The Supreme Court of South Carolina

City of Columbia, Respondent,

v.

Marie Faltas, Appellant.

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

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

ORDER

These three cases are pending on appeal.

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

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.		2010CP4007683
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*	

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 , 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

EXHIBIT
No. 1

Your Daily Digest for Tue, Dec 22

USPS Informed Delivery <USPSInformeddelivery@informeddelivery.usps.com>

To: Marie.Faltas@hotmail.com <Marie.faltas@hotmail.com>

ATT00001.txt

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EXHIBIT
No. 2

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	IN THE COURT OF COMMON PLEAS CIVIL ACTION NO: 2011CP4002111; 2010CP4007063; 2010CP4008650; 2011CP4003547; 2009CP4008013; and 2009CP4004483
City of Columbia, Plaintiff, Marie Assa'ad-Faltas, MD, MPH, 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 23rd day of December 2020.

Clifton Newman
Presiding Judge

South Carolina Appellate Case Management System

Appellate C

Cases

Case Search

Participant Search

Disclaimer: The information and documents available here should not be relied upon as an official record of action.
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. 3

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

RICHLAND COUNTY
FILED
2020 OCT 14 PM 1:00

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

ORDER

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

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PAGE

There were no witnesses called.

EXHIBITS

NO	DESCRIPTION	ID	EVD

There were no exhibits introduced.

PROCEEDINGS

(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

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There were no witnesses called.

EXHIBITS

NO	DESCRIPTION	ID	EVD

There were no exhibits introduced.

PROCEEDINGS

(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

Kiplinger v. Kiplinger *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
116. P/G, AD Opinion - 2009-MO-043: Donald Burton, Petitioner. /opinions/displayUnPubOpinion.cfm?caseNo=2009-MO-043
117. P/A Opinion - 2009-MO-045: Mickeal Larron Joe, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2009-MO-045
118. P/A Opinion - 2009-MO-047: Dale Robert Bullis, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2009-MO-047
119. P/A Opinion - 2009-MO-049: Gregory Fulton, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2009-MO-049
120. P/R Opinion - 2009-MO-062: Jermaine Jordan, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2009-MO-062
121. R/R - Opinion - 2009-MO-067: Jamone Boulware, Respondent /opinions/displayUnPubOpinion.cfm?caseNo=2009-MO-067
122. P/A Opinion - 2010-MO-004: Benjamin Heyward, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2010-MO-004
123. P/A Opinion - 2010-MO-012: Hoyt A. Morris, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2010-MO-012
124. P/G, AD Opinion - 2010-MO-021: Alonzo White, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2010-MO-021
125. P/A Opinion - 2010-MO-022: Timothy L. Evans, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2010-MO-022
126. P/A Opinion - 2010-MO-023: Dominique J. Shannon, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2010-MO-023
127. P/R Opinion - 2010-MO-025: Donald S. Becker, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2010-MO-025
128. P/G, AD Opinion - 2010-MO-026: Lavon Mintz, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2010-MO-026
129. P/A Opinion - 2010-MO-032: Sterling Harley, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2010-MO-032
130. R/A - Opinion - 2010-MO-033: Eric Crain, Respondent /opinions/displayUnPubOpinion.cfm?caseNo=2010-MO-033
131. P/G, AD Opinion - 2011-MO-004: William Parson, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2011-MO-004
132. P/A Opinion - 2011-MO-007: Demarcus Simuel, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2011-MO-007
133. R/A+R - Opinion - 2011-MO-008: John W. Hayward, Respondent /opinions/displayUnPubOpinion.cfm?caseNo=2011-MO-008
134. P/A Opinion - 2011-MO-014: Demetrius Baker, Petitioner. /opinions/displayUnPubOpinion.cfm?caseNo=2011-MO-014
135. P/G, AD Opinion - 2011-MO-015: Jett Frederick, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2011-MO-015
136. P/A Opinion - 2011-MO-017: Elaine T. Patterson, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2011-MO-017
137. P/A Opinion - 2011-MO-019: Byron Spivey, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2011-MO-019
138. P/A Opinion - 2011-MO-020: Larry Melton, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2011-MO-020
139. P/G, AD Opinion - 2011-MO-021: Eric D. Wallace, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2011-MO-021
140. P/A Opinion - 2011-MO-023: Maurice L. Franklin, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2011-MO-023
141. P/G, AD Opinion - 2011-MO-026: John Edward Lyles, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2011-MO-026
142. P/R Opinion - 2011-MO-030: Juan M. Ward, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2011-MO-030
143. P/R Opinion - 2012-MO-008: Charles Lenbyrd McCray, Petitioner /opinions/displayUnPubOpinion.cfm?caseNo=2012-MO-008
144. P/A Opinion - 2012-MO-021: Eric D. Tessner, Petitioner /opinions/unpublishedopinions/HTMLfiles/SC/2012-MO-021.pdf
145. P/G, AD Opinion - 2012-MO-033: Devon Leon Houston, Petitioner /opinions/unpublishedopinions/HTMLfiles/SC/2012-MO-033.pdf
146. P/G, AD Opinion - 2012-MO-034: Curtis Bryant, Petitioner./opinions/unpublishedopinions/HTMLfiles/SC/2012-MO-034.pdf
147. P/A Opinion - 2012-MO-035: Julius Powell, Petitioner /opinions/unpublishedopinions/HTMLfiles/SC/2012-MO-035.pdf
148. P/A OPinion - 2012-MO-045: Frank Furtick, Jr., Petitioner /opinions/unpublishedopinions/HTMLfiles/SC/2012-MO-045.pdf
149. P/A Opinion - 2012-MO-052: Reginald Clea, Petitioner /opinions/unpublishedopinions/HTMLfiles/SC/2012-MO-052.pdf
150. P/A Opinion - 2012-MO-054: Allen J. Capers, Petitioner /opinions/unpublishedopinions/HTMLfiles/SC/2012-MO-054.pdf
151. P/Remand Opinion - 2013-MO-010: Ernest Battle, Petitioner /opinions/unpublishedopinions/HTMLfiles/SC/2013-MO-010.pdf
152. P/R&R Opinion - 2013-MO-019: Somjai Fung Fue Starnes, Petitioner /opinions/unpublishedopinions/HTMLfiles/SC/2013-MO-019.pdf
153. P/G, AD Opinion - 2013-MO-023: Nicanor Perez Rodriguez, Petitioner /opinions/unpublishedopinions/HTMLfiles/SC/2013-MO-023.pdf
154. P/A Opinion - 2013-MO-025: Courtney Sease, Petitioner /opinions/unpublishedopinions/HTMLfiles/SC/2013-MO-025.pdf
155. P/A Opinion - 2013-MO-032: Sylvester Toomer, Petitioner /opinions/unpublishedopinions/HTMLfiles/SC/2013-MO-032.pdf
156. P/A Opinion - 2014-MO-033: Mason Johnson, Petitioner /opinions/unpublishedopinions/HTMLfiles/SC/2014-MO-033.pdf
157. R/R - Opinion - 2014-MO-036: Horace Abney Jr., Respondent /opinions/unpublishedopinions/HTMLfiles/SC/2014-MO-036.pdf
158. P/G, AD Opinion - 2014-MO-038: Phillip F. Watts, Petitioner /opinions/unpublishedopinions/HTMLfiles/SC/2014-MO-038.pdf
159. P/A Opinion - 2014-MO-044: Harold Anthony Trout, Petitioner /opinions/unpublishedopinions/HTMLfiles/SC/2014-MO-044.pdf
160. P/A Opinion - 2014-MO-047: Jeffery T. Lucas, Petitioner /opinions/unpublishedopinions/HTMLfiles/SC/2014-MO-047.pdf
161. P/A Opinion - 2014-MO-049: Tiffany Sanders, Petitioner /opinions/unpublishedopinions/HTMLfiles/SC/2014-MO-049.pdf
162. P/G, AA Opinion - 2014-MO-194: Walter Terran Gaines, Petitioner /opinions/unpublishedopinions/HTMLfiles/COA/2014-UP-194.pdf
163. P/A Opinion - 2015-MO-003: Hashin Alli Oneil, Petitioner /opinions/unpublishedopinions/HTMLfiles/SC/2015-MO-003.pdf
164. P/G, AD Opinion - 2015-MO-017: Michael Wayne Henderson, Petitioner /opinions/unpublishedopinions/HTMLfiles/SC/2015-MO-017.pdf
165. P/R&R Opinion - 2015-MO-018: 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

171. *R/A - Opinion - 2015-MO-043: Davoris Smiley, Respondent /opinions/unpublishedopinions/HTMLfiles/SC/2015-MO-043.pdf*
172. P/G, AD Opinion - 2015-MO-048: Kenneth Sherman, Petitioner /opinions/unpublishedopinions/HTMLfiles/SC/2015-MO-048.pdf
173. *P/R&R Opinion - 2015-MO-052: Vladimir W. Pantovich, Petitioner /opinions/unpublishedopinions/HTMLfiles/SC/2015-MO-052.pdf*
174. *P/Common-law writ issued, sentence amended Opinion - 2015-MO-056: Arthur R. Ladia, Petitioner /opinions/unpublishedopinions/HTMLfiles/SC/2015-MO-056.pdf*
175. *R-P/Remand - Opinion - 2015-MO-060: Fredy DeLeon, Respondent - Petitioner /opinions/unpublishedopinions/HTMLfiles/SC/2015-MO-060.pdf*
176. *R/DIG - Opinion - 2015-UP-063 Ayree Henderson, Respondent /opinions/unpublishedopinions/HTMLfiles/COA/2015-MO-063.pdf*
177. *P/A, V&R Opinion - 2015-MO-073: James Randolph Frady, Petitioner /opinions/unpublishedopinions/HTMLfiles/SC/2015-MO-073.pdf*
178. *P/R&R Opinion - 2016-MO-005: Luther Garner, Petitioner /opinions/unpublishedopinions/HTMLfiles/SC/2016-MO-005.pdf*
179. R/R - Opinion - 2016-MO-013: Nathaniel Teamer, Respondent /opinions/unpublishedopinions/HTMLfiles/SC/2016-MO-013.pdf
180. P/A Opinion - 2016-MO-014: Darren A. Simmons, Petitioner/opinions/unpublishedopinions/HTMLfiles/SC/2016-MO-014.pdf
181. *R/R but R - Opinion - 2016-MO-015: Tommy S. Adams, Respondent /opinions/unpublishedopinions/HTMLfiles/SC/2016-MO-015.pdf*
182. *P/R&R Opinion - 2016-MO-018: John Forrest Ham, Jr., Petitioner /opinions/unpublishedopinions/HTMLfiles/SC/2016-MO-018.pdf*
183. *P/R&R Opinion - 2017-MO-001: Lloyd Wright, Petitioner /opinions/unpublishedopinions/HTMLfiles/SC/2017-MO-001.pdf*
184. R/V - Opinion - 2017-MO-004: Letron S. Davis, Respondent /opinions/unpublishedopinions/HTMLfiles/SC/2017-MO-004.pdf
185. P/A Opinion - 2017-MO-005: Robert S. Horton, Petitioner /opinions/unpublishedopinions/HTMLfiles/SC/2017-MO-005.pdf
186. P/G, AD Opinion - 2017-MO-006: Maurice Glover, Petitioner /opinions/unpublishedopinions/HTMLfiles/SC/2017-MO-006.pdf
187. *P/R Opinion - 2018-MO-009: Onrae Williams, Petitioner /opinions/unpublishedopinions/HTMLfiles/SC/2018-MO-009.pdf*
188. *P/R Opinion - 2018-MO-011: Jerod Keykendall Harris, Petitioner - Spartanburg County - R. Keith Kelly, Post - Conviction Judge /opinions/unpublishedopinions/HTMLfiles/SC/2018-MO-011.pdf*
189. *P/R Opinion - 2018-MO-013: Frankie Lee Bryant, III, Petitioner /opinions/unpublishedopinions/HTMLfiles/SC/2018-MO-013.pdf*
190. P/G, AD Opinion - 2018-MO-014: Steven Spagnoli, Petitioner /opinions/unpublishedopinions/HTMLfiles/SC/2018-MO-014.pdf
191. P/G, AD Opinion - 2018-MO-019: Gregory Lee Murphy, Petitioner /opinions/unpublishedopinions/HTMLfiles/SC/2018-MO-019.pdf
192. P/A Opinion - 2018-MO-023: Amy Renee 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
43. *P/R, S Ct Opinion – 24986: Shearouse Adv. Sh. No. 27 - Marshall Davis, Petitioner - Colleton County - Gerald C. Smoak, Trial Judge - Jackson V. Gregory, Post-Conviction Judge /opinions/displayOpinion.cfm?caseNo=24986*
44. *P/R, S Ct Opinion – 24990: Herman Brightman, Petitioner - Orangeburg County - Daniel E. Martin, Sr., Judge - Submitted March 16, 1999 - Filed August /opinions/displayOpinion.cfm?caseNo=24990*
45. P/A, S Ct Opinion – 25005: Shearouse Adv. Sh. - Steve Carter, Petitioner - Dillon County - Mark H. Westbrook, Post-Conviction Judge - Submitted October 5, 1999 /opinions/displayOpinion.cfm?caseNo=25005
46. *P/R, S Ct Opinion - 25008: Shearouse Adv. Sh. No. - Deborah Ann Stevenson, Petitioner - Anderson County - H. Dean Hall, Judge - Submitted October 20, 1999 - Filed November 1, 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 865 (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 Respresentative 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-048 - 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. 2010-170587** - ***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. 2014-000851 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.**

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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.**

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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. 2010-179546*** *- 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. 2012-213515*** *- York County John C. Hayes, III, Circuit Judge -* ***Submitted December 7, 2015*** *– Filed January 13, 2016. Attorney General Alan McCrory Wilson and Assistant Attorney General James Rutledge Johnson, both of Columbia, for Petitioner. Tommy Arthur Thomas, of Irmo, for Respondent.* ***PER CURIAM:*** *We granted a writ of certiorari to* ***review the grant of Respondent's application for post-conviction relief.*** *After thorough review,* ***we dismiss the writ as improvidently granted. SHORT, GEATHERS, and MCDONALD, JJ., concur.*** *(1 We decide this case without oral argument pursuant to Rule 215, SCACR.)*

DIG MOs	Heard/Submitted		MIE	ALC	FC	WCC	Cv	Crim	PCR	
Year/Total	93H	138S	1H		7H, 1S	2H	37H, 3S	33H, 1S	13H	133S
2018 = 42	9H	10S			1H		2H	4H	2H	10S
2017 = 22	6H	3S			2H		1H	3H		3S
2016 = 32	5H	12S					2H, 1S	2H, 1S	1H	10S
2015 = 74	19H	9S				1H	6H	7H	5H	9S
2014 = 49	9H	2S			1S	1H	3H	5H		1S
2013 = 34	4H	7S					2H		2H	7S
2012 = 56	10H	11S	1H		1H		2H, 1S	5H	1H	10S
2011 = 40	2H	13S					1H	1H		13S
2010 = 33		4S								4S
2009 = 67	7H	20S					4H	2H	1H	20S
2008 = 53	4H	11S					3H	1H		11S
2007 = 74	5H	17S			2H		3H, 1S			16S
2006 = 49	3H	2S			1H		1H	1H		2S
2005 = 63	5H	7S					3H	2H		7S
2004 = 72	5H	10S					4H		1H,	10S

Total = 762 (rate 762/237 = 1/3.5)

Total of opinions: 3281 + 762 = 4043 Total DIGs 351 – 8 duplicates = 343 rate: 4043/343 = 1/11.8

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

EXHIBIT
No. 9

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
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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

No.	Description	Page No.

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

BEFORE THE SUPREME COURT OF SOUTH CAROLINA

Dinah Steele et al.	*Plaintiff*	
v.		2009CP4007098
Marie Assa'ad-Faltas, MD, MPH	*Defendant*	
Dinah Steele et al.	*Plaintiff*	
v.		[illegible]
Marie Assa'ad-Faltas, MD, MPH	*Defendant*	
City of Columbia	*Plaintiff*	
v.		[illegible]
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*	

2021 JAN 12 AM 8:55
RICHLAND COUNTY FILED
CLERK OF COURT

DEFENDANT'S TIMELY NOTICE OF APPEAL AND MOTION TO PROCEED *IFP* IF SUCH MOTION WERE NEEDED (Richland County, Clifton Newman, Judge).

Marie Assa'ad-Faltas, MD, MPH ("Dr. Assa'ad-Faltas") hereby timely appeals from all parts of SC Circuit Judge Clifton Newman's 7 November 2017 ORDER *other than* the part granting counsel in 2011-CP-40-03547 and from His Honor's 23 December 2020 ORDER denying *without explanation* a timely motion for reconsideration, which 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.

To the extent the last three of the five above-captioned cases are criminal, no filing fee is required. To the extent the first two are civil, Dr. Assa'ad-Faltas seeks leave to proceed *in forma pauperis* since, as this Court well knows, Dr. Assa'ad-Faltas has been kept for the last eleven years unable to work while defending against false criminal charges from the majority of which she was, thank God, acquitted based on her own able *pro se* advocacy or her alert cooperation with forced counsel, or, if convicted, granted PCR relief based again on her able *pro se* advocacy.

Further, this Court has repeatedly appointed SC's Office of Appellate Defense to represent Dr. Assa'ad-Faltas in criminal appeals based on document-supported findings that she cannot afford private counsel. Dr. Assa'ad-Faltas hereby certifies under penalty of perjury that her financial condition has not improved since this and other state courts' findings that Dr. Assa'ad-Faltas is indigent. Although Dr. Assa'ad-Faltas *was by other means* appointed PCR counsel in related cases, she still needs to appeal for the right to a belated appeal after the previous timely appeals were returned unfiled due to lack of counsel; and this appeal is necessary to prevent SC Circuit Judge Clifton's Newman reasoning on timeliness from becoming the law of the case. The orders appealed from are not attached pursuant to this Court's several Covid-19-prevention policies of reducing paperwork by downloading the orders from the public indices of the respective courts from which appeal is taken.

Sincerely submitted, and served by e-mail to Amye Rushing and Michael Davidson and by first-class properly-addressed U.S. mail to Dinah Gail Steele (at 1403 Haigs Creek Dr, Elgin, SC 29045) **and by hand-delivery and/or e-mail to Richland County's Clerk of Court, all on 11 January 2021, all God so willing.**

Marie Assa'ad-Faltas, MD, MPH, Defendant/Appellant *pro se* for purposes of this Notice and Motion
P.O. Box 9115, Columbia, SC 29290
Phone (803) 783-4536 **Cell Phone: (330) 232 – 4164**
e-mail: Marie_Faltas@hotmail.com

I hereby respectfully serve on you by e-mail the notice of appeal as allowed.

Marie Faltas <Marie_Faltas@hotmail.com>

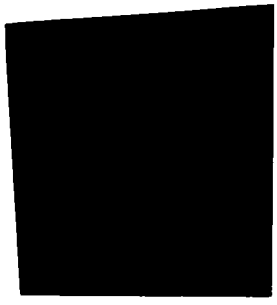
Mon 2021-01-11 12:31 PM

To: Marie Assa'ad-Faltas <marieassaadfaltas@gmail.com>; michaeldavidson@scag.gov <michaeldavidson@scag.gov>; amye.rushing@columbiasc.gov <amye.rushing@columbiasc.gov>; PAUL GUNTER <GUNTER.PAUL@richlandcountysc.gov>; Marci Spires <Spires.Marci@richlandcountysc.gov>

3 attachments (435 KB)

2021-01-11 Notice of Appeal.pdf; 2017-11-07-08 Order on Motions to Appoint Counsel PIimageDisplay.pdf; 2021-01-05 Received Order Denying reconsideration PIImageDisplay.pdf;

Thanks for your attention and God bless./Marie



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 26 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
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
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.

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 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
MC

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2011CP4002111

City of Columbia

PLAINTIFF(S)

Marie Assa'ad Faltas

DEFENDANT(S)

2017 NOV -8 PM 1:15
JEANETTE W. McBRIDE
RICHLAND COUNTY, SC

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 _____

☐ **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, 2017 to attorneys of record or to parties (when appearing pro se) as follows:

Jessica Mangum

Orin Gail Briggs

Marie Assa'ad Faltas

Marie Assa'ad Faltas

ATTORNEY(S) FOR THE PLAINTIFF(S)

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
COUNTY OF RICHLAND) FIFTH JUDICIAL CIRCUIT
)
City of Columbia,) Case Nos.: 2010CP4007063, 2010CP4008650,
) 2011CP4002111, 2011CP4003547
Plaintiff,) 2009CP4008013 and 2009CP4004483
)
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)
_____)

RICHLAND COUNTY
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 7, 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
Marie Assa'ad-Faltas, MD, MPH	*Defendant*	
City of Columbia	*Plaintiff*	
v.		2010CP4007663
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*	

JEANETTE W. McBRIDE
C.C.P. & G.S.
2017 NOV -9 AM 4:15
RICHLAND COUNTY
FILED

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

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*	
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*	

2017 OCT -2 PM 3:27
JEANETTE W. McBRIDE
C.C.P. & G.S.
RICHLAND COUNTY
FILED

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. ¶ 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. ¶ **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. ¶ **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.*** [....]. ¶ [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, *père*. 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, [illegible], 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

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 [illegible] 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

ORDER

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 27, 2017

STATE OF
SOUTH CAROLINA

NOTICE OF MOTION SCHEDULING

August 07, 2017

Motion "MAPPCN - Motion/Appointment of Counsel" for Case: 2011CP4002111 - City of Columbia vs Marie Assa'ad 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 Assa'ad Faltas P.O. Box 9115 Columbia, SC 29290	Richland County Common Pleas Richland County Judicial Center 1701 Main Street 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

RH

STATE OF
SOUTH CAROLINA

NOTICE OF MOTION SCHEDULE

August 17, 2017

Motion "MAPPCN - Motion/Appointment of Counsel" for Case: 2011CP4002111 - City of Columbia vs Marie Assa'ad 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:
Orin Gail Briggs 101 Bennock Mill Court Lexington, SC 29072	Richland County Common Pleas Richland County Judicial Center 1701 Main Street 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

August 17, 2017

Motion "MAPPCN - Motion/Appointment of Counsel" for Case: 2011CP4002111 - City of Columbia vs Marie Assa'ad 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 Assa'ad Faltas P.O. Box 9115 Columbia, SC 29290	Richland County Common Pleas Richland County Judicial Center 1701 Main Street 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 "MAPPCN - Motion/Appointment of Counsel" for Case: 2011CP4002111 - City of Columbia vs Marie Assa'ad 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 PO Box 667 Columbia, SC 29202	Richland County Common Pleas Richland County Judicial Center 1701 Main Street 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

ANNE HENLEY

From: Hendrix, Jennifer <jlhendrix@columbiasc.net>
Sent: Thursday, April 14, 2016 11:58 AM
To: ANNE HENLEY
Subject: City of Columbia v. Marie Faltas
Attachments: Ltr to Anne Henley re roster meeting.doc.pdf

2011-2115

Anne: Attached is a letter confirming that the City does not need to attend the meeting scheduled for 4/22 in the above matter. Please let me know should you have questions or concerns.

Jennifer

Jennifer L. Hendrix
Paralegal
Office of the City Attorney
P.O. Box 667
1401 Main Street, 10th Floor
Columbia, SC 29202
Phone: 803-737-4242
Fax: 803-737-4250
jlhendrix@columbiasc.net

We Are Columbia

Office of the City Attorney
Post Office Box 667 • Columbia, SC 29202 • (803) 737-4242 • Fax (803) 737-4250

April 14, 2016

Via E-mail – henleya@rcgov.us
Anne Henley, Civil Non-jury Court Scheduler
Richland County Judicial Center
1701 Main Street
Columbia, SC 29201

RE: City of Columbia v. Marie Assa'ad Faltas
C/A File No.: 2011-CP-40-2111

Dear Ms. Henley:

This letter is to confirm that per your conversation with Ms. Hendrix of this office this morning, the item appearing on the appeals roster scheduled for April 22, 2016 to be heard by Judge Dennis in the above matter was not due to a motion being filed by the City of Columbia and the City does not need to attend. This office was not notified of the matter and only became aware of it while checking the Richland County court rosters.

Sincerely,

Dana M. Thye
Sr. Assistant City Attorney

DMT/jlh

RECEIVED
JAN 03 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***

RICHLAND COUNTY CIRCUIT COURT, 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*

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.

RECEIVED
2014 JAN -7 PM 3:09
RICHLAND COUNTY
FILED

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

SCANNED

RICHLAND COUNTY FILED
2011 NOV -1 AM 9:43
JEANETTE W. McBRIDE C.C.P. & G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Marie A. Faltas,

Appellant,

vs.

City of Columbia,

Respondent.

2011-CP-400-2111

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

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND) FIFTH JUDICIAL CIRCUIT

Marie A. Bass,

Appellant,

vs.

Larry Mason, Dinah Sierle,
City of Columbia, et al.

Respondents.

ORDER

These six (6) appeals hearings came before the Court on September 16, 2011.

Appellant appeared but was not represented by counsel, even though she was given the opportunity to participate in the hearings pursuant to an order dated April 8, 2011 from this Court. Respondents appeared with counsel, Carolina. The Court heard from all Respondents. The Court

Dr. Bass was given the opportunity to speak on her own behalf.

Appellant made the statement that she had [illegible] and stated she had [illegible] attorney present during the hearing, 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.

Columbia, South Carolina
October 7, 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 *Turetta v. California*, Specifically Re-affirmed in *Indiana v. Rogers*, and also in light of State Law Dr. Assa'ad-Faltas Discovered 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, in general 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, 477-479 (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* (2009). 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	)	**IN THE COURT OF GENERAL SESSIONS**
	)	**FOR THE FIFTH JUDICIAL CIRCUIT**
COUNTY OF RICHLAND	)	
	)	**Case No.: L066971, L066954, 201320**
CITY OF COLUMBIA,	)	**EX PARTE MOTION TO RECONSIDER THE DENIAL OF REIMBURSMENT OF PRO SE EXPENSES**
vs.	)	
MARIE ASSAAD-FALTAS	)	
Defendant.	)	

On February 25, 2013, this Court issued a written order finding that Defendant is not entitled to reimbursement for expenses incurred while representing herself pro se. Defendant received written notice of this order on March 19, 2013. Pursuant to Rule 29 SCRCrimP, Defendant respectfully requests that this Court reconsider its ruling.

In the February 25, 2013 order, the Court summarily found "Dr. Faltas is not entitled to reimbursement for expenses incurred while representing herself." However, Rule 602(g)(6), SCACR specifically allows the following:

> In any trial or appeal in which an indigent defendant intends to represent himself, no expenses related to his representation may be paid from the defense fund without his having first appeared before the court, or such designated officer, for the purpose of a determination of indigency and his having obtained a written order of the court finding that defendant competent to represent himself.
>
> Where an indigent defendant represents himself, after first obtaining leave of court, expenses of representation at trial or appeal must be submitted to Court Administration in conformity with these Rules and the Defense of Indigents Act except that any vouchers or court reporter's bills submitted must be accompanied by written evidence of defendant's compliance with this Rule. In any trial or appeal wherein representation is by the defendant himself, no fees of counsel may be allowed.

JEANNETTE W. GRIDE
C.C.P. & G.S. RICHLAND COUNTY
2013 MAR 27 PM 1:41
FILED

Defendant has repeatedly been found indigent[1] and was determined to be indigent prior to these expenses being incurred. Furthermore, prior to incurring these expenses, the Court allowed Defendant to represent herself. Therefore, Defendant is entitled to expenses incurred pursuant to Rule 602(g)(6), SCACR.

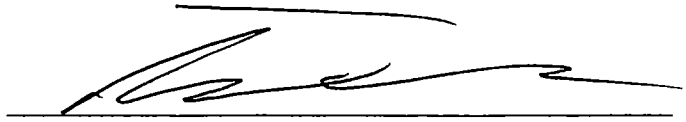
Additionally, Defendant avers that she is entitled to compensation because these expenses constitute a taking. *Cf. Ex Parte Brown*, 393 S.C. 214, 222, 711 S.E. 2d 899 (2011) ("And certainly when attorneys are required to donate funds out-of-pocket to subsidize a defense for an indigent defendant, the attorneys are deprived of property in the form of money. We conclude that attorneys' services are property, and are thus subject to Fifth Amendment protection.") (*quoting State v. Smith*, 242 Kan. 336, 747 P.2d 816, 842 (Kan. 1987)). Although Defendant opted to represent herself, she was forced to pay out-of pocket for her defense. Therefore, she is entitled to compensation for the taking under the State and Federal Constitution.

During the hearing, this Court expressed its belief that Defendant was not indigent. Defendant respectfully contends that there is not factual support for the Court's finding. Defendant has repeatedly been found indigent. During the same hearing where this motion was addressed, this Court refused to relieve Defendant's court appointed counsel. If the Court's denial of this motion was based upon the Court's finding that Defendant is not indigent, Defendant would respectfully contend that the Court's finding was an abuse of discretion.

