT:** WELL, I JUST ASKED YOU THAT. IS THAT WHAT YOU WANT TO DO? GO AHEAD.

**DEFENDANT FALTAS:** AND HE WAS NOT --

**THE COURT:** GO AHEAD. DO IT. I JUST ASKED YOU DO YOU WANT TO APPEAR AS AN ADVOCATE FOR YOURSELF OR DO YOU WANT TO APPEAR AS A WITNESS. YOU HAVE STATED YOU WANT TO APPEAR AS AN ADVOCATE. LET ME HEAR FROM YOU ON THAT. START IT UP. I DON'T HAVE THE REST OF MY LIFE. I'VE BEEN VERY PATIENT WITH YOU TODAY AND YOU HAVE BEEN NOT WELL BEHAVED. NOW DO YOU WANT TO SAY SOMETHING OR NOT?

**DEFENDANT FALTAS:** MAY I TAKE MY BREATH? CAN YOU GIVE CONSIDERATION TO MY MEDICAL CONDITION?

**THE COURT:** I HAVE NO TESTIMONY ABOUT YOU HAVING A MEDICAL CONDITION. YOU WANT TO TELL ME SOMETHING, I WANT TO HEAR IT

AND I WANT TO HEAR IT NOW.

**DEFENDANT FALTAS:** I WOULD LIKE A SHORT BREAK TO TAKE MY BREATH.

**THE COURT:** TO TAKE YOUR WHAT?

**DEFENDANT FALTAS:** BREATH.

**THE COURT:** BREATH?

**DEFENDANT FALTAS:** YES, MA'AM.

**THE COURT:** EVERYBODY ELSE HAS BEEN HERE ALL DAY. YOU'VE BEEN HERE ALL DAY. YOU'VE SHOWN NO SIGNS OF ANY PROBLEM. YOU HAVE LAUGHED THROUGH THE PROCEDURES. YOU HAVE BEEN INSULTING AND, NO, WE ARE NOT GOING TO GIVE YOU ALL THAT SPECIAL ATTENTION THAT YOU KEEP DEMANDING. YOU ARE A PERSON. YOU ARE JUST LIKE ANY OTHER PERSON IN THIS COURT. YOU ARE NOT A SPECIAL LITIGANT. YOU ARE ONE PERSON. YOU HAVE THE SAME RIGHTS AS EVERY OTHER PERSON THAT COMES IN THIS COURT. YOU DO NOT HAVE GREATER RIGHTS.

**DEFENDANT FALTAS:** ACTUALLY, MA'AM, YOU HAVE GIVEN ME MUCH LESSER RIGHTS. ONE OF THEM IS THE RIGHT TO OBSERVE PUBLIC PROCEEDINGS AND WHAT THEY ARE TRYING TO DO --

**THE COURT:** WHEN DID I DO THAT? ARE YOU TALKING TO ME PERSONALLY, THAT I DID THAT PERSONALLY OR ARE YOU TALKING IN GENERAL AS THE COURT HAS DONE THAT TO YOU?

**DEFENDANT FALTAS:** IN GENERAL.

**THE COURT:** THE COURT HAS DENIED YOU ACCESS?

**DEFENDANT FALTAS:** ISN'T THAT WHAT THIS MOTION IS ABOUT?

**THE COURT:** THE MOTION IS TO RESTRICT YOUR ACCESS BECAUSE

OF ALL THE INFORMATION THAT HAS BEEN PRESENTED THAT YOU HAVE BEEN DISRUPTIVE, THAT YOU COME IN REPEATEDLY, YOU CALL REPEATEDLY, YOU INSULT PEOPLE AND YOU ARE RUDE AND YOU ARE NASTY.

**DEFENDANT FALTAS:** IN FACT, ALL THE TESTIMONY THAT HAS BEEN PRESENTED IS THAT I NEVER SAID A BAD WORD TO ANYONE. AND THERE IS A RECORD OF THAT. IN FACT --

**THE COURT:** NOW WHEN YOU SAY BAD WORD, YOU MEAN PROFANITY, YOU MEAN -- OR DO YOU MEAN YOU'VE NEVER BEEN RUDE?

**DEFENDANT FALTAS:** MA'AM, I HAVE THE RIGHT TO BE RUDE. I HAVE THE RIGHT TO BE ARROGANT.

**THE COURT:** YOU HAVE THE RIGHT TO BE RUDE IN COURT?

**DEFENDANT FALTAS:** YES, MA'AM.

**THE COURT:** YOU HAVE THE RIGHT TO BE ARROGANT IN COURT?

**DEFENDANT FALTAS:** I HAVE THE RIGHT TO DEFEND MYSELF --

**THE COURT:** AND DO YOU HAVE THE RIGHT TO DISRUPT THE COURT PROCEDURE?

**DEFENDANT FALTAS:** THE BIGGEST DESTRUCTION TO ANY COURT ARE LIES. YOU HAVE ALREADY SEEN AT LEAST ONE CASE --

**THE COURT:** WAIT JUST A MINUTE. I ASKED YOU A QUESTION. HOLD ON. HOLD ON. I ASKED YOU DO YOU BELIEVE THAT YOU HAVE THE RIGHT TO COME IN AND DISRUPT THE COURT NO MATTER WHAT ELSE IS GOING ON?

**DEFENDANT FALTAS:** I HAVE NEVER DONE THAT.

**THE COURT:** I'M ASKING YOU IF YOU BELIEVE YOU HAVE THAT RIGHT?

**DEFENDANT FALTAS:** I HAVE (INAUDIBLE) QUESTION BECAUSE I

HAVE NEVER DONE THAT AND I WOULD NEVER DO THAT.

**THE COURT:** DO YOU HAVE THAT RIGHT? DO YOU HAVE THAT RIGHT?

**DEFENDANT FALTAS:** NOT THIS COURT BUT IF A COURT IS BEING RUN CORRUPTLY, ABSOLUTELY. AND A COURT MAY BE RUN CORRUPTLY IF THERE ARE SEVERAL THINGS GOING ON, IF THERE ARE LIES BEING PRESENTED IN WHAT IS SUPPOSED TO BE A TEMPLE OF TRUTH. ABSOLUTELY. THE SAME WAY JESUS CHRIST TURNED THE TABLES IN THE TEMPLE BECAUSE IT WAS USED AS A DEN OF SINS. YES, MA'AM.

**THE COURT:** YOU HAVE THE RIGHT TO ACT AS JESUS CHRIST ACTED IN THE TEMPLE?

**DEFENDANT FALTAS:** YES, MA'AM, WHEN THERE IS SOMETHING WRONG AND WHAT I AM TELLING YOU IS THAT FIRST AND FOREMOST COURTS ARE NOT CHARM SCHOOLS, THEY ARE NOT A DEBUTANTE BALL. THEY ARE A TEMPLE OF TRUTH. VERDICT MEANS TELL THE TRUTH. I HAVE BEEN TRIED ONCE BEFORE IN THIS VERY COURT AND (INAUDIBLE) CONVICTED WITH A FABRICATED POLAROID. AND IT TOOK ME SIX YEARS OF MY LIFE TO EXONERATE MYSELF. I HAVE BEEN ARRESTED AND, YES, MY WRISTS BRUISED, AND PUT IN JAIL OVERNIGHT ON FALSE CHARGES OF UNLAWFUL USE OF TELEPHONE THAT HE JUST NOLLE PROSSED BECAUSE HE KNOWS HE HAS NO EVIDENCE. THIS OFFICER HAMPE WAS SAYING THAT I WAS RUDE WHEN I LAUGHED (INAUDIBLE) WAS THE EVIDENCE BECAUSE THERE WAS NO EVIDENCE AND HE WAS CONTENDING THERE WAS EVIDENCE AND I LAUGHED AT HIS CALLING THE BLUFF. NOW THERE IS NOTHING FUNNY ABOUT MY HAVING BEEN EXCISED FROM MY APARTMENT FOR TEN MONTHS. THERE IS NOTHING FUNNY

ABOUT TEN ARMED PEOPLE FROM THE POLICE DEPARTMENT DESCENDING UPON ME WITH A FORGED ARREST WARRANT. BUT (INAUDIBLE) WHERE THE INVESTIGATOR BRANDISHES IT TO THE CIVIL DEFENDANT AND SAYS I SIGNED THEM FOR YOU. THERE IS NOTHING FUNNY ABOUT THAT. AND ANY PERSON OF LESSER EDUCATION, OF LESSER CHARACTER WOULD HAVE CRUMPLED UNDER WHAT THEY HAVE DONE TO ME. BUT THE MOST IMPORTANT THING IS THAT I NEVER LOST MY SOUL. I LOVE MY ENEMIES. I PRAY FOR THOSE WHO PROSECUTE ME AND WHAT'S MORE IMPORTANT I AM TRYING TO REFORM THEM. YOU KNOW, JUDGE, A WEEK AGO THE U. S. ATTORNEY WHO PROSECUTED THE ARREST OF SENATOR TED STEPHENS, HE COMMITTED SUICIDE BECAUSE THERE WAS AN INVESTIGATION AS TO IMPROPER PROSECUTORIAL (INAUDIBLE). A MONTH AGO WE HEAR ABOUT THE "S" AS IN STATE V. (INAUDIBLE) IN NORTH CAROLINA WHERE PROSECUTORS WERE TELLING THE F.B.I. TO GIVE FALSE REPORTS TO INCRIMINATE PEOPLE FALSELY. SEVENTEEN YEARS A MAN WAS PUT IN JAIL FOR A MURDER HE DID NOT COMMIT AT THE DIRECTION OF THE PROSECUTOR WHO TOLD THE F.B.I. TO GIVE FALSE LAB RESULTS. FIVE YEARS AGO THIS DURHAM DISTRICT ATTORNEY, MIKE NIFONG, PROSECUTED THREE DUKE LACROSS PLAYERS FOR ALLEGED RAPE OF A WOMAN WHO HAD D.N.A. FROM FOUR DIFFERENT MEN AND HE CONCEALED (INAUDIBLE) AND HE WAS DISBARRED. SO DON'T TELL ME THERE IS NO PROSECUTORIAL MISCONDUCT AND DON'T TELL ME THAT I DON'T HAVE THE RIGHT TO EXPOSE IT AND DON'T TELL ME THAT I HAVE TO RESPECT PEOPLE WHOM I HAVE SEEN WITH MY OWN EYES TELL LIES. DON'T TELL ME TO DO THAT.

NOW DO YOU WANT TO HEAR ME BE AN ADVOCATE FOR MYSELF? DO YOU WANT --

**THE COURT:** I THOUGHT I JUST DID.

**DEFENDANT FALTAS:** BUT, JUDGE, THERE IS NOTHING FUNNY ABOUT THAT. HOWEVER, HOWEVER, THE REASON I WAS LAUGHING ARE TWO THINGS. THE THINGS THEY SAY ARE SO IMPLAUSIBLE. THE SECOND THING IS I'M A FREUD. DR. SIGMUND FREUD WAS ALSO A PSYCHIATRIST. (INAUDIBLE) HEALTHY DEFENSES AND THE UTMOST HEALTHY DEFENSE IS (INAUDIBLE) MEANING WHEN SOMETHING BAD HAPPENS TO YOU YOU WANT TO MAKE SURE IT DOESN'T HAPPEN TO SOMEONE ELSE. THE SECOND MOST HEALTHY DEFENSE IS HUMOR. SO AFTER ALL THAT WAS DONE TO ME YOU CANNOT DENY ME MY HEALTHY DEFENSES BECAUSE I AM A HUMAN.

**THE COURT:** YOUR PSYCHOLOGICAL DEFENSES?

**DEFENDANT FALTAS:** MA'AM, THE PSYCHOLOGICAL DEFENSES TO TRAUMA.

**THE COURT:** WELL, THERE ARE DEFENSES IN THE PSYCHOLOGICAL WORLD, DEFENSES IN THE LEGAL WORLD. THESE ARE TWO DIFFERENT THINGS.

**DEFENDANT FALTAS:** AND YOU CANNOT DENY ME THOSE.

**THE COURT:** YOU ARE ENTITLED TO THOSE IN A COURT OF LAW, YOU ARE ENTITLED TO YOUR PSYCHOLOGICAL DEFENSES, IS THAT WHAT YOU ARE TELLING ME?

**DEFENDANT FALTAS:** DON'T TELL ME THAT YOU'VE NEVER SEEN SOMEBODY LAUGH IN A COURTROOM AND SOME JUDGE (INAUDIBLE) SOMEBODY DID A STUDY AS TO WHICH JUSTICE TELLS MOST JOKES. IT'S JUSTICE SCALIA, THEN JUSTICE BREYER, THEN JUSTICE GINSBURG SO EVEN IN THE U.S. SUPREME COURT (INAUDIBLE). SOMETIMES THERE ARE JOKES MADE

AND SO, YES, IT IS SOMETIMES APPROPRIATE TO TELL A JOKE IN A COURTROOM. IT HAPPENS IN THE U. S. SUPREME COURT (INAUDIBLE). SO, YES, THERE IS THAT (INAUDIBLE). BUT WHAT IS THE MOST APPROPRIATE THING, JUDGE, IS TO MAKE SURE THAT THE COURT IS A TEMPLE OF TRUTH. YOU KNOW, THEY WANT TO RESTRICT MY ACCESS TO THE COURTHOUSE. I WOULDN'T HAVE TO COME TO THE COURTHOUSE AT ALL HAD IT NOT BEEN FOR ALL THESE FALSE CHARGES. AND WHAT I NEED AS SOON AS POSSIBLE BECAUSE THERE ARE COLLATERAL CONSEQUENCES AND THAT'S WHAT WE ARGUED BEFORE. MY MOTIONS FOR SPEEDY TRIAL. ALL THESE FALSE CHARGES WERE BROUGHT FOR THE CIVIL DEFENDANTS TO GET AN UNFAIR ADVANTAGE IN THE CIVIL LITIGATION AND THE HONORABLE CIRCUIT JUDGE LEE SPECIFICALLY FOUND THAT IN AN ORDER AND NOT ALL THE FACTS WERE BEFORE HER HONOR. A WHOLE LOT MORE FACTS CAME AFTER. I DEFENDED MYSELF PRO SE. INITIALLY THEY WERE GENERAL SESSIONS CHARGES AND NOW THEY HAVE BEEN REMANDED TO SECOND DEGREE AND THEY DON'T HAVE EVIDENCE (INAUDIBLE) IN ANY OF THEM. AND THEY ARE TRYING TO PROLONG THEM FOREVER SO AS TO KEEP THE HARSH AND UNCONSTITUTIONAL CONDITIONS OF MY BOND. AND THE MOST IMPORTANT THING AS SOMEONE WHO SITS ON THE BENCH IS FOR YOU TO MAKE SURE THAT NO LIES ARE (INAUDIBLE). IF I AM ZEALOUS IN EXPOSING INCONSISTENCIES, IN EXPOSING UNTRUTHS CONSIDER ME AN AIDE OF THE COURT'S (INAUDIBLE) FUNCTION WHICH IS TO FIND THE TRUTH. AND ALSO THESE YOUNG PROSECUTORS, I AM AFRAID FOR THEM IF THEY ARE INDULGED IN THE LIES THEY TELL. AND IT'S NOT JUST ABOUT ME. WHEN SOMEBODY IS CHARGED WITH D.U.I. AND THEN THEY SAY WE'LL CHANGE IT TO LITTERING WHEN THE DEFENDANT DID NOT LITTER (INAUDIBLE). THAT MAY BE THE

(INAUDIBLE) BUT IT HAS CONSEQUENCES BECAUSE PEOPLE WHO DRIVE DRUNK AND GET AWAY WITH IT THEY MAY RUN OVER YOU, THEY MAY RUN OVER ME, THEY MAY RUN OVER A MEMBER OF OUR FAMILIES SO, NO, I AM NOT HAPPY WITH THE WAY THIS COURT HAS BEEN RUN RECENTLY. I HAVE A RIGHT AS A MEMBER OF THE PUBLIC TO OBSERVE IT AND THE REASON THEY MADE THIS MOTION IS THAT THEY KNOW I'M KEEPING STATISTICS AND THEY KNOW THAT I AM -- I WILL WRITE ABOUT IT AS IS MY RIGHT TO CRITICIZE THE GOVERNMENT. THAT'S WHAT THIS IS ABOUT, JUDGE.

NOW I NEEDED TO RESPOND TO THE LIES OF --

**THE COURT:** WAIT JUST A MINUTE. DO YOU FEEL YOU HAVE A RIGHT WHEN YOU COME INTO THE COURT AND IT IS NOT GOING IN A MANNER THAT YOU BELIEVE IS PROPER, DO YOU FEEL YOU HAVE A RIGHT TO DISRUPT THE COURT?

**DEFENDANT FALTAS:** I'VE NEVER DONE THAT.

**THE COURT:** NO, I'M ASKING YOU IF YOU THINK YOU HAVE A RIGHT TO.

**DEFENDANT FALTAS:** FOR EXAMPLE -- IT DEPENDS ON THE SITUATION. FOR EXAMPLE, IF A JUDGE -- AND THAT HAPPENED NOT IN THIS GENERATION BUT IT USED TO HAPPEN. FOR EXAMPLE, IF IT HAD BEEN IN MY TIME AND A JUDGE WOULD TELL A LITIGANT, FOR INSTANCE, YOU HAVE NO RIGHT, YOU ARE STUPID BECAUSE YOU ARE BLACK. IT HAPPENED IN OUR OWN LIFETIME. DIDN'T THAT IDIOT SAY THAT MICHELLE OBAMA HAD (INAUDIBLE)? SO, YES, IT HAS HAPPENED IF THERE WAS A RACIST JUDGE ON THE BENCH AND (INAUDIBLE) A BLACK PERSON OR A FOREIGNER SAYING YOU ARE A DESCENDANT FROM APES.

**THE COURT:** THEN WHAT SHOULD YOU DO AS A PERSON OBSERVING?

**DEFENDANT FALTAS:** I WILL TELL THAT JUDGE -- (INAUDIBLE). I MEAN IT HASN'T HAPPENED. HOPEFULLY IT WILL NOT HAPPEN BUT, YES, MY DUTY WOULD BE TO SAY, JUDGE, ALL HUMAN BEINGS ARE EQUAL, YOU CANNOT SAY THAT (INAUDIBLE). IN FACT, IT'S KNOWN THAT SOME JUDGES ARE INSULTING (INAUDIBLE), SOME JUDGES ARE STILL RACISTS. IN FACT, THIS MAN, HE THINKS I'M ARROGANT BECAUSE I'M A DOCTOR (INAUDIBLE) WHEN HE WITNESSED ME BEING TOLD THAT I NEED TO GO AND WORK IN A KENNEL --

**THE COURT:** AND YOU WERE UPSET WITH THAT THAT WAS A POSSIBILITY FOR P.T.I.? YOU WERE UPSET WITH IT BECAUSE?

**DEFENDANT FALTAS:** BECAUSE I DIDN'T DO ANYTHING.

**THE COURT:** NO. ASSUMING THAT IT WAS P.T.I. P.T.I. DOESN'T SAY YOU DID ANYTHING. BUT IT WAS P.T.I. AND YOU WERE OFFERED AS A LIST ONE WAS WORKING IN A KENNEL AND YOU SAID THAT YOU WERE INSULTED BY THAT. CORRECT?

**DEFENDANT FALTAS:** YES, MA'AM, I WAS. AND THE REASON -- THE REASON I WAS EVEN MORE INSULTED IS FERNANDEZ KNOWS THAT HE HAS NO EVIDENCE AND INSTEAD OF DOING HIS PROSECUTORIAL DUTY OF SAYING THESE CHARGES ARE FALSE.

**THE COURT:** SO YOU WERE INSULTED BY THE KENNEL BUSINESS NOT BECAUSE YOU THOUGHT YOU WERE BETTER THAN THAT SINCE YOU WERE A DOCTOR, THAT IT WOULDN'T BE RIGHT FOR YOU TO BE DOING THAT?

**DEFENDANT FALTAS:** MA'AM, ALL OF IT IS INSULTING. THE FACT THAT INSTEAD OF LOOKING AT THE FACTS AS A PROSECUTOR IS SUPPOSED TO

DO AND ACTUALLY WHICH I THINK HE DID THE RIGHT THING ON THAT ONE, UNLAWFUL USE OF A TELEPHONE CHARGE, THAT THERE ARE NO FACTS THERE AND SHOULD NOT BE PROSECUTED. THAT'S THE SAME WITH THE OTHER (INAUDIBLE).

**THE COURT:** ALL RIGHT.

**DEFENDANT FALTAS:** I AM INSULTED THAT INSTEAD OF DOING THAT HE TRIED TO (INAUDIBLE) ME SAYING THAT WAS A WAY TO DELAY THINGS FOR SIX MONTHS (INAUDIBLE) AND, YES, I WAS INSULTED BY THE KENNEL. YOU HAVE A VERY IGNORANT POPULATION IN SOUTH CAROLINA. I COULD BE TEACHING BIOLOGY, I COULD BE TEACHING -- IF I WERE TO (INAUDIBLE) COMMUNITY SERVICE. I COULD BE TEACHING MATH. I COULD BE TEACHING BIOLOGY. I COULD BE TEACHING FRENCH. I COULD BE TEACHING ARABIC. I COULD BE TEACHING GERMAN. I COULD BE TEACHING ENGLISH LITERATURE WHICH VERY FEW PEOPLE ARE EDUCATED IN ENGLISH LITERATURE (INAUDIBLE). AND INSTEAD TO DEMEAN ME HE SAID YOU HAVE TO WORK IN THE KENNEL FOR SIX MONTHS. YES, I WAS INSULTED BUT YOU ARE SUPPOSED TO MAKE HIM DO HIS DUTY AS A PROSECUTOR. YOU ARE SUPPOSED TO ASK HIM, MR. FERNANDEZ, WHAT ARE THE CHARGES AGAINST HER AND WHAT ARE THE FACTS THAT YOU HAVE GLEANED FOR HAVING --

**MR. FERNANDEZ:** YOUR HONOR --

**THE COURT:** JUST HOLD ON A MINUTE. I UNDERSTAND WE ARE GOING ASTRAY HERE BUT I WANT TO HEAR FROM DR. FALTAS BECAUSE SHE SAYS THAT SHE HAS RIGHTS THAT HAVE BEEN VIOLATED AND I WANT TO KNOW WHAT THEY ARE AND WHY YOU THINK YOU HAVE THE RIGHT TO DISRUPT THE COURT. WHY DO YOU HAVE THAT RIGHT WHEN THE NEXT PERSON DOESN'T? IS

IT BECAUSE OF YOUR SUPERIOR EDUCATION?

**DEFENDANT FALTAS:** MA'AM, PLEASE, I NEVER SAID I HAD THE RIGHT TO WILLIE NILLIE DISRUPT THE COURT.

**THE COURT:** BUT UNDER CERTAIN CIRCUMSTANCES YOU SAID THAT YOU DO.

**DEFENDANT FALTAS:** I SAID UNDER CERTAIN CIRCUMSTANCES EVERY PERSON OF CONSCIENCE HAS A RIGHT AND A DUTY TO OBJECT IF THEY SEE CORRUPTION OR DISCRIMINATION OR UNFAIRNESS ACTUALLY IN THE COURT. THAT'S WHAT I SAID. IT'S BEING TRANSCRIBED.

**THE COURT:** WELL, DO YOU UNDERSTAND THAT ONE OF THE FIRST PROCEDURES, THE ONE EVERYONE IS SUPPOSED TO FOLLOW IN COURT IS ORDER. THAT ORDER IS ABSOLUTELY IMPERATIVE IN THE COURT.

**DEFENDANT FALTAS:** MA'AM, ORDER ALSO INCLUDES THAT MY CASES BE SCHEDULED IN THE SAME ORDER --

**THE COURT:** I'M NOT TALKING ABOUT SCHEDULING. I'M TALKING ABOUT WHEN YOU ARE IN THE COURTROOM.

**DEFENDANT FALTAS:** MA'AM, LET ME TELL YOU SOMETHING. I WAS -- MY FIRST YEARS OF SCHOOLING WERE (INAUDIBLE) WITH NUNS. YOU KNOW, WE WERE TAUGHT WHEN WE WERE TALKING TO MOTHER SUPERIOR WE DON'T TURN OUR BACK, WE WALK (INAUDIBLE). THIS IS HOW POLITE AND HOW REFINED I AM. AND I AM VERY PROUD OF MY EDUCATION AND OF MY PARENTS AND OF MY COPTIC ORTHODOX EGYPTIAN HERITAGE AND I TAKE SERIOUS OFFENSE TO ALL THOSE PEOPLE PRETENDING THAT I AM INSULTING AND ALL OF THAT WHEN WE HAVE WITNESS AFTER WITNESS SAYING, NO, SHE WASN'T INSULTING TO US. YOU HAVE WITNESS AFTER WITNESS SAYING THAT -- AND

THE POINT HERE, YOU KNOW, THIS COURT IS THE LEAST OF MY INTERESTS. I WOULD NOT HAVE TO COME HERE IF I DIDN'T HAVE THOSE FALSE CHARGES AGAINST ME. WHEN I HAD NO CHARGES PENDING AGAINST ME, I DIDN'T COME. BUT THEY KEEP ON PUTTING FALSE CHARGES ON ME RIGHT AFTER (INAUDIBLE) SO I HAVE TO COME HERE. I HAVE TO OBSERVE HOW THEY DO THE WARRANT, I HAVE TO OBSERVE MR. FERNANDEZ SPEAKING ESPECIALLY BEFORE A JURY IF HE HAS A JURY TRIAL WHICH HE NORMALLY DOESN'T. (INAUDIBLE)

**THE COURT:** YOU FEEL LIKE YOU HAVE THE RIGHT TO BE A WITNESS IN ANYBODY'S D.U.I. TRIAL? DO YOU?

**DEFENDANT FALTAS:** MA'AM, THAT'S A DIFFERENT ISSUE.

**THE COURT:** WELL, THERE WAS TESTIMONY ABOUT IT AND I'M ASKING YOU ABOUT IT.

**DEFENDANT FALTAS:** YES, YES. AND I ASKED JUDGE BOGAN ABOUT IT AND NOT IN A -- AND I SPECIFICALLY SAID I REQUEST TO BE A WITNESS IN THE SENTENCING PART BECAUSE THE M.A.D.D., M-A-D-D (SPELLED), CHAPTER IN SOUTH CAROLINA IS IN DISARRAY SO I WAS TRYING TO FORM D.A.D.D., DOCTORS AGAINST DRUNK DRIVERS. THEY THOUGHT I AM VERY DISTURBED AT THE WAY -- ESPECIALLY (INAUDIBLE) FIRST D.U.I. (INAUDIBLE) WHO IS A LIAR REALLY. I SAW MR. FERNANDEZ (INAUDIBLE) A D.U.I., FIRST, AS LITTERING. I THINK THAT'S DISHONEST AND IT'S DANGEROUS NOT ONLY TO THE PUBLIC, BUT TO THE YOUNG MAN HIMSELF.

**THE COURT:** ALL RIGHT. LET ME ASK YOU ABOUT THESE TIMES THAT IT'S ALLEGED THAT YOU'VE COME TO THE COURT ON NUMEROUS OCCASIONS, THAT YOU COME TO COURT WHEN IT'S NOT YOUR CASE AND YOU DON'T JUST SIT IN THE BACK AND OBSERVE BUT YOU CAUSE DISRUPTIONS. DO

YOU DENY ALL THAT OR WHAT?

**DEFENDANT FALTAS:** I DENY THAT I CAUSE DISRUPTIONS.

**THE COURT:** YOU'VE NEVER CAUSED A DISRUPTION IN THE COURT?

**DEFENDANT FALTAS:** MA'AM, WHEN I WANT TO ADDRESS A JUDGE I ASK PERMISSION TO ADDRESS THE JUDGE. AND I REMEMBER THERE WAS -- AND THAT ALSO TRANSCRIBED AND THAT'S FROM NOVEMBER 17TH, 2009, WHEN HE DIDN'T HAND ME THE DISCOVERY AND YOU WERE AGAIN THREATENING CONTEMPT OF COURT AND THIS WONDERFUL LADY SHE IS THE ONE WHO TOLD THE TRUTH AND SHE VOLUNTEERED, SHE SAID, JUDGE, THEY DIDN'T GIVE HER THE PAPERS; HE GAVE THEM TO ME TO COPY AND TO GIVE BACK TO HIM BUT HE DIDN'T GIVE THEM TO HER. AND I HAVE THE TRANSCRIPT. IT'S FROM NOVEMBER 17TH. AND THAT DAY YOU ALMOST PUT ME IN CONTEMPT OF COURT BECAUSE I WAS LOOKING FOR MY DISCOVERY AND THEN HE STANDS HERE --

**THE COURT:** BECAUSE YOU DISRUPTED THE COURT.

**DEFENDANT FALTAS:** MA'AM, PLEASE, THE COURT IS SUPPOSED TO GIVE PEOPLE A FAIR TRIAL AND TO FIND TRUTHS.

**THE COURT:** LITIGANTS ARE SUPPOSED TO BEHAVE AND BE RESPECTFUL OF THE COURT AND OTHER PEOPLE IN IT.

**DEFENDANT FALTAS:** WHAT IS THE PROSECUTOR'S (INAUDIBLE)? I'M JUST ASKING YOU A QUESTION.

**THE COURT:** THAT'S YOUR OPINION. YOU SEEM TO THINK EVERYONE THAT YOU'VE MENTIONED TODAY IS TELLING A LIE. ALL RIGHT.

**DEFENDANT FALTAS:** MAY I ASK HAS THERE BEEN A RECENT HISTORY OF PROSECUTORS TELLING LIES?

**THE COURT:** YOU ARE TELLING ME ABOUT OTHER CASES THAT HAVE NOTHING TO DO WITH THIS COURT. YOU KNOW, THERE'S -- I DON'T KNOW THAT THERE'S BEEN A CASE OF PROSECUTORIAL MISCONDUCT IN THIS COURT, NOT THAT I RECALL DURING MY TWENTY YEARS HERE THAT HAS BEEN PROVEN. PLEASE HAVE A SEAT OVER THERE.

**DEFENDANT FALTAS:** I NEEDED TO RESPOND TO WHAT MR. FERNANDEZ SAID.

**THE COURT:** THAT'S WHAT YOU'VE BEEN DOING.

**DEFENDANT FALTAS:** NO, I NEEDED TO RESPOND TO THE (INAUDIBLE).

**THE COURT:** I'VE GIVEN YOU THIS OPPORTUNITY.

**DEFENDANT FALTAS:** WELL, JUST LET ME VERY QUICKLY SAY I HOPE THE BIBLE THAT SAYS GOD VISITS THE SINS OF THE FATHERS ON THE CHILDREN TO THE SEVENTH GENERATION.

**THE COURT:** YOU QUOTED THAT TO MR. FERNANDEZ?

**DEFENDANT FALTAS:** YES, MA'AM. AND I ALSO QUOTED IN THE SAME BREATH THE OTHER BIBLICAL PASSAGE FROM THE PSALMS THAT ALSO (INAUDIBLE) SAYS I WAS A YOUNG MAN AND I BECAME GRAY HAIRED AND I NEVER SAW A RIGHTEOUS MAN WHOM GOD HAS FORSAKEN OR HIS CHILDREN (INAUDIBLE). SO I ALWAYS EXPLAIN THAT GOD HAS A (INAUDIBLE) AND STRICT APPROACH TO PEOPLE AND (INAUDIBLE) CHILDREN.

**THE COURT:** WELL, DO YOU RESPECT OTHER PEOPLE'S RELIGIOUS BELIEFS? I MEAN I UNDERSTAND THESE ARE YOURS BUT OTHER PEOPLE MAY

NOT HAVE THE SAME RELIGIOUS BELIEFS.

**DEFENDANT FALTAS:** IT'S FINE. I HAVE THE RIGHT TO TALK ABOUT THEM. I DIDN'T LIKE, YOU KNOW, (INAUDIBLE) LIES TO HIM OR SAY EITHER JOIN MY BELIEFS OR I WILL KILL YOU.