Based upon the arguments above in addition the arguments raised during the hearing of this motion, Defendant respectfully requests that the Court reconsider its denial of the Defendant's motion.

[1] During the hearing of this motion, the Court refused to relieve Defendant's appointed Counsel.

Respectfully submitted,



Tristan M. Shaffer
Attorney for Defendant

P.O. Box 176
Chapin, South Carolina 29036
(803) 575-0384
(803) 403-9965 (fax)
shafferlawfirm@gmail.com

Columbia, South Carolina

This 27th day of March, 2013

STATE OF
SOUTH CAROLINA

NOTICE OF MOTION SCHEDULI

March 22, 2016

Motion "APPNCR - Motion to be reimbursed for attorney's fees" for Case: 2011CP4002111 - City of Columbia vs Marie Assa'ad Faltas has been added to the following Motions Roster:

942 - APPEAL ROSTER APRIL 22, 2016

This hearing of this motion has been scheduled for 4/22/2016 at 9:30 AM.

The above referenced case is scheduled for an Hearing before R. Markley Dennis Jr. in 2-E

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.

Mail Notice To:	Court Info:
Marie Assa'ad Faltas P.O. Box 9115 Columbia, SC 29290	Richland County Common Pleas Richland County Judicial Center 1701 Main Street Columbia, SC 29201-9201

Judge Alison R. Lee
Chief Adminstrative Judge
Fifth Judicial Circuit

STATE OF
SOUTH CAROLINA

NOTICE OF MOTION SCHEDULING

March 22, 2016

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Mail Notice To:	Court Info:
City of Columbia	Richland County Common Pleas Richland County Judicial Center 1701 Main Street Columbia, SC 29201-9201

Judge Alison R. Lee
Chief Adminstrative Judge
Fifth Judicial Circuit

STATE OF
SOUTH CAROLINA

NOTICE OF MOTION SCHEDULI

March 22, 2016

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Mail Notice To:	Court Info:
Orin Gail Briggs 101 Bennock Mill Court Lexington, SC 29072	Richland County Common Pleas Richland County Judicial Center 1701 Main Street Columbia, SC 29201-9201

Judge Alison R. Lee
Chief Adminstrative Judge
Fifth Judicial Circuit

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 -9 PM 3:32
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."

2011-2111

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 23 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.

RICHLAND COUNTY
FILED
2014 JAN 17 PM 3:55
CLERK OF COURT

SCANNED

STATE OF SOUTH CAROLINA **COUNTY OF RICHLAND**	**IN THE COURT OF COMMON PLEAS** **2011-CP-40-02111**
The City of Columbia, South Carolina **v.** ***Marie Assa'ad-Faltas, MD, MPH,***	***Plaintiff/Respondent*** ***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")

RICHLAND COUNTY
JUL 12 2013
CLERK OF COURT
FILED

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 1 November 2011 dismissal of the above-captioned appeal from two 28 March 2011 CMC contempt *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 12 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

The Supreme Court of South Carolina
OFFICE OF DISCIPLINARY COUNSEL

Lesley M. Coggiola
Disciplinary Counsel

Joseph P. Turner Jr.
Assistant Disciplinary Counsel

Post Office Box 12159
Columbia, South Carolina 29211

Telephone: (803) 734-2038
Fax: (803) 734-1964

June 28, 2012

PERSONAL AND CONFIDENTIAL

Marie A. Faltas
P.O. Box 9115
Columbia, SC 29290

RE: NOTICE OF FINAL DISPOSITION
Judge: Municipal Court Judge Marion Oneida Hanna
Matter Number: 11-DE-J-0092

Dear Dr. Faltas:

You previously filed a complaint with the Commission on Judicial Conduct concerning Municipal Court Judge Marion Oneida Hanna. This matter was concluded on September 27, 2011. Your complaint was not dismissed, but the disposition is confidential under the provisions of the Rules for Judicial Disciplinary Enforcement, Rule 502, SCACR.

This constitutes final disposition of the proceedings in this matter. Your cooperation with the Commission and this office is appreciated. I apologize for my oversight in not getting this letter to you sooner.

Sincerely,

Joseph P. Turner Jr.

STATE OF SOUTH CAROLINA)
)
COUNTY OF Richland)
)
City of Columbia)
Plaintiff,)
vs.)
)
Marie Assa'ad-Faltas, MD, MPH)
Defendant.)

IN THE COURT OF COMMON PLEAS
5th JUDICIAL CIRCUIT

CASE NO.: 2011 -CP- 40 - 02111

MOTION AND ORDER INFORMATION FORM AND COVERSHEET

RICHLAND COUNTY FILED
2013 JUL 12 PM 2:22
JEANETTE W. WALDEN C.C.P. & G.S.

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 29202	Address: P.O. Box 9115, Columbia, SC 29290
Phone: (803) 737-4343 Fax (803) 737-4250	Phone: (330) 232-4164 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)**

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.

_____ 12 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.	JUDGE CODE _____
☐ Other: _____	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
2011-CP-40-02111

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 1 November 2011 dismissal of the above-captioned appeal from two 28 March 2011 CMC contempt *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 12 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

RICHLAND COUNTY
FILED
2013 JUL 12 P 2:52
JEANETTE W. GRANGE
C.C.P.

The Supreme Court of South Carolina
OFFICE OF DISCIPLINARY COUNSEL

Lesley M. Coggiola
Disciplinary Counsel

Joseph P. Turner Jr.
Assistant Disciplinary Counsel

Post Office Box 12159
Columbia, South Carolina 29211

Telephone: (803) 734-2038
Fax: (803) 734-1964

June 28, 2012

PERSONAL AND CONFIDENTIAL

Marie A. Faltas
P.O. Box 9115
Columbia, SC 29290

RE: NOTICE OF FINAL DISPOSITION
Judge: Municipal Court Judge Marion Oneida Hanna
Matter Number: 11-DE-J-0092

Dear Dr. Faltas:

You previously filed a complaint with the Commission on Judicial Conduct concerning Municipal Court Judge Marion Oneida Hanna. This matter was concluded on September 27, 2011. Your complaint was not dismissed, but the disposition is confidential under the provisions of the Rules for Judicial Disciplinary Enforcement, Rule 502, SCACR.

This constitutes final disposition of the proceedings in this matter. Your cooperation with the Commission and this office is appreciated. I apologize for my oversight in not getting this letter to you sooner.

Sincerely,

Joseph P. Turner Jr.

2011-2111

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

RICHLAND COUNTY
FILED
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

BOOK 5T PAGE 92

RICHLAND COUNTY FILED
2011 NOV -1 AM 9:43
ANETTE W. McBRIDE C.C.P. & G.S.

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	IN THE COURT OF COMMON PLEAS FIFTH JUDICIAL CIRCUIT
Marie A. Faltas, Appellant, vs. City of Columbia, Respondent.	2011-CP-400-2111 **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.

James R. Barber

The Honorable James R. Barber, III
Fifth Judicial Circuit

Columbia, South Carolina
10/31, 2011

SCANNED

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

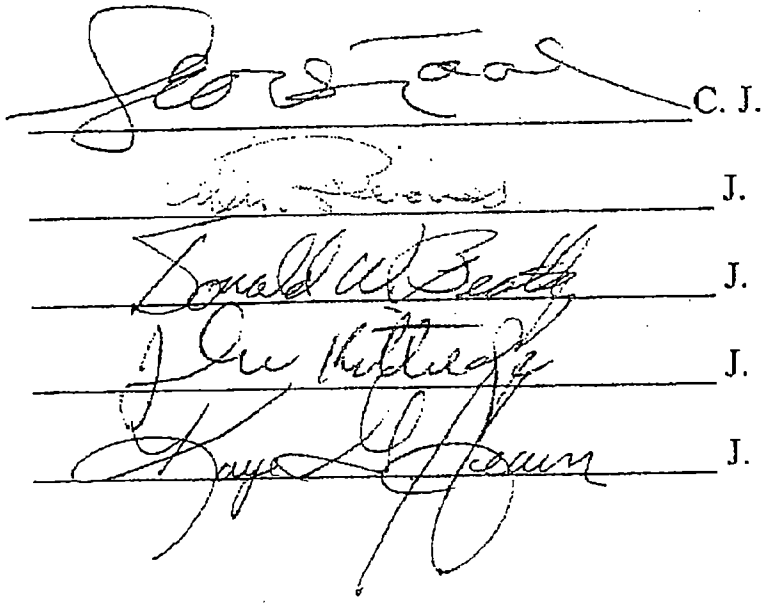
the Effect of Dismissing these Combined Appeals from the Circuit Court's Unwillingness/Inability to Schedule a Hearing on the Underlying Appeals from Municipal Court or, in the Alternative, Motion for this Court to Directly Hear those Appeals Itself or this Court to Direct Circuit and Municipal Courts 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 NUMBER: 2011CP4002111

City of Columbia

PLAINTIFF(S)

Marie Assa'ad 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:

RICHLAND COUNTY FILED 2011 NOV -1 AM 9:45 JEANETTE W. McBRIDE C.C.P. & G.S.

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

Orin G Briggs
Marie Assa'ad Faltas

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter _____

Clerk of Court Jeanette W. McBride

SCANNED

Form 4

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO: 2011CP4002111

City of Columbia *vs.* **Marie Assa'ad Faltas**

Plaintiff Defendant

RICHLAND COUNTY FILED
2011 SEP 22 PM 2:30
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:

City of Columbia
City of Columbia

ATTORNEY(S) FOR THE PLAINTIFF(S)

Orin G Briggs
Marie Assa'ad Faltas
Marie Assa'ad Faltas

ATTORNEY(S) FOR THE DEFENDANT(S)

Jeanette W. McBride

Clerk of Court

SCRCP APP-24/FORM 4

SCANNED

BOOK SS 346

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND Marie A. Faltas, Appellant, vs. Larry Mason, Dinah Steele, City of Columbia, et. al. Respondents.	IN THE COURT OF COMMON PLEAS FIFTH JUDICIAL CIRCUIT C/A NO.: 2009-CP-400-4483 C/A NO.: 2009-CP-400-8013 C/A NO.: 2010-CP-400-6711 C/A NO.: 2010-CP-400-7063 C/A NO.: 2010-CP-400-8650 C/A NO.: 2011-CP-400-2111 **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

SCANNED

I respectfully rest on the pleadings, record, and all other matters of which this Court may properly take judicial notice.

STATE OF
SOUTH CAROLINA

NOTICE OF MOTION SCHEDULING

COPY

August 26, 2011

Motion "APPNCR - Appeal/Notice of Criminal Appeal" for Case: 2011CP4002111 - City of Columbia vs Marie Assa'ad Faltas has been added to the following Motions Roster:

APPEAL ROSTER SEPTEMBER 16, 2011 COURTROOM 2-C

This hearing of this motion has been scheduled for Friday, September 16, 2011 at 11:00 am.

The above referenced case is scheduled for an 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 Appeal has been resolved prior to the hearing.

Mail Notice To:	Court Info:
City of Columbia	Richland County Common Pleas Richland County Judicial Center 1701 Main Street Columbia, SC 29201-9201

Judge Alison R. Lee
Chief Administrative Judge
Fifth Judicial Circuit

STATE OF
SOUTH CAROLINA

NOTICE OF MOTION SCHEDULING

COPY

August 26, 2011

Motion "APPNCR - Appeal/Notice of Criminal Appeal" for Case: 2011CP4002111 - City of Columbia vs Marie Assa'ad Faltas has been added to the following Motions Roster:

APPEAL ROSTER SEPTEMBER 16, 2011 COURTROOM 2-C

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Mail Notice To:	Court Info:
Orin G Briggs Po Box 85085 Lexington, SC 29073	Richland County Common Pleas Richland County Judicial Center 1701 Main Street Columbia, SC 29201-9201

Judge Alison R. Lee
Chief Administrative Judge
Fifth Judicial Circuit

2011-2111

CITY OF COLUMBIA
SOUTH CAROLINA
MUNICIPAL COURT / P.O. BOX 644 / COLUMBIA, S.C. 29202 / 803 / 545-3150 FAX 803 / 733-8433

May 10, 2011

Honorable Jeanette W. McBride
Richland County Clerk of Court
Post Office Box 2766
Columbia, South Carolina 29202

Re: City Of Columbia vs. Marie-Thérèse Assa'ad-Faltas
Ticket No.: Contempt of Court (2 Cts.)

Dear Mrs. McBride:

Please find attached the Transcript and Return of Notice of Appeal in the above-referenced case. Your attention to this matter will be greatly appreciated.

Sincerely,

Dana D. Turner
Chief Administrative Judge

DDT/nsa
Attachment as Stated

SCANNED

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS

The City of Columbia)
)
vs.)
)
Marie-Thérèse Assa'ad-Faltas,)
)
Defendant.)

TRANSCRIPT AND RETURN ON NOTICE OF APPEAL

The following information and any attachments hereto comprise 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: Contempt of Court (2 Cts.)

Ticket Number N/A was issued on N/A

Trial was before Municipal Court Judge Marion O. Hanna on March 28, 2011

Trial was a Motion hearing before the Court

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: Ten Days, Fifteen Days, respectively

Sentence was passed on the 28th day of March, 2011

Respectfully submitted this 11th day of May, 2011,

Dana D. Turner
Chief Administrative Judge
City of Columbia Municipal Court

RICHLAND COUNTY
FILED
2011 MAY 13 PM 2:18
JEANNETTE W. MCBRIDE
C.C.P. & G.S.

APPEAL TO CIRCUIT COURT
RICHLAND COUNTY FROM
CITY OF COLUMBIA MUNICIPAL COURT

Marion Hanna, Municipal Judge

RICHLAND COUNTY
FILED
2011 MAR 30 PM 3:28
JEANETTE W. McBRIDE
C.C.P. & G.S.

CITY OF COLUMBIA,

VS.

MARIE ASSA'AD-FALTAS, MD, MPH

2011-CP-40-3111
(Criminal contempt of court)

Defendant.

On March 28, 2011, Defendant was convicted on one count of Contempt of Court and sentenced to ten (10) days, and one count of contempt and sentenced to fifteen (15) days (disposition sheet attached).

On October 6, 2010, Assistant City Attorney (ACA) David Fernandez caused Columbia Municipal Court (CMC) Judge Hanna to hear his motion to restrict Defendant's access to CMC building and to other buildings which are not and never were subject to any criminal charge against Defendant. At the beginning of the hearing, Defendant asserted that CMC has no civil jurisdiction per Sect. 14-25-45, SC Code of Laws and that ACA Fernandez's motion was a civil motion. CMC Judge Hanna yelled at Defendant to sit down.

Defendant, respectfully asks the Appeals Court to issue a stay of the sentences pending the appeal.

Some of these same issues are before the State Supreme Court based upon that Court's own motion to assume jurisdiction of cases before the State Court of Appeals

Grounds for Appeal and Application for Stay in Sentence

On March 28, 2011, Columbia Municipal Court Judge Marion Hanna held a hearing in which she had no jurisdiction to hold, and yet the judge determined that Defendant had violated an Order of CMC Judge Hanna, which Order Judge Hanna had no jurisdiction to issue.

Defendant asserted the lack of jurisdiction in writing and demanded counsel per *Ex Parte Jackson ,672 S.E.2d 585* SC (App (2009). CMC Judge Hanna proceeded to find that Dr. Assa'ad-Faltas was in contempt of court on March 28, 2011 (apparently for asserting that CMC has no civil jurisdiction), and also found her in contempt of court because a City legal department employee testified that Dr. Assa'ad-Faltas used to call the legal department before the October 13, 2010, order only for the needs of her cases, and "in all honesty was very professional and nice, and sometimes she was angry," and that after the October 13 Order, that the employee received only one phone call from someone who sounded like Dr. Assa'ad-Faltas and the employee hung up immediately.

ACA Fernandez also presented one e-mail allegedly from Dr. Assa'ad-Faltas after the ACA Fernandez had written the Defendant inviting her to "feel free" to contact "him."

CMC Judge Hanna did not allow Dr. Assa'ad-Faltas to cross-examine ACA Fernandez and the judge again insisted that Defendant is mentally ill. Dr. Assa'ad-Faltas was physically ill and scheduled for another hearing immediately after the one before Judge Hanna. Yet Judge Hanna sentenced her to 25 days and had her arrested in violation of State law which prohibits arrests of persons in route to court.

CMC Judge Hanna had no jurisdiction to hold the October 6, 2010 hearing. In the course of it, she held Dr. Assa'ad-Faltas in contempt of court for zealously cross-examining ACA Fernandez's witnesses with the bounds of the law.

On or about October 8, 2010, Dr. Assa'ad-Faltas appealed this matter to the Circuit Court, Case # 2010-CP-40-7063. That appeal further divested CMC Judge Hanna of any jurisdiction, if she had any abinitio. In early March, 2011, the S. C. Supreme Court certified that appeal to itself, totally divesting CMC Judge Hanna of jurisdiction of the issues raised at the October 6, 2011 hearing.

Thus the follow-up order of March 28, 2011, is void for want of jurisdiction; the sentence is excessive and constitutes cruel and unusual punishment, and the arrest is void as a violation of the state law against arresting person in route to court.

Therefore, the sentence and conviction should be reversed, and Dr. Assa'ad-Faltas should be released forthwith per Appellate Rule of Practice 246.

Respectfully Submitted,

Marie Assa'ad-Faltas, MD, MPH
Defendant Pro se
P. O. box 9115
Columbia, SC 29290
303/232-4164

March 30, 2011

Other counsel:
David Fernandez
City of Columbia
P. O. Box 667
Columbia, SC 29201
737-4242

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.

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.

RICHLAND COUNTY FILED 2011 MAY 13 PM 2:19 JEANNETTE W. WALKER C.C.P. & G.S.

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.

Signature of Plaintiff, Plaintiff's Attorney

Post Office Box 667
Mailing Address

Columbia, S.C. 29202
City, State, Zip

(803) 737-4242

DATE: MAY 10, 2011

Telephone

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FIFTH JUDICIAL CIRCUIT
RICHLAND COUNTY	)	
CITY OF COLUMBIA, Plaintiff	)	CERTIFICATE OF EXEMPTION/WITHDRAWAL FROM ARBITRATION/MEDIATION
vs.	)	
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 2011 MAY 13 PM 2:18 JEANNETTE HOWARD C.C.P. & G.S.

DATE: MAY 10, 2011

_____
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.

CITY OF COLUMBIA,	)	TRANSCRIPT OF RECORD
	)	
vs.	)	MARCH 28, 2011
	)	MOTION
MARIE-THÉRÈSE ASSA'AD-FALTAS,	)	
	)	JUDGE MARION O. HANNA
DEFENDANT.	)	ACA DAVID A. FERNANDEZ

RICHLAND COUNTY
FILED
2011 MAY 13 PM 3 19
JEANNETTE W. WALKER
C.C.P. & G.S.

COURT OFFICER: ALL RISE. THE COURT IS NOW BACK IN SESSIONS.

THE COURT: STAND UP.

COURT OFFICER: MS. FALTAS, STAND UP, PLEASE.

THE COURT: STAND UP, MS. FALTAS. GO LIFT HER UP IF SHE CAN'T DO ANYTHING ELSE.

COURT OFFICER: STAND UP.

DEFENDANT FALTAS: SHE SAID FOR YOU TO LIFT ME UP.

THE COURT: HE'S NOT GOING TO LIFT YOU UP. YOU STAND UP. YOU ARE ABLE TO STAND UP. STAND UP. YOU'RE NOT ABLE TO STAND UP? I SAW YOU WALK IN HERE. WHAT'S WRONG WITH YOU?

(NO RESPONSE)

THE COURT: AND YOU ARE NOT ABLE TO SPEAK TODAY EITHER?

(NO RESPONSE)

THE COURT: AH, THAT'S A BLESSING. KEEP YOUR SEAT THEN. ALL RIGHT. THIS IS A MOTION TO DETERMINE WHETHER MARIE ASS'AD FALTAS SHOULD BE HELD IN CONTEMPT OF COURT. ARE WE NOT ON YET? OKAY. THIS IS A MOTION TO DETERMINE WHETHER MARIE ASS'AD FALTAS SHOULD BE HELD IN CONTEMPT OF COURT FOR HER FAILURE TO COMPLY WITH AN ORDER ISSUED BY ME ON OCTOBER 13TH, 2010, AND THE CITY HAS ASKED FOR A CONTEMPT

HEARING. THE DEFENDANT FALTAS WAS NOTIFIED, IS PRESENT. THIS MORNING SHE HAS ASSERTED THAT SHE IS NEITHER ABLE TO STAND NOR SPEAK. SHE HAS WITH HER AN UNAUTHORIZED OLD FASHIONED TAPE RECORDER. THIS IS NOT A CERTIFIED RECORDING. SHE STATES THAT SHE HAS A RIGHT TO HER STANDBY COUNSEL AND THAT SHE WON'T ANSWER ANY QUESTIONS. SHE SEEMS TO BELIEVE THAT SHE HAS A RIGHT TO A JURY TRIAL IN A CONTEMPT HEARING WHICH IS, OF COURSE, NOT THE CASE AND ALSO BELIEVES THAT THE CITY MUNICIPAL COURT HAS NO JURISDICTION TO DETERMINE WHETHER ONE IS IN CONTEMPT OF ITS OWN ORDERS. AND AS I SAID SHE BRINGS WITH HER AN OLD FASHIONED TAPE RECORDER WHICH IS NOT THE SAME THING, OF COURSE, AS A CERTIFIED COURT REPORTER. ALL RIGHT. MR. FERNANDEZ.

MR. FERNANDEZ: YES, YOUR HONOR. THANK YOU.

DEFENDANT FALTAS: RESPECTFULLY --

THE COURT: DR. FALTAS, YOU'VE INDICATED YOU WERE NOT ABLE TO SPEAK AND I HAVEN'T CALLED UPON YOU. I WILL HEAR FROM MR. FERNANDEZ.

DEFENDANT FALTAS: I AM ABLE TO SPEAK NOW.

THE COURT: DON'T TALK UNLESS I ASK YOU TO. YOU INDICATED YOU WERE NOT ABLE TO SPEAK. I AM TELLING YOU NOW DON'T TALK UNLESS I ASK YOU TO SPEAK. YOU'VE GOT THAT? FINE. MR. FERNANDEZ.

MR. FERNANDEZ: YES, YOUR HONOR. THANK YOU. THIS REVOLVES AROUND THE ORDER YOUR HONOR SIGNED ON OCTOBER 13TH, 2010. THE KEY LANGUAGE THE CITY RELIES ON IS THAT THE DEFENDANT IS ASKED TO USE U.S. MAIL WHEN CONTACTING THE OFFICE OF THE CITY ATTORNEY OR ITS EMPLOYEES. ALSO SHE'S PREVENTED FROM, QUOTE, PROHIBITED FROM

CONFRONTING OR ACCOSTING WHETHER BY PHONE, E-MAIL OR IN PERSON, THE ATTORNEYS AND EMPLOYEES OF THE CITY ATTORNEY'S OFFICE. THE BASIS FOR THE VIOLATION OF THE ORDER ARE E-MAILS THAT WERE SUBMITTED AND THERE'S ACTUALLY TWO MOTIONS THAT WERE SEPARATELY FILED BUT THEY ARE E-MAILS THAT WERE DATED OCTOBER 31ST, 2010; DECEMBER 15TH, 2010; FEBRUARY 21ST, 2011, AND TWO PHONE CALLS PLACED FEBRUARY 22ND, 2011, AND THE RECEIVING END WAS MS. CHERI SUTTON WHO IS PRESENT TODAY FILED AN AFFIDAVIT STATING THAT SHE DID RECEIVE A PHONE CALL FROM THE DEFENDANT. AND THEN ALSO MS CONSTANCE HOLLOWAY WHO ALSO FILED AN AFFIDAVIT; HOWEVER, I FOUND OUT THIS MORNING SHE WILL NOT BE AT WORK TODAY SO WE WON'T HAVE HER PHYSICALLY PRESENT. THE E-MAILS AS YOUR HONOR CAN SEE ATTACHED TO THE MOTION VERY CLEARLY SHOW IN THE "TO" LINE NUMEROUS EMPLOYEES OF THE CITY OF COLUMBIA OF COLUMBIA -- DAVID FERNANDEZ, CHERI SUTTON, HOLLY BEASON, PETE BALTHAZOR, ROBERT COOPER AND KEN GAINES ARE ALL IN THE SUBJECT LINE OF ALL OR SOME OF THE E-MAILS. AND THAT WOULD BE THE BASIS. IT'S A CLEAR VIOLATION OF THE ORDER. I DON'T KNOW WHY THE DEFENDANT DECIDED TO OR ELECTED TO VIOLATE IT. IT'S VERY CLEAR. IT COULDN'T BE MORE CLEAR. SHE'S BEEN VERY RELUCTANT TO EVEN UTILIZE U. S. MAIL UNTIL VERY RECENTLY AND THAT'S WHAT WE ARE ASKING FOR, YOUR HONOR. WE ARE ASKING YOU TO HOLD HER IN CONTEMPT FOR A VIOLATION OF THE ORDER.

THE COURT: ALL RIGHT. THANK YOU. THE ORDER HAS BEEN HANDED UP AND I AM, OF COURSE, FAMILIAR WITH IT. WE HAVE AS MR. FERNANDEZ NOTED A COPY OF AN E-MAIL FROM MARIE FALTAS SENT MONDAY, FEBRUARY 21ST, 2011, TO A LONG LIST OF PEOPLE INCLUDING THOSE PERSONS

WHO WORK FOR THE CITY OF COLUMBIA ATTORNEY'S OFFICE, CHERI SUTTON. IS THAT YOU, MA'AM?

MS. SUTTON: YES.

THE COURT: OKAY. DAVID FERNANDEZ, H. BEASON. WHO IS THAT, MR. FERNANDEZ?

MR. FERNANDEZ: THAT'S HOLLY BEASON. SHE'S AN ATTORNEY IN THE OFFICE.

THE COURT: ALL RIGHT. THANK YOU. ALSO KEN GAINES WHO IS AN ATTORNEY WITH THE CITY OF COLUMBIA. PETER BALTHAZOR WHO IS ALSO A CITY ATTORNEY. ROBERT COOPER WHO IS ALSO A CITY ATTORNEY AND A NUMBER OF OTHER PEOPLE INCLUDING CIRCUIT COURT JUDGES WHICH HAS NO BEARING ON THIS PARTICULAR MATTER BUT IT'S A LONG LIST OF PEOPLE. AND DR. FALTAS' SUBJECTS CONCERN BLACK HISTORY MONTH, ALSO THE EGYPTIAN PROBLEM, ALSO REFERENCES MADE TO ME, ALSO TO OTHER JUDGES.

MR. FERNANDEZ: YOUR HONOR, I APOLOGIZE FOR INTERRUPTING BUT THERE'S ALSO A REFERENCE TO MR. COOPER AND HIS SLIDE TOWARD CONSPIRING TO MURDER THE DEFENDANT.

THE COURT: I THINK THAT'S LATER IN THIS. I'M KIND OF GOING DOWN THE LIST.

MR. FERNANDEZ: OKAY.