**THE COURT:** DID YOU SAY THAT HIS -- WHAT ABOUT THE RAPE BUSINESS? TELL ME ABOUT THAT.

**DEFENDANT FALTAS:** ABSOLUTELY, MA'AM. THERE WAS NO RAPE BUSINESS. WHAT I TOLD HIM THAT HIS NAME IS DAVID AND THE STORY OF THE BIBLICAL KING DAVID IS THAT HE CONSPIRED TO HAVE URIAH, THE HITTITE, AND THERE MUST BE A BIBLE IN THE COURTROOM. YOU DON'T SWEAR PEOPLE ON THE BIBLE. IT'S IN THE BOOK OF SAMUELS. HE SAW A BEAUTIFUL WOMAN BATHING, HER NAME WAS BATHSHEBA, AND HE LUSTED FOR HER AND (INAUDIBLE). AND HE WAS TOLD SHE WAS BATHSHEBA, THE WIFE OF URIAH, THE HITTITE. SO HE BROUGHT HER TO HIM AND HE LAID WITH HER AND SHE BECAME PREGNANT. AND SO HE NEEDED TO GET RID OF HER HUSBAND. AND HE CONSPIRED TO PUT URIAH, THE HITTITE, IN THE FRONT OF AN UNFAIR WAR, IN THE FRONT LINES AND THE MAN WAS KILLED. THE WOMAN'S HUSBAND WAS KILLED.

**THE COURT:** WHAT ABOUT THE RAPE?

**DEFENDANT FALTAS:** I'M TELLING YOU. AND THEN GOD SENT THE PROPHET NATHAN TO SPEAK A PARABLE TO KING DAVID. AND KING DAVID (INAUDIBLE) CAN SOMEONE DO SOMETHING SO EVIL, SOMEONE IN MY KINGDOM DID SOMETHING TO EVIL I WILL KILL THEM MYSELF AS A PUNISHMENT. AND THEN NATHAN TOLD HIM YOU ARE THE ONE WHO DID THAT EVIL THING. AND IN FACT --

**THE COURT:** EXCUSE ME. I'M ASKING YOU DID YOU MENTION TO MR. FERNANDEZ ABOUT RAPE OF HIS WIFE AND GENERATIONS OF DIFFICULTIES?

**DEFENDANT FALTAS:** NO, MA'AM.

**THE COURT:** WERE YOU TELLING HIM THIS STORY?

**DEFENDANT FALTAS:** OF DAVID. AND, IN FACT, IF YOU DO READ THE BIBLE WHICH PEOPLE DON'T REALLY READ THE BIBLE. THEY THINK THERE ARE TEN COMMANDMENTS, THERE ARE REALLY FOURTEEN. HOLLYWOOD MADE THEM TEN. AND ONE OF THE MOST IMPORTANT COMMANDMENTS IS THOU SHALT NOT BARE FALSE WITNESS AGAINST THY NEIGHBOR. IN FACT, THE PROPHET NATHAN TOLD DAVID THAT HIS OWN SON WOULD RAPE HIS OWN WIFE. KING DAVID, NOT DAVID FERNANDEZ.

**THE COURT:** ALL RIGHT. WHEN YOU -- AND SO YOU MENTIONED THE RAPE AND ALL THIS TO MR. FERNANDEZ FOR WHAT REASON?

**DEFENDANT FALTAS:** I WAS TELLING HIM A BIBLICAL STORY THAT HAPPENS TO BE OF KING DAVID WHOSE --

**THE COURT:** WERE YOU UPSET WITH HIM AT THE TIME ABOUT SOMETHING?

**DEFENDANT FALTAS:** MA'AM, I TOLD THIS BIBLICAL STORY FOR THE JURY IN MY TRIAL. ONE DOESN'T NEED TO BE UPSET BY TELLING BIBLICAL STORIES.

**THE COURT:** IN WHOSE COURT DID YOU TELL A BIBLICAL STORY TO A JURY?

**DEFENDANT FALTAS:** IN MY OPENING ARGUMENT BEFORE THE HONORABLE (INAUDIBLE).

**THE COURT:** ALL RIGHT.

**DEFENDANT FALTAS:** AND I DID NOT GET CONVICTED. AND I ALSO TELL THE STORY OF KING SOLOMON WHEN TWO PROSTITUTES CAME BEFORE HIM --

**THE COURT:** SO YOU ARE TELLING ME YOU ARE A BIBLICAL SCHOLAR?

**DEFENDANT FALTAS:** YES, MA'AM, I AM AND I DO NOT APOLOGIZE FOR IT. AND I'M ALSO A SCHOLAR OF LITERATURE IN AT LEAST THREE LANGUAGES AND OF ARTS AND OF HISTORY AND OF MANY THINGS AND I'M A MEDICAL DOCTOR. AND MY FATHER WAS A GREAT ENGINEER, GOD REST HIS SOUL. AND MY MOTHER IS A VERY TALENTED SEAMSTRESS. AND I WILL NOT BE LOOKED DOWN BECAUSE OF MY ETHNICITY. I AM VERY PROUD OF IT. THE COPTIC ORTHODOX CHURCH IS (INAUDIBLE) CHURCH IN THE WORLD. WHEN PEOPLE SAY IS THE POPE CATHOLIC, NOT NECESSARILY. THERE IS A COPTIC ORTHODOX POPE (INAUDIBLE). WHEN SOMEBODY COMES NOW I TELL YOU (INAUDIBLE) ABOUT ALL THE TIME I WAS SERVING THEM (INAUDIBLE) BY DELIVERING THEM TO THE SECURITY GUARD. THAT DAY I SAW MR. FERNANDEZ WALKING IN THE PARKING LOT SO I WENT AND GAVE HIM THAT DOCUMENT THAT I NEEDED TO SERVE HIM WITH. HE THREW IT ON THE FLOOR AND (INAUDIBLE) AND I WAS VERY OFFENDED BY THAT. I DID SAY THE LEGAL TERM THAT IS IN BOTH THE LEGAL DICTIONARY AND THE WEST LAW (INAUDIBLE).

**THE COURT:** YOU ARE TALKING ABOUT CALLING HIM A BASTARD?

**DEFENDANT FALTAS:** YES, MA'AM. THAT IS A LEGAL TERM, ABSOLUTELY LEGAL TERM.

**THE COURT:** AND YOU INVESTIGATED HIS BACKGROUND AND

DETERMINED LEGALLY THAT HE WAS BASTARD?

**DEFENDANT FALTAS:** IF HE'S NOT, HE CAN SUE ME. OF COURSE, PEOPLE CALL -- AND (INAUDIBLE) IS THAT THE ONE TIME I CALLED HIM OR ONE OF THE FEW TIMES I CALLED HIM (INAUDIBLE) I TOLD HIM LET'S TURN THE PAGE. I SHOULD NOT HAVE SAID THAT TO YOU AND YOU SHOULD NOT HAVE THROWN MY DOCUMENTS IN THE PARKING LOT.

**THE COURT:** SO IT WAS AFTER YOU CALLED HIM A BASTARD AND THEN HE THREW YOUR DOCUMENTS. WERE THESE --

**DEFENDANT FALTAS:** OH, NO, NO, NO. HE THREW MY DOCUMENTS --

**THE COURT:** AND THEN YOU CALLED HIM A BASTARD.

**DEFENDANT FALTAS:** YES.

**THE COURT:** ALL RIGHT. NOW THESE DOCUMENTS, WERE THEY LEGAL DOCUMENTS YOU WERE TRYING TO SERVE ON HIM?

**DEFENDANT FALTAS:** ABSOLUTELY. YES, MA'AM. NOT A SUMMONS OR COMPLAINT OR ANYTHING BUT A COPY OF A MOTION. AND USUALLY, YOU KNOW, I GIVE IT TO THE SECURITY GUARD AND I WAS WALKING TO THE SECURITY GUARD BUT I SAW HIM. I SAW FERNANDEZ (INAUDIBLE) THE MOTION INSTEAD OF GOING AROUND ABOUT HERE. (INAUDIBLE).

NOW LET ME TELL YOU, I DID FILE A GRIEVANCE AGAINST HIM WHEN HE WROTE A LETTER CONTENDING THAT THE HEARING NEVER OCCURRED AND (INAUDIBLE).

**THE COURT:** YOU ARE REFERRING TO THESE LETTERS THAT HE --

**DEFENDANT FALTAS:** NO, THAT ONE LETTER FROM APRIL.

**THE COURT:** HE SAYS I DO NOT RECALL ANY SUCH HEARING.

**DEFENDANT FALTAS:** WELL, MA'AM, THAT'S A VERY NICE WAY OF GETTING AWAY WITH A LIE. IT'S TOTALLY DEMENTED THAT HE IN APRIL -- ON APRIL 16TH CANNOT RECALL A HEARING THAT HE HAD FAXED A NOTICE OF TO CLARKE NEWTON AND THAT HE WAS PRESENT. HE'S EITHER LYING OR TOO DEMENTED TO DO HIS JOB IF HE CANNOT REMEMBER A HEARING FROM ONE MONTH TO THE NEXT, ESPECIALLY THE (INAUDIBLE) THEY GIVE ME. NO, I DON'T THINK I'M BETTER. I THINK THEY ARE OBSESSED WITH ME BECAUSE I EXPOSED THEIR LIES. THERE IS NO ONE ELSE. TEN PEOPLE, JUDGE. TEN PEOPLE AND THAT'S (INAUDIBLE). THE ENTIRE SPECIAL VICTIMS UNIT. THEY LEFT THE PEOPLE WHO ARE VICTIMS OF RAPE, THE PEOPLE WHO ARE VICTIMS OF CHILD ABUSE AND THEY CAME TO MY APARTMENT FOR TEN HOURS OR ELEVEN HOURS TO SEARCH IT FOR THE EVIDENCE I HAD IN THE CITY'S CASE THAT I WON. AND THE IRONY OF IT WAS THEY TOOK THE VERY DOCUMENTS THAT I HAD PRESENTED TO THE HONORABLE JUDGE LEE THE DAY BEFORE. IT WASN'T AS IF I (INAUDIBLE) LEGAL DOCUMENTS. THE REASON THEY CAME, JUDGE, IS THAT THEY SAY I ACT CRAZY AND THEY HAVE AN EXCUSE TO (INAUDIBLE). THE OTHER THING IS THAT BECAUSE THEY DO NOT UNDERSTAND THERE ARE RIGHTEOUS AND INNOCENT PEOPLE IN THIS WORLD. THEY SAY WE'LL GET A WARRANT AGAINST HER AND MAYBE WE'LL FIND DRUGS IN THE HOUSE, MAYBE WE'LL FIND SOMETHING ELSE THAT'S INAPPROPRIATE AND WE CAN (INAUDIBLE).

**THE COURT:** WELL, DO YOU UNDERSTAND THAT THERE ARE OTHER PEOPLE WHO HAVE BUSINESS WITH THIS COURT AND THEIR RIGHTS ARE JUST AS IMPORTANT AS YOURS AND YOUR RIGHTS ARE NO MORE IMPORTANT THAN THEIRS? AND WHEN YOU DECIDE TO DOMINATE THE COURT'S TIME -- AND

BY THAT I MEAN THE ENTIRE SYSTEM OF THIS COURT, NOT JUST A JUDGE OR A JUDGE HOLDING COURT BUT THE OTHER PEOPLE WHO ARE SERVING HERE TO KEEP THIS PROCESS GOING, DO YOU UNDERSTAND THAT WHEN YOU DOMINATE THEIR TIME AND DISRUPT THE COURT WHEN IT'S IN SESSION OR THE GOINGS ON BEFORE COURT IS IN SESSION, DO YOU UNDERSTAND THAT YOU ARE SAYING TO US YOU HAVE GREATER RIGHTS YOURSELF THAN ANYONE ELSE? AND THESE PEOPLE'S RIGHTS THAT YOU ARE CHAMPIONING DON'T MEAN A THING TO YOU, THEY ARE NOTHING, THEY ARE LESSER THAN YOU? DO YOU UNDERSTAND THAT'S WHAT YOU ARE SAYING BY YOUR ACTIONS AND THE THINGS THAT YOU ARE DOING HERE?

**DEFENDANT FALTAS:** DO YOU UNDERSTAND THAT I WOULDN'T HAVE BUSINESS WITH THIS COURT HAD IT NOT BEEN FOR THE FALSE CHARGES --

**THE COURT:** I DON'T UNDERSTAND THAT. I UNDERSTAND YOU BELIEVE YOU ARE INNOCENT OF EVERYTHING AND THAT'S YOUR RIGHT AND THAT IS THE DUTY OF THIS COURT TO UPHOLD UNTIL AND UNLESS YOU'VE BEEN FOUND GUILTY. THAT IS THE PROCEDURE AND THAT IS PROPER.

**DEFENDANT FALTAS:** DO YOU UNDERSTAND --

**THE COURT:** BUT YOUR RIGHTS YOU ARE TELLING ME ARE GREATER THAN OTHER PEOPLE'S?

**DEFENDANT FALTAS:** NO, I'M NOT TELLING YOU THAT. I'M TELLING YOU THAT MY RIGHTS ARE BEING DENIED UNDER THE GUISE OF CONTENDING THAT I AM DISRUPTIVE.

**THE COURT:** DID YOU NOT TELL ME IN THIS COURT ON THE RECORD THAT YOU ARE SUPERIOR TO OTHER PEOPLE?

**DEFENDANT FALTAS:** I HAVE SUPERIOR EDUCATION, SUPERIOR

UPBRINGING AND SUPERIOR CHARACTER AND I DID TELL YOU THAT OTHER DAY THE REASON I HAVE SUPERIOR CHARACTER IS THAT I DO NOT TELL LIES. AND, YES, I BELIEVE THAT PEOPLE WHO DO NOT TELL LIES OR DO NOT BARE FALSE WITNESS AGAINST THEIR NEIGHBOR ARE SUPERIOR TO PEOPLE WHO DO.

**THE COURT:** BUT WAIT A MINUTE. AT THE TIME THAT YOU INDICATED THAT YOU DIDN'T HAVE THIS THING ABOUT LIES. DID YOU NOT TELL ME BECAUSE OF YOUR GREATER EDUCATION AND YOUR GREATER INTELLECT THAT YOU ARE SUPERIOR?

**DEFENDANT FALTAS:** NO, MA'AM, I TOLD YOU I AM BETTER --

**THE COURT:** WELL, THAT'S ON THE RECORD, DR. FALTAS. DON'T FORGET THAT.

**DEFENDANT FALTAS:** YES, I DID AND IF YOU'LL LOOK IT UP I TOLD YOU I'M BETTER THAN OTHER PEOPLE BECAUSE I DO NOT TELL LIES IN COURT AND I BELIEVE THAT PEOPLE -- AND, IN FACT, WE CAN FIND THE PAGE. I ALSO TOLD YOU THAT -- YOU TOLD ME THAT EVERYBODY -- YOU WERE REFUSING TO CALL ME BY MY TITLE YOU SAID BECAUSE EVERYBODY (INAUDIBLE).

**THE COURT:** EVERYBODY IN THIS COURT IS EQUAL. YOU ARE NOT ENTITLED TO A TITLE IN THIS COURT NO MORE THAN ANYONE ELSE IS. WE HAVE DOCTORS COME IN HERE, WE HAVE LAWYERS IN HERE, WE HAVE PHYSICIANS, WE HAVE PEOPLE WHO HAVE ALL --

**DEFENDANT FALTAS:** AND DIDN'T YOU --

**THE COURT:** WHEN I'M TALKING. YOU DON'T GET THIS.

**DEFENDANT FALTAS:** SORRY. SORRY. SORRY. SORRY. SORRY.

**THE COURT:** YOU ARE NOT ENTITLED TO A TITLE IN THIS COURT.

AND YOU SIT THERE AND IF SOMEONE CALLS YOU MS. FALTAS THEN YOU WANT TO CORRECT THEM BECAUSE YOU THINK THAT YOU HAVE A GREATER RIGHT IN THIS COURT AND THAT YOU ARE SUPERIOR BY HAVING A DEGREE IN MEDICINE. THAT'S WHAT YOU'VE TOLD ME THAT YOU ARE SUPERIOR.

**DEFENDANT FALTAS:** MA'AM, DIDN'T YOU HEAR THEM SAY THAT I AM INFERIOR AND I CANNOT GO TO THE ROOM THAT THE ATTORNEYS GO TO BECAUSE I'M NOT A LAWYER.

**THE COURT:** YOU ARE NOT A LAWYER. THAT DOESN'T MAKE YOU INFERIOR, IT DOESN'T MAKE YOU SUPERIOR.

**DEFENDANT FALTAS:** IT MAKES ME NOT ENTITLED TO GO TO THE ROOM WHERE OTHER ADVOCATES GO OR AT LEAST ACCORDING TO THEM.

**THE COURT:** YOU HAVE A RIGHT TO AN ATTORNEY WHO COULD GO THERE FOR YOU. AND --

**DEFENDANT FALTAS:** AND I HAVE THE RIGHT UNDER (INAUDIBLE) TO PRESENT MY CASE.

**THE COURT:** YOU DO BUT YOU HAVE TO DO IT IN ACCORDANCE WITH THE RULES OF PROCEDURE AND YOU HAVE TO DO IT WITH CERTAIN DECORUM AND YOU HAVE TO FOLLOW THE RULES OF COURT AND YOU HAVE TO STOP DISRUPTING THE COURT. HAVE A SEAT OVER THERE, PLEASE. HAVE A SEAT OVER THERE, PLEASE.

ALL RIGHT. I'VE BEEN PRESENTED TODAY WITH SEVERAL MOTIONS. THE DEFENDANT'S MOTION NUMBER ONE -- I'LL COME BACK TO THAT LATER. ON DEFENDANT'S MOTION NUMBER TWO, THIS CHARGE, UNLAWFUL USE OF TELEPHONE, I BELIEVE IS THE ONE THAT WAS NOLLE PROSSED AND THE DEFENDANT'S MOTION NUMBER THREE ALSO REFERS TO THAT AND AS STATED

AT THE BEGINNING OF THIS SESSION WE HAVE ALREADY RULED UPON AND INCORPORATE BY REFERENCE THE TRANSCRIPT OF THAT HEARING FROM JULY 23RD, 2010, IN WHICH THAT MOTION FOR RECUSAL OF ALL JUDGES IN THE CITY COURT FOR ANY CASES CONCERNING MARIE ASSA'AD-FALTAS WAS DENIED AND THE TRANSFER OF ALL CASES TO MAGISTRATE'S COURT FOR RICHLAND COUNTY WAS DENIED AS WELL. AND THAT BRING US TO NUMBER FOUR WHICH AS I SAID WAS PREVIOUSLY DETERMINED. THEN THERE'S DEFENDANT'S MOTION FOR A SPEEDY TRIAL AND THAT MOTION -- I SEE THAT MOST OF THE IMPEDIMENT FOR TRIAL HAS BEEN BROUGHT ON PRIMARILY BY THE DEFENDANT'S OWN ACTIONS AND THE CASES I BELIEVE -- MR. FERNANDEZ, HAVE THEY NOT BEEN PLACED ON THE DOCKET AND WILL BE TRIED IN DUE COURSE AT THIS TIME?

**MR. FERNANDEZ:** YES, YOUR HONOR.

**THE COURT:** ALL RIGHT.

**MR. FERNANDEZ:** THEY ARE GOING TO BE SCHEDULED AS SOON AS THE COURT GETS AROUND TO IT (INAUDIBLE).

**THE COURT:** ALL RIGHT. THEN THE QUESTION OF A SPEEDY TRIAL IS MOOT. AND AS TO NUMBER SIX THOSE ISSUES HAVE BEEN ADDRESSED AS FAR AS THE JUDGES RECUSING THEMSELVES IN THE JULY 23RD CASE. THE DEFENDANT DOESN'T HAVE THE RIGHT TO RAISE ISSUES OF RIGHTS FOR OTHER PEOPLE. THE PARTICULAR ONE SHE MENTIONS IS JOHN M. JONES AND WE HAVE NO INFORMATION FROM WHICH WE CAN DETERMINE ANYTHING AS TO ITEM "E." THE DEFENDANT FALTAS HAS STATED THAT THERE WERE SOME COURTESY SUMMONSES WHICH WERE NOT SERVED. SHE GAVE NO PROOF OF THAT AND THEN ITEM "F" IS NOT EXACTLY A MOTION, JUST ALLEGATIONS THAT JUDGE TURNER HAS DONE THE RIGHT THING IN SOME INSTANCES AND IN OTHER

INSTANCES HAS NOT. AND THEN THERE'S JUST A GENERAL ALLEGATION HERE OF THE DEFENDANT'S BEING SET UP TO BE HELD IN CONTEMPT OF COURT. THAT'S NOT A MOTION ALTHOUGH I CERTAINLY HAVEN'T FOUND THAT ANYONE IS CONSPIRING AGAINST THE DEFENDANT FALTAS. NUMBER SEVEN IS -- HAS TO DO WITH THE CITY ORDINANCE CONCERNING FRONT YARD PARKING. I'VE LOOK AT THE ORDINANCE, I'VE HEARD THE ARGUMENTS FROM BOTH SIDES AND THE MOTION IS DENIED AS TO THE UNCONSTITUTIONALITY AND SELECTIVE PROSECUTION. THERE'S BEEN NO ACTUAL EVIDENCE OF SELECTIVE PROSECUTION AND I DON'T FIND ANY VALID DENIAL OF CONSTITUTIONAL RIGHTS THERE. NUMBER EIGHT WAS COUCHED AS A MOTION FOR A CONTINUANCE. THE DEFENDANT CLAIMS IT'S A MOTION FOR DISMISSAL ABOUT A TRIAL IN WHICH THERE WAS A MISTRIAL DECLARED. THAT'S DENIED AND IT'S ALSO DENIED UNDER THE GROUNDS STATED IN THAT NUMBER EIGHT "B" AND NUMBER NINE, WE COME TO THE CITY'S MOTION TO RESTRICT ACCESS TO MUNICIPAL COURT AND PROSECUTORS. THERE'S BEEN AMPLE EVIDENCE HERE TO INDICATE THAT THE DEFENDANT FALTAS HAS MADE ABUSIVE USE OF THE COURT'S TIME, HAS BEEN RUDE AND INCONSIDERATE AND HAS VIOLATED REQUESTS OF THE COURT. AND IT IS NOT PROPER FOR A JUDGE TO HAVE EX PARTÉ COMMUNICATIONS WITH THE DEFENDANT AND THIS REPEATED CALLING WHICH WAS ATTESTED TO BY JUDGE TURNER AND OTHER EMPLOYEES OF THE COURT IS EXCESSIVE, IT'S ABUSIVE, IT DISRUPTS THE COURT AND IT MUST CEASE. THE INSTANCES OF DISRUPTION WERE MANY AND ONGOING AND THEY HAVE PLACED AN UNREASONABLE BURDEN UPON THE COURT AND THE EMPLOYEES OF THIS COURT TO PAY MORE ATTENTION TO THIS ONE DEFENDANT THAN TO ALL THE OTHER DEFENDANTS WHO COME THROUGH THIS COURT,

ATTORNEYS, WITNESSES, OR ANYONE ELSE WHO MAY BE IN THIS COURT. THIS IS NOT ACCEPTABLE BEHAVIOR AND THIS IS NOT GOING TO BE TOLERATED ANY LONGER. THE DEFENDANT WILL CEASE FROM COMING TO THE COURT EXCEPT DURING THE HOURS OF 2:00 TO 4:00 P.M. DURING NORMAL OPERATING HOURS AND ANY FILINGS MUST BE DONE PROPERLY BY MAIL AND NOT E-MAIL -- BY MAIL. NO E-MAIL TO ANY OF THE JUDGES IN THIS COURT, NONE WHATSOEVER. AND ALSO WITH RESPECT TO THE CITY ATTORNEY'S OFFICE, THE CITY ATTORNEY AND THAT OFFICE IS ALSO ENTITLED TO RESPECT AND TO NOT HAVE ITS OPERATIONS INTERRUPTED CONSTANTLY BY ONE DEFENDANT IN THIS COURT. THERE ARE MANY OTHERS AND OTHER BUSINESS BEFORE THE CITY COURT. THE DEFENDANT IS RESTRICTED FROM ENTERING OR COMING ABOUT THE OFFICE OF THE CITY ATTORNEY FOR THE CITY OF COLUMBIA OR THE BUILDING AT 1401 MAIN STREET AND CANNOT CONTACT, MAKE CONTACT WITH PERSONS EMPLOYED THERE OR WITH INDIVIDUALS INVOLVED IN THE PROSECUTION OF HER NUMEROUS CRIMINAL CHARGES AND MUST STAY AWAY FROM THE RESIDENCES, THE PARKING LOTS AND ANY OTHER PLACE THAT THE DEFENDANT MAY FIND THESE EMPLOYEES OF THE COURT AND THE DEFENDANT IS DIRECTED TO UTILIZE THE UNITED STATES MAIL WHEN CORRESPONDING WITH THE OFFICE OF THE CITY ATTORNEY OR TO COORDINATE WITH HER STANDBY COUNSEL TO HAVE CORRESPONDENCE DELIVERED BUT THE DEFENDANT IS NOT TO DO IT HERSELF. YOU MAY MAIL IT, YOU MAY HAVE YOUR STANDBY ATTORNEY DELIVER IT AS YOUR ATTORNEY KNOWS THE PROCESS. HE RESPECTS THE COURT. HE HAS TO DO THAT BECAUSE HE IS AN OFFICER OF THE COURT. THE DEFENDANT HAS FLAUNTED THE FACT THAT SHE IS NOT AN ATTORNEY AND CAN GET AWAY. SHE HAS MADE UNBELIEVABLE

MISUSE OF THE FACT THAT SHE'S NOT AN ATTORNEY BUT SHE'S HERE TO REPRESENT HERSELF AND IS NOT INTENDING APPARENTLY TO BE BOUND BY THE RULES OF PROCEDURE OR THE ETHICS THAT BIND A LAWYER. HOWEVER, IT IS IMPORTANT THAT YOU UNDERSTAND THAT YOU CANNOT CONTINUALLY CONTACT A JUDGE, ANY JUDGE IN ANY CASE. YOU CANNOT E-MAIL PEOPLE OF THE COURT AND YOU CANNOT CONTINUE TO USE HARASSING TELEPHONE CALLS OR ATTEMPT TO MAKE THESE EX PARTÉ COMMUNICATIONS WITH THE JUDGES, THE CITY ATTORNEYS OFFICE OR COURT PERSONNEL. IF YOU HAVE BUSINESS WITH THE COURT AS I SAID YOU MAY CONDUCT IT BETWEEN 2:00 AND 4:00 DURING NORMAL BUSINESS HOURS WITHOUT DISRUPTION OF THIS BUILDING OR ANYONE IN IT OR THE PROCEDURES OR ANY COURT PROCEEDINGS. YOU ARE NOT TO COME TO THIS COURT FOR ANY OTHER REASON EXCEPT WHEN YOU HAVE ACTUALLY BEEN SUMMONED TO COME BECAUSE YOU HAVE A CASE BEFORE THE COURT.

**DEFENDANT FALTAS:** WHERE DO I PARK?

**THE COURT:** AS TO THE CONTEMPT CITATION, DR. FALTAS, AS YOU HAVE TOLD ME -- STAND UP, PLEASE. AS YOU HAVE TOLD ME BEFORE, YOU ARE A VERY INTELLIGENT PERSON. YOU ARE VERY WELL EDUCATED. WE ALL UNDERSTAND THAT. WE ALL RESPECT THAT BUT IT DOESN'T GIVE YOU SUPERIOR RIGHTS BECAUSE YOU MAY HAVE AN EDUCATION SUPERIOR TO MINE OR ANYBODY ELSE'S IN THIS COURTROOM. IN THIS COUNTRY PEOPLE ARE NOT JUDGED BY -- THEY ARE NOT GIVEN CERTAIN RIGHTS BY THEIR EDUCATION. IN A COURTROOM WE ARE ALL EQUAL AND YOU HAVE TO LIVE WITH THAT EVEN THOUGH I UNDERSTAND YOU FEEL LIKE OR YOU'VE INDICATED THAT YOU SHOULD OR YOU DO HAVE GREATER RIGHTS BECAUSE OF YOUR EDUCATION

AND YOUR INTELLECT. EVERY TIME TODAY THAT I HAVE ASKED YOU A QUESTION YOU HAVE COME BACK WITH SOMETHING OTHER THAN WHAT I ASKED YOU. EVERY TIME I ASKED YOU TO PROCEED YOU HAVE SAID I'M GOING TO RATHER THAN PROCEEDING. EVERY TIME THAT SOMETHING COMES UP THAT YOU DON'T LIKE OR YOU THINK IT'S FUNNY FOR SOME REASON YOU'VE BEEN LAUGHING. I HAVE NOT MADE A JOKE IN THIS COURT ALTHOUGH YOU HAVE INDICATED TO ME THAT YOU HAD JOKES FOR THE COURT. ONE OF THE THINGS YOU SAID TODAY YOU WERE MAKING A JOKE. THIS IS NOT A LAUGHING MATTER. THIS IS VERY SERIOUS AND WHILE I DON'T KNOW IF YOU ENJOY BEING HERE BUT WE DON'T ENJOY, I DON'T ENJOY, SEEING YOU IN THIS POSITION AND I DON'T THINK YOU OUGHT TO BE PUTTING YOURSELF IN IT EITHER,

SO ON THIS ISSUE OF CONTEMPT OF COURT YOU MAY PAY FIFTY DOLLARS ($50.00) TO THE COURT OR YOU MAY GO TO JAIL FOR TEN (10) DAYS AND I NEED TO ASK YOU BECAUSE I AM CONSIDERING A SUSPENSION OF THE SENTENCE ON CERTAIN CONDITIONS. HAVE YOU BEEN EVALUATED BY MENTAL HEALTH?

**DEFENDANT FALTAS:** THREE TIMES.

**THE COURT:** AND WAS THERE A DIAGNOSIS?

**DEFENDANT FALTAS:** NO, MA'AM. THERE WAS NEVER ...

**THE COURT:** WAS ANYONE ABLE TO HELP YOU WITH ANY OF THESE PROBLEMS THAT YOU MAY HAVE?

**DEFENDANT FALTAS:** RESPECTFULLY, MA'AM, THE PROBLEMS THAT I HAVE IS THAT I AM BEING ACCUSED FALSELY. AND ONLY --

**THE COURT:** WELL, THAT'S ONE THING, MA'AM. YOU'LL GET A TRIAL ON THAT AND I CERTAINLY -- YOU KNOW, YOU ARE TELLING ME YOU ARE

NOT GUILTY OF THESE CHARGES. YOU WILL BE PRESUMED INNOCENT, NOT GUILTY, UNTIL AND UNLESS THE STATE HAS PROVEN OTHERWISE. I'M NOT TALKING ABOUT THAT. I'M TALKING ABOUT THIS SEEMING OBSESSION WITH COMING TO COURT AND YOU KNOW THAT I HAVE BEEN HANDED UP ORDERS FROM OTHER COURTS AND REPORTEDLY THERE ARE OTHER ORDERS IN OTHER COURTS. THAT'S WHAT I'M TALKING ABOUT, NOT YOUR RIGHT TO BE INNOCENT BUT YOUR PROBLEM WITH SEEMING TO BE TOTALLY OBSESSED WITH BEING HERE AND MAKING MOTIONS THAT ACTUALLY DELAY JUSTICE IN YOUR CASES.

**DEFENDANT FALTAS:** JUDGE, JESUS CHRIST HAD A PARABLE ABOUT THAT SAYING THERE WAS A WIDOW AND THERE WAS AN UNFAIR JUDGE AND THE ONLY WAY SHE COULD GET SOME JUSTICE IS TO KEEP HARPING ON IT. I HAD NO DEALINGS WITH JUDGE COOPER OF THE CIRCUIT COURT EXCEPT WHEN THOSE FALSE CHARGES WHICH INCIDENTALLY HAVE BEEN REMANDED DOWN TO SECOND DEGREE MEANING I WAS INNOCENT OF THE FIRST DEGREE. I HAD TO KEEP CLAMORING TO GET A SPEEDY TRIAL. YOU'VE JUST DENIED MY SPEEDY TRIAL MOTION AND YOU SAID, YES, THEY WILL BE --

**THE COURT:** THEY ARE ALREADY ON THE DOCKET.

**DEFENDANT FALTAS:** WHEN? NO ONE IS TELLING ME.

**THE COURT:** SO YOU ARE TELLING ME THAT YOU DON'T FEEL THAT YOUR BEHAVIOR IN THIS COURT IS EXCESSIVE, IS RUDE AND IS DEMANDING OF MORE RIGHTS THAN ANY OTHER PERSON GETS. YOU ARE TELLING ME THAT THAT IS NOT THE CASE?