THE COURT: IN ONE PARAGRAPH SHE STATES THAT THERE'S NO DIFFERENCE BETWEEN MUNICIPAL JUDGE HANNA AND PRESIDENT MUBARAK. THAT'S A (INAUDIBLE) NAME MUBARAK OF EGYPT. SHE ALSO INDICATES THAT TWO SUPPOSED JUDGES HAVE RESTRICTED HER ACCESS TO THE COURTS IN HER FREE USE OF E-MAIL AND SHE INDICATES THAT THAT MEANS THEY HAVE NO

RESPECT AND SHE SAYS THAT SHE HAS NO RESPECT FOR THOSE JUDGES. SHE SAYS SHE WILL CONTINUE TO RESPECT CERTAIN BLACK JURISTS WHOM SHE INITIALLY RESPECTED BUT NOW WILL NO LONGER RESPECT THEM. SHE STATES IN THIS E-MAIL THAT SHE ATTEMPTED TO RETAIN ATTORNEY HERBERT BUHL. WHEN SHE SAYS MR. BUHL, THAT'S HERBERT BUHL. AND WANTED TO ARRANGE A MEETING WITH THE CITY OF COLUMBIA LEGAL DEPARTMENT AND HER IN THE SOLE HOPE OF AVERTING WHAT SHE SEES AS A SLIPPERY SLOPE OF BOB COOPER'S -- THAT'S ROBERT COOPER WHO IS A CITY ATTORNEY -- SLIDE TOWARDS CONSPIRING TO MURDER HER. SHE STATES THERE WAS NEVER AN ATTEMPT AND WOULD NEVER BE PERMISSION FOR MR. BUHL TO REPRESENT HER OR NEGOTIATE WITH -- SHE SAYS BOOB COOPER -- I ASSUME SHE MEANS BOB COOPER OR ANYONE FROM THE CITY OF COLUMBIA'S LEGAL DEPARTMENT. SO SHE STATES MR. BUHL NO LONGER REPRESENTS HER. SHE STATES THAT SHE GOT AN UNPLAYABLE TAPE FROM THE CITY OF COLUMBIA. COMPLAINS ABOUT THE RECORDING AND FIVE DOLLARS THAT WAS CHARGED. SHE COMPLAINS THAT SHE TRIED TO TALK TO MS. HAWKINS ABOUT IT IN THE MORNING AND I'LL NOTE HERE THAT THE ORDER RESTRICTS HER FROM CONTACTING THE COURT EXCEPT FROM 2:00 TO 4:00 AND ONLY FOR OFFICIAL BUSINESS CONCERNING HER CASES WITHIN THIS COURT. AND SHE WAS TOLD TO CALL BACK AFTER 2:00. SHE COMPLAINS FURTHER THAT WHEN SHE CALLED BACK THAT MS. HAWKINS WAS AT LUNCH. SHE SAYS THAT SOUTH CAROLINA PRACTICES APARTHEID AND STATES THIS IS APARTHEID SOUTH CAROLINA STYLE. AND SHE STATES IT'S A SHAME THAT IT IS PRACTICED BY BLACK PEOPLE AGAINST FIRST GENERATION IMMIGRANTS. SHE STATES NEXT THAT SHE TRIED TO TALK TO DR. ANDREW -- EXCUSE ME -- J. ANDREW DELANEY ABOUT PROTECTING HER MOTHER'S TRUCK

WHICH IS LOCATED AT 304 BYRON ROAD APARTMENT BUILDING. SHE INDICATES THAT SHE THINKS IT HAS BEEN DAMAGED AND VANDALIZED THERE. AND ALSO COMPLAINS ABOUT SEWER LINES, REROUTING SEWER LINES. AND FURTHER COMPLAINS ABOUT OTHER PEOPLE DOING WORK WITHOUT CONSTRUCTION OR REPAIR PERMITS. SHE STATES THIS IS URGENT AND IMPORTANT AND IT IS COPIED TO THE CITY OF COLUMBIA'S LEGAL DEPARTMENT TO ENSURE THAT NO FURTHER WORK IS BEING UNDERTAKEN WITHOUT PERMIT. SHE FURTHER STATES SHE WANTS THE CHIEF ADMINISTRATIVE COMMON PLEAS JUDGE LEE TO SCHEDULE AN IMMEDIATE HEARING FOR AN INJUNCTION BECAUSE IT APPEARS TO HER THAT THE WORK BEING DONE ON 300 AND 304 BYRON ROAD IS CAUSING EXCESS WATER DRAINAGE INTO HER MOTHER'S LAND LOCATED ADJACENTLY AT 324 BYRON ROAD. SHE NEXT COMPLAINS THAT DESPITE REQUESTS FOR ARRANGEMENT TO ACCESS HER FAMILY'S AND HER OWN BELONGINGS SHE IS STILL UNABLE TO GO INTO THIS APARTMENT THREE AT 304 BYRON ROAD, COLUMBIA, 29209. AND SHE SAYS SHE RECEIVED A RESPONSE SETTING IMPOSSIBLE CONDITIONS BEYOND HER CONTROL. SHE STATES THAT THIS PUTS THE LIE TO EVERYBODY'S FALSE CLAIM THAT SHE'S THE PROBLEM AND SO FORTH. SHE ALSO GOES ON. THIS IS TWO AND A THIRD PAGES LONG IN THE SAME VEIN. SHE COMPLAINS ABOUT NEEDING A HEARING BEFORE JUDGE LEE, A PLAYABLE C.D. SHE WANTS JUDGES HANNA AND COOPER TO KNOW, AND I QUOTE HERE, THAT SHE HAS, QUOTE, NO RESPECT FOR EITHER OF THEM AND IF THEY WANT TO HOLD HER IN CONTEMPT OF COURT THEY NEED TO HOLD A HEARING ON THE RECORD WITH MEDIA PRESENT RATHER THAN CONSPIRE SECRETLY WITH CITY POLICE, SUPPOSED CITY POLICE, AND RICHLAND SHERIFF'S DEPUTIES TO ARREST HER IF SHE ENTERS THE COURTHOUSE AT ANY

TIME THAT IT'S OPEN TO THE REST OF THE PUBLIC. THEN SHE COMPLAINS ABOUT JUDGE BURNS AND ACCUSES JUDGE BURNS OF SOME PROBLEMS THAT SHE IS HERSELF ALLEGED TO HAVE HAD. FURTHER, SHE COMPLAINS THAT SHE THREATENED TO BANISH A PERSON FROM THE CITY OF COLUMBIA BECAUSE OF A PARKING TICKET. SHE FURTHER STATES THAT SHE FOUND EVIDENCE THAT JUDGE HANNA HAD COMMITTED ELDER ABUSE AND OTHER COMPLAINTS AND COMPLAINS ABOUT JUDGE BOGAN AS WELL. AND COMPLAINS THAT -- SHE SEEMS TO THINK THAT JUDGE BOGAN HAD REPRESENTED JUDGE HANNA WHICH IS NOT THE CASE IN A PROBATE MATTER. THAT IS NOT THE CASE.

AT ANY RATE THIS GOES ON FOR QUITE SOME TIME WHICH IS SEEMING TO BE JUST SORT OF A GENERAL RANT AGAINST EVERYONE WITH WHOM SHE HAS POSSIBLY COME IN CONTACT AND THAT E-MAIL WAS SENT IN VIOLATION OF THE ORDER AND FURTHER HAS NOTHING TO DO WITH THE CASES THAT ARE BEFORE THIS COURT EVEN IF THE E-MAIL WAS NOT PROHIBITED. THOSE ARE THE TYPES OF E-MAILS AS I RECALL THAT CAUSED THE PROBLEM AND THE E-MAIL PROHIBITION WAS PUT INTO PLACE BECAUSE OF THAT.

NOW, MS. SUTTON IS HERE?

MS. SUTTON: YES, YOUR HONOR.

THE COURT: MS. SUTTON, IF YOU'LL COME FORWARD, PLEASE. IF YOU'LL STAND OVER HERE WITH MR. FERNANDEZ, PLEASE. MS. SUTTON, PLEASE RAISE YOUR RIGHT HAND.

(CHERI SUTTON IS DULY SWORN BY THE COURT)

THE COURT: MS. SUTTON, WHAT IS YOUR POSITION WITH THE CITY OF COLUMBIA?

MS. SUTTON: I'M A LEGAL ASSISTANT WITH THE CITY ATTOR-

NEY'S OFFICE.

THE COURT: OKAY. AND DOES THAT INCLUDE ANSWERING TELEPHONE?

MS. SUTTON: THAT IS MY PRIMARY FUNCTION, YOUR HONOR.

THE COURT: MR. FERNANDEZ, WOULD YOU LIKE TO ASK HER?

MR. FERNANDEZ: SURE.

QUESTIONS BY MR. FERNANDEZ:

Q. MS. SUTTON, WERE YOU WORKING THE DAY OF FEBRUARY 22ND, 2011?

A. YES, I WAS.

Q. AND ARE YOU AWARE OF THE ORDER -- BEING AN EMPLOYEE OF THE CITY ATTORNEY'S OFFICE WERE YOU AWARE OF JUDGE HANNA'S ORDER DATING BACK FROM OCTOBER 13TH, 2010, REGARDING MARIE FALTAS?

A. YES.

Q. AND WERE YOU AWARE OF WHAT --

DEFENDANT FALTAS: OBJECTION.

THE COURT: OVERRULED. GO AHEAD.

Q. (BY MR. FERNANDEZ) WERE YOU AWARE OF THE CONTENTS OF THAT ORDER? WAS IT EXPLAINED TO YOU BY YOUR SUPERVISORS?

A. YES, IT WAS.

DEFENDANT FALTAS: OBJECTION.

THE COURT: OVERRULED.

Q. (BY MR. FERNANDEZ) AND DID THE DEFENDANT, MARIE FALTAS, PLACE A PHONE CALL ON FEBRUARY 22ND, 2011?

DEFENDANT FALTAS: OBJECTION.

THE COURT: YOU ARE LEADING, MR. FERNANDEZ.

Q. (BY MR. FERNANDEZ) WHO DID YOU RECEIVE A PHONE CALL FROM ON FEBRUARY 22ND, 2011?

DEFENDANT FALTAS: OBJECTION.

THE COURT: MA'AM, YOU NEED TO WAIT UNTIL A QUESTION IS ASKED. OVERRULED. DID YOU RECEIVE ANY PHONE CALLS FROM DR. FALTAS?

A. YES, YOUR HONOR, I DID.

THE COURT: TELL ME ABOUT IT.

A. SHE CALLED AT APPROXIMATELY 8:30 THAT MORNING ON FEBRUARY 22ND AND I RECOGNIZED HER VOICE. BEING AWARE OF THE ORDER I HUNG UP. I DID NOT SPEAK WITH HER AT ALL.

THE COURT: HOW WERE YOU AWARE OF HER VOICE?

A. FOR THE PAST FIVE YEARS IT'S BEEN MY PRIMARY FUNCTION TO ANSWER THE PHONE FOR THE LEGAL DEPARTMENT AND FOR THE PAST FIVE YEARS I HAVE SPOKEN TO DR. FALTAS ON NUMEROUS OCCASIONS.

THE COURT: WHAT TYPE OF CALLS HAS SHE MADE TO YOUR OFFICE?

A. FOR THE PAST FIVE YEARS, YOUR HONOR, IT'S BEEN IN REFERENCE TO HER COURT APPEARANCES. SHE HAS -- I'VE ALWAYS TRIED TO BE VERY PROFESSIONAL WITH DR. FALTAS BUT ONCE THE ORDER WAS ISSUED I WAS INSTRUCTED NO LONGER TO SPEAK WITH HER AT ALL AND I DIDN'T.

THE COURT: ALL RIGHT. THANK YOU. AND WHAT TYPE ATTITUDE HAS SHE HAD TOWARDS YOU, IF ANY?

A. SHE HAS ALWAYS BEEN -- THERE WERE TIMES THAT SHE WAS ANGRY BUT TO BE PERFECTLY HONEST SHE HAS ALWAYS BEEN PROFESSIONAL OR NICE WHEN SHE HAS CALLED AND SPOKEN TO ME.

THE COURT: AND HOW MANY TIMES OVER THE LAST FIVE YEARS BEFORE THE ORDER WAS IN PLACE HAD SHE CALLED YOU IF YOU REMEMBER?

A. I REALLY DON'T REMEMBER. I HAVE THEM ALL DOCUMENTED FOR THE LAST PROBABLY THREE YEARS. IT'S REALLY -- I REALLY DON'T KNOW. I COULD GUESS AND SAY --

THE COURT: LET ME ASK YOU THIS. WAS IT ON A DAILY BASIS, WAS IT ON A WEEKLY BASIS, A MONTHLY BASIS OR DID IT JUST VARY?

A. IT VARIED. IT WOULD DEPEND ON WHAT SHE HAD IN COURT OR WHAT SHE NEEDED AT THAT TIME.

THE COURT: SINCE THE IMPOSITION OF THE ORDER RESTRAINING HER FROM CALLING THE CITY ATTORNEY'S OFFICE, HOW MANY TIMES HAS SHE CALLED?

A. THAT WAS THE ONLY TIME.

THE COURT: OKAY. THANK YOU. ALL RIGHT, DR. FALTAS, YOU MAY ASK QUESTIONS OF THIS WITNESS BUT THEY WILL ONLY BE CONFINED TO WHAT WE ARE HERE FOR AND YOU'LL NEED TO STAND UP.

CROSS EXAMINATION BY

DEFENDANT FALTAS:

Q. GOOD MORNING.

A. GOOD MORNING.

Q. IN RESPONSE TO MR. FERNANDEZ'S QUESTION HE ASKED YOU WAS THE ORDER EXPLAINED TO YOU AND YOU SAID YES. MAY I ASK YOU BY WHOM?

A. BY MR. FERNANDEZ.

Q. SO WHEN YOU ANSWERED THAT IT WAS EXPLAINED TO YOU BY YOUR SUPERVISOR, IS MR. FERNANDEZ CONSIDERED YOUR SUPERVISOR?

A. YES, HE IS.

Q. THIS IS GOING TO BE VERY DIFFICULT BUT I HOPE YOU ARE CONSCIENTIOUS ENOUGH TO ANSWER TRUTHFULLY. DID YOU SEE THE AFFIDAVIT WHERE CONSTANCE HOLLOWAY WROTE OR CLAIMED IN MY (INAUDIBLE) FALSELY THAT WHEN I CALLED HER UP --

THE COURT: DR. FALTAS, THAT HAS NOT BEEN ASKED.

DEFENDANT FALTAS: ALL RIGHT. ALL RIGHT. LET ME REPHRASE IT. LET ME --

THE COURT: NO, YOU ARE NOT GOING TO REPHRASE IT. SHE HAS NOTHING TO DO WITH SOMEONE ELSE'S --

DEFENDANT FALTAS: I AM GOING TO REPHRASE IT TOTALLY.

THE COURT: MA'AM, YOU ARE NOT GOING TO REPHRASE IT. YOU ARE NOT GOING TO ASK IT. YOU ARE GOING TO CONFINE YOURSELF TO WHAT WAS ASKED OF HER AND NOW.

DEFENDANT FALTAS: OKAY.

Q. (BY DEFENDANT FALTAS) DID HE -- DID FERNANDEZ ASK YOU TO PREPARE AN AFFIDAVIT?

A. YES.

Q. WHEN HE WAS ASKING YOU TO PREPARE THE AFFIDAVIT, DID HE ASK YOU IN IT TO SAY THAT I HAD (INAUDIBLE)?

A. NO.

Q. ALL RIGHT. DO YOU HAPPEN TO KNOW THAT I HAVE TWO SISTERS?

THE COURT: THAT IS NOT RELEVANT.

Q. (BY DEFENDANT FALTAS) DO YOU HAPPEN TO KNOW THAT THEY SOUND EXACTLY LIKE ME?

THE COURT: THAT IS NOT RELEVANT. DO YOU KNOW ANY OF HER SISTERS OR ANY OF HER RELATIVES?

A. NO, YOUR HONOR, I DO NOT.

THE COURT: ALL RIGHT. THANK YOU.

Q. (BY DEFENDANT FALTAS) DO YOU -- IS THERE ANYTHING IMPOSSIBLE ABOUT SOMEONE SOUNDING LIKE ME?

THE COURT: YOU DON'T HAVE TO ANSWER THAT. HAVE A SEAT. HAVE A SEAT, DR. FALTAS. ALL RIGHT. IT'S -- MR. FERNANDEZ, ANYTHING ELSE?

MR. FERNANDEZ: NO, YOUR HONOR.

THE COURT: IS THIS THE ONLY VIOLATION OF THE ORDER YOU ARE BRINGING BEFORE ME TODAY?

MR. FERNANDEZ: THERE WAS ANOTHER VIOLATION, YOUR HONOR, WHICH I FILED. JUDGE TURNER SCHEDULED THIS ONE MOTION FOR THE HEARING TODAY. THERE WAS A SEPARATE MOTION I FILED, AN EARLIER MOTION. I DON'T KNOW IF YOUR HONOR WANTS TO ENTERTAIN IT OR NOT BUT I DON'T KNOW THAT THE DEFENDANT HERE HAS BEEN NOTICED FOR THAT.

THE COURT: WELL, SHE HASN'T NOTICE OF IT, NO. SO THE TWO VIOLATIONS ARE THAT SHE CALLED THE CITY ATTORNEY'S OFFICE, CORRECT, AND THE E-MAIL?

MR. FERNANDEZ: THAT'S CORRECT. THERE WAS TWO PHONE CALLS. ONE WAS TO CONSTANCE HOLLOWAY AND AS I SAID BEFORE SHE'S NOT HERE TODAY.

THE COURT: RIGHT. ALL RIGHT. YOU DON'T HAVE A PHONE LOG OR ANYTHING?

MR. FERNANDEZ: NO.

THE COURT: ALL RIGHT. FIRST OF ALL, THE ORDER --

DEFENDANT FALTAS: MAY I BE HEARD?

THE COURT: IN A MOMENT. THE ORDER IS DATED OCTOBER 13TH, 2010, AND AFTER FINDINGS, AFTER A LONG HEARING, THE COURT FOUND AS FOLLOWS: THE DEFENDANT FALTAS HAS ENGAGED IN A CONSISTENT PATTERN OF ABUSE OF THE MUNICIPAL COURT PROCESSES, THE COURT'S PERSONNEL, CITY ATTORNEY'S OFFICE AND THE CITY ATTORNEY CAUSING DELAYS IN AND DISRUPTIONS OF THE COURT'S BUSINESS ON A CONSTANT BASIS. SHE HAS ATTEMPTED TO AND HAS SUCCEEDED IN INTIMIDATING COURT PERSONNEL AND THE CITY ATTORNEYS AND HAS VIOLATED THE CITY ATTORNEY'S WRITTEN CORRESPONDENCE ONLY RULE AND THEN THE FINDINGS GO ON FOR THE REST OF THAT PAGE AND PART OF THE NEXT ONE. AND THE COURT FOUND -- ORDERED THAT THE DEFENDANT MARIE-THÉRÈSE ASSA'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. TO 4:00 P.M. DURING THE NORMAL OPERATING HOURS OF THE 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 IS IT LOCATED, 1401 MAIN STREET, COLUMBIA, SOUTH CAROLINA 29202, AND FROM COMING INTO CONTACT WITH PERSONS EMPLOYED THEREIN AND WITH ANY INDIVIDUAL INVOLVED IN THE PROSECUTION OF ANY OF HER SEVERAL

CRIMINAL CHARGES, WHETHER THEIR PLACES OF EMPLOYMENT, THEIR RESPECTIVE PARKING LOTS, RESIDENCES OR ANY OTHER PLACE, PROHIBITED FROM CONFRONTING OR ACCOSTING WHETHER BY PHONE, E-MAIL OR IN PERSON ANY OF THE JUDGES AND EMPLOYEES OF THE CITY COURT, THE ATTORNEYS AND EMPLOYEES OF THE CITY ATTORNEY'S OFFICE. DEFENDANT FALTAS SHALL MAKE NO EX PARTE COMMUNICATIONS WITH THE JUDGES, THE CITY ATTORNEY'S OFFICE, IT'S 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 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 AND 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. DR. FALTAS, PLEASE STAND.

NOW, I HAVE READ OR SUMMARIZED SOMEWHAT THE E-MAIL. WAS THIS E-MAIL THAT I EARLIER SUMMARIZED INTO THE RECORD, WAS THAT FROM YOU? IT INDICATES SO ON THIS DOCUMENT. WAS THAT FROM YOU?

DEFENDANT FALTAS: MAY I RESPECTFULLY --

THE COURT: YOU MAY ANSWER MY QUESTION.

DEFENDANT FALTAS: MAY I RESPECTFULLY SAY --

THE COURT: YOU MAY ANSWER MY QUESTION.

DEFENDANT FALTAS: THE COURT HAS NO JURISDICTION TO HOLD THIS HEARING. IT HAD NO JURISDICTION TO ENTER THE ORDER TO BEGIN WITH.

THE COURT: MA'AM, IF YOU WANT TO BE HEARD, IF YOU DON'T WANT TO GO TO JAIL THIS MORNING, THEN YOU ARE GOING TO HAVE TO ANSWER MY QUESTIONS. I READ YOUR EARLIER -- WHAT YOU HANDED UP. ALL THAT IS DENIED. THIS COURT HAS JURISDICTION TO ENFORCE ITS OWN ORDER. GET THAT AND ANSWER MY QUESTION. DID YOU SEND THIS E-MAIL THAT I EARLIER READ, SUMMARIZED INTO THE RECORD? DID YOU SEND IT?

DEFENDANT FALTAS: I DO NOT RECALL.

THE COURT: YOU DON'T RECALL.

DEFENDANT FALTAS: BUT I WANT TO SAY SOMETHING.

THE COURT: ANSWER MY QUESTIONS.

DEFENDANT FALTAS: THE ANSWER IS I DO NOT RECALL.

THE COURT: YOU DON'T RECALL. ALL RIGHT. I HAVE ANOTHER QUESTION. DID YOU SEND THIS E-MAIL TO ADEL ASSA'AD?

DEFENDANT FALTAS: I DO NOT RECALL.

THE COURT: DO YOU RECALL HAVING SENT IT TO ANYONE?

DEFENDANT FALTAS: MA'AM, MAY I SAY SOMETHING?

THE COURT: YOU MAY ANSWER MY QUESTIONS.

DEFENDANT FALTAS: MA'AM, FIRST OF ALL --

THE COURT: ARE YOU DENYING THAT YOU SENT THIS E-MAIL?

DEFENDANT FALTAS: I'M SAYING I DO NOT RECALL.

THE COURT: YOU DON'T RECALL?

DEFENDANT FALTAS: YES, MA'AM.

THE COURT: ALL RIGHT THEN. DID YOU CALL THE CITY ATTORNEY'S OFFICE AND WHEN YOU CALLED DID MS. SUTTON ANSWER YOUR CALL?

DEFENDANT FALTAS: I DO NOT RECALL.

THE COURT: YOU DON'T REMEMBER?

DEFENDANT FALTAS: THAT'S CORRECT.

THE COURT: OKAY.

DEFENDANT FALTAS: THE OTHER THING IS --

THE COURT: NOW YOU -- DON'T TALK WHEN I'M TALKING. YOU HAVE TOLD ME AND YOU HAVE DEMONSTRATED THAT YOU HAVE NO RESPECT FOR THIS COURT BUT IT IS REQUIRED THAT YOU DO. IT IS REQUIRED. I DON'T CARE WHAT YOU THINK ABOUT OTHER JUDGES OR MYSELF PERSONALLY. THAT DOESN'T MATTER BUT THIS IS A COURT OF LAW AND YOU ARE NOT ABOVE IT. SO ANSWER MY QUESTION. DID YOU CALL THE CITY ATTORNEY'S OFFICE AS SAID SO BY MS. SUTTON HERE?

DEFENDANT FALTAS: I DO NOT RECALL.

THE COURT: ALL RIGHT THEN.

DEFENDANT FALTAS: BUT I WANT TO SAY THAT YOU HAVE NO JURISDICTION --

THE COURT: YOU HAVE SAID THAT. YOU WROTE THAT. I HEARD THAT. I HAVE JURISDICTION. I HAVE RULED.

DEFENDANT FALTAS: TO ENTER THE ORDER TO BEGIN WITH BECAUSE YOU HAVE NO CIVIL JURISDICTION AND THAT IS BY STATUTE. IN ADDITION, YOUR ORDER IS UNDER APPEAL AND THE SUPREME COURT CERTIFIED

THE APPEAL TO (INAUDIBLE) SO YOU DON'T -- YOU HAVE NO JURISDICTION.

THE COURT: DO YOU HAVE ANYTHING ON THAT?

DEFENDANT FALTAS: THAT THE COURT --

THE COURT: DO YOU HAVE ANYTHING TO SHOW ME THAT?

DEFENDANT FALTAS: ABSOLUTELY.

THE COURT: PASS IT UP. GIVE IT TO THE COURT OFFICER.

DEFENDANT FALTAS: BUT I NEED IT BACK.

THE COURT: YOU NEED TO PASS IT UP AND YOU NEED TO DO IT NOW.

DEFENDANT FALTAS: I HAVEN'T FINISHED. I HAVEN'T FINISHED.

THE COURT: YOU NEED TO PASS IT UP AND YOU NEED TO DO IT NOW.

DEFENDANT FALTAS: I AM GIVING IT NOW.

THE COURT: DO IT.

DEFENDANT FALTAS: THERE IS ONE OTHER ONE. JUST --

THE COURT: MA'AM, ALL I NEED TO SEE FROM YOU ON THAT -- I DON'T NEED TO SEE YOUR DOCUMENT THAT YOU'VE SENT TO A COURT. I NEED TO SEE JUST EVIDENCE THAT IT MAY BE ON APPEAL.

DEFENDANT FALTAS: OH, ABSOLUTELY. THIS IS IT. OH, --

THE COURT: SO YOUR THEORY, MS. FALTAS, IS THAT THIS COURT MAY NOT ISSUE AN ORDER AGAINST YOU AND IF IT DOES THIS COURT CANNOT ENFORCE IT. THAT'S YOUR THEORY. PASS THAT UP OVER HERE, PLEASE.

DEFENDANT FALTAS: IT'S CIVIL. IT'S CIVIL. AN ORDER IN CIVIL JURISDICTION. AN ORDER IN CIVIL JURISDICTION YOU DO NOT HAVE, MA'AM. THE STATUTE SAYS IT'S --

THE COURT: MA'AM, I'M SORRY. I'M PASSING THIS BACK OVER TO YOU. YOU NEED TO HAVE SOMETHING SHOWING ME THAT YOU APPEALED THIS TO THE CIRCUIT COURT. THESE CASES ARE APPEALED TO THE CIRCUIT COURT, NOT THE SUPREME COURT.

DEFENDANT FALTAS: IT WAS FILED HERE AND THE APPEAL NUMBER AND THIS COURT MADE THE RETURN TO THE CIRCUIT COURT.

THE COURT: WHERE IS YOUR CIRCUIT COURT PROOF? I DON'T SEE ANY. YOU PASSED ME UP SOMETHING STAMPED BY THE SUPREME COURT.

DEFENDANT FALTAS: IT'S IN THIS COURT'S OWN FILE. THIS COURT CAN TAKE JUDICIAL NOTICE --

THE COURT: I DON'T HAVE IT. I DON'T HAVE ANY SUCH THING. BESIDES THIS IS AN ORDER ONGOING OF THE COURT.

DEFENDANT FALTAS: MA'AM, IT HAD NO JURISDICTION BECAUSE IT HAS NO CIVIL JURISDICTION.

THE COURT: DR. FALTAS, JUST BECAUSE YOU SAY SO DOESN'T MAKE IT TRUE.

DEFENDANT FALTAS: THE STATUTE SAYS SO.

THE COURT: THIS IS FOR ME TO DECIDE.

DEFENDANT FALTAS: OKAY. MAY I GIVE YOU THE STATUTE NUMBER, PLEASE?

THE COURT: STATUTE?

DEFENDANT FALTAS: YES ,MA'AM, THE STATUE THAT SAYS THE CIVIL --

THE COURT: I UNDERSTAND THIS IS A CRIMINAL COURT, DR. FALTAS.

DEFENDANT FALTAS: SOUTH CAROLINA --

THE COURT: NO, I DON'T WANT TO HEAR THAT. THIS IS A COURT OF CRIMINAL JURISDICTION. HOWEVER, WE ISSUE ORDERS. WHEN PEOPLE VIOLATE THOSE ORDERS WE HAVE JURISDICTION TO HEAR A RULE TO SHOW CAUSE AS TO WHY YOU SHOULD NOT BE HELD IN CONTEMPT OF COURT AND YOU HAVEN'T GIVEN ME ONE REASON YET.

DEFENDANT FALTAS: MA'AM, MAY I JUST SAY PLEASE, FIRST OF ALL, FIRST OF ALL, FIRST OF ALL, THAT MOTION TO RESTRICT MY ACCESS, BLAH, BLAH, BLAH, WAS A CIVIL MOTION. YOU HAD NO JURISDICTION TO ENTERTAIN IT.

THE COURT: WHO HAD? WHO HAD JURISDICTION THEN?

DEFENDANT FALTAS: A COURT OF GENERAL JURISDICTION.

THE COURT: NOBODY?

DEFENDANT FALTAS: PARDON?

THE COURT: NOBODY HAD JURISDICTION TO HEAR IT?

DEFENDANT FALTAS: MA'AM, THEY COULD HAVE --

THE COURT: WOULD THE CIRCUIT COURT HAVE JURISDICTION?

DEFENDANT FALTAS: ABSOLUTELY BUT THEY DIDN'T BRING AN ACTION IN CIRCUIT COURT BECAUSE CIRCUIT COURT HAS GENERAL JURISDICTION. THIS COURT UNDER THE STATUTE WHICH I WAS ABOUT TO READ TO YOU AND YOU INTERRUPTED ME IS SECTION CODE OF LAWS -- AND I'M SORRY, MAY I SIT, PLEASE? MAY I SIT? THANK YOU.

THE COURT: I DIDN'T SAY YOU COULD SIT. STAND UP.

DEFENDANT FALTAS: SOUTH CAROLINA CODE OF LAWS SECTION 14-25-45 MUNICIPAL COURT SHALL HAVE JURISDICTION TO TRY ALL CASES

ARISING UNDER THE ORDINANCES OF THE MUNICIPALITY FOR WHICH ESTABLISHED. THE COURT SHALL ALSO HAVE SUCH POWER, DUTIES AND JURISDICTION IN CRIMINAL CASES MADE UNDER STATE LAW AND CONFERRED UPON MAGISTRATE'S. THE COURT SHALL HAVE NO JURISDICTION IN CIVIL MATTERS. THAT'S ONE THING. THE OTHER THING IS THE ORDER DOESN'T SAY THAT I MAY NOT USE E-MAIL. IT SAYS SHALL NOT ACCOST OR CONFRONT. EVEN IF THAT E-MAIL WERE SENT IT IS NOT ACCOSTING OR CONFRONTING. IT IS -- IF IT WAS SENT -- SPECIFICALLY SAYING THAT SOMEONE IS WORKING IN A FLOOD PLAIN AREA WITHOUT A PERMIT AND THE CITY NEEDS TO KNOW THAT TO IMMEDIATELY ABATE THAT NUISANCE. IT WAS NEITHER CONFRONTING NOR ACCOSTING.