**DEFENDANT FALTAS:** NO, BUT (INAUDIBLE).

**THE COURT:** ALL RIGHT. THEN YOU'LL PAY FIFTY DOLLARS ($50.00) OR SERVE TEN (10) DAYS. THANK YOU. OVER THERE. NO MORE.

**DEFENDANT FALTAS:** (INAUDIBLE).

**THE COURT:** OVER THERE, MA'AM.

**DEFENDANT FALTAS:** I WAS JUST ASKING TWO QUESTIONS. WHEN I COME FOR MY MOTIONS OR WHATEVER WHERE DO I PARK? YOU SAID I CANNOT PARK --

**THE COURT:** MAY PARK LEGALLY ANYWHERE ACROSS THE STREET. ANY LEGAL PARKING SPACE. I DIDN'T SAY YOU COULDN'T PARK --

**DEFENDANT FALTAS:** YOU SAID I COULDN'T PARK IN ANY (INAUDIBLE).

**THE COURT:** I SAID YOU CANNOT ACCOST PEOPLE IN THE PARKING GARAGE.

**DEFENDANT FALTAS:** ALL RIGHT. THE SECOND QUESTION IS YOU SAID THAT MY CASES WERE SCHEDULED. WHEN ARE THEY SCHEDULED?

**THE COURT:** I DON'T KNOW WHEN THEY ARE SCHEDULED. I SAID THEY ARE ON THE DOCKET AND IF YOU SAY ONE MORE WORD IT'S GOING TO BE THIRTY (30) DAYS IN JAIL AND NO POSSIBILITY OF PAYING A FINE.

**MR. FERNANDEZ:** YOUR HONOR, ((INAUDIBLE) I HANDED UP IS MY ONLY COPY. COULD I HAVE THAT BACK?

**THE COURT:** ALL RIGHT. THAT WILL BE GOOD.

(INAUDIBLE)

**DEFENDANT FALTAS:** WILL YOU GIVE ME TIME PAYMENT?

**THE COURT:** PARDON ME?

**DEFENDANT FALTAS:** WILL YOU GIVE ME TIME PAYMENT ON THE FINE?

**THE COURT:** YOU CAN HIRE A COURT REPORTER AND YOU CAN-

NOT PAY FIFTY ($50.00) DOLLARS TO THIS COURT? IS THAT WHAT YOU ARE TELLING ME?

**DEFENDANT FALTAS:** YES.

**THE COURT:** WHY?

**DEFENDANT FALTAS:** BECAUSE I PAY THE COURT REPORTER WITH A CREDIT CARD. THIS COURT DOESN'T TAKE CREDIT CARDS.

**THE COURT:** WELL, I DON'T KNOW WHETHER IT DOES OR NOT BUT DO YOU HAVE ANY MONEY? DO YOU HAVE ANY MONEY WITH YOU?

**DEFENDANT FALTAS:** I HAVE ACCESS TO SOME MONEY, YES, MA'AM, BUT I THINK I SHOULD BE ENTITLED TO TIME PAYMENT.

**THE COURT:** WHY?

**DEFENDANT FALTAS:** WHY? BECAUSE EVERYBODY ELSE DOES.

**THE COURT:** THAT'S UP TO THE COURT, MA'AM. YOU CAN PAY THIS BY THE END OF THE WEEK, BY FRIDAY OR YOU CAN GO TO JAIL.

**DEFENDANT FALTAS:** (INAUDIBLE)

**THE COURT:** MA'AM, THAT'S ENOUGH. THAT'S TRULY ENOUGH.

**DEFENDANT FALTAS:** I NEED MY COPY OF THE TRANSCRIPT. YOU SAID YOU WOULD GIVE IT TO ME.

**THE COURT:** I'M NOT GIVING IT TO YOU THIS MOMENT. WE ARE GOING TO MAKE IT AVAILABLE TO YOU. WE WILL MAIL IT TO YOU. WHERE DO YOU WANT IT MAILED?

**DEFENDANT FALTAS:** P.O. BOX 9115, COLUMBIA, SOUTH CAROLINA 29290.

**THE COURT:** ALL RIGHT. THANK YOU, MA'AM.

**DEFENDANT FALTAS:** I WOULD APPRECIATE THE COURT MAILING

A COPY TO MR. SCHNEE (INAUDIBLE) HIS ADDRESS.

**THE COURT:** I ASSUME WE HAVE YOUR ADDRESS IN THE FILE?

**MR. SCHNEE:** YES, MA'AM.

**THE COURT:** ALL RIGHT. THANK YOU.

**MR. FERNANDEZ:** THANK YOU, JUDGE.

**THE COURT:** THANK YOU.

(ADJOURNED)

RICHLAND COUNTY
FILED
2010 OCT 28 PM 2:03
ANNETTE W. MCBRIDE
C.C.P. & G.S.

| | |
|---|---|
| STATE OF SOUTH CAROLINA | IN THE MUNICIPAL COURT FOR |
| COUNTY OF RICHLAND | THE CITY OF COLUMBIA |
| CITY OF COLUMBIA, | |
| VS. | CERTIFICATE |
| MARIE-THÉRÈSE ASSA'AD-FALTAS, | |
| DEFENDANT. | |

THIS IS TO CERTIFY THAT THE WITHIN HEARING, CONSISTING OF ONE HUNDRED SEVENTY-SIX (176) PAGES, IS A TRUE AND CORRECT TRANSCRIPT OF RECORD FOR THE HEARING ON OCTOBER 6, 2010, SAID TRANSCRIPT BEING PREPARED TO THE BEST OF MY ABILITY FROM A TAPE RECORDING PROVIDED TO ME WITHOUT THE BENEFIT OF MY BEING PRESENT AT THE PROCEEDING.

I FURTHER CERTIFY THAT I AM NOT RELATED TO ANY OF THE PARTIES IN THIS MATTER OR THEIR COUNSEL, NOR DO I HAVE ANY INTEREST, FINANCIAL OR OTHERWISE, IN THE OUTCOME OF THE SAME.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND SEAL ON THE 22ND DAY OF OCTOBER, 2010.

NANCY S. AHRENS
NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES: 03-29-19

MUNICIPAL COURT COLUMBIA, S.C.

Fernandez

SECT = JT TRAF COURT DATE & SESN 10/06/2010 0800 PAGE NO. JUDGE HANNA

| | TICKET NO. / WARRANT NO. / CASE NO. | DEFENDANTS NAME / CHG CD / DRIVERS LICENSE NO. | BIRTH, RACE, SEX & STATE | VIOLATION CHARGED & CODE / VIOL DATE / OFFICER CHARGING & OFF NO. | RECEIPT NO. / DATE / AMOUNT PAID | DAYS SERVED | DISP CODE | FINE IMPOSED $$ & DAYS | FINE SUSPEND $$ & DAYS | TYPE COURT / ORIGINAL COURT DATE / BOOKING NO. |
|---|---|---|---|---|---|---|---|---|---|---|
| 01 | 014434EV<br>STEP= NO<br>COMP= N | LINK<br>101575181 | CHRISTOPHER M<br>07/06/1980 M<br>SC | SPEEDING 70/55<br>08/29/2009<br>PINCKNEY P 15390<br>ORIG-DATE= 10/13/2009 | 0.00<br>0.00 | | | CONTINUED OVER THE TERM | | J. Todd Rutherford |
| 02 | 044281FD<br>STEP= NO<br>COMP= N | EUBANKS<br>004716340 | CHARLES P<br>03/18/1950 M<br>SC | SPEEDING 33/25(WK/ZNE)<br>03/30/2010<br>PINCKNEY R 15390<br>ORIG-DATE= 05/11/2010 | 0.00<br>0.00 | | | CONTINUED OVER THE TERM | | Self |
| 03 | 044282FD<br>STEP= NO<br>COMP= N | EUBANKS<br>004715342 | CHARLES P<br>03/18/1950 M<br>SC | SEAT BELT VIOLATION<br>03/30/2010<br>PINCKNEY P 15390<br>ORIG-DATE= 05/11/2010 | Y1001268<br>MAY 11 2010<br>25.00<br>0.00 | | | CONTINUED OVER THE TERM | | ↓ |
| 04 | 044634FD<br>STEP= NO<br>COMP= N | BARBREY<br>007478536 | JONATHAN A<br>03/22/1978 M<br>SC | SPEEDING 39/30<br>04/19/2010<br>JOHNSON, R. 21707<br>ORIG-DATE= 05/11/2010 | 0.00<br>0.00 | | | CONTINUED OVER THE TERM | | Self |
| 05 | 046287FD<br>STEP= NO<br>COMP= N | RUTHERFORD<br>001071712 | H.B.<br>M<br>SC | SPEEDING 48/30<br>04/21/2010<br>PINCKNEY P 15390<br>ORIG-DATE= 05/25/2010 | 0.00<br>0.00 | | | CONTINUED OVER THE TERM | | J. Todd Rutherford |
| 06 | 089873EV<br>STEP= NO<br>COMP= N | WILLIAMS<br>004057609 | MYLLICENT L<br>07/19/1972 F<br>SC | DUS<br>12/03/2009<br>RINCKNEY P 15390<br>ORIG-DATE= 01/12/2010 | TIA 0.00<br>0.00 | | | $200 or 10 days | ABSENT | Self |
| 07 | 093826EV<br>STEP= NO<br>COMP= N | ANDERSON<br>101336617 | NICOLE M<br>09/24/1981 F<br>SC | SPEEDING 34/25(SCH ZNE)<br>05/05/2009<br>PINCKNEY P 15390<br>ORIG-DATE= 07/14/2009 | 0.00<br>0.00 | | | CONTINUED OVER THE TERM | | J. Todd Rutherford |
| 08 | | | | | | | | | | |
| 09 | | Faltas, Maria | | MOTIONS | | | | $50 or 10 days | Contempt of Court | MARK Schnee |
| 10 | K613866 | Faltas, Maria | | UUT | NP/ | | | | | NOLLE PROSEQUI |
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MARK. E. Schnee

| | | |
|---|---|---|
| STATE OF SOUTH CAROLINA<br>COUNTY OF RICHLAND | ) | IN THE COURT OF COMMON PLEAS<br>3010 CP400 7629<br>3010 CP400 7063 - |
| The City of Columbia,<br><br>vs.<br><br>Marie-Thérèse Assa'ad-Faltas,<br><br>Defendant. | ) | **TRANSCRIPT AND RETURN ON NOTICE OF APPEAL** Ms Faltas appeal<br>This is only for reference JSann |

The following information and any attachments hereto comprises the City of Columbia Municipal Court record which is transmitted to the Circuit Court pursuant to S. C. Code Ann. §18-3-40 (1976 as amended)

Place of Arrest: City of Columbia

Charged with: Simple Assault, Trespassing, Front Yard Parking; Contempt of Court

Summons Number L-066971, L-066954, 6034 was issued on September 27, 2009 and June 11, 2008, respectively

Motions were before Municipal Court Judge Marion O. Hanna on October 6, 2010

Trial was a Motions hearing

Defendant did not waive the taking of testimony in writing. Transcript is Attached

The City was represented by: David A. Fernandez, Esquire

The Defendant was represented by: Pro se

Sentence: See attached Order. Contempt of Court: Fifty Dollars ($50.00) or Ten (10) days

Sentence was passed on the 6th day of October, 2010

Respectfully submitted this 25th day of October, 2010,

Dana D. Turner

Dana D. Turner
Chief Administrative Judge
City of Columbia Municipal Court

COLUMBIA
SOUTH CAROLINA

CITY OF COLUMBIA MUNCIPAL COURT

# FAX

**TO:** Judy N. Davis **FROM:** Nancy S. Ahrens

**FAX:** 576-1785 **DATE:** November 4

**PHONE:** **PAGES:** 2 (including coversheet)

**RE:** Marie Faltas **CC:**

**Urgent** **For Review** **Please Comment** **Please Reply**

Comments: Pursuant to our telephone conversation, please find attached the return filed with the Transcript of Record from the October 6, 2010, hearing in municipal court with reference to the above individual.

Call if you have any questions.

**HOURS OF OPERATION**

Monday thru Friday 6:00 a.m. to 6:00 p.m.

WEEKENDS AND HOLIDAYS 6:00 A.M. TO 12:00 NOON

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
2010-CP-40- 7903

*The City of Columbia, South Carolina* — *Plaintiff/Respondent*
v.
*Marie Assa'ad-Faltas, MD, MPH* — *Defendant/Appellant*

FILED
2010 OCT 13 PM 3:45
JEANNETTE W. McBRIDE
C.C.P.

**NOTICE OF APPEAL AND GROUNDS OF APPEAL FROM A CONTEMPT OF COURT ORDER AND NOTICE FOR THE MUNICIPAL COURT TO SUBMIT A PROMPT AND COMPLETE RETURN ON APPEAL TO THE CIRCUIT COURT, INCLUDING A COMPLETE TRANSCRIPT AT NO EXPENSE TO THE INDIGENT APPELLANT PURSUANT TO THE U.S. SUPREME COURT'S UNANIMOUS DECISION IN *Mayer v. City of Chicago*, 404 U.S. 189 (1971)**

Marie Assa'ad-Faltas, MD, MPH, *pro se*, hereby timely appeals to the Richland County Circuit Court of Common Pleas from the 6 October 2010 oral, arbitrary, capricious, and unfounded order by Columbia Municipal Court Judge Marion Hanna and sentencing Dr. Assa'ad-Faltas to a fifty-dollar fine.

Dr. Assa'ad-Faltas reserves the right to detail the grounds for this appeal upon receipt of the transcript; but from memory, information and belief, Municipal Judge Hanna (who is appointed by, and serves at the pleasure of, Columbia's City Council, which in turn is Dr. Assa'ad-Faltas' adversary in at least one civil law suit) was motivated by Municipal Judge Hanna's intolerance for Dr. Assa'ad-Faltas' superior intellect and knowledge of the Bible, of the U.S. Constitution, and of the history and purpose of the law in civilization.

Municipal Judge Hanna was hostile to Dr. Assa'ad-Faltas' *a priori* challenge to the fairness of a municipal court and of the impropriety of Dana Davis Turner's combining executive and judicial functions.

The transcript will show that Municipal Judge Hanna neither familiarized herself with Dr. Assa'ad-Faltas' cases nor gave her a chance to make her arguments or to cross-examine the witnesses against her. Indeed, Municipal Judge Hanna had a premeditated intent to find Dr. Assa'ad-Faltas in contempt of court and so threatened early in the hearing, particularly when Dr. Assa'ad-Faltas rightly objected to Assistant City of Columbia Attorney David Fernandez reading from his own affidavit instead of being sworn and subjected to cross-examination. Municipal Judge Hanna knew of Dr. Assa'ad-Faltas' reputation as a skilled cross-examiner of hositle witnesses and wanted to shield the City's appointees from cogent questions.

Municipal Judge Hanna held Dr. Assa'ad-Faltas in contempt of court and aborted her cross-examination of hostile-witness Assistant City of Columbia Attorney Constance Holloway as soon as Dr. Assa'ad-Faltas elicited from Holloway and admission that Holloway had "zoned out" in the middle of the events to which Holloway purported to testify. Thus, Holloway was a witness unworthy of credence.

Municipal Judge Hanna further questioned Dr. Assa'ad-Faltas' mental health and asked if the latter had sought help with "[her] problem." Whereupon, Dr. Assa'ad-Faltas politely and correctly responded that "[her] problem" is that she has several false charges against of her. Thereupon, Municipal Judge Hanna threatened to incarcerate Dr. Assa'ad-Faltas for additional contempt of court charges.

WHEREFORE, the intemperate and unfair order of the temperamental Municipal Judge Hanna should be reversed and the Columbia Municipal Court should be ordered to dismiss all pending criminal cases against Dr. Assa'ad-Faltas because those cases are meritless and that court cannot be fair to her.