THE COURT: WELL, WAS IT CONTACTING? WAS IT CONTACTING.

DEFENDANT FALTAS: WELL --

THE COURT: WAS IT CONTACTING THE CITY?

DEFENDANT FALTAS: NO, NO, NO.

THE COURT: WAS IT CONTACTING?

DEFENDANT FALTAS: I DON'T KNOW.

THE COURT: YOU DON'T KNOW THAT?

DEFENDANT FALTAS: BECAUSE THE ORDER SAYS SHALL NOT CONFRONT OR ACCOST.

THE COURT: WAS IT CONTACTING?

DEFENDANT FALTAS: IT DOESN'T SAY SHALL NOT CONTACT.

THE COURT: WAS IT CONTACT?

DEFENDANT FALTAS: IT DOES NOT SAY SHALL NOT CONTACT.

THE COURT: I ASKED YOU WAS IT CONTACT. I'M NOT ASKING

YOU WHAT THE ORDER SAID. STAND UP AND ANSWER. WAS IT CONTACT WITH THE CITY ATTORNEY?

DEFENDANT FALTAS: I DO NOT BELIEVE SO.

THE COURT: YOU DON'T THINK SO. THIS E-MAIL IS NOT CONTACT?

DEFENDANT FALTAS: YOU ARE ASKING -- FIRST OF ALL, WE HAVE NOT ESTABLISHED THAT A CALL WAS MADE BUT I AM TALKING ABOUT IF THE E-MAIL HAD BEEN MADE IT DOES NOT VIOLATE THE LETTER OR THE SPIRIT OF THE ORDER. BESIDES YOU ARE ASKING ME FOR A LEGAL OPINION AND MY LEGAL OPINION IS, NO, I DO NOT BELIEVE SO AND THE ORDER DOESN'T SAY SHALL NOT CONTACT. BUT IN ANY EVENT THIS --

THE COURT: HAVE A SEAT, DR. FALTAS, AND LET ME READ THIS TO YOU AGAIN. PERHAPS YOU CAN GET IT THIS TIME. NOW, THEREFORE, THE DEFENDANT MARIE-THÉRÈSE ASSA'AD-FALTAS IS HEREBY RESTRICTED FROM ENTERING OR COMING ABOUT THE COLUMBIA MUNICIPAL COURTHOUSE AND FROM COMING INTO CONTACT WITH COURT PERSONNEL EXCEPT "A," ONLY FOR HER SCHEDULED COURT APPEARANCES AND FOR THE PURPOSE OF FILING DOCUMENTS WITH THE CLERK OF COURT RELATING TO HER CRIMINAL CHARGES AND ONLY BETWEEN THE HOURS OF 2:00 AND 4:00 P.M. DURING THE NORMAL OPERATING HOURS OF COURT THE DEFENDANT IS FURTHER RESTRICTED FROM ENTERING OR COMING ABOUT THE OFFICE OF THE CITY ATTORNEY OR THE CITY OF COLUMBIA OR THE BUILDING IN WHICH IT IS LOCATED AT 1401 MAIN STREET AND FROM COMING INTO CONTACT WITH PERSONS EMPLOYED THEREIN AND WITH ANY INDIVIDUALS INVOLVED IN THE PROSECUTION OF HER SEVERAL CRIMINAL CHARGES, WHETHER AT THEIR PLACES OF EMPLOYMENT AND SO

FORTH, THEIR RESPECTIVE PARKING LOTS, RESIDENCES OR ANY OTHER PLACES. SHE IS PROHIBITED FROM CONFRONTING OR ACCOSTING WHETHER BY PHONE, E-MAIL 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. I ASK YOU AGAIN IS AN E-MAIL COMMUNICATION? DO YOU CONSIDER IT SUCH?

DEFENDANT FALTAS: I DO NOT CONSIDER IT A VIOLATION OF THIS ORDER.

THE COURT: THAT'S NOT WHAT I ASKED YOU.

DEFENDANT FALTAS: I AM --

THE COURT: DR. FALTAS, I TELL YOU WHAT. YOU KNOW, YOU ARE TERRIBLY UNCOOPERATIVE. YOU ARE IN CONTEMPT OF THIS COURT THIS MORNING. YOU REFUSED TO STAND WHEN A JUDGE ENTERED THE ROOM. YOU HAVE REFUSED TO ANSWER MY QUESTIONS IN A STRAIGHTFORWARD MANNER. YOU HAVE REFUSED TO CONDUCT YOURSELF PROPERLY. THIS IS A COURT OF LAW. YOU ARE NOT ABOVE THIS COURT OR ANY OTHER COURT IN THIS COUNTRY. YOU ARE NOT ABOVE THE LAW. YOU ARE NOT ABOVE THE LAW. AND YOU NEED TO GET THAT THROUGH YOUR HEAD. YOU ARE NOT ABOVE THE LAW. DO YOU UNDERSTAND THAT? NO, YOU DON'T, DO YOU?

DEFENDANT FALTAS: MA'AM, I PERFECTLY UNDERSTAND IT. IN FACT --

THE COURT: VERY GOOD. HAVE A SEAT.

DEFENDANT FALTAS: THANK YOU.

THE COURT: HAVE A SEAT.

DEFENDANT FALTAS: IN FACT --

THE COURT: HAVE A SEAT AND DON'T TALK ANY MORE. NOW YOU HAVE NOT GIVEN ME ANY REASON NOT TO HOLD YOU IN CONTEMPT OF COURT WHICH IS WHAT THIS HEARING IS FOR, FOR YOU TO GIVE ME SOME REASON --

DEFENDANT FALTAS: ACTUALLY THE HEARING IS ON THE CITY'S MOTION FOR A RULE TO SHOW CAUSE ORDER. IF YOU WANT TO ISSUE A RULE TO SHOW CAUSE ORDER THEN I AM ENTITLED TO A HEARING ON THE ACTUAL --

THE COURT: THAT'S WHAT WE ARE HERE FOR.

DEFENDANT FALTAS: NO, YOU CANNOT COMBINE BOTH OF THEM. THERE IS A MOTION. IF YOU GRANT THE MOTION THEN YOU ISSUE A RULE TO SHOW CAUSE AND THEN YOU NEED TO APPOINT FOR ME STANDBY COUNSEL ASSUMING YOU EVEN HAVE JURISDICTION TO (INAUDIBLE).

THE COURT: HOW MANY TIMES HAVE YOU HAD STANDBY COUNSEL?

DEFENDANT FALTAS: MA'AM --

THE COURT: HOW MANY TIMES HAVE YOU HAD STANDBY COUNSEL APPOINTED FOR YOU?

DEFENDANT FALTAS: MA'AM --

THE COURT: HOW MANY TIMES --

DEFENDANT FALTAS: THEY WERE CONFLICTED AND I HAVE NO DUTY TO ACCEPT --

THE COURT: HOW MANY OF THEM HAVE YOU HAD? JUST THE STANDBY COUNSEL. HOW MANY?

DEFENDANT FALTAS: FOUR.

THE COURT: FOUR. AND WHAT HAPPENED TO EACH ONE OF THEM?

DEFENDANT FALTAS: THEY TOLD THE JUDGE, THREE OF THEM -- I'M SORRY. TWO OF THEM TOLD THE JUDGE THAT THEY HAD A CONFLICT. ONE OF THEM WAS DEVELOPING A CONFLICT AND DID NOT DISCLOSE IT UNTIL LATER. THE FOURTH ONE WAS INEFFECTIVE. I HAVE NO DUTY --

THE COURT: AND WHAT WAS THE CONFLICT?

DEFENDANT FALTAS: THE CONFLICT WITH APRIL SAMPSON IS THAT SHE WAS NEGOTIATING TO WORK WITH THE SOLICITOR'S OFFICE. THAT'S AS CLEAR A CONFLICT AS CAN BE.

THE COURT: WHAT WAS THE CONFLICT WITH THE NEXT ONE?

DEFENDANT FALTAS: NO, THAT WAS THE PREVIOUS TWO. THE PUBLIC DEFENDERS, THEY SAID THEY HAD CONFLICT AS FAR AS THE TIME. AND THAT WAS THEIR MOTION AND THAT WAS THE JUDGE SAID THEY HAD THE CONFLICT. SO I'M NOT REQUIRED TO ACCEPT A CONFLICTED COUNSEL.

THE COURT: AND YOU'VE HAD COUNSEL APPOINTED FOR YOU, HAVE YOU NOT?

DEFENDANT FALTAS: TOTALLY APPOINTED, NO. ONLY AS STANDBY. NO, I DID NOT HAVE COUNSEL APPOINTED TOTALLY EXCEPT IN 2001 AND THAT WAS -- HE WAS ALSO INEFFECTIVE AND I FIRED HIM.

THE COURT: AND WHO WAS HE? HE WAS INEFFECTIVE, TOO?

DEFENDANT FALTAS: YES, MA'AM.

THE COURT: BECAUSE THESE LAWYERS DON'T KNOW AS MUCH AS YOU DO, IS THAT RIGHT?

DEFENDANT FALTAS: (INAUDIBLE)

THE COURT: IS THAT BECAUSE THESE LAWYERS DON'T KNOW AS MUCH AS YOU DO?

DEFENDANT FALTAS: SOME DON'T, YES, MA'AM. SOME DON'T. AND SOME JUDGES DON'T KNOW AS MUCH.

THE COURT: OH, YES.

DEFENDANT FALTAS: YES, MA'AM.

THE COURT: AND WHAT DO YOU THINK ABOUT THE JUDGE BEFORE WHOM YOU ARE TODAY?

DEFENDANT FALTAS: NOT MUCH.

THE COURT: UH-HUH. AND SHE DOESN'T KNOW AS MUCH AS YOU DO EITHER, RIGHT?

DEFENDANT FALTAS: I DON'T BELIEVE SO BECAUSE IF SHE DID SHE WOULD KNOW THAT SHE HAD NO JURISDICTION TO HOLD A CIVIL HEARING. THAT'S ONE THING. THE OTHER THING --

THE COURT: ALL RIGHT, DR. FALTAS. I FIND YOU IN CONTEMPT OF COURT, BOTH THIS MORNING AND YOUR ATTITUDE BEFORE THE COURT TODAY AND ALSO IN VIOLATION OF THE COURT'S ORDER OF OCTOBER 13TH, 2010. I'VE GIVEN YOU EVERY OPPORTUNITY TO TELL ME WHY I SHOULDN'T HOLD YOU IN CONTEMPT OF COURT. ONCE AGAIN I ALSO NOTE THAT YOUR COMMUNICATION, PARTICULARLY LOOKING AT THIS ONE FROM -- THE E-MAIL FROM YOU TO A LIST OF PEOPLE INCLUDING THE CITY ATTORNEY'S OFFICE, PEOPLE WHO WORK FOR THE CITY ATTORNEY'S OFFICE, CIRCUIT COURT JUDGES, PEOPLE OF WHOM I HAVE NO IDEA WHO THEY ARE BUT SOME OF THEM I RECOGNIZE AS ATTORNEYS AND DIFFERENT FOLKS. AND YOUR RANTINGS IN HERE ONCE AGAIN INDICATE TO ME -- AND I'M NOT A PSYCHOLOGICAL

PROFESSIONAL OF COURSE BUT IT INDICATES TO ME BECAUSE I'VE BEEN AROUND FOR QUITE SOME TIME, DONE EXTENSIVE WORK WITH MENTAL HEALTH, THAT YOU ARE IN NEED OF PSYCHOLOGICAL ASSISTANCE, THAT YOUR MENTAL HEALTH IS UNSTABLE AND I ASK YOU ONCE AGAIN, DR. FALTAS, ARE YOU WILLING TO GET SOME HELP. I HAVE ASKED YOU THIS I THINK EVERY TIME I'VE EVER SEEN YOU AND I'M ASKING YOU AGAIN. STAND UP. ARE YOU WILLING TO GET SOME HELP?

DEFENDANT FALTAS: MA'AM, THE STANDARD IS ADDINGTON VS. TEXAS AND IT NEEDS TO BE CLEAR AND CONVINCING EVIDENCE. AND I TOLD YOU BEFORE THAT I HAD A PSYCHIATRIC EVALUATION AND IT FOUND THAT I HAVE NO MENTAL ILLNESS. AND IF YOU WANT TO DO THAT YOU'LL NEED FIRST OF ALL --

THE COURT: I DON'T WANT TO DO THAT. I WANT YOU TO GET SOME HELP FOR YOURSELF BECAUSE YOU ARE YOUR WORST ENEMY. HAVE YOU EVER READ THE BOY WHO CRIED WOLF?

DEFENDANT FALTAS: NO.

THE COURT: YOU ARE NOT FAMILIAR WITH IT? I'D SUGGEST YOU ADD IT TO YOUR READING LIST. ALL RIGHT, DR. FALTAS. AS I SAID, I FIND YOU ARE IN CONTEMPT OF COURT. YOU KNOW, THE VIOLATIONS BROUGHT BEFORE ME ARE ONLY TWO INSTANCES ALTHOUGH THE ONE E-MAIL IS TWO -- AND THIS IS SMALL FONT HERE -- IT'S THREE PAGES LONG. THE NOTICE TO WHOM ALL THIS WAS SENT IS TREMENDOUSLY LONG AND IT'S OVER TWO PAGES LONG. WELL, WITHOUT THE HEADING FOR WHO IT IS SENT TO IT WOULD JUST BE TWO FULL PAGES OF VERY SMALL TYPE BUT THAT AND ONE PHONE CALL. I DO NOT CONSIDER THE OTHER AFFIDAVIT BECAUSE THE PERSON IS NOT HERE. THERE

ARE ACTUALLY TWO OTHER AFFIDAVITS. I'M SORRY, JUST ONE. THAT PERSON IS NOT PRESENT TODAY IN COURT SO THAT WON'T BE CONSIDERED. HOWEVER, -- - AND THIS IS NOT A WHOLE LOT AND I WAS HOPING YOU WOULD -- INSTEAD OF QUOTING LAW TO ME, I WAS HOPING THAT YOU WOULD PERHAPS TAKE THIS OPPORTUNITY TO TELL ME WHY I SHOULD NOT HOLD YOU IN CONTEMPT OF COURT. YOU HAVE FAILED AND REFUSED TO DO SO. I FIND YOU IN CONTEMPT OF COURT FOR THIS MORNING AND THE SENTENCE IS ON THIS MORNING'S CONTEMPT TEN DAYS. ON THE CONTEMPT OF THE ORDER OF THE COURT, FIFTEEN DAYS. THANK YOU.

DEFENDANT FALTAS: YOUR HONOR, MAY I ASK FOR SUSPENSION PENDING APPEAL?

THE COURT: SORRY. IF YOU WANT TO TALK TO ME, YOU NEED TO STAND UP AND I DIDN'T HEAR WHAT YOU SAID, UNDERSTAND IT THAT IS.

DEFENDANT FALTAS: MAY I ASK FOR IT TO BE SUSPENDED PENDING APPEAL, PLEASE?

THE COURT: NO. NO. NO. YOU'LL NEED TO GO WITH THE COURT OFFICER.

DEFENDANT FALTAS: YOUR HONOR, THIS IS NOT FAIR.

COURT OFFICER: EMPTY YOUR POCKETS.

DEFENDANT FALTAS: YES, SIR, I AM.

(INAUDIBLE)

THE COURT: YEAH, THEY RUN CONSECUTIVELY.

DEFENDANT FALTAS: MA'AM, I NEED TO MOVE FOR --

COURT OFFICER: SHE'S FINISHED WITH YOU NOW. EVERYTHING IS FINISHED, DR. FALTAS. SIT THERE, PLEASE AND BE QUIET. IF SHE'S RULED,

SHE'S DONE. WE NEED FOR YOU TO EMPTY YOUR POCKETS SO THIS OFFICER CAN DO WHAT HE NEEDS TO DO. COULD YOU PLEASE EMPTY YOUR POCKETS OUT?

DEFENDANT FALTAS: YES, YES. COULD I SIT DOWN, PLEASE? COULD I SIT DOWN HERE?

COURT OFFICER: SIT DOWN AND EMPTY YOUR POCKETS. EVERYTHING IN YOUR POCKETS (INAUDIBLE).

DEFENDANT FALTAS: MA'AM, MAY I MAKE ONE PHONE CALL TO MY MOTHER, PLEASE?

THE COURT: NO, MA'AM, NOT AT THIS TIME. YOU NEED TO COOPERATE.

DEFENDANT FALTAS: WHAT DO YOU WANT ME TO DO?

COURT OFFICER: PLACE THE CONTENTS OF ALL YOUR POCKETS AND PLACE THEM INSIDE YOUR BAG THERE. MAKE SURE YOUR CELL PHONE IS SHUT OFF (INAUDIBLE). (INAUDIBLE) I THINK FOR SAFETY SAKE WE'LL GO AHEAD AND DON'T HANDCUFF HER, WE'LL WALK DOWN THE STAIRS (INAUDIBLE). ARE YOU OKAY, MA'AM?

DEFENDANT FALTAS: NO. NO, I'M NOT OKAY. I'M NOT OKAY AT ALL. I'M NOT OKAY AT ALL.

COURT OFFICER: WHAT CAN I DO TO HELP YOU?

DEFENDANT FALTAS: I NEED MEDICAL ATTENTION.

COURT OFFICER: THAT'S FINE. THAT'S ALL I WANTED TO HEAR. I'LL TAKE CARE OF IT. COULD I ASK WHAT YOUR PROBLEM IS? THEY ARE GOING TO ASK ME, MA'AM?

DEFENDANT FALTAS: YES, I'M SORRY.

THE COURT: IS THAT A CELL PHONE? GIVE HIM THAT CELL PHONE AND DO IT NOW.

DEFENDANT FALTAS: I'M TRYING TO TURN IT OFF.

THE COURT: GIVE HIM THAT CELL PHONE.

DEFENDANT FALTAS: I'M TRYING TO TURN IT --

COURT OFFICER: WHAT IS WRONG WITH YOU, MA'AM?

DEFENDANT FALTAS: I HAVE AN EXTREMELY RAPID HEART BEAT, SHORTNESS OF BREATH. I'LL SHOW YOU HOW TO SHUT IT OFF, SIR. I'LL SHOW YOU HOW TO SHUT IT OFF. MAY I?

COURT OFFICER: YOU HAD THE OPPORTUNITY TO SHUT IT OFF.

DEFENDANT FALTAS: I WAS TRYING TO SHUT IT OFF.

THE COURT: IT SHOULD HAVE BEEN SHUT OFF BEFORE SHE CAME INTO THE COURT.

DEFENDANT FALTAS: NO, I ALWAYS PUT IT ON SILENT. I PUT IT ON SILENT BEFORE -- I CAN SHUT IT OFF. I WAS TRYING TO SHUT IT OFF. MAY I SHUT IT OFF, PLEASE?

THE COURT: YOU MAY TAKE THE OTHER THINGS OUT OF YOUR POCKETS AND BE READY TO GIVE THEM UP.

COURT OFFICER: OKAY. I WANT YOU TO TAKE EVERYTHING OUT AND PUT IT ON HERE. OUT OF YOUR SHIRT POCKETS, YOUR PANTS, EVERYTHING YOU HAVE ON THERE, PLEASE.

DEFENDANT FALTAS: PANTS? I DON'T HAVE PANTS

COURT OFFICER: YOUR JACKET POCKETS. EVERYTHING RIGHT HERE. WHO WOULD YOU LIKE TO TOW YOUR CAR? THAT'S A QUESTION. WHO WOULD YOU LIKE TO TOW YOUR CAR? IF NOT, WE'LL TAKE CARE OF IT. WE

WILL TOW IT OURSELVES UNLESS YOU HAVE SOMEONE SPECIFIC YOU WANT TO TOW YOUR CAR.

DEFENDANT FALTAS: THE ONE ON GERVAIS STREET.

COURT OFFICER: I NEED THE NAME, MA'AM.

DEFENDANT FALTAS: ELGIN.

COURT OFFICER: NEVER HEARD OF THEM.

DEFENDANT FALTAS: THE ONES ON GERVAIS STREET. CITY -- CITY --

COURT OFFICER: GERVAIS IS A PRETTY LONG STREET.

DEFENDANT FALTAS: CITY --

COURT OFFICER: CITY GARAGE? THAT'S ON GERVAIS STREET.

DEFENDANT FALTAS: THEN WHAT'S THE (INAUDIBLE)?

COURT OFFICER: MA'AM, I DON'T KNOW.

THE COURT: CITY GARAGE IS SOMEWHERE AROUND THERE, ISN'T IT? IT USED TO BE.

COURT OFFICER: IT'S ON ROSEWOOD.

THE COURT: ROSEWOOD. THEY MOVED? OKAY. THEY USED TO BE OVER THERE ON GERVAIS.

DEFENDANT FALTAS: SO WHAT'S THE ONE ON GERVAIS?

COURT OFFICER: I DON'T KNOW.

THE COURT: WELL, PUT CITY GARAGE DOWN THERE. IT USED TO BE THERE.

DEFENDANT FALTAS: IN HERE OR ON THE TABLE?

COURT OFFICER: (INAUDIBLE) I WILL CALL AND HAVE A TOW TRUCK AND WHEN YOU GET OUT GO TO THE FRONT DESK, TELL THEM YOUR

NAME, WHAT TYPE OF CAR IT IS AND THEY'LL TELL YOU WHERE YOUR CAR IS. HAVE YOU FINISHED TAKING EVERYTHING OUT OF YOUR POCKETS?

DEFENDANT FALTAS: NO.

COURT OFFICER: OKAY.

DEFENDANT FALTAS: I NEED MEDICAL ATTENTION.

COURT OFFICER: MA'AM, (INAUDIBLE) IS IN ROUTE. I'VE DONE MY JOB. I CANNOT GET THEM HERE ANY QUICKER.

THE COURT: GIVE IT BACK TO HER AND TELL HER TO TURN IT OFF. PERHAPS SINCE SHE CAN DO THAT NOW SINCE SHE'S RELAXED A LITTLE BIT FROM HER ...

DEFENDANT FALTAS: THE JUDGE SAID I CAN TURN IT OFF MYSELF. SIR, I WILL TURN IT OFF MYSELF.

THE COURT: YOU ARE NOT MAKING ANY PHONE CALLS THOUGH.

DEFENDANT FALTAS: I AM NOT. COULD I TURN IT OFF MYSELF, PLEASE?

COURT OFFICER: I'M QUITE CAPABLE IF YOU TELL ME WHICH BUTTON IT IS. WHICH BUTTON DO YOU PUSH?

DEFENDANT FALTAS: I'LL SHOW YOU.

(ADJOURNED)

STATE OF SOUTH CAROLINA	)	IN THE MUNICIPAL COURT FOR
	)	THE CITY OF COLUMBIA
COUNTY OF RICHLAND	)	
CITY OF COLUMBIA,	)	
	)	
VS.	)	CERTIFICATE
	)	
MARIE-THÉRÈSE ASSA'AD-FALTAS,	)	
	)	
DEFENDANT .	)	
	)	
	)	

THIS IS TO CERTIFY THAT THE WITHIN HEARING, CONSISTING OF THIRTY-ONE (31) PAGES, IS A TRUE AND CORRECT TRANSCRIPT OF RECORD FOR THE HEARING ON MARCH 28, 2011, 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 10TH DAY OF MAY, 2011.

Nancy S. Ahrens

NANCY S. AHRENS
NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES: 03-29-19

CITY OF COLUMBIA,	)	TRANSCRIPT OF RECORD
	)	
vs.	)	APRIL 6, 2011
	)	MOTION
MARIE-THÉRÈSE ASSA'AD-FALTAS,	)	
	)	JUDGE MARION O. HANNA
DEFENDANT.	)	ACA DAVID A. FERNANDEZ

THE COURT: ... A LETTER HERE WAIVING HER PRESENCE SO I DON'T SEE THAT IT WOULD BE HELPFUL TO HAVE HER HERE UNLESS YOU NEED HER YOURSELF, MR. BRIGGS.

MR. BRIGGS: JUDGE, I DON'T EVEN KNOW HOW TO ADDRESS THAT QUESTION. I'M NOT SURE. SHE WANTS THE JUDGE TO SEE WHAT WE WROTE AND THEN I'VE GOT THE SAME THING WITH HER SIGNATURE ON IT ALREADY SO IF WE DID THIS I'LL TELL THE JUDGE WHAT I WOULD PREFER TO DO BUT THAT'S BESIDE THE POINT. THE JUDGE CAN DO WHAT SHE WANTS TO DO.

THE COURT: OKAY. SO THIS IS A PROPOSAL I'M BEING HANDED THAT THE TWO ATTORNEYS HERE HAVE AGREED UPON FOR THE DEFENDANT FALTAS TO HAVE A BOND SET PENDING APPEAL.

MR. BRIGGS: AND, JUDGE, BETWEEN THE TWO OF US I WANT TO MAKE SURE THAT WE AGREED THAT THAT WAS WHAT YOU WANTED AS CONDITIONS. WE ALSO THOUGHT IN ANTICIPATING WHAT YOU SAID ABOUT THE AMOUNT WE THOUGHT THAT A THOUSAND DOLLAR CASH BOND WOULD BE SUFFICIENT, JUDGE, BUT THAT'S YOUR DECISION ALSO. WE DIDN'T WRITE THAT IN BUT WE DID HAVE THAT CONVERSATION.

THE COURT: ALL RIGHT. WELL, LET ME JUST READ THIS INTO THE RECORD HERE AND THEN WE'LL DISCUSS IT IF NEED BE. THIS FIRST PAGE SETS FORTH AN APPEAL BOND TO BE SET BY THE JUDGE AND SAYS SEE BELOW FOR

ADDITIONAL CONDITIONS. THIS IS A PROPOSAL AND THESE CONDITIONS ARE, ONE, REGULAR PSYCHIATRIC EVALUATION AND TREATMENT AS RECOMMENDED BY THE EVALUATOR FOR A PERIOD OF ONE YEAR OR CONCLUSION OF PENDING APPEAL FOR THIS MATTER WHICHEVER COMES FIRST. TWO, ABIDE BY THE ORDER OF MUNICIPAL COURT REGARDING RESTRICTIONS AND CONTACT IN THE COURT WITH CITY EMPLOYEES, ORDER OF OCTOBER 6TH, 2010. THREE, DEFENDANT FALTAS SURRENDERS POSSESSION OF HER PASSPORT AND, FOUR, CLARIFY ORIGINAL SENTENCE OF TWENTY-FIVE DAYS IN JAIL FOR CONTEMPT OF COURT IN VIOLATION OF THE COURT ORDER TO BE SERVED DAY FOR DAY WITH NO CREDIT GIVEN FOR GOOD BEHAVIOR OR ANY OTHER REASON.

OKAY. THE ONLY THING I HAVE -- AND I SEE THAT THIS WAS INSERTED IN HERE, EVALUATION AS RECOMMENDED BY THE EVALUATOR. I REALLY WANTED IT TO BE THAT SHE WOULD SEE A PSYCHIATRIST ON A REGULAR BASIS AND DISCUSS THESE MATTERS WITH THE PSYCHIATRIST, TAKE WITH HER HER FILES CONCERNING ALL THESE CASES SO THAT SHE COULD DISCUSS NOT NECESSARILY THE MERITS OF THE CASE BUT HOW SHE MIGHT ALTER HER BEHAVIOR AS A PERSON WHO APPEARS IN COURT TO GET A RESULT THAT'S GOOD FOR HER RATHER THAN WHAT SHE'S BEEN GETTING.

MR. BRIGGS: YOUR HONOR, LET ME ADDRESS THAT.

THE COURT: ALL RIGHT.

MR. BRIGGS: DAVID AND I TALKED ABOUT THAT PART OF IT. WE AGREED THAT NEITHER ONE OF US WOULD CONTACT THE EVALUATOR AHEAD OF TIME AND TRY TO, YOU KNOW, PREJUDICE THAT PERSON'S POINT OF VIEW, BUT WE ALSO SAID -- AND WE DIDN'T WRITE IT IN THERE -- BUT IT SEEMS LIKE IT IS NECESSARY FOR HER TO MAKE ANY OF HER LITIGATION FILES AVAILABLE TO

THE EVALUATOR -- I DON'T HAVE ANY PROBLEM WITH THAT LANGUAGE BEING ADDED. IN ADDRESSING THAT OTHER POINT, I THINK WE BRIEFLY TALKED ABOUT IT BUT WE DIDN'T COME TO ANY AGREEMENT. IT WOULD BE APPROPRIATE IF THE EVALUATOR OR THE TREATMENT PERSON SENT YOU REPORTS AND THEN IF THAT PERSON WAS TO ASK QUESTIONS EITHER OF ME OR DAVID IT WOULD BE APPROPRIATE FOR US TO RESPOND TO THOSE. I DON'T KNOW THAT YOU NEED TO BE THAT DETAILED BUT WE UNDERSTAND THAT IF THE EVALUATOR CALLS ONE OF US WE HAVE AN OBLIGATION AS AN OFFICER OF THE COURT TO RESPOND TO HIS INQUIRY, HIS OR HER INQUIRY, YOUR HONOR.

THE COURT: OKAY. NOW --

MR. BRIGGS: IF YOU WANT TO PUT COUNSEL COOPERATES WITH THE EVALUATOR YOU COULD DO IT THAT WAY MAYBE.

THE COURT: WELL, I CERTAINLY DON'T WANT TO GET INTO HER PRIVACY RIGHTS. I DON'T WANT TO VIOLATE THEM OR, YOU KNOW, HAVE THE CITY -- I THINK ALL THOSE RULES COME INTO PLAY THERE AND THERE HAS TO BE A NEED FOR THAT. IF SHE AGREED TO IT, FINE BUT I DON'T KNOW THAT -- YOU KNOW, I WANT HER TO GET SOME HELP. THAT'S WHAT I WOULD LIKE ABOVE ALL THINGS IS FOR HER TO BE ABLE TO COME INTO COURT AND BEHAVE AS IF SHE HAD SOME RESPECT FOR THE COURT AND TO ACT IN HER OWN BEST INTERESTS. AND THAT'S MY CONCERN. I DON'T WANT TO GET INVOLVED WITH WHAT THE -- AND HERE'S ANOTHER POINT. I WANT HER TO SEE A PSYCHIATRIST, NOT A PSYCHOLOGIST OR A COUNSELOR.

MR. BRIGGS: WE INTENDED PSYCHIATRIST, WE JUST DIDN'T WRITE IT DOWN, JUDGE. LET ME ADD TO CONCUR IN WHAT YOU ARE SAYING.

THE COURT: YES.

MR. BRIGGS: I THINK THE THREE OF US AGREE THAT IF A PSYCHIATRIST GIVES HER A FULL EVALUATION THAT PSYCHIATRIST IS GOING TO DECIDE IF SHE NEEDS SOME KIND OF TREATMENT. IT MAY BE JUST ANGER MANAGEMENT. IT MAY BE THE -- I FORGET WHAT WORD THEY USE.

THE COURT: THEY STILL DO A PSYCHOANALYSIS.

MR. BRIGGS: HALLUCINATIONS OR -- THE VISIONS OF GRANDEUR OR WHATEVER. I MEAN A PSYCHIATRIST IS GOING TO FIGURE THAT OUT BUT IF YOU ARE GOING TO CHANGE THE WORDING TO REQUIRED TREATMENT INSTEAD OF HIS EVALUATION.

THE COURT: WELL, YOU RUN THE RISK OF A PSYCHIATRIST NOT WANTING TO DEAL WITH HER FRANKLY AS WELL AND THEN THAT HAPPENS BUT I WOULD RATHER THAT SHE BE REQUIRED TO HAVE REGULAR PSYCHIATRIC TREATMENT. AND THIS I HOPE YOU EXPLAINED TO HER DOESN'T MEAN SHE HAS A MENTAL ILLNESS. IT'S JUST TO TRY AND HELP HER WITH HER PROBLEMS OF NOT BEING ABLE TO ACT IN HER OWN BEST INTERESTS.

MR. BRIGGS: WHY DON'T WE THEN SAY NOT TREATMENT AS RECOMMENDED BUT TREATMENT BASED UPON THE EVALUATION.

THE COURT: WE CAN SAY SESSIONS. SESSIONS WITH A PSYCHIATRIST AND THAT WILL NOT IMPLY THAT SHE HAS A MENTAL PROBLEM OR EVEN AN EVALUATION IS NEEDED.

MR. BRIGGS: IN FOLLOW-UP TO THE EVALUATION, YOUR HONOR. SOMETHING LIKE THAT. I'M JUST TRYING TO HELP.

THE COURT: WELL, YOU KNOW, I'M NOT SO INTERESTED IN AN EVALUATION AS I AM IN TREATMENT SESSIONS WITH A PSYCHIATRIST.

MR. BRIGGS: I UNDERSTAND, JUDGE. YOU ARE NOT A

PSYCHIATRIST.

THE COURT: I'M NOT SAYING I AM. I'M JUST SAYING IF WE ASKS FOR AN EVALUATION WE'LL GET A PERFUNCTORY THING THAT YOU ALWAYS GET THESE DAYS. SHE'S ORIENTED TO TIME AND PLACE AND THIS AND THAT AND IT'S NOT GOING TO HELP HER.

MR. BRIGGS: WELL, SAY NECESSARY TREATMENT. I'M JUST TRYING TO HELP. WHAT DO YOU THINK, DAVID? HOW DO WE ASSURE THAT SHE GETS SOME KIND OF TREATMENT?

THE COURT: MR. BRIGGS, JUST A SECOND. IF WE QUALIFY THIS THEN THAT GIVES AN OUT AND SHE DOESN'T HAVE TO GO. IF WE QUALIFY IT IN ANY WAY BY SAYING NECESSARY OR WHAT AN EVALUATOR SAYS OR WHATEVER THEN SHE'S GOING TO HAVE AN OUT AND SHE NEEDS THIS.

MR. BRIGGS:. ALL RIGHT. IS THE EVALUATION AND TREATMENT -

THE COURT: JUST PSYCHIATRIC SESSIONS.

MR. BRIGGS: YEAH. THAT SOLVES THE PROBLEM?

THE COURT: PSYCHIATRIC SESSIONS. THAT MEANS WITH A PSYCHIATRIST. AND THEN IF THE PSYCHIATRIST FINDS THAT SHE HAS A PROBLEM THE PSYCHIATRIST, UNLIKE A PSYCHOLOGIST OR COUNSELOR OR SOMEBODY IN MENTAL HEALTH, THEY CAN PRESCRIBE SOMETHING AND THAT MIGHT HELP HER. I DON'T KNOW WHAT SHE NEEDS. AS YOU SAID AND IT'S NOTED THAT I AM NOT A PSYCHIATRIST. I DON'T PRETEND TO BE. YES, MR. FERNANDEZ.

MR. FERNANDEZ: AND I AGREE WITH YOUR HONOR ABOUT WIGGLE ROOM THERE. SESSIONS. I DON'T KNOW IF YOUR HONOR WANTS TO SAY WEEKLY SESSIONS.

THE COURT: REGULAR.

MR. FERNANDEZ: REGULAR.

MR. BRIGGS: I THINK REGULAR IS GOOD ENOUGH IF THAT'S FINE ENOUGH FOR YOUR HONOR IN TRYING TO SAY WHAT YOU WANT TO SAY.

THE COURT: ALL RIGHT THEN. NOW -- ALL RIGHT THEN. NOW LET'S GO BACK AND ADDRESS THE ISSUE OF THE MONETARY BOND. ARE YOU SATISFIED, MR. FERNANDEZ, WITH THE RECOMMENDATION OF MR. BRIGGS OF A THOUSAND DOLLARS?

MR. FERNANDEZ: YES, YOUR HONOR. THE JUSTIFICATION THAT I CAME TO WAS THERE WERE -- YOUR HONOR, THERE WERE TWO FINDINGS. THERE WAS CONTEMPT OF COURT VIOLATION OF THE ORDER. THE DOLLARS AND FEES COMES TO A THOUSAND DOLLARS.

MR. BRIGGS: AND THAT NOT BEING TEN PERCENT OF THAT BUT THERE HAS TO BE A THOUSAND DOLLARS MADE OUT TO THE CITY.

THE COURT: OKAY. WE'LL SET THE BOND, THE CASH BOND, OF ONE THOUSAND DOLLARS AND ALSO REQUIRE THAT REGULAR SESSIONS WITH A PSYCHIATRIST BE ATTENDED BY THE DEFENDANT FALTAS FOR A PERIOD OF ONE YEAR OR THE CONCLUSION OF THE APPEAL OF -- THE CONTEMPT OF COURT ORDER IS THE APPEAL WE ARE TALKING ABOUT.

MR. FERNANDEZ: THAT'S CORRECT., YOUR HONOR.

THE COURT: ALL RIGHT. APPEAL OF THE CONTEMPT OF COURT ORDER WHICH WAS --

MR. BRIGGS: LAST MONDAY, YOUR HONOR. LET ME SEE IF I CAN FIND THAT DATE.

THE COURT: OH, WE HAVE IT. THAT'S ALL RIGHT. THAT WAS THE

4TH I BELIEVE. NO, THAT WAS NOT THE DATE -- THAT WAS --

MR. FERNANDEZ: MARCH 28TH.

THE COURT: 28TH OF MARCH.

MR. BRIGGS: THAT'S RIGHT.

THE COURT: ALL RIGHT. SO IN ADDITION TO THE MONETARY BOND THE CONDITIONS ARE THAT THE DEFENDANT FALTAS WILL ATTEND REGULAR SESSIONS WITH A PSYCHIATRIST FOR A PERIOD OF ONE YEAR OR THE CONCLUSION OF THE APPEAL OF THE ORDER HOLDING HER IN CONTEMPT OF COURT ON THAT DATE AND IN CONTEMPT OF THE PREVIOUS ORDER OF THE COURT AND THE ORDER OF THAT DATE WAS I BELIEVE OCTOBER SOMETHING.

MR. BRIGGS: OCTOBER 6TH, YOUR HONOR.

THE COURT: AND OF THE ORDER OF OCTOBER 6TH, BOTH OF THOSE ARE BEING APPEALED AS ONE APPEAL, CORRECT?

MR. BRIGGS: ACTUALLY I THINK THEY ARE TWO APPEALS BUT I'M SURE THEY'LL BE JOINED, YOUR HONOR.

THE COURT: OKAY.

MR. FERNANDEZ: CIRCUIT COURT MAY JOIN THEM.

MR. BRIGGS: YES.

THE COURT: ALL RIGHT. SO THE CONCLUSION OF THE PENDING APPEALS OF THE TWO CITATIONS OF CONTEMPT OF COURT, THAT BEING BEHAVIOR IN COURT ON MARCH THE 28TH, 2011, AND THE APPEAL OF THE ORDER OF OCTOBER 6TH, 2011, IN WHICH THE DEFENDANT WAS --

MR. BRIGGS: THAT'S TEN, YOUR HONOR.

THE COURT: TEN. NO. WAS IT TEN? OH, IT WAS TEN. YES. WE HADN'T GOT THAT FAR YET. THANK YOU. OCTOBER 6TH, 2010. THAT'S

CONDITION ONE. CONDITION TWO, ABIDE BY THE ORDER OF THIS COURT REGARDING RESTRICTIONS AND CONTACTING THE COURT AND THE CITY EMPLOYEES, THAT ORDER BEING OCTOBER 6TH, 2010. WAIT A MINUTE. WE NEED TO GO BACK TO THE FIRST CONDITION. AS PART OF CONDITION ONE, MAKE ALL LITIGATION FILES, CRIMINAL AND CIVIL, IF ANY, AVAILABLE TO THE PSYCHIATRIST UPON THE FIRST VISIT. ALL RIGHT. THEN CONDITION THREE, MS. FALTAS SURRENDERS POSSESSION OF HER PASSPORT TO THIS COURT WHICH WILL BE HELD AS IS THE USUAL CASE IN MATTERS OF THIS TYPE AND WE ARE GOING TO CLARIFY TODAY AND SEND AN AMENDED ORDER ON THIS MATTER TO THE JAIL TO INDICATE THAT THIS SENTENCE WAS AND IS INTENDED TO BE A TOTAL OF TWENTY-FIVE DAYS IN JAIL, TEN DAYS FOR CONTEMPT OF COURT WHILE IN COURT THAT DATE, MARCH THE 28TH, 2011, AND FIFTEEN DAYS FOR CONTEMPT OF THE ORDER OF THE COURT OF OCTOBER 6TH, 2010, AND THAT ANY FURTHER VIOLATION OF THE COURT ORDER -- EXCUSE ME. AND FOR VIOLATION OF THE COURT ORDER AND IT IS TO BE SERVED ON A DAY-FOR-DAY BASIS WITH NO CREDIT FOR GOOD BEHAVIOR OR FOR ANY OTHER REASON. AND ALSO JUST FOR CLARIFICATION THERE HAVE BEEN TWO CHARGES OF CONTEMPT OF COURT OF THAT ORDER OF OCTOBER 6TH. ANY OTHER CHARGES, IF ANY, WHICH HAVE NOT BEEN BROUGHT TO THE COURT'S ATTENTION WOULD BE ANOTHER MATTER, IF IT EVER IS. AND THERE MAY NOT BE OTHER VIOLATIONS. I DON'T KNOW BUT I'M JUST MENTIONING THAT IF THERE WERE ANY OTHER VIOLATIONS THAT HAVE NOT BEEN ADJUDICATED. I DON'T KNOW. OKAY. SO EVERYBODY -- AND DR. FALTAS UNDERSTANDS THIS AND SHE'S --

MR. BRIGGS: YOUR HONOR, I NEED TO MAKE A BRIEF STATEMENT ABOUT HER POSITION AND I THINK IF I COULD TRY TO, DAVID, PUT ON THE

RECORD THE DISCUSSION THAT WE HAD IN CHAMBERS BECAUSE THERE'S ONE POINT THAT I THINK WE NEED TO BE ON THE RECORD AND I MADE IT CLEAR TO HER THAT NOBODY WAS CRITICIZING HER, NOBODY WAS QUESTIONING HER RIGHT TO DO WHAT SHE WANTED BUT THE POSITION OF THE CITY WAS THAT THEY WOULD LIKE TO GET ALL THESE CHARGES TRIED AS SOON AS POSSIBLE. LET ME JUST MAKE A STATEMENT AND SEE IF HE CAN CORRECT ME, YOUR HONOR. OKAY?

FIRST OF ALL, DR. FALTAS' POSITION IS THAT SHE CANNOT AND WOULD NOT AGREE TO THOSE CONDITIONS ON THE BOND, THAT IS, SHE WOULD NOT CONSENT TO THOSE AND SINCE SHE'S ALREADY FILED AND I HAVE FILED AN AMICUS MOTION IN THE SUPREME COURT HER PREFERENCE WOULD BE THE COURT JUST NOT ISSUE A BOND BASED UPON HER UNWILLINGNESS TO COOPERATE. AND I WON'T SAY ANY MORE THAN THAT. I JUST WANTED THAT TO BE ON THE RECORD BUT THE COURT CAN DO WHAT IT WANTS TO IN THE ISSUES OF BOND THEN I'LL TAKE THE BOND TO THE SUPREME COURT.

YOUR HONOR, WITH REGARD TO THE IN-CHAMBERS MEETING, AS I RECALL, SUBJECT TO CORRECTION BY MR. FERNANDEZ, WE JUST DISCUSSED PRIMARILY YOUR CONCERN THAT THERE BE SOME CONDITIONS TO BE ATTACHED TO THE BOND. AND IN THAT DISCUSSION AND I INDICATED TO HER THAT JUDGE DENNIS WAS THERE ALSO AS A WITNESS IF YOU WILL THAT THERE WAS NO CRITICISM OF DR. FALTAS. THERE WAS NO -- I THINK THE ONLY OBSERVATION ABOUT THAT IS I MADE SOME COMMENT THAT, YOU KNOW, WE WOULD ALL PREFER THAT SHE DOESN'T PERSONALLY ATTACK THE PROSECUTORS OR SOMETHING LIKE THAT BUT THAT WOULD HAVE BEEN THE ONLY COMMENT THAT WOULD HAVE BEEN MADE THAT WOULD HAVE BEEN IN

ANY WAY NEGATIVE ABOUT HER AND THAT WAS NOT MY INTENT. IT'S JUST THAT WE WERE ALL TRYING TO FIGURE HOW WE COULD MOVE THESE CASES ALONG AND NOT HAVE, IF YOU WILL, DISRUPTIONS OR DISTURBANCES DURING THE TRIAL THAT REALLY DIDN'T HAVE ANYTHING TO DO WITH THE TRYING OF THE CASE BEFORE THE COURT. AND I DON'T RECALL MR. FERNANDEZ HAVING VERY MUCH TO SAY DURING THAT PERIOD OF TIME EXCEPT HE TRIED TO CLARIFY WITH THE JUDGE THE CONDITIONS THAT YOU WANTED IMPOSED ON BOND AND THEN HE AND I HAD A BRIEF MEETING AFTER THE SESSION WITH THE COURT TO TRY TO PUT YOUR CONDITIONS IN WRITING WHICH YOU HAVE NOW REVIEWED AND YOU HAVE MADE SOME CORRECTIONS TO AND I THINK WE ARE AT THE POINT NOW WHERE YOU'RE PREPARED TO MAKE A DECISION ABOUT ISSUING A BOND, YOUR HONOR. IS THAT ESSENTIALLY WHAT HAPPENED, MR. FERNANDEZ?

MR. FERNANDEZ: THAT'S WHAT I RECALL, YOUR HONOR.

THE COURT: ALL RIGHT. THANK YOU. ALL RIGHT THEN.

MR. FERNANDEZ: YOUR HONOR, CAN I PUT SOMETHING ON THE RECORD JUST VERY QUICKLY?

THE COURT: YES. SURE.

MR. FERNANDEZ: AND I DID BRING THIS UP IN OUR IN-CHAMBERS. THIS IS ONE OF THE THINGS THAT I DID RAISE AND I'LL JUST RAISE IT JUST FOR THE RECORD. I DID RAISE THE ISSUE OF JURISDICTION JUST THAT I DIDN'T KNOW IF THE COURT WAS INCLINED TO HEAR THE MATTER OR NOT GIVEN THAT THE APPEAL WAS FILED IN RICHLAND COUNTY AS OPPOSED TO THE MUNICIPAL COURT BUT THAT I WAS WILLING TO GO FORWARD IF EVERYONE ELSE WAS WILLING TO GO FORWARD. THAT WAS JUST THE JURISDICTIONAL ISSUE I

THOUGHT WAS APPROPRIATE TO RAISE AND THAT WE CAN'T WAIVE THAT. I JUST THINK I HAVE TO BRING IT UP AT LEAST.

THE COURT: WELL, THANK YOU. ON THAT POINT, MR. FERNANDEZ, I DON'T THINK THAT IT MATTERS WHETHER -- EVEN WHETHER SHE HAS FILED IT IN THE INCORRECT PLACE OR NOT. I WOULD THINK THEY WOULD SEND IT BACK DOWN HERE. MR. BRIGGS, DO YOU --

MR. BRIGGS: YOUR HONOR, I FAILED TO UNDERSTAND HIS ARGUMENT.

THE COURT: INSTEAD OF FILING THE APPEAL IN THE MUNICIPAL COURT FOR US TO SEND IT TO RICHLAND COUNTY SHE FILED PAPERS IN THE RICHLAND COUNTY COURT.

MR. BRIGGS: IT'S MY READING OF RULE 246 OF THE APPELLATE RULES OF THE SUPREME COURT AND YOUR SECTION 14-25-95, YOUR HONOR, THAT THE SETTING OF THE BOND IS APPROPRIATELY DONE IN THIS COURT, NOT IN THE COURT OF GENERAL SESSIONS.

THE COURT: YES. THAT'S NOT WHAT HE'S TALKING ABOUT.

MR. BRIGGS: BUT THE APPEAL IS FROM THIS COURT TO COMMON PLEAS.

THE COURT: RIGHT. BUT SHE'S SUPPOSED TO FILE SOMETHING HERE.

MR. BRIGGS: WE FILED A COPY.

THE COURT: UH-HUH. OKAY. WELL, I DON'T THINK THERE'S ANYBODY WORRIED ABOUT IT AT ALL, JUST MR. FERNANDEZ WANTED TO STATE THAT. AT ANY RATE, AS WE DISCUSSED IN CHAMBERS THESE CONDITIONS THAT I HAVE CITED PREVIOUSLY IT WAS SOMEHOW MY UNDERSTANDING THAT THE

DEFENDANT HAD AGREED TO THEM BUT SHE HAS NOT. HOWEVER, HER AGREEMENT IS NOT NECESSARY. SHE STILL IS ASKING FOR A BOND AND SO WE WILL SET THE BOND, A MONETARY BOND OF A THOUSAND DOLLARS WITH CERTAIN CONDITIONS, THESE BEING: THAT THE DEFENDANT FALTAS ENGAGE IN REGULAR SESSIONS WITH A PSYCHIATRIST FOR A PERIOD OF ONE YEAR OR THE CONCLUSION OF HER APPEAL OF THE CONTEMPT OF COURT ORDER OF MARCH THE 28TH, 2011, FOR CONTEMPT OF COURT DURING THAT PROCEEDING, AND THE SENTENCE FOR CONTEMPT OF COURT FOR VIOLATION OF THE ORDER OF OCTOBER 6TH, 2010, AND THE DEFENDANT IS TO MAKE ALL HER LITIGATION FILES, CRIMINAL AND/OR CIVIL, IF ANY, AVAILABLE TO THE PSYCHIATRIST UPON HER FIRST VISIT THERE. AND, TWO, DEFENDANT FALTAS SURRENDERS POSSESSION OF HER PASSPORT TO THIS COURT AND, THREE, THAT THE COURT IS CLARIFYING, AND WE'LL DO THAT TODAY, HER ORIGINAL SENTENCE OF TWENTY-FIVE DAYS IN JAIL FOR CONTEMPT OF COURT IN VIOLATION OF THE COURT ORDER PRIOR TO THAT DATE TO BE SERVED ON A DAY-FOR-DAY BASIS WITH NO CREDIT GIVEN FOR GOOD BEHAVIOR OR FOR ANY OTHER REASON. IN OTHER WORDS, THAT WILL BE THE TWENTY-FIVE DAYS. IF SHE IS RELEASED ON BOND AND VIOLATES THESE CONDITIONS THEN SHE WOULD BE IN VIOLATION OF HER BOND AND WOULD BE SUBJECT TO A BENCH WARRANT FOR THAT REASON FOR VIOLATION OF HER BOND. AND, OF COURSE, SHE COULD HAVE A HEARING PRIOR TO ANY BENCH WARRANT OR OTHER SENTENCING. ALL RIGHT. EVERYONE UNDERSTANDS THIS? YES, SIR.

MR. BRIGGS: YOUR HONOR, JUST SO THE RECORD IS CLEAR I THINK I SHOULD ADD ONE OTHER THING, THAT I HAD MADE A BRIEF ARGUMENT IN CHAMBERS THAT I THOUGHT THAT I DISAGREED WITH THE AMOUNT OF

SENTENCE, NAMELY, TWENTY-FIVE DAYS, AND THAT IF THE COURT WOULD CONSIDER CHANGING IT TO FIFTEEN WHICH THE COURT WAS VERY STRONGLY OPPOSED TO I KNOW THAT A BOND WOULDN'T EVEN BE NECESSARY BECAUSE SHE WOULD HAVE ALREADY SERVED THE FIFTEEN DAYS. I DON'T WANT TO ARGUE THAT, I JUST WANT THAT ON THE RECORD.

THE COURT: ALL RIGHT. MR. FERNANDEZ, ANY REPLY TO THAT?

MR. FERNANDEZ: NO, YOUR HONOR.

THE COURT: OKAY. AS I STATED IN CHAMBERS WHEN WE DISCUSSED THIS MATTER, THE SENTENCE WAS VERY, VERY LENIENT FOR THE ACTUAL CONTEMPTUOUSNESS OF THE DEFENDANT AND I'M CERTAINLY NOT INCLINED TO CHANGE IT. ONE WAY IF YOU WANT TO LOOK AT IT, IT MIGHT BE CHANGED IN THE OTHER DIRECTION BUT I'M NOT GOING TO DO THAT EITHER. ALL RIGHT THEN.

MR. BRIGGS: NOTHING FURTHER.

MR. FERNANDEZ: THANK YOU, YOUR HONOR.

THE COURT: ALL RIGHT.

MR. BRIGGS: COULD I ASK DAVID DO WE HAVE ANY IDEA WHEN YOU MIGHT HAVE THIS RETYPED AND SIGNED BY THE JUDGE? I'M NOT TRYING TO RUSH ANYBODY AND I CERTAINLY WOULDN'T TELL YOU WHAT YOUR PRIORITIES ARE BUT CAN YOU GIVE A GUESSTIMATE SO I CAN COME BACK AND LOOK FOR IT?

MR. FERNANDEZ: DO YOU WANT ME TO PREPARE THE ORDER?

THE COURT: ALL RIGHT.

MR. BRIGGS: I COULD GO TO MY OFFICE AND DO IT.

THE COURT: NO, WE'LL LET MR. FERNANDEZ DO IT.

MR. BRIGGS: ARE WE TALKING ABOUT TODAY? IF HE WANTS TO USE THE ONE SHE SIGNED ALL YOU GOT TO DO IS ATTACH THE CONDITIONS OR, OF COURSE, WE CAN GET HER SIGNATURE AGAIN, YOUR HONOR.

THE COURT: WELL, SHE HASN'T SEEN IT SO I MEAN ..

MR. FERNANDEZ: I'LL PREPARE A NEW ONE.

MR. BRIGGS: WELL, ACTUALLY SHE HAS SEEN EVERYTHING EXCEPT THE LITTLE CHANGES YOU MADE. IN OTHER WORDS, YOU WANT HER TO SIGN IT AGAIN IS WHAT YOU ARE SAYING?

THE COURT: OH, AFTER SHE'S SEEN IT, YES.

MR. BRIGGS: OKAY.

THE COURT: I'LL BE HERE TOMORROW AND TODAY. IF YOU WANT TO DO IT TODAY I'LL --

MR. FERNANDEZ: I'LL PREPARE A PROPOSED ORDER, I'LL SEND YOU A COPY AND --

THE COURT: YOU CAN SEND IT TO ME AT HANNABOLIVER61@SC.RR.COM.

(ADJOURNED)

STATE OF SOUTH CAROLINA	)	IN THE MUNICIPAL COURT FOR
	)	THE CITY OF COLUMBIA
COUNTY OF RICHLAND	)	
	)	
CITY OF COLUMBIA,	)	
	)	
VS.	)	CERTIFICATE
	)	
MARIE-THÉRÈSE ASSA'AD-FALTAS,	)	
	)	
DEFENDANT.	)	
	)	
	)	

THIS IS TO CERTIFY THAT THE WITHIN HEARING, CONSISTING OF FOURTEEN (14) PAGES, IS A TRUE AND CORRECT TRANSCRIPT OF RECORD FOR THE HEARING ON APRIL 6, 2011, 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 10TH DAY OF MAY, 2011.

Nancy S. Ahrens

NANCY S. AHRENS
NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES: 03-29-19

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS

City of Columbia,)
Plaintiff/Respondent,)
v.)
Marie Assa'ad-Faltas)
Defendant/Appellant).
)

CA No.: 2011-CP-40-2111

MOTION INFORMATION COVER SHEET

RICHLAND COUNTY
FILED
2011 MAY -5 PM 3:03
JEANNETTE W. McBRIDE
C.C.P. & G.S.

Defendant's Attorney:
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Plaintiff's Attorney:
David Fernandez
Assistant City Attorney
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Columbia, SC 29201

X Motion Hearing requested (attached written motion; complete sections I and III)
___ Form Motion, no hearing requested (complete sections II and III)
___ Proposed order (complete sections II and III)

Section I: Hearing information

Nature of Motion: Reference to Special Referee
Estimated time needed: 1 hr Court reporter needed X YES ___NO

Section II: Motion/Order type

X Written motion attached
___ Form motion/order
I move for relief or action by the court as set forth in the attached proposed order.

Signature of attorney for ___Pl. X Df 5-5-11 date submitted

Section III: Motion fee

___ Paid:
X exempt: ___ Rule to show cause in support case
___ Domestic abuse case
___ Indigent status ___ State agency v. indigent party
___ Sexually Violent Predator Act ___ Post-conviction relief
___ Motion to stay in bankruptcy
___ Motion for publication ___ Motion for execution (Rule 69)
___ Proposed order submitted at request of court
Name of court reporter:

Judge's action _____ Date: _____
Judge
Clerk's verification: fee collected by: _____ date: _____

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS

Civil Action No. 2011-CP-40-2111

City of Columbia,
Plaintiff/Respondent

v.

Marie Assa'ad-Faltas, MD, MPH
Defendant/Appellant

On Appeal from the City of Columbia's Municipal Court

RICHLAND COUNTY
FILED
2011 MAY -5 PM 3:03
JEANNE D. MACLEODE
C.C.P. & G.S.

Appellant's Motion to Deem her Full Sentence Served
Or, in the Alternative, to Modify and Supersede the Conditions of her Appeal Bond

Through her undersigned counsel, Appellant respectfully prays this Court to deem her having served her full sentence and be under no bond, to order her cash bond on appeal refunded, and to nullify all conditions attempted to be imposed her by Columbia Municipal Judge Hanna on April 11, 2011, after Appellant had served her full sentence.