**Respectfully submitted, and served on Respondent by hand-delivery to stand-by counsel Mark Schnee for delivery to Respondents per the Oral Order of the very Municipal Judge Hanna, all on 11 October 2010, all God so willing.**

**Marie A. Faltas, MD, MPH, Appellant *pro se***
304 Byron Road, Apt. #3, Columbia, SC 29209 (temporarily unavailable)
**P.O. Box 9115, Columbia, SC 29290 (please use until further notice)**
Phone and on-demand fax (presently unavailable): (803) 783-4536
**Cell Phone: (330) 232 – 4164 (please use until further notice)**

STATE OF SOUTH CAR

COUNTY OF Richland

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

~~Marie Assaad-Faltas, MD,~~
City of Columbia

Plaintiff(s)
Respondents

vs.

Marie Assaad-Faltas, MD, MPH

Defendant(s)
Appellant

2010CP4007403

(Please Print)
Submitted By: Marie Assaad-Faltas, MD, MPH
Address: P.O. Box 9115
Columbia, SC 29290

SC Bar #: pro se
Telephone #: (330) 232-4164
Fax #:
Other:
E-mail: Marie_Faltas@hotmail.com

**NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.**

## DOCKETING INFORMATION (*Check all that apply*)

***If Action is Judgment/Settlement do not complete***

- ☐ **JURY TRIAL** demanded in complaint.
- ☐ This case is subject to **ARB** Dispute Resolution Rules.
- ☐ This case is subject to **MEDIATION** pursuant to the Circuit Court Alternative Dispute Resolution Rules.
- ☐ This case is exempt from ADR.

K613792 Harassment
K613793 1st degree

**Contracts**
- ☐ Constructions (100)
- ☐ Debt Collection (110)
- ☐ Employment (120)
- ☐ General (130)
- ☐ Breach of Contract (140)
- ☐ Other (199)

**Real Property**
- ☐ Claim & Delivery (400)
- ☐ Condemnation (410)
- ☐ Foreclosure (420)
- ☐ Mechanic's Lien (430)
- ☐ Partition (440)
- ☐ Possession (450)
- ☐ Building Code Violation (460)
- ☐ Other (499)

**Inmate Petitions**
- ☐ PCR (500)
- ☐ Mandamus (520)
- ☐ Habeas Corpus (530)
- ☐ Other (599)

**Appeals**
- ☐ Arbitration (900)
- ☐ Magistrate-Civil (910)
- ☒ Magistrate-Criminal (920)
- ☐ Municipal (930)
- ☐ Probate Court (940)
- ☐ SCDOT (950)
- ☐ Worker's Comp (960)
- ☐ Zoning Board (970)
- ☐ Public Service Commission (990)
- ☐ Employment Security Comm (991)
- ☐ Other (999)

- ☐ Minor Settlement (730)
- ☐ Transcript Judgment (740)
- ☐ Lis Pendens (750)
- ☐ Transfer of Structured Settlement Payment Rights Application (760)
- ☐ Other (799)

- ☐ Permanent Injunction (830)
- ☐ Forfeiture-Petition (840)
- ☐ Forfeiture—Consent Order (850)
- ☐ Other (899)

**Special/Complex /Other**
- ☐ Environmental (600)
- ☐ Automobile Arb. (610)
- ☐ Medical (620)
- ☐ Other (699)

- ☐ Pharmaceuticals (630)
- ☐ Unfair Trade Practices (640)
- ☐ Out-of State Depositions (650)
- ☐ Motion to Quash Subpoena in an Out-of-County Action (660)
- ☐ Sexual Predator (510)

**Submitting Party Signature:** Marie Assaad-Faltas, MD, MPH **Date:** 11 October 2010

**Note:** Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

STATE OF
SOUTH CAROLINA

# NOTICE OF MOTION SCHEDULING

COPY

June 24, 2011

**Motion "APPNCR - Appeal/Notice of Criminal Appeal" for Case: 2010CP4007063 - City of Columbia vs Marie Assaad Faltas has been added to the following Motions Roster:**

**APPEAL ROSTER JULY 20, 2011 COURTROOM 2-C**

**This hearing of this motion has been scheduled for Wednesday, July 20, 2011 at 9:30 am.**

The above referenced case is scheduled for a Appeal Hearing before Judge James R. Barber, III. in Courtroom 2. C.

All requests for continuances must be in writing with a $25.00 filing fee and received by the Chief Administrative Judge prior to the hearing. A request for a continuance does not guarantee that a case will be continued. Please notify the Court in writing if the Motions are resolved prior to the hearing.

| Mail Notice To: | Court Info: |
|---|---|
| City of Columbia | Richland County Common Pleas<br>Richland County Judicial Center<br>1701 Main Street<br>Columbia, SC 29201-9201 |

Judge Alison R. Lee
Chief Administrative Judge
Fifth Judicial Circuit

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|---|---|
| Marie Assaad Faltas<br>P O Box 9115<br><br>Columbia, SC 29290 | Richland County Common Pleas<br>Richland County Judicial Center<br>1701 Main Street<br>Columbia, SC 29201-9201 |

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Judge Alison R. Lee
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| David A. Fernandez<br>Office Of The City Attorney<br>P.O. Box 667<br>Columbia, SC 29202 | Richland County Common Pleas<br>Richland County Judicial Center<br>1701 Main Street<br>Columbia, SC 29201-9201 |

Judge Alison R. Lee
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Fifth Judicial Circuit

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| Mark Schnee<br>1720 Main Street, Suite 202<br><br>Columbia, SC 29201 | Richland County Common Pleas<br>Richland County Judicial Center<br>1701 Main Street<br>Columbia, SC 29201-9201 |

Judge Alison R. Lee
Chief Administrative Judge
Fifth Judicial Circuit

_____

COPY

**Richland County Common Pleas**
**Richland County Judicial Center**
**1701 Main Street**
**Columbia, SC 29201**

**June 2, 2011**

# NOTICE

Marie Assaad Faltas
P O Box 9115
Columbia, SC 29290

RE: **2010CP4007063, City of Columbia vs. Marie Assaad Faltas**

MOTION(S) FILED: Appeal

The above referenced case was scheduled for a hearing on June 10, 2011 at 9:30 AM before Judge J. Ernest Kinard in Courtroom 2-C.

Due to conflicts, it has been necessary to cancel the hearing listed above. Parties will be notified of the date and time when this hearing has been rescheduled. If your case is settled, please notify us in writing immediately. If you have any communication regarding this case, please do NOT call this office. Please send it in writing, via fax **(803) 576-1612** or e-mail at gunterp@rcgov.us .

Alison R. Lee
Chief Administrative Judge
FIFTH JUDICIAL CIRCUIT

CP3

STATE OF
SOUTH CAROLINA

# NOTICE OF MOTION SCHEDULING

COPY

August 26, 2011

**Motion "APPNCR - Appeal/Notice of Criminal Appeal" for Case: 2010CP4007063 - City of Columbia vs Marie Assaad Faltas has been added to the following Motions Roster:**

**APPEAL ROSTER SEPTEMBER 16, 2011 COURTROOM 2-C**

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COUNTY OF RICHLAND

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JEANETTE W. GRANT
C.C.P. & G.S.
RICHLAND COUNTY
2010 OCT 11 PM 2:55
FILED

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# CITY OF COLUMBIA
SOUTH CAROLINA

MUNICIPAL COURT : P.O. BOX 644 . COLUMBIA, S.C. 29202 803 545-3150 FAX 803 · 733-8433

March 9, 2011

Mr. David A. Fernandez, Esq.
Assistant City Attorney
Legal Department
P. O. Box 667
Columbia, SC 29202

Dr. Marie Assa'ad Faltas
P. O. Box 9115
Columbia, SC 29209

Re: City of Columbia vs. Marie Assa'ad Faltas, L066971, L066954
State of South Carolina vs. Marie Assa'ad Faltas, K613792; K613793
City of Columbia vs. Marie Assa'ad Faltas, 38803FK, 37025FK

Dear Mr. Fernandez and Dr. Faltas:

Please be advised that a hearing on the following motion will be held on Monday, March 28, 2011 at 9:00 a.m. in Courtroom 3, 811 Washington Street, Columbia, South Carolina before the Honorable Marion O. Hanna.

1. City's Motion for Rule to Show Cause filed February 22, 2011. This motion pertains to Judge Marion Hanna's order of October 13, 2010 and alleges violation of that order.

Failure to appear can result in the imposition of a fine or a sentence of up to 30 days in jail or both or such other sentence as the presiding judge may impose

Please be further advised that a hearing with regard to various motions pending in connection with the above referenced cases will be held on Monday, March 28, 2011 at 10:00 a.m. or as soon thereafter as it can be heard in Courtroom 2, 811 Washington Street, Columbia, South Carolina before The Honorable Lincoln C. Jenkins III.

The following motions will be heard at this hearing:

1. Defendant's "EMERGENCY" Motion to Dismiss or Reconsider Bond pertaining to Uniform Traffic Tickets 37025FK Trespassing After Notice and 38803FK Disorderly Conduct filed July 12, 2010.

2. City's Motion to Revoke Defendant's Bond pertaining to warrant numbers K613792 and K613793 filed September 23, 2010.

3. Defendant's Motion to Dismiss filed with the Municipal Court on November 8, 2010. This motion is based on City of Greenville v. Bane, 390 S.C. 303, 702 S.E.2d 112 (SC 2010). By Defendant's statements within the motion itself, arguments with regard to this motion are limited to allegations of facial unconstitutionality and vagueness of City of Columbia ordinances criminalizing speech which Defendant alleges led to her arrest on harassment and other charges. Previous motions to dismiss filed by the Defendant were heard by Judge Marion Hanna on October 13, 2010.

4. Defendant's Motion to "Convert my Bond to Unconditional Personal Recognizance Bond in Light of New and Changed Circumstances" filed February 7, 2011. It is unclear which case or cases this motion pertains to.

5. Defendant's Motion to "Dismiss All Remaining Charges Against Me for Want of Prosecution and for Other Reasons" filed February 7, 2011. At the time this motion was filed, the above referenced charges were pending against the Defendant.

If either party contends that other motions are pending besides those listed above, the Court expects that party to provide the Court within five (5) days of the date of this letter details concerning the alleged pending motion including the specific relief sought by the motion, the date the written motion was filed and the case number(s) to which the motion applies. Disputes concerning whether motions are pending or not pending may be heard by Judge Jenkins in his sole discretion on the above referenced court date. Whether oral motions that have not been previously filed in writing will be heard on the above referenced court date will rest in the sole discretion of Judge Jenkins. Motions pertaining to the specific issues of trial, i.e., motions in limine, to quash subpoenas, to transport the jury to the site, etc., will be heard immediately prior to trial.

Sincerely,

Dana D. Turner

Dana D. Turner
Chief Administrative Judge

| | | |
|---|---|---|
| CITY OF COLUMBIA, | ) | TRANSCRIPT OF RECORD |
| | ) | |
| vs. | ) | OCTOBER 6, 2010 |
| | ) | JURY TRIALS |
| MARIE-THÉRÈSE ASSA'AD-FALTAS, | ) | WARRANT NO.: K-613866, L-066971, |
| | ) | L-066954; SUMMONS NO.: 6034 |
| DEFENDANT. | ) | JUDGE MARION O. HANNA |
| | ) | ACA DAVID A. FERNANDEZ |

**THE COURT:** IS EVERYONE READY TO PROCEED? MR. SCHNEE IS HERE, MS. FALTAS IS HERE.

**DEFENDANT FALTAS:** I'M DR. FALTAS.

**THE COURT:** I UNDERSTAND. AND MR. FERNANDEZ IS HERE AND ALSO?

**MR. FERNANDEZ:** MS. BEESON FROM OUR OFFICE. SHE'S NOT GOING TO PARTICIPATE.

**THE COURT:** ALL RIGHT. AND WE ALSO HAVE A COURT REPORTER. MR. SCHNEE, IS THE COURT REPORTER HERE ON BEHALF OF THE PUBLIC DEFENDER'S OFFICE?

**MR. SCHNEE:** I'M NOT WITH THE PUBLIC DEFENDER'S OFFICE, YOUR HONOR.

**THE COURT:** OH, I'M SORRY. IS THE COURT REPORTER HERE ON YOUR BEHALF?

**MR. SCHNEE:** NOT ON MY PERSONAL BEHALF. I'M STANDBY COUNSEL. I DON'T KNOW IF DR. FALTAS HAS SECURED PAYMENT FOR THAT.

**THE COURT:** ALL RIGHT. THE COURT REPORTER IS HERE ON YOUR PERSONAL BEHALF, MA'AM?

**DEFENDANT FALTAS:** I ASKED HER TO BE HERE, YOUR HONOR, BECAUSE I HAVE HAD PROBLEMS GETTING TRANSCRIPTS FROM THIS COURT.

**THE COURT:** ALL RIGHT. DR. FALTAS, EXCUSE ME, MA'AM. BUT WE ARE NOW MOVING ON TO MOTION NUMBER FOUR.

**DEFENDANT FALTAS:** MAY I --

**THE COURT:** EXCUSE ME. MOTION -- MOTION NUMBER TWO AND THREE APPLIED TO THAT CHARGE WHICH IS NOLLE PROSSED. IT IS NO LONGER BEFORE THE COURT SO I WILL NOT HEAR ANYTHING ABOUT IT. NUMBER FOUR. DEFENDANT'S MOTION TO TRANSFER CASES TO THE RICHLAND COUNTY MAGISTRATE'S COURT. AS I SAID EARLIER, AND THESE ARE YOUR SAME GROUNDS, IT IS IMPROPER FOR THE CITY TO TRY HER AND SO FORTH. WE'VE ALREADY MADE OUR DECISION ON THAT AS YOU WILL RECALL FROM JULY 23RD. WE'LL MOVE TO NUMBER FIVE, DEFENDANT'S MOTION FOR A SPEEDY TRIAL. MS. FALTAS.

**DEFENDANT FALTAS:** THIS IS DR. FALTAS, YOUR HONOR. ON THE ONES THAT WERE -- ON THE ONE THAT WAS NOLLE PROCESSED --

**THE COURT:** MA'AM. LISTEN TO ME. IF YOU CANNOT FOLLOW MY DIRECTIONS THIS IS NOT GOING TO WORK WELL. THERE IS NO CASE. THERE IS NO CASE OF UNLAWFUL USE OF TELEPHONE. IT HAS BEEN NOLLE PROSSED. IT IS NOT BEING PROSECUTED. YOU MUST MOVE ON TO YOUR MOTION FOR A SPEEDY TRIAL.

**DEFENDANT FALTAS:** I MAKE A MOTION FOR EXPUNGEMENT OF THE ARREST RECORD AND IF YOU GIVE ME THE BENEFIT OF THE DOUBT YOU WOULD KNOW THAT I HAVE SOMETHING VALID TO SAY AND THAT I UNDERSTOOD WHAT NOLLE PROSSED MEANS.

**THE COURT:** I KNOW THAT YOU DO, DR. FALTAS.

**DEFENDANT FALTAS:** ALL RIGHT. NOW I HAVE THE RIGHT TO RE-

QUEST EXPUNGEMENT BECAUSE THAT IS MY RIGHT.

**THE COURT:** MA'AM. THIS IS NOT THE VENUE FOR THAT.

**DEFENDANT FALTAS:** WELL, WHAT IS THE VENUE?

**THE COURT:** THE VENUE FOR THAT FOR WHAT WE ARE HERE FOR NOW, THE NEXT THING AND I WANT TO HEAR FROM YOU ON IT IS YOUR MOTION FOR A SPEEDY TRIAL. THE OTHER THINGS WILL COME LATER. MOTION FOR A SPEEDY TRIAL NOW.

**DEFENDANT FALTAS:** ALL RIGHT.

**THE COURT:** THANK YOU.

**DEFENDANT FALTAS:** NOW JUST COULD YOU PLEASE, PLEASE LET ME MAKE MY RECORD? UNDER KOPFLER VS. NORTH CAROLINA THERE IS NO SUCH THING AS NOLLE PROS WITH LEAVE TO REOPEN.

KLOPFER

**THE COURT:** MA'AM, NO. WE ARE NOT GOING AT -- WE HAVE NOT NOLLE PROSSED WITH LEAVE. DID YOU HEAR ME SAY WITH LEAVE TO REOPEN?