To assure the Supreme Court of South Carolina and this Court of the merits of Appellant's appeal, Appellant submits to this Court the tape of the Monday, March 28, 2011, hearing before Columbia Municipal Judge Marion Hanna during which Appellant was summarily convicted of two counts of contempt of court and given two consecutive sentences, one for fifteen days (apparently for violation of an order of a civil nature from which Appellant had taken a separate appeal) and the second for ten days as punishment for Appellant's conduct during the hearing.

The merits of the appeal will be expounded on in separate documents at the appropriate time. The tape recording was made with Columbia Municipal Court Judge Hanna's knowledge under §14-25-195, and while relevant to the merits of the appeal, is also very relevant to the fact that, by April 11, 2011, Appellant had served more than her full sentence with good time and work credits, and that Columbia Municipal Court Judge

Hanna had no authority or right to retroactively revoke Appellant's good-time credits or work credits, and all in retaliation for her having appealed the findings of contempt.

At the outset, the order Appellant was charged with having violated is attached hereto and is a civil order, which municipal courts have no jurisdiction to enter under §14-25-45. Please see, *e.g., Ex parte Canon,* 685 S.E.2d 814 (S.C. App. 2009):

> There is a distinction between constructive and direct contempt. Floyd, 365 S.C. at 75, 615 S.E.2d at 475. "Constructive contempt is contempt that occurs outside the presence of the court." Id. "In contrast, direct contempt involves contemptuous conduct occurring in the presence of the court." Id.
> Further, "[c]ontempt can be either civil or criminal." Id. "The distinction between civil and criminal contempt is crucial because criminal contempt triggers additional constitutional safeguards." Ex parte Jackson, 381 S.C. 253, 259, 672 S.E.2d 585, 588 (Ct. App. 2009). "Intent for purposes of criminal contempt is subjective, not objective, and must necessarily be ascertained from all the acts, words, and circumstances surrounding the occurrence." State v. Passmore, 363 S.C. 568, 571-72, 611 S.E.2d 273, 275 (Ct. App. 2005). Additionally, civil contempt must be proven by clear and convincing evidence, while criminal contempt must be proven beyond a reasonable doubt. Poston v. Poston, 331 S.C. 106, 113, 502 S.E.2d 86, 89 (1998).

While municipal courts have power to punish for direct contempt, it appears that that the their power to punish for constructive contempt is limited to willful non-payment of restitution under **§14-25-65, SC Code of laws:**

> Maximum penalties that court may impose; restitution; contempt.
> If a municipal judge finds a party guilty of violating a municipal ordinance or a state law within the jurisdiction of the court, he may impose a fine of not more than five hundred dollars or imprisonment for thirty days, or both. In addition, a municipal judge may order restitution in an amount not to exceed the civil jurisdictional amount of magistrate courts provided in Section 22-3-10(2). In determining the amount of restitution, the judge shall determine and itemize the actual amount of damage or loss in the order. In addition, the judge may set an appropriate payment schedule. A municipal judge may hold a party in contempt for failure to pay the restitution ordered if the judge finds the party has the ability to pay.

In the instant case, there was no finding of civil contempt by clear and convincing evidence. Nowhere else does the SC Code of laws give municipal courts the power to punish for constructive contempt. That is, of course, the result of municipal courts' total

lack of civil jurisdiction. They may issue only restitution orders and may punish with contempt for willful failure to pay ordered restitution. Please see, *e.g., State v. Bolin,* 378 S.C. 96, 662 S.E.2d 38 (2008), where the Supreme Court of South Carolina applied (the canon of construction "*expressio unius est exclusio alterius*" or " *inclusio unius est exclusio alterius*" holds that "to express or include one thing implies the exclusion of another, or of the alternative"). Since Title 14 gives municipal courts power of constructive contempt only over non-payment of restitution, they have no other power to adjudicate constructive contempt.

Because Columbia Municipal Judge Hanna sat to adjudicate constructive contempt in a matter totally unrelated to non-payment of restitution (her only statutorily-granted jurisdiction), she sat without jurisdiction. And even if Appellant had been in any way contumacious to Columbia Municipal Judge Hanna (which the tape totally disapproves), the whole proceeding is null and void for want of jurisdiction as to punishment on the constructive contempt charge.

Columbia Municipal Judge Hanna also had Appellant arrested while on her way to Columbia Municipal Judge Jenkins' courtroom for further motions. Please see the attached letter from Columbia Municipal Court Chief Judge Turner. That was a violation of **§17-13-60, SC Code of Laws:**

> Circumstances where persons are not to be arrested but may be served process. No person shall be arrested while actually engaged in or attending military or militia duty or going to or returning from such duty, nor while attending, going to or returning from any court, as party or witness or by order of the court, except for treason, felony or breach of the peace. But in any such case process may be served without actual arrest of body or goods.

Direct contempt has been examined by the U.S. Supreme Court in several landmark cases. In *Bloom v. Illinois,* 391 U.S. 194 (1968), the U.S. Supreme Court ended the special treatment of direct contempt and vested the alleged contemnor with the constitutional protections accorded defendants charged with other crimes, including the right to jury trial if the sentence may be longer than six months. In *In Re Murchison,* 349 U.S. 133 (1955), the U.S. Supreme Court held that the judge who held a one-judge grand jury may not try a witness in that proceeding for contempt. And in *Taylor v. Hayes,* 418

U.S. 488 (1974), the U.S. Supreme Court again held it was improper for the trial judge to summarily sentence a defense attorney. The U.S. Supreme Court noted that the friction between the trial judge and the lawyer deprived the latter of due process of law and noted that the judge refused to grant the lawyer bail pending appeal.

That segues to what happened here. As the tape shows, Appellant asked for a stay pending appeal. Columbia Municipal Judge Hanna refused and Appellant was immediately taken into custody on March 28, 2011. She had to be hospitalized but a Columbia Municipal Court police officer stayed with her all the time and did not even allow the hospital to notify her family or her attorney, counsel in this case. She was taken to the Alvin S. Glenn Detention Center (ASGDC) the next day. Her sentence was calculated from Tuesday, March 29, 2011. That was error and in violation of **§24-13-40, SC Code of Laws:**

> Computation of time served by prisoners.
> The computation of the time served by prisoners under sentences imposed by the courts of this State must be calculated from the date of the imposition of the sentence. However, when (a) a prisoner shall have given notice of intention to appeal, (b) the commencement of the service of the sentence follows the revocation of probation, or (c) the court shall have designated a specific time for the commencement of the service of the sentence, the computation of the time served must be calculated from the date of the commencement of the service of the sentence. In every case in computing the time served by a prisoner, full credit against the sentence must be given for time served prior to trial and sentencing. Provided, however, that credit for time served prior to trial and sentencing shall not be given: (1) when the prisoner at the time he was imprisoned prior to trial was an escapee from another penal institution; or (2) when the prisoner is serving a sentence for one offense and is awaiting trial and sentence for a second offense in which case he shall not receive credit for time served prior to trial in a reduction of his sentence for the second offense. So, the sentence should have been calculated from Monday, March 28, 2011, when it was pronounced and Appellant was actually taken into custody. It must be noted that never does the time prisoners spend in a hospital outside prison get deducted from their time served.

So seriously important are good time credits taken that **§ 24-13-260, SC Code of Laws criminalize:**

Failure of officer having charge of inmate to allow deduction in time of serving sentence; penalty. An officer having charge of an inmate who refuses to allow a deduction in time of serving sentence is guilty of a misdemeanor and, upon conviction, must be imprisoned for not less than thirty days or pay a fine of not less than one hundred dollars.

Chapter 24 is very clear about entitlement to good time credits:

24-13-210. Credit given inmates for good behavior.
(A) An inmate convicted of an offense against this State, except a "no parole offense" as defined in Section 24-13-100, and sentenced to the custody of the Department of Corrections, including an inmate serving time in a local facility pursuant to a designated facility agreement authorized by Section 24-3-20 or Section 24-3-30, whose record of conduct shows that he has faithfully observed all the rules of the institution where he is confined and has not been subjected to punishment for misbehavior, is entitled to a deduction from the term of his sentence beginning with the day on which the service of his sentence commences to run, computed at the rate of twenty days for each month served. When two or more consecutive sentences are to be served, the aggregate of the several sentences is the basis upon which the good conduct credit is computed.
(C) An inmate convicted of an offense against this State and sentenced to a local detention facility, or upon the public works of any county in this State, whose record of conduct shows that he has faithfully observed all the rules of the institution where he is confined, and has not been subjected to punishment for misbehavior, is entitled to a deduction from the term of his sentence beginning with the day on which the service of his sentence commences to run, computed at the rate of one day for every two days served. When two or more consecutive sentences are to be served, the aggregate of the several sentences is the basis upon which good conduct credits must be computed. . . .
(E) Any person who has served the term of imprisonment for which he has been sentenced less deductions allowed for good conduct is considered upon release to have served the entire term for which he was sentenced unless the person is required to complete a community supervision program pursuant to Section 24-21-560. If the person is required to complete a community supervision program, he must complete his sentence as provided in Section 24-21-560 prior to discharge from the criminal justice system.

Appellant filed her appeal on Wednesday, March 30, 2011, and her undersigned counsel immediately began efforts to secure her release under Appellate Rule 246 (a), and the statutes cited therein. He was faced with undue delay and Columbia Municipal Court Judge Hanna did not hold a hearing until Wednesday, April 6, 2011, a full week after Appellant's counsel began his efforts to have a judge set bail. The appeal bond was not

signed by Judge Hanna until the late afternoon of April 11, preventing the release of Appellant from jail until April 12.

Columbia Municipal Judge Hanna did not sign the release order until Appellant had served her full sentence with good time credits and work credits as shown above. This was clear retaliation for nothing other than Appellant having exercised her right to appeal. That is prohibited by *North Carolina v. Pearce,* 395 U.S. 711 (1969). Further, the conditions are onerous.

First, the cash bond of one thousand dollars is excessive considering that Columbia's Municipal Court is already holding *another* $1,500 (one-thousand-five-hundred dollar) cash bond from Appellant's arrest on December 2, 2009, on two alleged charged of harassment in the first degree. Appellant was tried in General Sessions court in February 2010 on one of those charges and the jury deadlocked, resulting in a mistrial. Six months later, the Prosecution reduced the charges to harassment in the second degree and remanded them to Columbia's Municipal Court, which has still failed to try them despite Appellant's repeated invocation of her speedy trial rights.

The December 2, 2009, arrest is significant in that, as a condition of that bond, Columbia's Municipal Judge Burns insisted on mental evaluation of Appellant. Appellant was then found to not be a risk to herself or to other and to not suffer from any mental illness by the independent psychiatric unit of the Palmetto Health Richland Hospital. Further, after the Prosecution failed to secure a conviction, it moved for yet another mental evaluation of Appellant. Then Chief-General-Sessions Administrative Judge G. Thomas Cooper, Jr., heard the motion and issued a two-page order essentially finding Appellant annoying but not suffering from any mental illness so as to prevent her from representing herself.

The third significance of this arrest to the case here is that Municipal Judge Burns found Appellant to not be a flight risk as did Circuit Judge James. Indeed, when facing longer terms from the harassment charges, Appellant did not prove to be a flight risk, but doggedly stayed and tried her own case, resulting in a hung jury, and there has been no retrial.

Columbia Municipal Judge Hanna had absolutely no basis to think Appellant a flight risk. Nor does a municipal court have any authority over someone's passport. Indeed, a passport does not belong to its carrier but to the issuing government. It is a letter from one national government to another. Please see, *e.g., Haig v. Agee,* 453 U.S. 280 (1980). Appellant argues requiring her to surrender her Egyptian passport to other than her own government would force her to commit a crime against Egyptian law. Please see, *e.g., Societe Internationale v. Rogers,* 357 U.S. 197 (1958).

And not only has Appellant been mentally evaluated several times in the course of the allegations against her, Columbia Municipal Judge Hanna did not make the mandatory due-process finding of clear and convincing evidence required by *Addington v. Texas,* 441 U.S. 418 (1981), and did not document any professional credentials for making a determination that this Defendant needed "regular" psychiatric treatment.

In sum, Appellant had served her full sentence with the mandatory good time credits which she had not forfeited because she had no disciplinary infractions whatsoever while detained. The conditions imposed on Appellant are as onerous as they are erroneous and clearly retaliatory and wasteful of public resources. It was all taken in retaliation for Appellant's appeal and the retaliation is evidenced by the delay in the signing of the release order and by the retroactive direction to revoke Appellant's good-time credits, all of which was outside Columbia Municipal Judge Hanna's jurisdiction.

The U.S. Supreme Court clearly indicates that a judge whose feelings are offended by an alleged contemnor should not be involved in trying and sentencing her for contempt. Columbia Municipal Court Judge Hanna's conduct against Appellant proves that the court was biased.

WHEREFORE, Appellant prays this Court to declare her sentence fully served and relieve her of all the appeal bond conditions and order the appeal bond be refunded, and that pending this appeal, the bond conditions should be stayed as grossly suspect and unconstitutional.

Orin G. Briggs
Attorney for Appellant
P. O. Box 85085
Lexington, SC 29073
803/957-4383
e-m: ogb-atty@sc.rr.com

May 5, 2011

Orin G. Briggs
Attorney for Appellant
P. O. Box 85085
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803/957-4383
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May 5, 2011

APPEAL TO CIRCUIT COURT
RICHLAND COUNTY FROM
CITY OF COLUMBIA MUNICIPAL COURT

Marion Hanna, Municipal Judge

CERTIFICATE OF SERVICE OF
MOTION TO STAY BOND CONDITIONS

RICHLAND COUNTY
FILED
2011 MAY -5 PM 3:03
JEANETTE W. McBRIDE
C.C.P. & G.S.

CITY OF COLUMBIA,

VS.

MARIE ASSA'AD-FALTAS, MD, MPH

2011-CP-40-2111
(Criminal contempt of court)

Defendant.

The undersigned certifies that the City representatives were served a copy of the Motion to Stay Bond Conditions Pending Appeal this day by U. S. Mail at the below listed addresses:

Clerk of Court
City of Columbia
811 Washington Street
Columbia, SC 29201

David Fernandez
Assistant City Attorney
City of Columbia
P. O. Box 667
Columbia, SC 29201

Orin G. Briggs

May 5, 2011

Marie Assa'ad-Faltas, MD, MPH
P.O. Box 9115, Columbia, SC 29290
Cell Phone (330) 232-4164
e-mail: Marie_Faltas@hotmail.com

21 April 2011

Columbia Area Mental Health Clinic by hand delivery

Re: **Request for Evaluation and Report**

Dear Colleagues:

I have been previously seen and evaluated by Ms. Alison Norville and Dr. Sobti. Please see attachments. I have tried to locate either or both of them but with no success since the office moved from the location where they had seen me on Monday, 7 December 2009. Please schedule for me an appointment with either or both of them or their replacement(s), if any, as soon as possible.

The papers attached hereto are:

1. Disposition letters showing that since 1999 the City of Columbia prosecuted me on seven different charges and I was convicted on **none** of them. **Only in the past six months** did I have four convictions in the City of Columbia's own Municipal Court (CMC): one for "front-yard parking" and three for contempt of court by the same CMC "Judge" Hanna who insists I am mentally ill. All four convictions are under appeal. I presume CMC "Judge" Hanna thinks I am mentally ill because I think that someone who thinks so little of me should not be my prosecutor, judge and executioner.
2. Two orders from from then-Chief Administrative General Sessions Judge G. Thomas Cooper, Jr.
3. Psychologists' and Psychiatrist's reports from December 2009 finding no mental illness in me.
4. The City of Columbia's motion to its own court to hold me in contempt with exhibits.
5. My written written response to the motion and later appeal.
6. CMC "Judge" Hanna's retaliation by revoking my good time credits without jurisdiction.
7. Tape of the 28 March 2011 hearing before CMC "Judge" Hanna.

Respectfully and Gratefully Yours, **Marie Assa'ad-Faltas, MD, MPH**

c.c.: (with or without attachments as appropriate)

1. **Mr. Orin Briggs**
2. **Relevant courts**
3. **Others as relevant and appropriate.**

CITY OF COLUMBIA
SOUTH CAROLINA
MUNICIPAL COURT / P.O. BOX 644 / COLUMBIA, S.C. 29202 / 803 / 545-3150 FAX 803 / 733-8433

LETTER OF DISPOSITION

Defendant's Name: Marie **Faltas**

Race: W Sex: F DOB: 04/04/1953

Warrant/Ticket Number: G-170523

Violation Date: 05/07/1999

Charge: Disorderly Conduct

Disposition of Case: Nolle Prosequi

Sentence: N/A

Condition(s): N/A

Court Date: 10/15/1999

Session: 0008

Page: 13

Line: 07

Honorable Judge **Dennis** presiding at the hearing

CERTIFIED TRUE COPY

Kirbie J. Ishmal/Staff Assistant

Date OCT 18 2010

"EVERYBODY COUNTS. EVERYBODY CONTRIBUTES. EVERYBODY BENEFITS."

CITY OF COLUMBIA
SOUTH CAROLINA
MUNICIPAL COURT / P.O. BOX 644 / COLUMBIA, S.C. 29202 / 803 / 545-3150 FAX 803 / 733-8433

LETTER OF DISPOSITION

Defendant's Name: Marie Faltas

Race: W Sex: F DOB: 05/04/1953

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Page: 13

Line: 07

Honorable **Judge Dennis** presiding at the hearing

CERTIFIED TRUE COPY

Kirbie J. Ishmal/Staff Assistant

Date JAN 18 2011

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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

LETTER OF DISPOSITION

Defendant's Name: Maria T. Assaad-Faltas

Race: O Sex: F DOB: 04/04/1953

Warrant/Ticket Number: H-086350

Violation Date: 11/06/2001

Charge: Malicious Injury to Personal Property

Disposition of Case: Nolle Prosequi

Sentence: N/A

Condition(s): N/A

Court Date: 04/01/2002

Session: 0008

Page: 03

Line: 04

Honorable **Judge Dennis** presiding at the hearing

CERTIFIED TRUE COPY

Kirbie J. Ishmal/Staff Assistant

Date JAN 18 2011

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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

LETTER OF DISPOSITION

Defendant's Name: Marie Assaad-Faltas

Race: W Sex: F DOB: 04/04/1953

Warrant/Ticket Number: H-086349

Violation Date: 11/06/2001

Charge: Shoplifting U/$1,000.00

Disposition of Case: Nolle Prosequi

Sentence: N/A

Condition(s): N/A

Court Date: 04/01/2002

Session: 0008

Page: 03

Line: 03

Honorable Judge **Dennis** presiding at the hearing

CERTIFIED TRUE COPY

Kirbie J. Ishmal/Staff Assistant

Date OCT 18 2010

"EVERYBODY COUNTS. EVERYBODY CONTRIBUTES. EVERYBODY BENEFITS."

CITY OF COLUMBIA
SOUTH CAROLINA
MUNICIPAL COURT / P.O. BOX 644 / COLUMBIA, S.C. 29202 / 803 / 545-3150 FAX 803 / 733-8433

LETTER OF DISPOSITION

Defendant's Name: Maria Faltas

Race: O Sex: F DOB: 04/04/1953

Warrant/Ticket Number: H-086349

Violation Date: 11/06/2001

Charge: Shoplifting U/1,000.00

Disposition of Case: Nolle Prosequi

Sentence: N/A

Condition(s): N/A

Court Date: 02/29/2008

Session: 0001

Page: 05

Line: 13

Honorable **Judge Dennis** presiding at the hearing

CERTIFIED TRUE COPY

Kirbie J. Ishmal/Staff Assistant

Date JAN 18 2011

CITY OF COLUMBIA
SOUTH CAROLINA
MUNICIPAL COURT / P.O. BOX 644 / COLUMBIA, S.C. 29202 / 803 / 545-3150 FAX 803 / 733-8433

LETTER OF DISPOSITION

Defendant's Name: Maria Assaad-Faltas

Race: W Sex: F DOB: 04/04/1953

Warrant/Ticket Number: 018766CL; 018767CL

Violation Date: 08/27/2003

Charge: Disregarding a Traffic Signal, Failure to Change Address on DL

Disposition of Case: Not Guilty, Nolle Prosequi

Sentence: N/A

Condition(s): N/A

Court Date: 03/05/2004

Session: 0800

Page: 17

Line: 01 and 02

Honorable **Judge Dennis** presiding at the hearing

CERTIFIED TRUE COPY

Kirbie J. Ishmal/Staff Assistant

Date JAN 18 2011

"EVERYBODY COUNTS. EVERYBODY CONTRIBUTES. EVERYBODY BENEFITS."

CITY OF COLUMBIA
SOUTH CAROLINA
MUNICIPAL COURT / P.O. BOX 644 / COLUMBIA, S.C. 29202 / 803 / 545-3150 FAX 803 / 733-8433

LETTER OF DISPOSITION

Defendant's Name: Maria Theresa Assa AD

Race: Sex: DOB: //19

Warrant/Ticket Number: 6029

Violation Date: 09/13/2007

Charge: Materials to be removed by Occupant

Disposition of Case: Dismissed

Sentence: N/A

Condition(s): N/A

Court Date: 09/24/2007

Session: 0001

Page: 01

Line: 08

Honorable **Judge Burns** presiding at the hearing

CERTIFIED TRUE COPY

Kirbie J. Ishmal/Staff Assistant

Date FEB 18 2011

"EVERYBODY COUNTS. EVERYBODY CONTRIBUTES. EVERYBODY BENEFITS."

CITY OF COLUMBIA
SOUTH CAROLINA
MUNICIPAL COURT / P.O. BOX 644 / COLUMBIA, S.C. 29202 / 803 / 545-3150 FAX 803 / 733-8433

LETTER OF DISPOSITION

Defendant's Name: Marie **Assaad- Faltas**

Race: W Sex: F DOB: 04/04/1953

Warrant/Ticket Number: K-613866

Violation Date: 12/12/2009

Charge: Unlawful Use of Telephone

Disposition of Case: Nolle Prosequi

Sentence: N/A

Condition(s): N/A

Court Date: 10/06/2010

Session: 0800

Page: 09

Line: 11

Honorable Judge **Hanna** presiding at the hearing

CERTIFIED TRUE COPY

Kirbie J. Ishmal/Staff Assistant

Date OCT 18 2010

"EVERYBODY COUNTS. EVERYBODY CONTRIBUTES. EVERYBODY BENEFITS."

DEC 16 2009

Columbia Area Mental Health Center
Emergency Services Narrative

Location Code 140 Office 25 Date 12/7/09 Time 12:50 AM/PM
Record Status: None ___ SCO ___ Open ___ Closed ___ CID# 10195007

Last Name: Assaad-Faltas First: Marie MI: ___ Suffix: ___
DOB: 4/4/53 Age: 56 SS#: 241410682 Gender: M/F Race: ___
Accompanied by: ___ Relationship: ___
Prior Treatment (inpatient & outpatient) ___ BPH, ___ MV, ___ Hall, ___ RS, ___ Baptist, ___ Three Rivers, ___ VA, ___ LRADAC, ___ CAMHC, ___ Lex MHC, ✓ Other Alvin S Glenn Date of last service ~~Aug~~ 12/09

Presenting Problem/Pertinent Clinical Information/Initial Assessment:

Pt is a 56 yo Cauc female of Egyptian ethnicity is seen today under court order from Alvin S. Glenn Detention Center. She is bright/articulate a+O to all spheres. She is adamant that she is the one defending herself from her landlords and conspiracy ☐ tenants to run her off. She explains that she is planning on building a solar house and the landlords have an illegal drainage line cutting across her property. The original complaint being ☐ her being "loud" & "rowdy" is a tenant paying $108+ more than others for rent with exactly same apartment. Now she is accused of stalking and harassment (see att pwrt (2 cards) & search warrant. She denies being paranoid ideation & denies having 145 legal filings and states that she was taking pictures only at the apartment building to document harassment she was enduring. She claims that tenants would intentionally smoke directly under her balcony as if it was purposely to bother her.

Flat/affect appropriate ☐ irritability
Evidence of psychosis ☐ AV hallucinations
☐ SI ☐ HI ☐ agitated ☐ sleep disturbance (pt sitting in jail x 2 days). ☐ history of mental illness reported ☐ mania ☐ major depression
Hx of suicidal thinking. Denies OCD symptoms and MD ☐ narcissism. Hx of practicing in preventive med as sister contacted - refuses to provide any info besides admitting that she is her sister.

- She denies that her license was taken. Has not practice since 1998

Prefers to be seen vs. coming back - fearful could be trouble for her.

THIS IS PRIVILEGED INFORMATION TAKEN FROM THE PATIENT'S MEDICAL RECORD. IT SHALL BE KEPT CONFIDENTIAL AND SHALL NOT BE DISCLOSED BY ANY PERSON EXCEPT UNDER THE CONDITIONS OUTLINED UNDER SECTION 44-22-100, AS AMENDED.

Name/CID# Maria Assa'ad-Faltas

Medical problems (including allergies, pregnancy) PTU (propyl Mucinex hypothyroidism, iatrogenic hypoparathyroidism => hypocalcemia, systemic hypertension, systemic hypertension, pulmonary hypertension, bicuspid aortic valve, congestive heart failure, large calcified myomas, bilateral superficial

All Medications and Dosage: Synthroid 1 mg Sunday, 1 mg, 200 mcg Monday Calcium pm

Substance Use: denies

Legal Status: pending conservatorship

Diagnostic Impression (code & name, list all that apply):

1: Code ____, R/O Delusional D/O 2: Code ____, ____

3: Code ____, ____; 4: Code ____, ____

GAF Score: 75

Disposition: Sec MD

THIS IS PRIVILEGED INFORMATION TAKEN FROM THE PATIENT'S MEDICAL RECORD. IT SHALL BE KEPT CONFIDENTIAL AND SHALL NOT BE DISCLOSED BY ANY PERSON EXCEPT UNDER THE CONDITIONS OUTLINED UNDER SECTION 44-22-100, AS AMENDED.

BILLING INFORMATION

Place of Service: Emergency Services

(H002) Assessment-MHP Bill Time 60 Service Time 75

(H001-0) Crisis Intervention - Office, Bill Time ____, Service Time ____

(H001-T) Crisis Intervention - Telephone, Bill Time ____, Service Time ____

(H031) TCM or (H032) Concurrent Case Management Bill Time ____, Service Time ____

Charge Services To: ✓ Self, ____ Medicaid, ____ Medicare, ____ Insurance, ____ NC

Emergency Codes: ✓ Normal Hours Emergency

Presenting Problem Codes:

- ✓ (0) Psychiatric
- ____ (1) Substance
- ____ (2) Psych/Substance
- ____ (3) Psych/MR
- ____ (4) Psych/Sub/MR
- ____ (5) Substance/MR
- ____ (6) Other

Staff Signature: Alison Manville Staff ID# 1354

Printed Name: Alison Manville Date: 12/7/09

PHYSICIAN'S MEDICATION ORDERS AND SERVICE NOTES

PATIENT'S NAME AND I.D.# Mazzie Assad Failas #10195007

a. MEDICATIONS PRESCRIBED THIS VISIT BY CENTER PHYSICIAN NAME OF MEDICINE, DOSAGE, FREQ. INSTRUCTIONS FOR USE	b. LIST ALL OTHER CURRENT MEDICATIONS AND SUBSTANCES (CENTER& NON-CENTER). May reference Medication log.
	c. ☐ No AIMS Noted ☐ AIMS Noted by MD (please describe in PMA Note below)

d. PHYSICIAN ASSESSMENT/INTERVENTION(For initial PMA list pertinent medical disorders; document review of MHP assessment; allergies; mental status exam to include pertinent positive & negative findings, danger to self or others, abnormal movements. Continue on back if needed).

56 yr. Egyptian origin, Christian, was here at Municipal Court-judge Burns ordered. mental health examinat to r/o major mental illness. as pt was arrested on assault & battery charges, due to on going Conflict with apartment owner. Apartment owners claim pt. being intrusive, harasses other tenants takes photos, makes phone calls to different agencies on their behalf posing as apartment owner.

Patient reports on going discrimination, harassment by apartment owners. Pt. was able to provide logical plausible explaination in response to every notice given by apartment owner. During the session patient was calm cooperative, maintained good eye contact, somewhat anxious about law suit & embarassed about arrest.

Orders & Name of staff responsible for follow up. Number orders: by Current

Continue on back if needed

Ck. box Corresponding to order#

1 ☐ Ck. when completed & initials of person completing order _____

2. ☐ Ck. when completed & initials of person completing order _____

3. ☐ Ck. when completed & initials of person completing order _____

e. SIGNATURE AND DATE Aleeza. Solli-MD 12/09/09 (Current)

THIS IS PRIVILEGED INFORMATION FROM THE PATIENT'S MEDICAL RECORD. IT SHALL BE KEPT CONFIDENTIAL AND SHALL NOT BE DISCLOSED BY ANY PERSON EXCEPT UNDER THE CONDITIONS OUTLINED UNDER SECTION 44-22-100 PMO FORM Orders.wpd

(2)

PHYSICIAN'S MEDICATION ORDERS AND SERVICE NOTES

PATIENT'S NAME AND I.D.# Marie Assad Tallas #10195007

a. MEDICATIONS PRESCRIBED THIS VISIT BY CENTER PHYSICIAN NAME OF MEDICINE, DOSAGE, FREQ. INSTRUCTIONS FOR USE

Pt. admitted calling - got rid of raccoon rabies cases are due to dog bite. She admitted a neighbor who was animal control calls - to as maximum number of raccoon bite - rather than taking pts temperature of -

b. LIST ALL OTHER CURRENT MEDICATIONS AND SUBSTANCES (CENTER& NON-CENTER). May reference Medication log.

c. Appears ☒ No AIMS Noted himself -.