**DEFENDANT FALTAS:** I JUST WANT TO SAY THAT MEANS IT'S GONE FOREVER.

**THE COURT:** I'VE ALREADY HEARD ALL THAT FROM YOU AND WE ARE NOT HEARING IT TODAY.

**DEFENDANT FALTAS:** ALL RIGHT. FINE.

**THE COURT:** I WANT TO HEAR FROM YOU ON YOUR MOTION FOR A SPEEDY TRIAL.

**DEFENDANT FALTAS:** ABSOLUTELY, YOUR HONOR.

**THE COURT:** NOW.

**DEFENDANT FALTAS:** YES, MA'AM.

**THE COURT:** ALL RIGHT. THANK YOU. GO AHEAD.

**DEFENDANT FALTAS:** THANK YOU. THE LETTER REFERENCES FOUR CHARGES. TWO OF THEM CITY OF COLUMBIA VS. MARIE ASSA'AD-FALTAS, M.D., M.P.H. IS L-066971 AND L-066954. I HAVE MOTIONS TO DISMISS ON THOSE, MOTIONS FOR SPEEDY TRIALS ON THOSE AS WELL MOTIONS FOR SPEEDY TRIAL ON THE CHARGES THAT WERE REMANDED FROM GENERAL SESSIONS.

**THE COURT:** WE ARE GOING TO HEAR ONE MOTION AT A TIME.

**DEFENDANT FALTAS:** OKAY.

**THE COURT:** THIS IS MOTION FOR A SPEEDY TRIAL.

**DEFENDANT FALTAS:** IT APPLIES TO ALL THE PENDING CASES.

**THE COURT:** ONE AT A TIME.

**DEFENDANT FALTAS:** ALL RIGHT. SO THEM (then) MAY I TELL YOU ONE CASE AT A TIME?

**THE COURT:** YOU MAY TELL ME WHY YOU WANT A SPEEDY TRIAL (INAUDIBLE) YOU ARE BEING DENIED ONE.

**DEFENDANT FALTAS:** OH, BECAUSE THAT'S MY CONSTITUTIONAL RIGHT UNDER THE 6TH AMENDMENT TO THE UNITED STATES CONSTITUTION, BECAUSE THE PENDENCY OF CRIMINAL CHARGES HAS COLLATERAL NEGATIVE CONSEQUENCES ON THE PERSON CHARGED, BECAUSE THESE CHARGES HAVE NO VALIDITY WHATSOEVER. THEY WERE COMPLETELY BROUGHT TO HARASS ME, TO INTIMIDATE ME FROM EXERCISING MY CIVIL RIGHTS BECAUSE THE LAPSE OF TIME MAKES IT IMPOSSIBLE FOR ME TO PROVIDE FOR MY DEFENSE BECAUSE ALL OF THE REASONS THAT WERE STATED IN KOPFLER (Klopfer) VS. NORTH CAROLINA AND ALL THE U.S. SUPREME COURT CASES THAT SAID THAT THE 6TH AMENDMENT TO THE U.S. CONSTITUTION IS BINDING UPON THE STATES SO THE 14TH AMENDMENT AND THE RIGHT TO SPEEDY TRIAL AGAIN IN KOPFLER (Klopfer) VS.

THAT'S ON THAT CHARGE.

THEN THERE ARE TWO CHARGES, THE L-066971 AND L-066954. ONCE AGAIN THESE ARE FROM SEPTEMBER, 2009, WHICH IS A YEAR LATER BUT NONETHELESS THE REASON THEY HAD KEPT BEING POSTPONED IS THAT THE CITY WAS REFUSING TO PRODUCE DISCOVERY. AND SO BY NOW IT'S BEEN VERY LONG. THOSE CHARGES ARE PENDING AGAINST ME. THEY CAST A SHADOW ON ME. I HAVE BEEN LAWFULLY ADMITTED AN ALIEN, LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE U.S., LONG ENOUGH TO APPLY FOR U.S. CITIZENSHIP. WHEN I GO TO APPLY I HAVE TO ANSWER WHETHER I HAVE BEEN ARRESTED OR WHETHER THERE ARE PENDING CHARGES AGAINST ME. IN THE UNITED STATES SUPREME COURT OF PADEA VS. KENTUCKY, THE U.S. SUPREME COURT CLEARLY WENT THROUGH THE RAMIFICATIONS ON DEPORTABILITY OF ALIENS LAWFULLY PRESENT IN THE U.S. FOR MISDEMEANORS THAT THE CITIZEN DOESN'T GIVE A SECOND THOUGHT ABOUT. SO THE PENDENCY OF THESE CHARGES HAS COLLATERAL CONSEQUENCES TO ME. THOSE TWO CHARGES --

**THE COURT:** WHAT CONSEQUENCES? HAVE YOU BEEN DEPORTED?

**DEFENDANT FALTAS:** THE CONSEQUENCES IS THAT I AM UNABLE TO APPLY FOR CITIZENSHIP WITH THESE CHARGES PENDING.

**THE COURT:** ALL RIGHT.

**DEFENDANT FALTAS:** THESE CHARGES ARE DEPORTABLE, NOT THEMSELVES NECESSARILY, BUT THE AMOUNT OF MISDEMEANORS AND THREE MISDEMEANORS MAY PROVIDE AN OBSTACLE TO CITIZENSHIP. TO THE ACQUISITION OF CITIZENSHIP. IN ADDITION THEY ALSO HAVE CONSEQUENCES TO MY RENEWED MEDICAL LICENSE. THEY HAVE CONSEQUENCES TO MY APPLI-

CATION FOR JOBS. THEY HAVE --

**THE COURT:** EXCUSE ME. DO YOU HAVE A MEDICAL LICENSE IN THE UNITED STATES?

**DEFENDANT FALTAS:** YES, MA'AM, I DO. AND I'VE HAD ONE SINCE 1988.

**THE COURT:** YOU ARE ABLE TO PRACTICE AS A PHYSICIAN ALTHOUGH YOU ARE NOT A CITIZEN?

**DEFENDANT FALTAS:** OH, YES. AND JUST IN CASE YOU DIDN'T KNOW THAT, THERE WAS A SPECIFIC U.S. SUPREME COURT CASE THAT SAID THAT ANY STATUTE THAT DENIES THE RIGHT TO PRACTICE THE PROFESSION OF MEDICINE ON ACCOUNT OF ALIENAGE IS UNCONSTITUTIONAL.

**THE COURT:** ARE YOU PRACTICING MEDICINE IN THE UNITED STATES?

**DEFENDANT FALTAS:** MA'AM, I HAVE EXPANDING LICENSE, VALID, UNRESTRICTED LICENSE TO PRACTICE MEDICINE --

**THE COURT:** ARE YOU PRACTICING MEDICINE IN THE UNITED STATES?

**DEFENDANT FALTAS:** I AM NOT CURRENTLY PRACTICING CLINICAL MEDICINE.

**THE COURT:** HAVE YOU EVER PRACTICED MEDICINE IN THE UNITED STATES?

**DEFENDANT FALTAS:** YES, MA'AM, I DID.

**THE COURT:** IN THIS COUNTRY?

**DEFENDANT FALTAS:** YES, MA'AM, I DID. I'M SORRY.

**THE COURT:** OKAY. LET'S GET BACK TO FOCUSING ON YOUR

MOTION FOR A SPEEDY TRIAL, PLEASE.

**DEFENDANT FALTAS:** THEN THERE ARE -- I THINK I'VE COVERED THOSE TWO CHARGES -- THE ALLEGED TRESPASS AND ALLEGED ASSAULT. SIMPLE ASSAULT WHICH WERE BROUGHT BY MY LANDLADY BECAUSE I HAVE SUED HER FOR HOUSING DISCRIMINATION. SO THESE ARE FALSE CHARGES AND THEY ARE BROUGHT JUST FOR THE COLLATERAL BENEFIT -- TO IMPOSE BAD COLLATERAL CONSEQUENCES ON ME. IN FACT, THAT VERY LANDLADY AND HER CONSORT WERE KEEPING ON WRITING ME LETTERS SAYING WE'RE WRITING TO HOMELAND SECURITY ABOUT YOUR CHARGES. SO THESE WERE FALSE CHARGES BROUGHT TO BRING ADVANTAGE IN CIVIL LITIGATION AND OTHER ADVANTAGE. THEN THERE ARE THE TWO FALSE HARASSMENT CHARGES THAT WERE REMANDED FROM THE COURT OF GENERAL SESSIONS. I WAS ARRESTED ON DECEMBER 2ND, 2009. THE DAY AFTER I APPEARED BEFORE THE HONORABLE CIRCUIT JUDGE ALISON RENEE LEE REQUESTING A MOTION -- REQUESTING AN INJUNCTION FOR TWO THINGS. ONE IS THAT SHE REQUIRE THE DEFENDANTS TO LEAVE OUT THE SEWER LINES WHICH. YOUR HONOR, I NEED TO TELL YOU WHAT ALL OF THIS IS ABOUT.

**THE COURT:** YOU WENT INTO THIS SEWER LINES ON JULY 23RD. I RECALL THEM.

**DEFENDANT FALTAS:** ALL RIGHT. SO THE NEXT DAY I WAS ARRESTED. THE HONORABLE JUDGE LEE NOTED CLEARLY HER HONOR BELIEVED THAT THAT ARREST WAS CONNECTED TO THE CIVIL LAWSUIT. NOW THAT I HAVE SEEN THE VIDEOS OF THE ARREST WHICH WERE PRODUCED ONLY DURING MY TRIAL NOT ONLY WAS THE MAN, THE LANDLADY'S CONSORT WHOSE NAME IS LARRY (INAUDIBLE) MASON THRE. THE LAWYER WAS

ALLOWED TO ENTER MY APARTMENT, TO GO TO MY BEDROOM -- HIS NAME IS DELANEY -- AND THERE IS IN (INAUDIBLE) NAREWSKI GOING THROUGH THE FRONT DOOR OF MY APARTMENT SAYING WHERE IS DELANEY. ANOTHER INVESTIGATOR WHO WAS RIFLING THROUGH ALL MY PAPERS SAID (INAUDIBLE) WITH HER HEAD TO MY BEDROOM, IT GOES TO MY BEDROOM. NOT ONLY DID THEY LET THE CIVIL LAWYER GO TO MY BEDROOM, HE STOLE MY PASSPORT AND THE BIBLE THAT WAS --

**THE COURT:** HOLD ON JUST A SECOND, I'M SORRY.

**MR. FERNANDEZ:** WE'RE GETTING SOMEWHAT FAR AFIELD. THIS IS NOT I DON'T THINK IN ANY WAY RELATED TO THE MOTION FOR A SPEEDY TRIAL AND I JUST WANTED TO ASK ARE WE DOING A MOTION FOR A SPEEDY TRIAL FOR ALL PENDING CHARGES OR JUST THE ONES LISTED ON THE NOTICE?

**THE COURT:** AND THOSE WOULD BE THE ONES ON THE NOTICE.

**MR. FERNANDEZ:** THE CHARGES SHE'S REFERRING TO ARE NOT -- WE ARE NOT NOTICED FOR THOSE TODAY.

**THE COURT:** ALL RIGHT. DR. FALTAS, I UNDERSTAND IT'S DIFFICULT BUT I REALLY DO NEED FOR YOU TO FOCUS ON WHAT WE ARE DOING HERE TODAY. THESE THREE CASES -- THIS IS CASE 613866, L-066971, L-066954 AND ORDINANCE NUMBER 6034 WHICH IS THE ONE -- IS THAT THE ONE THAT WAS NOLLE PROSSED?

**MR. FERNANDEZ:** YES, YOUR HONOR.

**THE COURT:** OKAY. SO THAT ONE WE ARE DONE WITH.

**DEFENDANT FALTAS:** THE ONE THAT WAS NOLLE PROSSED IS K-613866. LET'S BE CLEAR ON THAT.

**MR. FERNANDEZ:** IT'S THE UNLAWFUL TELEPHONE.

**THE COURT:** K-613866. YOU AGREE?

**MR. FERNANDEZ:** YES, THAT'S THE ONE WE'RE TALKING ABOUT.

**THE COURT:** ALL RIGHT.

**DEFENDANT FALTAS:** I HOPE YOU ARE NOLLE PROCESSING THE OTHER ONE, TOO.

**THE COURT:** ALL RIGHT. SO LET ME JUST -- YOU'RE SAYING YOU WANT A SPEEDY TRIAL. YOUR MOTION FOR A SPEEDY TRIAL IS HERE AND YOU'VE BEEN DENIED A SPEEDY TRIAL BECAUSE YOU HAD A CASE THAT WAS -- A MISTRIAL WAS DECLARED AND YOU APPEALED IT YOURSELF WHEREUPON YOU LEARNED THAT YOU CANNOT APPEAL SUCH A CASE AT THAT JUNCTURE. YOU ARE BACK HERE AND YOU SAY IT'S BEEN A YEAR AND THERE'S NO ACTION TAKEN. CORRECT?

**DEFENDANT FALTAS:** YES, YOUR HONOR.

**THE COURT:** ALL RIGHT.

**DEFENDANT FALTAS:** I ALSO SAY THAT ON THE OTHERS THAT ARE NOT LISTED MY MOTION FOR A SPEEDY TRIAL IN GENERAL SESSIONS COURT WHICH -- LET ME JUST MAKE MY --

**THE COURT:** I HAVE NOTHING TO DO WITH THAT, MA'AM. YOU HAVE TO UNDERSTAND THAT'S NOT BEFORE ME.

**DEFENDANT FALTAS:** I NEED TO MAKE MY RECORD BECAUSE --

**THE COURT:** YOU NEED TO DO WHAT I ASK AND I'M ASKING YOU TO PLEASE TRY TO FOCUS. I'M ASKING YOU TO SIMPLY FOCUS ON THIS MATTER THAT'S BEFORE ME TODAY -- THE MOTION FOR A SPEEDY TRIAL IN THESE TWO CASES THAT WE HAVE LEFT.

**DEFENDANT FALTAS:** THREE.

**THE COURT:** WELL, ONE IS NOLLE PROSSED.

**MR. FERNANDEZ:** TWO CASES, THREE CHARGES.

**THE COURT:** THREE CHARGES. OKAY. SO YOU WERE DENIED A SPEEDY TRIAL BECAUSE YOU APPEALED AND THAT TOOK A WHILE AND THEN THE CITY DIDN'T DO ANYTHING AFTER IT CAME BACK. IS THERE ANY OTHER REASON YOU WERE DENIED A SPEEDY TRIAL?

**DEFENDANT FALTAS:** I'M NOT SAYING THAT'S AN EXCUSE FOR THE CITY. I'M SAYING --

**THE COURT:** I KNOW YOU ARE NOT. YOU ARE SAYING THAT TOOK A WHILE AND WHEN IT CAME BACK IN A YEAR THEY HAVEN'T DONE ANYTHING.

**DEFENDANT FALTAS:** I'M SAYING THE APPEALS WERE CONCLUDED IN JUNE. 2009 --

**THE COURT:** I HAVE THAT.

**DEFENDANT FALTAS:** ALL RIGHT. AND THE OTHER -- HE SAYS ONE CASE. TWO CHARGES. THERE ARE REALLY TWO CASES.

**THE COURT:** TWO CASES, I UNDERSTAND.

**DEFENDANT FALTAS:** BUT THEY ARE ALSO FROM SEPTEMBER, 2009, AND, YES, I HAVE BEEN DENIED MY SPEEDY TRIAL RIGHT AND THE REASON IS THAT THE CITY KNOWS IT HAS NO EVIDENCE. THAT IT WAS PLANNING TO USE FALSE WITNESSES, THAT I EXPOSED THOSE FALSE WITNESSES. THEY KNOW THEY CANNOT TRY THEM AND GET A CONVICTION SO THEY ARE JUST KEEPING THEM ON THE BOOKS. AND AS I JUST TOLD YOU THE PENDENCY OF CRIMINAL CHARGES HAS COLLATERAL NEGATIVE CONSEQUENCES.

**THE COURT:** ALL RIGHT.

**DEFENDANT FALTAS:** IS THAT FOCUSED ENOUGH?

**THE COURT:** ALL RIGHT. THANK YOU, MA'AM. PLEASE BE SEATED AND I'LL HEAR FROM MR. FERNANDEZ.

**DEFENDANT FALTAS:** THANK YOU.

**MR. FERNANDEZ:** YES, YOUR HONOR. REGARDING THE TWO MATTERS LAST, FRONT YARD PARKING I BELIEVE THE DEFENDANT DID GIVE A RELATIVELY ACCURATE DESCRIPTION OF WHAT OCCURRED. THIS WAS CALLED -- THE INCIDENT OCCURRED IN 2008. IT WAS BROUGHT TO TRIAL IN NOVEMBER. MY PREDECESSOR, OVERTURE WALKER, ACTUALLY BEGAN THE TRIAL. AT SOME POINT DURING THE TRIAL THE DEFENDANT BECAME ILL AND REQUIRED ASSISTANCE TO GO TO THE HOSPITAL. WE DON'T KNOW WHAT THAT ILLNESS EXACTLY WAS BUT SHE WAS RELEASED THAT SAME DAY.