☐ AIMS Noted by MD (please describe in PMA Note below)

d. PHYSICIAN ASSESSMENT/INTERVENTION(For initial PMA list pertinent medical disorders; document review of MHP assessment; allergies; mental status exam to include pertinent positive & negative findings, danger to self or others, abnormal movements. Continue on back if needed).

Her (M) lives with her sister out of state Dr. Assad - & recently has had G.I. surgery (confirmed by family member). (M) has been helping her financially & did provide her credit card. Pt. too proud to accept help from sisters. (confirmed by family members). Pt. does have her fathers "cards", "wedding" ad some other belongings - In my opinion she is at a way to work thru grief.

Orders & Name of staff responsible for follow up. Number orders: No family type psychiatrist.

After review all info available and extended session with pt. it seems Dr. Assad has had some difficulty in adjusting socially though highly intelligent & versatile, And in the past she has been able to resolve.

Continue on back if needed

Ck. box Corresponding to order#

1 ☐ Ck. when completed & initials of person completing order _____

2. ☐ Ck. when completed & initials of person completing order _____

3. ☐ Ck. when completed & initials of person completing order _____

e. SIGNATURE AND DATE

Deepa Sirah-Cruz 12/07/09

(2)

THIS IS PRIVILEGED INFORMATION TAKEN FROM THE PATIENT'S MEDICAL RECORD. IT SHALL BE KEPT CONFIDENTIAL AND SHALL NOT BE DISCLOSED BY ANY PERSON EXCEPT UNDER THE CONDITIONS OUTLINED UNDER SECTION 44-22-100, AS AMENDED.

Orders & Name of staff responsible for follow up. Number orders:

Her affect was full range, denied any hx. of - auditory / visual hallucinating Pt. was articulate, well spoken she denied any intentions of hurting self or anyone else. Denies previous mental health No hx of Pt in chart or legal hx. Pt. denied paranoia She did admit hx. of - at least 15 lawsuits (in the past) against various agencies and she won / or was compensated more than 1/3rd of - lawsuits. She won lawsuit against immigration department, walmart previous apartment owners, she represents herself and was able to prove discrimination.

Ck. box corresponding to order #

4. ☐ Ck. when complete, initials of person completing order_____
5. ☐ Ck. when completed & initials of person completing order_____
6. ☐ Ck. when completed & initials of person completing order_____
7. ☐ Ck. when completed & initials of person completing order_____
8. ☐ Ck. when completed & initials of person completing order_____

Note continuation (initial and date this entry).

She does hold a valid license to practice medicine in State of Virginia (Verified) and has valid D.E.A #, has masters in Preventive medicine & public health. She came to United States on "Full Bright Scholarship."

She is very much interested in nuclear engineering and as per pt she is in the process of - getting patent on self cooling solar home. (Verified by family member. She does have blue print & has applied for patent.)

As per pt. She worked for School of - medicine but quit due to ill health.

Pt. had keen sense of - fairness & unfairness (black or white) did not appear to be delusional / narcissistic but takes extreme pride in her Origin and family.

(Keeps Scholarship used

THIS IS PRIVILEGED INFORMATION TAKEN FROM THE PATIENT'S MEDICAL RECORD. IT SHALL BE KEPT CONFIDENTIAL AND SHALL NOT BE DISCLOSED BY ANY PERSON EXCEPT UNDER THE CONDITIONS OUTLINED UNDER SECTION 37.2-804, AS AMENDED.

Marie Assael Kallas

Orders & Name of staff responsible for follow up. Number orders:

Ck. box corresponding to order #

4. ☐ Ck. when complete, initials of person completing order_____

5. ☐ Ck. when completed & initials of person completing order_____

6. ☐ Ck. when completed & initials of person completing order_____

7. ☐ Ck. when completed & initials of person completing order_____

8. ☐ Ck. when completed & initials of person completing order_____

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Note continuation (initial and date this entry).

Captures true legal System by herself—
There can be some underlying personality
d/o big discrimination (what is not to be totally
base-less) based upon her current & past appearance's
Pt. does not seem to be Threat
to Self or Others physically.

Dx :- Adjustment d/o c anxiety and depression.
- R/o Bipolar d/o type II very lightening
(Pt does NOT. meet all criteria at this point.

II R/o Mixed personality d/o issues
III Asthma, thyroidectomy / parathyroidectomy
H.T.N., TB, CHF, Laryngeal N neuropathy.
IV 58.

Plan: needs Supportive therapy at this point.

Deepa Solanki MD . 12/07/09.

noted
D Williams, RN 12/7/09 11:20

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

IN THE COURT OF GENERAL SESSIONS
FIFTH JUDICIAL CIRCUIT

RICHLAND COUNTY
FILED
2010 APR -1 AM 10: 56
JEANETTE W. McBRIDE
C.C.P. & G.S.

IN RE:)
)
MARIE ASSA'AD FALTAS, MD, MPH)

ORDER

In recent months, this Court has become acutely aware of the erratic and inappropriate behavior of Marie Assa'ad Faltas, MD, MPH, a criminal Defendant in this Court.

Dr. Faltas is on bond and was indicted on January 14, 2010, for two (2) counts of Harassment 1st Degree. Dr. Faltas intensely believes she is not guilty of these charges. Because Dr. Faltas has chosen to act *pro se* and represent herself, this Court, pursuant to her motion, appointed stand-by counsel, Public Defender Mark Sawyer, to assist Dr. Faltas in procedural matters relating to her defense. Because Dr. Faltas has chosen to represent herself, she also believes she has unfettered access to the Richland County Courthouse, judges, clerks, solicitors and other officers of the Court in relation to her criminal charges.

Because of Dr. Faltas' excessive filing of motions and demands for immediate hearings by court officials (Exhibit A), this Court reluctantly made an exception to the Administrative Order in place for the disposition of criminal cases by assigning her case to a visiting judge and assigning the week of February 22, 2010 for the expedited trial of her cases. The Honorable Clifton Newman conducted the week-long trial which ended in a mistrial at 11:00 PM on Friday, February 26. Within a week of her mistrial, Dr. Faltas resumed filing motions in her criminal case and continued to demand "urgent" hearings.

This Court has conducted numerous interviews with courthouse security personnel, the Fifth Judicial Circuit Solicitor's office, the Clerk of Court's office and my own office staff. I find

that Dr. Faltas is in the Richland County Courthouse on an almost daily basis, that she is insulting and demanding to personnel in the Clerk of Court's office, that she is a constant irritant to the Solicitor's office, that she has been banned from the Solicitor's office for disruptive behavior and has had to be escorted from that office by law enforcement, that she has harassed individual solicitors by following them around the courthouse, that she constantly calls the office of the undersigned to the point that I have had to post her phone numbers on office phones with instructions to my staff not to answer incoming calls from her numbers, that she appears in courtrooms and attempts to have *ex parte* conversations with sitting judges involved in other cases, and that the security forces at the Richland County Courthouse have advised the undersigned that Dr. Faltas is a constant nuisance to the orderly oversight of activity in a very busy courthouse. Even the Public Defender's office has to deal with Dr. Faltas loitering at or near the entrance to that office.

It is fair to say that no other criminal defendant in Richland County has been treated with such consideration as Dr. Faltas. In response, Dr. Faltas has treated this Court and courthouse personnel with rudeness, incivility and constant harassment.

This Court respects the right of every citizen 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, or disruptive behavior within the walls or curtilage of any courthouse. The peoples' business must be conducted in an orderly and unencumbered manner. Dr. Faltas has created an obstruction to this process.

Now, therefore, by the power vested in me as Chief Administrative Judge for the Fifth Judicial Circuit, and with the consent and support of the Richland County Clerk of Court, the Fifth Judicial Circuit Solicitor's Office, Region 5 of the Richland County Sheriff's Office,

MARIE ASSA'AD FALTAS IS HEREBY RESTRICTED FROM ENTERING OR COMING ABOUT THE RICHLAND COUNTY COURTHOUSE OR PERSONS EMPLOYED THEREIN, EXCEPT ONLY FOR SCHEDULED COURT APPEARANCES OR FOR THE PURPOSE OF FILING DOCUMENTS AT THE SECOND FLOOR OFFICES OF THE RICHLAND COUNTY CLERK OF COURT RELATED TO HER NUMEROUS CRIMINAL AND CIVIL CASES BETWEEN THE HOURS Of 2:00 PM TO 4:00 PM. SHE IS FURTHER RESTRAINED FROM MAKING OR ATTEMPTING TO MAKE *EX PARTE* COMMUNICATIONS WITH JUDGES AND THEIR STAFF, SOLICITORS AND THEIR STAFF, OR COURT PERSONNEL OF THE RICHLAND COUNTY CLERK OF COURT'S OFFICE.

AND IT IS SO ORDERED!

G. THOMAS COOPER, JR.
Administrative Judge for General Sessions
Fifth Judicial Circuit

Columbia, South Carolina

March 31, 2010

I CONCUR:

JAMES R. BARBER
Administrative Judge for Common Pleas
Fifth Judicial Circuit

VIOLATION OF THIS ORDER SHALL CONSTITUTE PRIMA FACIA EVIDENCE OF CONTEMPT OF COURT PUNISHABLE BY FINE OR IMPRISONMENT.

EXHIBIT A

I. Pre-Trial Motions and Filings

- **December 11, 2009:** Motion to Convert Current Bond to Unconditional Personal Recognizance Bond in K-613792 and K-613793
- **December 21, 2009:** Letter to Judge Burns regarding "My Demand for an Immediate Preliminary Hearing and for Immediate Return of my Mother's and y Property Wrongly Confiscated Under False Pretext of Two Search Warrants"
- **December 22, 2009:** Emergency Motion to Suppress the Arest (sic) and Search Warrants as Violative of the Fourth, Fifth, Eighth and Fourteenth Amendments to the U.S. Consituttion (sic) and as Violative of SC Constitution and Laws and to Immediately Return to Defendant All Items Seized from her Apartment and her Car on 2 December 2009 or, in the Alternative, to Compel the Prosecution to Release to Defendant a Copy of All the Items Seized Before her Preliminary Hearing Set for 6 January 2009
- **December 22, 2009:** Letter to Judge Childs regarding motion schedule and need for stand-by counsel
- **December 28, 2009:** Letter to Judge Childs regarding motion
- **December 28, 2009:** Notice of Filing a Partial Hand-Written Exculpatory Transcript
- **December 29, 2009:** Defendant's Motion for the Honorable Judge James to Reconsider his Partial Denial of her Motion to Convert her Current Bond to Unconditional Personal Recognizance Bond in K-613792 and K-613793
- **December 29, 2009:** Defendant's Notice of a Relevant Order by the Honorable Judge Lee in a Relevant Civil Case and Request for the Solicito (sic) to Re-Examine K-613792 and K-613793 in Light of the Honorable Judge Lee's Findings of Fact in the Civil Case
- **January 10, 2010:** Letter to Judge Lee and Judge James regarding her case generally
- **January 11, 2010:** Amended letter to Judge Lee and Judge James
- **January 14, 2010:** Defendant's Motion for Chief Administrative Circuit Judge Cooper to Reconsider the Unfavorable Rulings He Made Against Dr. Assa'ad-Faltas in the 11 January 2010 Hearing and Citations of Settled Law and Undisputed Facts in Support of this Motion and of the Relief Dr. Assa'ad-Faltas Sought By Way of Written and Oral Motions in that Hearing

- **January 15, 2010:** Defendant's Urugent (sic) Motion for the Honorable Judge Lee to Allow Dr. Assa'ad-Faltas to Return to her Apartment for the Long Weekend on a Trial Basis and for the Results to be Reported to All Judges Hearing Any Matter Concerning Dr. Asaa'ad-Faltas (sic) on One Side and Dinah Steele, Larry Mason, and/or Teresa Ingram on the Other
- **January 20, 2010:** Dr. Assa'ad-Faltas' Notice of Filing a Hand-Written Accurate Transcript of the Testimony of the Plaintiffs Before the Lykesland Magistrate in the 10 November 2009 Temporary Restraining Order Hearing
- **January 20, 2010:** Dr. Assa'ad-Faltas' Notice of Filing the Complete But Condensed Official Transcript of the 6 January 2010 Preliminary Hearing in Columbia Municipal Court Because it is Relevant to Each of the Above-Identified Fourt (sic) Cases
- **January 20, 2010:** Dr. Assa'ad-Faltas' Memorandum of Law and Facts in Strong Opposition to Private Attorney Delaney's Motion for the Honorable Judge Lee to Reconsider Her Honor's Correct and Corageous (sic) Findings of Fact for Preliminary Injunction, in Strong Opposition to Assistant Solicitor Weiss' Motion to Dismiss Habeas Petition and in Support of the Argument that the Challenged Statutes are Unconstitutional on their Face and as Applied to Dr. Assa'ad-Faltas, an Insular Minority
- **January 22, 2010:** First Supplement to: Dr. Assa'ad-Faltas' Memorandum of Law and Facts in Strong Opposition to Mr. Delaney's Motion for the Honorable Judge Lee to Reconsider Her Honor's Correct and Corageous (sic) Findings of Fact for Preliminary Injunction, in Strong Opposition to Ms. Weiss' Motion to Dismiss Habeas Petition, and in Demonstration that the Challenged Statutes are Unconstitutional on their Face and as Applied to Dr. Assa'ad-Faltas, an Insular Minority
- **January 25, 2010:** Second Supplement to: Dr. Assa'ad-Faltas' Memorandum of Law and Facts in Strong Opposition to Mr. Delaney's Motion for the Honorable Judge Lee to Reconsider Her Honor's Correct and Corageous (sic) Findings of Fact for Preliminary Injunction, in Strong Opposition to Ms. Weiss' Motion to Dismiss Habeas Petition, and in Demonstration that the Challenged Statutes are Unconstitutional on their Face and as Applied to Dr. Assa'ad-Faltas, an Insular Minority
- **January 25, 2010:** Third Supplement to: Dr. Assa'ad-Faltas' Memorandum of Law and Facts in Strong Opposition to Mr. Delaney's Motion for the Honorable Judge Lee to

Reconsider Her Honor's Correct and Corageous (sic) Findings of Fact for Preliminary Injunction, in Strong Opposition to Ms. Weiss' Motion to Dismiss Habeas Petition, and in Demonstration that the Challenged Statutes are Unconstitutional on their Face and as Applied to Dr. Assa'ad-Faltas, an Insular Minority

- **January 26, 2010:** Dr. Assa'ad-Faltas' Urgent Motion and Supporting Memorandum of Law and Facts to Quash the Above-Captioned Two Indictments Because they were Obtained with Perjury, Fabrication, and Intentional and Reckless Suppression of Evidence Favorable to Defendant and in Demonstration that the Challenged Statutes are Unconstitutional on their Face and as Applied to Dr. Assa'ad-Faltas, an Insular Minority
- **January 29, 2010:** Appelant's (sic) Emergency Motion for the Honorable Chief Judge of this Court to Immediately Order the Relief Requested and to Assign the Honorable Judge Anderson or Judge Thomas W. Cooper to Administer the Criminal Case in the Circuit Court
- **January 29, 2010:** Urgent letter to Judges Barber, Cooper, Lee, and Childs regarding "Recent Events"
- **February 4, 2010:** Defendant's Summary of Facts and Offers of Proof in Further Support of her Motions: 1) to Quash the Indictment and 2) for an Immediate Franks Hearing
- **February 8, 2010:** Supplement to Defendant's Motion to Quash the Indictments
- **February 8, 2010:** Defendant's Emergency Motion to Recuse Assistant Solicitor Weiss Because Weiss has Made Herself a Witness to this Case and has Conspired at the Purported Investigative Stage to Frame Defendant
- **February 9, 2010:** Defendant's Urgent Motion to Compel Discovery and for the Motion to be Heard Immediately to Allow her Enough Time Before the Franks Hearing and Trial Scheduled for 22 February 2010
- **February 9, 2010:** Defendant's Urgent Motion to Prohibit the Prosecution from Talking in Defendant's Absence to Defendant's Standby Counsel or to Any Other Attorney who Ever Represented Defendant in the Past in This Matter or in Any Other Matter
- **February 10, 2010:** Letter to Judges Barber, Cooper, Lee, and Childs regarding "Recent Events"

- **February 11, 2010:** Defendant's Urgent Motion to Substitute Mark Sawyer as her Standby Lawyer for Another Lawyer from the Private Bar and to Recuse Heather Savitz Weiss Because she is Using her Office to Punish Dr. Assa'ad-Faltas for her having Questioned SC's Insurance Reserve Fund Scheme from which Heather's Father, Stephen T. Savitz, Profits
- **February 18, 2010:** Defendant's Motion to to (sic) Dismiss with Prejudice for Prosecutorial Misconduct Combined with Further Supplement to her Motion to Quash the Indictments

II. Motions Filed During Trial

- **February 22, 2010:** Additional Facts in Further Support of Defendant's Motion to to (sic) Dismiss with Prejudice for Prosecutorial Misconduct Combined with Further Supplement to her Motion to Quash the Indictments
- **February 22, 2010:** Additional Citations of Authority in Further Support of Defendant's Motion to to (sic) Dismiss with Prejudice for Prosecutorial Misconduct Combined with Further Supplement to her Motion to Quash the Indictments
- **February 23, 2010:** Amended Additional Citations of Authority in Further Support of Defendant's Motion to to (sic) Dismiss with Prejudice for Prosecutorial Misconduct Combined with Further Supplement to her Motion to Quash the Indictments
- **February 23, 2010:** Supplement to Defendant's Summary of Facts and Offers of Proof in Support of her Motions: 1) to Quash the Indictment and 2) for an Immediate Franks Hearing
- **February 23, 2010:** Defendant's Urgent Motion for the Court to Reconsider its Refusal to Recuse Solicitor Weiss, Specially in Light of the Misrepresentations She Made to the Court and Her Admission to Having Given the Court-Assigned Mental Evaluator of Dr. Assa'ad-Faltas False Statements about Dr. Assa'ad-Faltas, Combined with Defendant's Motion to Inquire Whether the Honorable Judge Newman's Current Law Clerk is Seeking Employment with Any Law Firm which Works for SC's Insurance Reserve Fund from which Heather's Father Profits

III. Post-Trial Motions and Filings

- **March 1, 2010:** Letter to Judge Cooper regarding status of motions
- **March 3, 2010:** Defendant's Urgent Motion to Convert her Bond to an Unconditional Personal Recognizance Bond in Light of the Nullity of Previous Rulings and of the Fraud Upon the Courts Perpetrated by Defendant's False Accusers
- **March 5, 2010:** Letter to Judge Barber regarding status of motions
- **March 8, 2010:** Defendant's Motion for Immediate Dismissal of the Indictments for Prosecutorial Misconduct
- **March 8, 2010:** Defendant's Notice of the Filing of a Document Booklet in Support of her Motion for Immediate Dismissal of the Indictments for Prosecutorial Misconduct
- **March 9, 2010:** Defendant's Amended Notice of the Filing of a Document Booklet in Support of her Motion for Immediate Dismissal of the Indictments for Prosecutorial Misconduct
- **March 23, 2010:** Defendant's Extremely Urgent Motion for an Immediate Hearing and for Referral to the Attorney General or the U.S. Attorney on the Fact Unerlyitn (sic) Defendant's Motion to to (sic) Dismiss with Prejudice for Prosecutorial Misconduct and for Pervasive Fraud Upon the Courts Committed by the Alleged Victims and Witnesses and byt (sic) the City of Columbia, its Attorneys, and its Chief of Police and its Agents
- **March 23, 2010:** Defendant's Motion for the Court En Banc to Reinstate her Appeal and to Allow her to Argue Against Precedent (filed with the S.C. Court of Appeals)

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

The State,)
)
-vs-)
)
Marie Assa'ad Faltas,)
)
Defendant.)

IN THE COURT OF GENERAL SESSIONS
FOR THE FIFTH JUDICIAL CIRCUIT

ORDER

Warrant No. K613792 and K613793
Indictments 2010-GS-40-11980 and 11987

JEANETTE W. McBRIDE
C.C.P. & G.S.
2010 AUG 11 AM 11:35
RICHLAND COUNTY
FILED

This matter comes before me on motion of the State of South Carolina by and on behalf of the Fifth Judicial Circuit solicitor's office for an evaluation for competency of the Defendant, Marie Assa'ad Faltas.

A hearing was conducted by the undersigned pursuant to §44-23-410 of the South Carolina Code of Laws which provides:

> Whenever a judge of the Circuit Court or Family Court has reason to believe that a person on trial before him, charged with the commission of a criminal offense or civil contempt, is not fit to stand trial because the person lacks the capacity to understand the proceedings against him or to assist in his own defense as a result of a lack of mental capacity, the judge shall:
>
> (1) order the examination of the person ....

The State questions both the Defendant's competency to stand trial as well as her ability to represent herself at trial. Counsel for the State argues that pursuant to *Indiana v. Edwards*, 128 S. Ct. 2379, 2387-88 (2008):

> [T]he Constitution permits judges to take realistic account of the particular defendant's mental capacities by asking whether a defendant who seeks to conduct his own defense at trial is mentally competent to do so. That is to say, the Constitution permits States to insist upon representation by counsel for those competent enough to stand trial under *Dusky* but who will suffer from severe mental illness to the point where they are not competent to conduct trial proceedings by themselves. (emphasis added).

Although the hearing consisted primarily of the Defendant's self aggrandizement and accusations of unfairness directed to the Solicitor's office and the Court, it is apparent to the Court that she has an intimate knowledge of court procedures and precedents. Defendant has a history of being litigious. She clearly is aware of the nature of the present prosecution against her, having previously defended herself *pro se* in a previous trial on these same charges which resulted in a mistrial. She has appeared as a *pro se* litigant in numerous other actions in both the appellate courts of this state and federal courts dating back for at least ten (10) years.

Though the Defendant may be disruptive and circumlocutory, I have no indication that she suffers from such a severe mental illness that she is incapable of representing herself at a trial. She may be obstreperous and excitable, she generally is pedantic and pompous, she may try the patience of a trial judge, but she is not so mentally disabled by her perceived neuroses that she is unable to defend herself in a courtroom or present her case to a jury.

"The question of whether to order a competency examination falls within the discretion of the trial judge whose decision will not be overturned on appeal absent a clear showing of an abuse of that discretion." *State v. Burgess,* 356 S.C. 572, 590 S.E.2d 42 (citing *State v. Locklair*, 341 S.C. 352, 535 S.E.2d 420 (2000)).

G. Thomas Cooper, Jr.
Chief Administrative Judge
Fifth Judicial Circuit

August 11, 2010
Columbia, South Carolina

CERTIFIED TRUE COPY
OF ORIGINAL FILED,
C.C.C.P.&G.S.
RICHLAND COUNTY
SOUTH CAROLINA

CITY OF COLUMBIA
SOUTH CAROLINA
OFFICE OF THE CITY ATTORNEY • POST OFFICE BOX 667 • COLUMBIA, SC 29202 • (803) 737-4242 • FAX (803) 737-4250

February 22, 2011

The Honorable Dana D. Turner
City of Columbia Municipal Court
P.O. Box 644
Columbia, SC 29202

RE: City of Columbia v. Marie A. Faltas

Dear Judge Turner:

Please find enclosed with this letter the City of Columbia's Motion for a Rule to Show Cause hearing regarding the above-named Defendant. Please also find four (4) exhibits attached with this motion.

By copy of this letter, the motion and attachments have been provided to the Defendant via U.S. Mail.

If you have any questions or concerns please feel free to contact me. Thank you for your assistance with this matter.

Respectfully,

David A. Fernandez
Assistant City Attorney

DAF/gsp

Enclosure(s) as Stated

cc: Ms. Marie A. Faltas

STATE OF SOUTH CAROLINA	)	IN THE MUNICIPAL COURT
	)	OF THE CITY OF COLUMBIA
COUNTY OF RICHLAND	)	
City of Columbia,	)	Warrant No(s).:
State,	)	
v.	)	**MOTION FOR RULE TO SHOW CAUSE**
Marie Assa'ad Faltas,	)	
Defendant.	)	

TO: MARIE ASSA'AD FALTAS, DEFENDANT:

YOU WILL PLEASE TAKE NOTICE that the undersigned attorney for the City of Columbia ("City") will move before the Municipal Court for the City of Columbia, located at 811 Washington Street, Columbia, SC, 29201, on the tenth (10^{th}) day after service hereof, or at such other time and place as is convenient to the Court and counsel, for a hearing to determine whether or not the Defendant should be held in contempt of court for violating an Order of this Court as set forth more specifically herein below.

The Honorable Judge Marion O. Hanna issued an Order imposing restrictions Defendant's access to the City of Columbia Municipal Court and employees of the City Attorney's Office on October 13, 2010 (attached and included as Exhibit "A"). The Defendant did contact employees of the Office of the City Attorney for the City of Columbia by e-mail correspondence on February 21, 2011, and by telephone on February 22, 2011 (e-mail attached and included as Exhibit "B"). The Order, dated October 13, 2010, states in relevant part that the Defendant is "prohibited from confronting or accosting, whether by phone, email, or in person ... the attorneys and employees of the City Attorney's Office." (see Exhibit "A", page 5). The Order further states, "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." (see Exhibit "A", page 5, 6.)

The City moves that the Court to hold a hearing as to why the above-named Defendant should not be held in contempt of court for direct violation of a Court Order. This motion is based on the October 13, 2010 Order imposing restrictions on the Defendant (see Exhibit "A"), e-mail correspondence from the Defendant (see Exhibit "B") to numerous employees of the Office of the City Attorney, and two affidavits supporting received telephone calls (attached and included as Exhibits "C" and "D"), all in violation of the referenced Court Order.

David A. Fernandez
Office of the City Attorney
Post Office Box 667
Columbia, South Carolina 29202
(803) 737-4242

Attorney for the City of Columbia

February 22, 2011
Columbia, South Carolina



City of Columbia
Municipal Court
811 Washington St.
Columbia, SC 29201

EXHIBIT A

STATE OF SOUTH CAROLINA	)	IN THE MUNICIPAL COURT
COUNTY OF RICHLAND	)	FOR THE CITY OF COLUMBIA

CITY OF COLUMBIA	)	ORDER
	)	
vs.	)	
	)	
MARIE-THERESE ASSA'AD-FALTAS	)	

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.

EXHIBIT B

Fernandez, David A

From: Marie Faltas [marie_faltas@hotmail.com]

Sent: Monday, February 21, 2011 4:36 PM

To: Adel Assaad; Agent Angel Hollis; alice adams; Amber Brazell; Andrew Siegel; Angie R. Brock; Angie Brock; Annie Andrews; Anthony R. Plante; Armand Derfner; Betty Defreese; brenda.bullard@mgclaw.com; C. Rauch Wise; chiefrandyscott; Cindy Coker; Claire Moreno; Clifton E. Weir; Sutton, Cheri M; cook@investigatesc.com; D. J. Bo Barton; Fernandez, David A; Turner, Dana; dwilson@rcsd.net; gunterp@rcgov.us; hbeeson@columbiasc.net; hbuhl@bellsouth.net; hryan@sccid.sc.gov; J. Andrew Delaney; John Clarke Newton; jon Altman; Jonathan McCoy; Joyce Linker; Gaines, Ken; Len Williams; Plaugh, Leona; Marie Faltas; Mark Sawyer; Mark Schnee; Mh Khalil; Ms. Lisa Richburg; Loyd, Shenique; Orin Gail Briggs; Paul Clement; Peter Balthazor; Balthazor, Peter M; Peter Wilborn; Pete Strom; Reggie Lloyd; Rene Ann Tewkesbury; Rhonda McColman; Cooper, Robert; Robert Goings; Robert McKenzie; Sampson, April W.; Father Platanis; Senator Vincent Shaheen; Skip Mitchell; Susan King Dunn; Susan Blue; Susan Dunn; The Honorable Judge Goldsmith; The Honorable Judge James; The Honorable Judge Kinard; The Honorable Judge Lee; The Honorable E J Kinard, Circuit Judge; Tometta Johnson; Tristan Shaffer; gcooperj@sccourts.org; gcooperlc@sccourts.org; gcooperl@sccourts.org; cnewmanj@sccourts.org; cnewmanlc@sccourts.org; childs_ecf@scd.uscourts.gov; dallen@sccourts.org

Subject: Four Subjects:

The first subject is I need someone to explain to me on this President's day in this **black history month** ***what the difference is between blacks allowed to be served only in restricted areas in lunch counters in the 1950s and 1960s on one hand and Dr. Marie Assa'ad-Faltas allowed to be served only in restricted times of the day in Columbia Municipal and Richland County Circuit Courts.***

JUST IN CASE YOU HAVE NOT NOTICED: The world has recently seen Egyptian courage. Soon enough, God willing, the world will see South Carolina's racism and cowardice. ***In fact, U.S. Secretary of State Clinton condemned former President Mubarak for restricting internet access.***

Someone needs to explain to the world and to me what the difference is between supposed Municipal Judge Hanna's restricting my use of e-mails and former President Mubarak's turning off e-mail to squelch criticism.