**DEFENDANT FALTAS:** NO.

**MR. FERNANDEZ:** YOUR HONOR, AND --

**THE COURT:** MA'AM, HOLD ON JUST A MINUTE. I HEAR FROM ONE AT A TIME. HE GAVE YOU THE COURTESY OF NOT INTERRUPTING YOU UNLESS HE HAD TO. I EXPECT THE SAME FROM YOU. NOW BE SEATED AND NO MORE INTERRUPTIONS. OKAY. TELL ME AGAIN WHAT CHARGING DOCUMENT YOU ARE REFERRING TO SO WE CAN KEEP THESE STRAIGHT.

**MR. FERNANDEZ:** UNIFORM ORDINANCE SUMMONS 6034. THIS WOULD BE THE FRONT YARD PARKING.

**THE COURT:** FRONT YARD PARKING?

**MR. FERNANDEZ:** YES, YOUR HONOR. A MISTRIAL WAS DECLARED. IT HAS BEEN -- AS WE WENT THROUGH THE APPEAL HAS BEEN SENT BACK TO MUNICIPAL COURT. I DON'T CONTROL WHEN CASES ARE SCHEDULED. I SIMPLY WORK WITH WHAT IS GIVEN TO ME ON A WEEKLY BASIS. FOR

Form 4

**STATE OF SOUTH CAROLINA**

**COUNTY OF RICHLAND**

IN THE COURT OF COMMON PLEAS

**JUDGMENT IN A CIVIL CASE**

**CASE NO: 2010-CP-40-7063**

**The City of Columbia, SC**

*vs.*

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

Plaintiff

Defendant

***CHECK ONE:***

☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

☐ **ACTION DISMISSED (*CHECK REASON*):** ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other:_____

☐ **ACTION STRICKEN (*CHECK REASON*):** ☐ Rule 40(j) SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____

2011 MAR -2 PM 3:02

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** *(CHECK APPLICABLE BOX)*:
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other
NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:** ☐ See attached order; ☐ Statement of Judgment by the Court:

**Administrative review of the files reveals that Docket No. 2010-CP-40-07063 and 2010-CP-40-07629 are the same appeal from Municipal Court. Therefore the two cases are consolidated with Docket No. 2010-CP-40-07063 being the surviving number.**

Dated at Columbia, South Carolina, this 1st day of March, 2011.

Alison Renee Lee

**PRESIDING JUDGE**

This judgment was entered on the _____ day of _____, 2011, and a copy mailed first class this 2 day of Mar, 2011, to attorneys of record or to parties (when appearing pro se) as follows:

**David A. Fernandez**

**ATTORNEY(S) FOR THE PLAINTIFF(S)**

**Mark Schnee**

**ATTORNEY(S) FOR THE DEFENDANT(S)**

Jeanette W. McBride

Clerk of Court

SCRCP APP-24/FORM 4

STATE OF SOUTH CAROLINA )
COUNTY OF Richland )

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

~~Marie Assa'ad-Faltas, MD,~~
City of Columbia
Plaintiff(s) Respondents
vs.
Marie Assa'ad-Faltas, MD, MPH
Defendant(s) Appellant

2010CP4007403

(Please Print)
Submitted By: Marie Assa'ad-Faltas, MD, MPH
Address: P.O. Box 9115
Columbia, SC 29290

SC Bar #: pro se
Telephone #: (330) 232-4164
Fax #:
Other:
E-mail: Marie_Faltas@hotmail.com

**NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.**

## DOCKETING INFORMATION (*Check all that apply*)

***If Action is Judgment/Settlement do not complete*

☐ **JURY TRIAL** demanded in complaint. ☒ **NON-JURY TRIAL** demanded in complaint.
☐ This case is subject to **ARBITRATION** pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to **MEDIATION** pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

## NATURE OF ACTION (*Check One Box Below*)

**Contracts**
- ☐ Constructions (100)
- ☐ Debt Collection (110)
- ☐ Employment (120)
- ☐ General (130)
- ☐ Breach of Contract (140)
- ☐ Other (199)

**Torts - Professional Malpractice**
- ☐ Dental Malpractice (200)
- ☐ Legal Malpractice (210)
- ☐ Medical Malpractice (220)

Previous Notice of Intent Case # 20____-CP-____-_____
- ☐ Notice/ File Med Mal (230)
- ☐ Other (299)

**Torts – Personal Injury**
- ☐ Assault/Slander/Libel (300)
- ☐ Conversion (310)
- ☐ Motor Vehicle Accident (320)
- ☐ Premises Liability (330)
- ☐ Products Liability (340)
- ☐ Personal Injury (350)
- ☐ Wrongful Death (360)
- ☐ Other (399)

**Real Property**
- ☐ Claim & Delivery (400)
- ☐ Condemnation (410)
- ☐ Foreclosure (420)
- ☐ Mechanic's Lien (430)
- ☐ Partition (440)
- ☐ Possession (450)
- ☐ Building Code Violation (460)
- ☐ Other (499)

FILED IN THE CLERK'S OFFICE OF THE C.C.P. & G.S. 2010 OCT 11 PM 2:36

**Inmate Petitions**
- ☐ PCR (500)
- ☐ Mandamus (520)
- ☐ Habeas Corpus (530)
- ☐ Other (599)

**Judgments/Settlements**
- ☐ Death Settlement (700)
- ☐ Foreign Judgment (710)
- ☐ Magistrate's Judgment (720)
- ☐ Minor Settlement (730)
- ☐ Transcript Judgment (740)
- ☐ Lis Pendens (750)
- ☐ Transfer of Structured Settlement Payment Rights Application (760)
- ☐ Other (799)

**Administrative Law/Relief**
- ☐ Reinstate Driver's License (800)
- ☐ Judicial Review (810)
- ☐ Relief (820)
- ☐ Permanent Injunction (830)
- ☐ Forfeiture-Petition (840)
- ☐ Forfeiture—Consent Order (850)
- ☐ Other (899)

**Appeals**
- ☐ Arbitration (900)
- ☐ Magistrate-Civil (910)
- ☒ Magistrate-Criminal (920)
- ☐ Municipal (930)
- ☐ Probate Court (940)
- ☐ SCDOT (950)
- ☐ Worker's Comp (960)
- ☐ Zoning Board (970)
- ☐ Public Service Commission (990)
- ☐ Employment Security Comm (991)
- ☐ Other (999)

**Special/Complex /Other**
- ☐ Environmental (600)
- ☐ Automobile Arb. (610)
- ☐ Medical (620)
- ☐ Other (699)
- ☐ Pharmaceuticals (630)
- ☐ Unfair Trade Practices (640)
- ☐ Out-of State Depositions (650)
- ☐ Motion to Quash Subpoena in an Out-of-County Action (660)
- ☐ Sexual Predator (510)

**Submitting Party Signature:** Marie Assa'ad-Faltas, MD, MPH **Date:** 11 October 2010

**Note:** Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

## MANDATED ADR COUNTIES

Allendale, Anderson, Beaufort, Colleton, Florence, Greenville, Hampton, Horry, Jasper, Lexington, Pickens (Family Court Only), Richland, Union and York

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

**You are required to take the following action(s):**

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.

2. The initial ADR conference must be held within 300 days after the filing of the action.

3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs. (Medical malpractice mediation is mandatory statewide.)

4. Cases are exempt from ADR only upon the following grounds:

    a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;

    b. Requests for temporary relief;

    c. Appeals

    d. Post Conviction relief matters;

    e. Contempt of Court proceedings;

    f. Forfeiture proceedings brought by governmental entities;

    g. Mortgage foreclosures; and

    h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.

5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.

6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

**Please Note:** **You must comply with the Supreme Court Rules regarding ADR. Failure to do so may affect your case or may result in sanctions.**

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
2010-CP-40- 7003

*The City of Columbia, South Carolina* — *Plaintiff/Respondent*
v.
*Marie Assa'ad-Faltas, MD, MPH* — *Defendant/Appellant*

JEANETTE W. WALKER
C.C.P. & G.S. BRIDGE
2010 OCT 1 PM 2 56
FILED

**NOTICE OF APPEAL AND GROUNDS OF APPEAL FROM A CONTEMPT OF COURT ORDER AND NOTICE FOR THE MUNICIPAL COURT TO SUBMIT A PROMPT AND COMPLETE RETURN ON APPEAL TO THE CIRCUIT COURT, INCLUDING A COMPLETE TRANSCRIPT AT NO EXPENSE TO THE INDIGENT APPELLANT PURSUANT TO THE U.S. SUPREME COURT'S UNANIMOUS DECISION IN *Mayer v. City of Chicago*, 404 U.S. 189 (1971).**

Marie Assa'ad-Faltas, MD, MPH, *pro se,* hereby timely appeals to the Richland County Circuit Court of Common Pleas from the 6 October 2010 oral, arbitrary, capricious, and unfounded order by Columbia Municipal Court Judge Marion Hanna and sentencing Dr. Assa'ad-Faltas to a fifty-dollar fine.

Dr. Assa'ad-Faltas reserves the right to detail the grounds for this appeal upon receipt of the transcript; but from memory, information and belief, Municipal Judge Hanna (who is appointed by, and serves at the pleasure of, Columbia's City Council, which in turn is Dr. Assa'ad-Faltas' adversary in at least one civil law suit) was motivated by Municipal Judge Hanna's intolerance for Dr. Assa'ad-Faltas' superior intellect and knowledge of the Bible, of the U.S. Constitution, and of the history and purpose of the law in civilization.

Municipal Judge Hanna was hostile to Dr. Assa'ad-Faltas' *a priori* challenge to the fairness of a municipal court and of the impropriety of Dana Davis Turner's combining executive and judicial functions.

The transcript will show that Municipal Judge Hanna neither familiarized herself with Dr. Assa'ad-Faltas' cases nor gave her a chance to make her arguments or to cross-examine the witnesses against her. Indeed, Municipal Judge Hanna had a premeditated intent to find Dr. Assa'ad-Faltas in contempt of court and so threatened early in the hearing, particularly when Dr. Assa'ad-Faltas rightly objected to Assistant City of Columbia Attorney David Fernandez reading from his own affidavit instead of being sworn and subjected to cross-examination. Municipal Judge Hanna knew of Dr. Assa'ad-Faltas' reputation as a skilled cross-examiner of hositle witnesses and wanted to shield the City's appointees from cogent questions.

Municipal Judge Hanna held Dr. Assa'ad-Faltas in contempt of court and aborted her cross-examination of hostile-witness Assistant City of Columbia Attorney Constance Holloway as soon as Dr. Assa'ad-Faltas elicited from Holloway and admission that Holloway had "zoned out" in the middle of the events to which Holloway purported to testify. Thus, Holloway was a witness unworthy of credence.

Municipal Judge Hanna further questioned Dr. Assa'ad-Faltas' mental health and asked if the latter had sought help with "[her] problem." Whereupon, Dr. Assa'ad-Faltas politely and correctly responded that "[her] problem" is that she has several false charges against of her. Thereupon, Municipal Judge Hanna threatened to incarcerate Dr. Assa'ad-Faltas for additional contempt of court charges.

WHEREFORE, the intemperate and unfair order of the temperamental Municipal Judge Hanna should be reversed and the Columbia Municipal Court should be ordered to dismiss all pending criminal cases against Dr. Assa'ad-Faltas because those cases are meritless and that court cannot be fair to her.

**Respectfully submitted, and served on Respondent by hand-delivery to stand-by counsel Mark Schnee for delivery to Respondents per the Oral Order of the very Municipal Judge Hanna, all on 11 October 2010, all God so willing.**

**Marie A. Faltas, MD, MPH, Appellant *pro se***
304 Byron Road, Apt. #3, Columbia, SC 29209 (temporarily unavailable)
**P.O. Box 9115, Columbia, SC 29290 (please use until further notice)**
Phone and on-demand fax (presently unavailable): (803) 783-4536
**Cell Phone: (330) 232 – 4164 (please use until further notice)**

**Marie Assa'ad-Faltas, MD, MPH**
***P.O. Box 9115, Columbia, SC 29290 (Please use until further notice)***
***Cell Phone (330) 232-4164 (Please use until further notice)***
***e-mail: Marie_Faltas@hotmail.com***
**8 February 2011**

**Columbia Municipal Court Chief Administrator Dana D. Turner** **by hand-delivery**

**Re: URGENT REQUESTS FOR (1) Completion of (a) the City's Return on My Appeals to Circuit Court, and (b) the Disposition Letters I Requested; and (2) A Complete and Accurate Copy of the Audio Recording of the Proceedings Before Columbia Municipal Judge Bogan on Friday, 4 Febraury 2011.**

**RE: *City of Columbia v. Marie Assa'ad-Faltas, MD, MPH*, 2010-CP-40-08650 and 2011-CP-40-00339**
**RE: *City of Columbia v. Marie Assa'ad-Faltas, MD, MPH*, 2010-CP-40-07063 and 2010-CP-40-06729**

Ma'am:

Please let this letter serve as a reiteration of my long-standing requests for hearings on my long-standing motion, of which you were again reminded yesterday by my letter to you. Let it also confirm that your assistant, Pamela Hawkins told me by phone that your read that letter but have no response to it yet.

I do need a response ASAS, please.

**Please schedule my said motions *immediately*.**

Please let this letter also confirm what I requested in open court on 4 February 2011: (1) a complete and accurate copy of the audio recordings your court made of the proceedings there and then before Columbia Municipal Judge Bogan and (2) a written confirmation of the denial of Assistant Columbia City Attorney (ACA) David Fernandez' motion to hold me in contempt of court. I brought my own recording equipment and was ready to record it myself and also asked an independent videographer to be present; but my requests to make my own records of the proceedings were denied. A clerk was present and I hope she did at least a minute entry. A copy of that entry may suffice as proof of the disposition; or ACA Fernandez may draft a proposed written order for Judge Bogan's signature after he sends me a copy of the draft order.

I also reiterate that the set of disposition letters of my past cases in your court is still missing the judicial dismissal of the ordinance summons against me by Municipal Judge Burns in September 2007.

As discussed with Ms. Hawkins and Ms. Ahrens, your court's return in the above cases is incomplete.

First, the exhibits from the trial and from the existing file on that case were not returned to the Richland County Circuit Court. Next, the transcript of the trial itself is incomplete. In the audio you provided me there is a conversation between ACA Fernandez and me which is not transcribed. There is also a colloquy about assignment of the jury foreperson which is omitted. Third, two related proceedings, while recorded on video and essential to the appeal, have not been transcribed at all. They are (1) your qualification of the *venire* panel on Monday, 6 December 2010 and (2) the subpoena hearing before Judge Bogan on Tuesday, 7 December 2010. I demand that these deficiencies in the return be remedied promptly, please.

Further, this is the third time that your return to an appeal of mine from your court is filed separately and given a new case number. It should have been filed with the earlier case number. By copy of this letter to the Honorable Judge Lee, Chief Administrative Judge for Common Pleas for SC's Fifth Judicial Circuit, and to the Clerk of Richland County Circuit Court, I am requesting that **2010-CP-40-08650 and 2011-CP-40-00339 *be consolidated together as they are the same case.***

**I am also requesting that 2010-CP-40-07063 and 2010-CP-40-07629 *be consolidated together as they are the same case.***

**Thanks and God bless,** **Marie Assa'ad-Faltas, MD, MPH, *pro se***

cc.: (by hand-delivery through your office or by mail) Assistant City Attorney David Fernandez
SC's Office of Court Administration and SC's Supreme Court
(by hand delivery through the office of Richland County Clerk of Court) The Honorable Judges Lee and Newman
Mr. Hugh Ryan, General Counsel of SCCOID
Richland County Public Defender's Office and/or SC's Office of Appellate Defense
Others as necessary and proper in the present and the future.

FILED
2011 FEB -8 PM 3:18
JEANE C. COE & S.S. McBRIDE
CLERK OF COURT