The two supposed judges who restricted my access to the courts and my free use of e-mail HAVE NO RESPECT FROM ME.

Nor will I continue to respect certain black jurists whom I initially respected but who failed to correct the situation they see.

There is little or no difference between sins of commission and sins of omission.

The second subject is that I have attempted to retain Mr. Buhl for the limited purpose of trying to arrange a meeting between the City of Columbia's legal department and me **in the sole hope of averting what I see a as a slippery slope of Bob Cooper's slide towards conspiring to murder me.**

There was never an attempt and there will never be permission for Mr. Buhl to represent me or negotiate with Boob Cooper or anyone from the City of Columbia's legal department on my behalf. Mr. Buhl failed to arrange such meeting by last week. Therefore, he is no longer retained and does not speak for me in any capacity. His payment was agrred to be contingent on his arranging such meeting within a reasonable time from the day he was retained. Mr. Buhl and I agreed that the reasonable time expires today.

The third subject is that for the fifth time the City of Columbia's Municipal Court gave me an unplayable

CD of a court proceeding involving me even after the same court prevented me from making my own recordings of said proceedings and even after it charged me $5.00 for that CD. When I discovered that and tried to talk to Ms. Pamela Hawkins about it this morning, she told me to call back "after two." When I did so, I was told she is at lunch. **This is Apartheid South Carolina style and it is *a crying shame that it is practiced by black people against first-generation immigrants.***

The fourth subject is that I tried to talk to J. Andrew Delaney about protecting my mother's truck (which is parked in front of Building 304 Byron Road, Columbia, SC 29209 and which has already been vandalized thrice in my absence) from further damage in case his clients put asphalt on the parking lot. I also asked him to ask them to not take any action that would make rerouting the sewer lines difficult. **Further, it appears that again (*as they did in March 2010 until I reported it to Columbia's Zoning Department)* Dinah Steele and Larry Mason are undertaking construction/repair on that property without permit specially that said property is in flood hazard area.**

Because this is urgent and important, it is copied to the City of Columbia's legal department to ensure that no further work is being undertaken without permit. Further, **I am hereby asking Chief Administrative Common Pleas Judge Lee to schedule an immediate hearing for an injunction because it appears that the work being done on 300 and 304 Byron Road is causing excess water drainage into my mother's and my land located adjacently at 324 Byron Road to an extent that is ruining its buildability.**

The fifth subject is that, despite my request for arrangements to access my family's and my belongings located in Apartment 3, at 304 Byron Road, Columbia, SC 29290, I have not received a reasonable response. **I only received a response setting impossible conditions beyond my control.**

This puts the lie to everybody's false claim that *I am the problem* and that *"if only [I] would move"* all will be well. Steele has at least a vacant apartment that she is unable to rent to a paying tenant. **This is not about my moving out. It is about using false criminal charges to shake my family and me out of my land.**

My answer to all is the same chant my country people predicted: "I will not go, the tyrant will go." God willing so.

So, in sum, I need an immediate hearing from Judge Lee; I need a playabe CD; I need supposed Munuiciap Judge Hanna and Circuit Judge G. Thomas Cooper, Jr., to know that I have no respect for either of them; and if they want to hold me in contempt of court, they need to hold a hearing on the record with media present rather than conspire secretly with supposed City Police and Richland Sheriff's deputies to try to arrest me if I enter a courthouse at any time it is open to the rest of the public.

And I need everybody to know that the real reason my access to the courts is restricted is that I unearther evidence *inter alia* that supposed Columbia Municipal Judge Barbara Jean Burns, fka Brown, fka Popowski, who kept me in jail for three days until I get a mental examination IS MENTALLY ILL HERSELF and unjustifiably did that to me BECAUSE SHE WAS PROJECTING HER OWN MENTAL ILLNESS ON ME.

I FUTHER UNEARTHED EVIDENCE THAT the same mentally ill supposed Columbia Municipal Judge Judge Burns has once threatened to banish one Thurmond Guess from the City of Columbia if he did not pay a parking ticket that *turned out on appeal to be not owed by him. She was represented in a lawsuit Mr. Guess filed against her by none other than Bob Cooper who practices before her without disclosing that he represents or represented her.*

I further unearthed evidence that supposed Columbia Municipal Judge Hanna practiced (in my opinion) elder abuse on her late mother-in-law Lucy Clarkson Boliver. Further, the same Judge Hanna who castigates me for appearing *pro se* initially represented herself and her husband in an action brought by the late Ms. Boliver against Marion Hanna. **I suspect the reason the recording is unplayable is that it is of a proceeding where I confronted Columbia Municipal Court "Assistant Judge" Bogan with the fact that he represented Marion Hanna in that probate matter.** In my opinion, and as I stated in open court supposed to be recorded on that CD, there is no way that can be right. If J. Steadly Bogan represented Marion

STATE OF SOUTH CAROLINA	)	IN THE MUNICIPAL COURT
	)	OF THE CITY OF COLUMBIA
COUNTY OF RICHLAND	)	
City of Columbia,	)	
	)	
State,	)	
	)	**AFFIDAVIT**
v.	)	
	)	
Marie Assa'ad Faltas,	)	
	)	
Defendant.	)	
	)	

PERSONALLY APPEARED BEFORE ME, Cheri M. Sutton, who, being first duly sworn, deposes and says that:

1. I am a Legal Assistant for the City of Columbia Office of the City Attorney. My relevant duties include answering the main telephone lines for the Office of the City Attorney.

2. I am aware of an October 13, 2010, Municipal Court Order that prohibits the above-captioned individual from contacting this office by any means except U.S. Mail.

3. The above-captioned individual did call this office by telephone on February 22, 2011, at approximate 8:33 a.m.

Cheri M. Sutton

Cheri M. Sutton

SWORN to before me this

22 day of February 2010

Jennifer L. Stenhouse

Notary Public for South Carolina

My Commission Expires: 3/14/2015

STATE OF SOUTH CAROLINA	)	IN THE MUNICIPAL COURT
	)	OF THE CITY OF COLUMBIA
COUNTY OF RICHLAND	)	
City of Columbia,	)	Warrant No(s).:
State,	)	
v.	)	CERTIFICATE OF SERVICE
Marie Assa'ad Faltas,	)	
Defendant.	)	

The undersigned hereby certifies that she served a copy of the *City of Columbia's Motion for Rule to Show Cause* upon the Defendant, Marie Assa'ad-Faltas, *Pro Se* by placing a copy in the United States Mail, sufficient postage pre-paid and return address clearly indicated, to her at her address shown below on this 22nd day of February, 2011:

Marie Assa'ad-Faltas
Post Office Box 9115
Columbia, SC 29290

February 22, 2011

Geraldine Pleasant
Paralegal for the City of Columbia



State of South Carolina
In the City of Columbia Municipal Court

County of Richland, 5th Judicial Circuit
Purported Motion for Rule to Show Cause

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

Notice of Dr. Assa'ad-Faltas'
Assertion of Right to Stand-by Counsel
And Challenge to the Court's Jurisdiction

Marie Assa'ad-Faltas, MD, MPH, *pro se*, for reasons detailed in her recent submissions to SC's Supreme asserts her right to stand-by counsel per *Ex parte Jackson*, SC Ct. App. 2009 and asserts that she will decline to answer any questions of Columbia Municipal Court (CMC) Judge Hanna on the grounds that Dr. Assa'ad-Faltas is entitled to counsel, on the grounds that credibility determinations should be made by an impartial jury, not a partial judge, and on the grounds that CMC had no civil jurisdiction *ab initio* to enter the order Dr. Assa'ad-Faltas is falsely accused of violating and has no jurisdiction now to hear any alleged violation thereof because the matter is on appeal to a higher court.

Further, Dr. Assa'ad-Faltas asserts her right to mechanically record any proceedings had and to have observers present per *Richmond Newspapers v. Virginia*, 448 U.S. 555 (1980), and SC Code of laws

SECTION 14-25-195. Right to record proceedings.
Any party shall have the right to have the testimony given at a jury trial in any municipal court taken stenographically or mechanically by a reporter; **provided, that nothing herein shall operate to prevent any such party from mechanically recording the proceedings himself.** The requesting party shall pay the charges of such reporter for taking and transcribing if such testimony is recorded by a municipal court reporter. [emphasis added]

Wherefore, no hearing on City's purported motion fo r a Rule to Show Cause Order should be held or the motion should be summarily dismissed for want of jurisdiction.

Filed and served in open court on the 28th day of ~~March 2011~~, all God so willing.

Marie Assa'ad-Faltas, MD, MPH, Defendant/Appellant *pro se*
P.O. Box 9115, Columbia, SC 20290
Phone: (330) 232-4164
e-mail: Marie_Faltas@hotmail.com

APPEAL TO CIRCUIT COURT
RICHLAND COUNTY FROM
CITY OF COLUMBIA MUNICIPAL COURT

Marion Hanna, Municipal Judge

RICHLAND COUNTY
FILED
2011 MAR 30 PM 3:28
JEANETTE W. McBRIDE
C.C.P. & G.S.

CITY OF COLUMBIA,

VS.

MARIE ASSA'AD-FALTAS, MD, MPH

2011-CP-40-2111
(Criminal contempt of court)

Defendant.

On March 28, 2011, Defendant was convicted on one count of Contempt of Court and sentenced to ten (10) days, and one count of contempt and sentenced to fifteen (15) days (disposition sheet attached).

On October 6, 2010, Assistant City Attorney (ACA) David Fernandez caused Columbia Municipal Court (CMC) Judge Hanna to hear his motion to restrict Defendant's access to CMC building and to other buildings which are not and never were subject to any criminal charge against Defendant. At the beginning of the hearing, Defendant asserted that CMC has no civil jurisdiction per Sect. 14-25-45, SC Code of Laws and that ACA Fernandez's motion was a civil motion. CMC Judge Hanna yelled at Defendant to sit down.

Defendant, respectfully asks the Appeals Court to issue a stay of the sentences pending the appeal.

Some of these same issues are before the State Supreme Court based upon that Court's own motion to assume jurisdiction of cases before the State Court of Appeals

Grounds for Appeal and Application for Stay in Sentence

On March 28, 2011, Columbia Municipal Court Judge Marion Hanna held a hearing in which she had no jurisdiction to hold, and yet the judge determined that Defendant had violated an Order of CMC Judge Hanna, which Order Judge Hanna had no jurisdiction to issue.

Defendant asserted the lack of jurisdiction in writing and demanded counsel per *Ex Parte Jackson ,672 S.E.2d 585* SC (App (2009). CMC Judge Hanna proceeded to find that Dr. Assa'ad-Faltas was in contempt of court on March 28, 2011 (apparently for asserting that CMC has no civil jurisdiction), and also found her in contempt of court because a City legal department employee testified that Dr. Assa'ad-Faltas used to call the legal department before the October 13, 2010, order only for the needs of her cases, and "in all honesty was very professional and nice, and sometimes she was angry," and that after the October 13 Order, that the employee received only one phone call from someone who sounded like Dr. Assa'ad-Faltas and the employee hung up immediately.

ACA Fernandez also presented one e-mail allegedly from Dr. Assa'ad-Faltas after the ACA Fernandez had written the Defendant inviting her to "feel free" to contact "him."

CMC Judge Hanna did not allow Dr. Assa'ad-Faltas to cross-examine ACA Fernandez and the judge again insisted that Defendant is mentally ill. Dr. Assa'ad-Faltas was physically ill and scheduled for another hearing immediately after the one before Judge Hanna. Yet Judge Hanna sentenced her to 25 days and had her arrested in violation of State law which prohibits arrests of persons in route to court.

CMC Judge Hanna had no jurisdiction to hold the October 6, 2010 hearing. In the course of it, she held Dr. Assa'ad-Faltas in contempt of court for zealously cross-examining ACA Fernandez's witnesses with the bounds of the law.

On or about October 8, 2010, Dr. Assa'ad-Faltas appealed this matter to the Circuit Court, Case # 2010-CP-40-7063. That appeal further divested CMC Judge Hanna of any jurisdiction, if she had any abinitio. In early March, 2011, the S. C. Supreme Court certified that appeal to itself, totally divesting CMC Judge Hanna of jurisdiction of the issues raised at the October 6, 2011 hearing.

Thus the follow-up order of March 28, 2011, is void for want of jurisdiction; the sentence is excessive and constitutes cruel and unusual punishment, and the arrest is void as a violation of the state law against arresting person in route to court.

Therefore, the sentence and conviction should be reversed, and Dr. Assa'ad-Faltas should be released forthwith per Appellate Rule of Practice 246.

Respectfully Submitted,

Marie Assa'ad-Faltas, MD, MPH
Defendant Pro se
P. O. box 9115
Columbia, SC 29290
303/232-4164

March 30, 2011

Other counsel:
David Fernandez
City of Columbia
P. O. Box 667
Columbia, SC 29201
737-4242

CITY OF COLUMBIA
SOUTH CAROLINA
MUNICIPAL COURT / P.O. BOX 644 / COLUMBIA, S.C. 29202 / 803 / 545-3150 FAX 803 / 733-8433

LETTER OF DISPOSITION

Defendant's Name: Marie Faltas

Race: O Sex: F DOB: 04/04/1953

Warrant/Ticket Number: N/A

Violation Date: 0//20

Charge: Motion to Reopen

Disposition of Case: Guilty

Sentence: 25 days

Condition(s): 10 days contempt of Court
15 days contempt of Court Order

Court Date: 03/28/2011

Session: 0001

Page: 01

Line: 07

Honorable **Judge Hanna** presiding at the hearing

CERTIFIED TRUE COPY

Kirbie J. Ishmal/Staff Assistant

Date MAR 2 9 2011

"EVERYBODY COUNTS. EVERYBODY CONTRIBUTES. EVERYBODY BENEFITS."

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	IN THE MUNICIPAL COURT OF THE CITY OF COLUMBIA
City of Columbia, State, v. Marie Assa'ad Faltas, Defendant.	Warrant Nos.: L-066971; L-066954; 38803FK; 37025FK; K-613792; K-613793 **ORDER**

This matter came before the Court on April 6, 2010, on the Defendant's motion for an appeal bond to stay the sentences for convictions of contempt of court and violation of a court Order. The Defendant was represented by Orin G. Briggs and the City of Columbia was represented by David A. Fernandez. The Defendant was transported from the Alvin S. Glenn Detention Center to the City of Columbia Municipal Court but chose to not attend the appeal bond hearing.

The Court sets the appeal bond for this matter at One Thousand and 00/100 dollars ($1,000.00) cash, to be deposited with the Clerk of Court for the City of Columbia Municipal Court, as surety for the Defendant promising to "defend the appeal at the next term of the Court of Common Pleas" for the Fifth Judicial Circuit, or at such time thereafter as the matter may be scheduled.

As of the date of this Order, the Defendant's sentence is stayed and she shall be released from the Alvin S. Glenn Detention Center upon payment of the One Thousand and 00/100 dollars ($1,000.00) cash bond, pending conclusion of the appeal for this matter. The Court further imposes the following three (3) additional requirements as conditions of the appeal bond:

1. The Defendant is to attend regular sessions with a psychiatrist for a period of one (1) year, or until conclusion of the pending appeal for this matter, whichever should come first in

time. The treating psychiatrist shall make an assessment and determine how regularly and often the Defendant is to attend treatment sessions. The Defendant shall make available to the psychiatrist all pending South Carolina civil and criminal litigation files as needed or requested. The Defendant is to provide this Court with proof of compliance with this condition within ten (10) days of the date of this Order.

2. The Defendant is instructed to abide by the October 6, 2010, Order of the Municipal Court regarding constraints placed on the Defendant concerning access to City of Columbia buildings and personnel.

3. The Defendant is to surrender possession of her passport to the City of Columbia Municipal Court pending conclusion of appeal for this matter.

The Court also takes this opportunity to clarify the original sentence of this Defendant for convictions of contempt of court and violation of a court Order. On March 28, 2011, the Defendant was sentenced to ten (10) days for contempt of court and fifteen (15) days for violation of a court Order, to be served consecutively. The Court hereby instructs the Alvin S. Glenn Detention Center that the Defendant is to serve the entire twenty-five (25) day sentence, with no credit provided for good behavior or any other reason absent an additional or superseding court Order.

AND IT IS SO ORDERED.

MARION O. HANNA
Presiding Judge

April _____, 2011
Columbia, South Carolina

VIOLATION OF THIS ORDER MAY RESULT IN REVOCATION OF THIS APPEAL BOND AND BE PUNISHABLE BY FINE OR IMPRISONMENT.

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	)	IN THE MUNICIPAL COURT OF THE CITY OF COLUMBIA
City of Columbia, State, v. Marie Assa'ad Faltas, Defendant.	)	Warrant Nos.: L-066971; L-066954; 38803FK; 37025FK; K-613792; K-613793 **ORDER**

This matter came before the Court on April 6, 2010, on the Defendant's motion for an appeal bond to stay the sentences for convictions of contempt of court and violation of a court Order. The Defendant was represented by Orin G. Briggs and the City of Columbia was represented by David A. Fernandez. The Defendant was transported from the Alvin S. Glenn Detention Center to the City of Columbia Municipal Court but waived, in writing, and through her attorney, her right to attend the appeal bond hearing.

The Court, finding the defendant to be a flight risk due to her status as a resident immigrant, and no familial ties to this area, sets the appeal bond for this matter at One Thousand and 00/100 dollars ($1,000.00) cash, to be deposited with the Clerk of Court for the City of Columbia Municipal Court, as surety for the Defendant promising to "defend the appeal at the next term of the Court of Common Pleas" for the Fifth Judicial Circuit, or at such time thereafter as the matter may be scheduled.

As of the date of this Order, the Defendant's sentence is stayed and she shall be released from the Alvin S. Glenn Detention Center upon payment of the One Thousand and 00/100 dollars ($1,000.00) cash bond, pending conclusion of the appeal for this

matter. The Court further imposes the following three (3) additional requirements as conditions of the appeal bond:

1. The Defendant is to participate in regular weekly sessions with a psychiatrist for a period of one (1) year, or until the conclusion of the pending appeal for this matter, whichever shall come first in time. The Defendant shall make available to the psychiatrist all of her criminal and civil litigation files. The Defendant is to provide this Court with proof of her initial compliance with this condition within ten (10) days of the date of this Order and shall provide to the Court regular monthly proofs of her visits to the psychiatrist. Both of those proof requirements may be made by the psychiatrist's office to this court.

2. The Defendant must abide by the October 6, 2010, Order of the Municipal Court which places constraints upon the Defendant's access to City of Columbia buildings and personnel.

3. The Defendant is to immediately surrender possession of her passport to the City of Columbia Municipal Court pending conclusion of the appeal for this matter.

The Court also takes this opportunity to clarify the original sentence of this Defendant for convictions of contempt of court and violation of a court Order. On March 28, 2011, the Defendant was sentenced to ten (10) days for contempt of court and fifteen (15) days for violation of a court Order, to be served consecutively. The Court hereby instructs the Alvin S. Glenn Detention Center that the Defendant is to serve the entire twenty-five (25) day sentence, with no credit provided for good behavior or for any other reason.

AND IT IS SO ORDERED.

MARION O. HANNA
Presiding Judge

April 11, 2011
Columbia, South Carolina

VIOLATION OF THIS ORDER MAY RESULT IN REVOCATION OF THIS APPEAL BOND AND BE PUNISHABLE BY FINE OR IMPRISONMENT.

Orin G. Briggs
Attorney at Law
Post Office Box 85085
Lexington, SC 29073

Tel. 803.957.4383
Cell: 803.606.5284
Fax: 803.957.5763
E-mail: ogb-atty@sc.rr.com

Office Address:
240 Heritage Trail
Lexington, SC 29072

2011-CP-40-2111

April 1, 2011

SENT TO KERSHAW COUNTY ALSO

The Honorable Clifton Newman
Circuit Court Judge
P. O. Box 192
Columbia, SC 29202

Re: Appeal Bond for Marie Faltas, MD Pursuant to Appellate Rule 246

Dear Judge Newman:

First, I apologize for failing to communicate to the Court that the matter of setting a bond is not a contested issue, therefore communication about it is not ex parte.

Second, I am compelled to note that pursuant to Appellate Rule 246, a criminal defendant has an absolute right to a stay in the sentence pending appeal, subject only to the posting of "bail under S. C. Code Ann. Sect 18-1-80."

Your Honor, I have explained the appeal process and the time for the first input by the government Respondent in my Fax to David Fernandez. In short, neither Appellate Rule 246 nor Section 18-1-80 provides any input or participation by the government prosecutor in the appeal bond setting process; it is solely the province of the Court based upon the filing of the Notice of Appeal and the request from the Defendant.

To that end, I would renew my request for the Court to set a reasonable bond for a non-critical matter and note that after 44 years of practicing law, I would consider it a gross injustice for a defendant to spend the weekend in jail because I had failed to properly communicate with the Court on the need to set the bond amount.

With great respect and willing deference to the Court's role in being the sole decider of the appropriate amount of an appeal bond, I plead that it be set today so that I can acquire the bond and get the Clerk of Court to issue a discharge for my client's release from jail pending the appeal.

Sincerely,

Orin G. Briggs

cc: David Fernandez
City of Columbia
P. O. Box 667
Columbia, SC 29201
737-4242

§ 18-1-80. Confinement until bail given.

Archive

South Carolina Statutes

Title 18. Appeals

Chapter 1. GENERAL PROVISIONS

Current through 2011 Act No. 1

§ 18-1-80. Confinement until bail given

Pending such appeal the defendant shall still remain in confinement until he give bail in such sum and with such sureties as to the court shall seem proper.

§ 18-1-90. When bail may be allowed.

Archive

South Carolina Statutes

Title 18. Appeals

Chapter 1. GENERAL PROVISIONS

Current through 2011 Act No. 1

§ 18-1-90. When bail may be allowed

Bail may be allowed to the defendant in all cases in which the appeal is from the trial, conviction, or sentence for a criminal offense. However, bail is not allowed when the defendant has been sentenced to death, life imprisonment, or imprisonment for more than ten years.

shall be published with the opinions of the Supreme Court.

(g) **Certification to Other Courts.** An appellate court, on its own motion or the motion of any party, may order certification of questions of law to the highest court of any state when it appears to the court that there are involved in any proceeding before the court questions of law of the receiving state which may be determinative of the cause then pending in the court and it appears to the court that there are no controlling precedents in the decisions of the highest court or intermediate appellate courts of the receiving state. The procedures for certification from this State to the receiving state shall be those provided in the laws of the receiving state.

[Adopted effective September 1, 1990. Amended effective May 1, 2000. Renumbered from Rule 228 effective April 29, 2009.]

RULE 245. ORIGINAL JURISDICTION OF THE SUPREME COURT

(a) **When Appropriate.** The Supreme Court will not entertain matters in its original jurisdiction when the matter can be determined in a lower court in the first instance, without material prejudice to the rights of the parties. If the public interest is involved, or if special grounds of emergency or other good reasons exist why the original jurisdiction of the Supreme Court should be exercised, the facts showing the reasons must be stated in the petition with supporting affidavits.

(b) **Extraordinary Writs.** A party seeking the issuance of an extraordinary writ in the original jurisdiction of the Supreme Court shall serve and file a petition. The petition and any return shall comply with the requirements of Rule 240.

(c) **Actions.** A party seeking to have the Supreme Court entertain an action in its original jurisdiction (petitioner) shall serve on all other parties (respondents) a petition for original jurisdiction, a complaint setting forth the claim for relief in the manner specified by Rule 8, SCRCP, and a notice advising each respondent he has twenty (20) days from the date of service to serve and file a return to the petition. Service shall be in the same manner as required for summons and complaints in Rule 4, SCRCP. The petitioner shall file an original and six (6) copies of the petition, notice and complaint with the Clerk of the Supreme Court, along with proof of service on each respondent. Any party opposing the petition shall have twenty (20) days from the date of service to file an original and six (6) copies of his return with the Clerk of the Supreme Court and serve on all parties a copy of the return. Failure of a party to timely file a return may be deemed a consent by that party to the matter being heard in the original jurisdiction. Unless otherwise ordered by the Supreme Court, the petition shall be granted, the respondent shall have thirty (30) days to serve and file an answer to the complaint. The Supreme Court may provide for discovery, fact finding and/or a briefing schedule as necessary.

[Adopted effective September 1, 1990. Renumbered from Rule 229 effective April 29, 2009.]

RULE 246. STAY IN CRIMINAL CASES

(a) **Stays Pending Appeal.** The service of a notice of appeal by a criminal defendant shall operate as a stay of the execution of the sentence until the appeal is finally disposed of; provided, however, a sentence of confinement shall not be stayed until the defendant has posted bail under S.C. Code Ann. §§ 18–1–80 and –90 (1985). Where the sentence exceeds imprisonment for ten (10) years, the defendant may only be admitted to bail by an appellate court. Where the State has taken an appeal, the appeal shall automatically operate as a stay of further proceedings in the lower court.

(b) **Stays of Sentences After Affirmance.** No stay of any sentence in a criminal case which has been affirmed by the judgment of an appellate court shall be granted, except by order of an appellate court, or a judge or justice thereof, upon motion pursuant to Rule 240.

[Adopted effective September 1, 1990. Renumbered from Rule 230 effective April 29, 2009.]

RULE 247. CERTIORARI TO REVIEW DNA TESTING DECISIONS

(a) **Review by Writ of Certiorari.** A final order of the circuit or family court denying or granting DNA testing under the Access to Justice Post–Conviction DNA Testing Act (S.C. Code Ann. §§ 17–28–10 to –120) shall be reviewed upon petition of either party for a writ of certiorari according to the procedure set forth in this rule.

(b) **Notice of Appeal and Ordering Transcript.** The notice of appeal shall be served on all respondents within ten (10) days after receipt of written notice of entry of the final order. If review will involve testing relating to a case in which a sentence of death was imposed or will involve a challenge on state or federal grounds to the constitutionality of a state law or county or municipal ordinance, the notice of appeal shall be filed with the Supreme Court. In all other cases, the notice of appeal shall be filed with the Court of Appeals. Under Rule 204, SCACR, the Supreme Court may certify a case for review by the Supreme Court. Further, in the same manner and under the same time limitations as provided for appeals from the Court of General Sessions or the Family Court in juvenile delinquency cases in Rule 207, the petitioner shall obtain from the court reporter a transcript of the proceedings in the lower court.

(c) Service and Filing of Petition and Appendix

Orin G. Briggs
Attorney at Law
Post Office Box 85085
Lexington, SC 29073

Tel. 803.957.4383
Cell: 803.606.5284
Fax: 803.957.5763
E-mail: ogb-atty@sc.rr.com

Office Address:
240 Heritage Trail
Lexington, SC 29072

March 31, 2011

To: The Honorable Clifton Newman
Subject: Appeal Bond for Marie Faltas, MD

Attn: Judge's Law Clerk

Your Honor, Dr. Faltas, on Monday was found in contempt of court of what amounted to violations of a previous court order of Judge Marion Hanna. I have attached the Notice of Appeal. My delay was caused by her being sent to the Palmetto Health Heart Hospital overnight and her need to appear in court again yesterday on Motions before Judge Jenkins.

Of course Sect. 18-1-80 requires an appeal bond to be set at the discretion of the Chief Administrative Judge of the Circuit Court. I would respectfully suggest the bond could be waived or set at $100.

If it is a small bond, could Judge Lee be given permission to sign this one bond? Of course, I am prepared to drive to Camden if a conference is needed.

I await your instructions through your law clerk or secretary.

With thanks and admiration,

Orin G. Briggs

Hand delivered:
David Fernandez
City of Columbia
P. O. Box 667
Columbia, SC 29201
737-4242

Orin G. Briggs
Attorney at Law
Post Office Box 85085
Lexington, SC 29073

Tel. 803.957.4383
Cell: 803.606.5284
Fax: 803.957.5763
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Office Address:
240 Heritage Trail
Lexington, SC 29072

April 1, 2011

To: David Fernandez
Subject: Appeal Bond for Marie Faltas, MD

Dear Counselor, I need to explain why I believe the setting of an appeal bond is not an adversary situation and therefore would not prevent single party communication with the Chief Administrative Judge.

In short, neither Appellate Rule 246 nor Section 18-1-80 provides any input or participation by the government prosecutor in the appeal bond setting process; it is solely the province of the Court based upon the filing of the Notice of Appeal and the request from the Defendant. In fact the procedure does not even allow the government to reply to the Notice of Intent to Appeal.

Rule 207 mandates the Ordering of the trial transcript and its filing with the court and Respondent's disagreement if necessary. Rule 208 mandates the Initial Briefs by the Appellant and only then can Respondent file with the court its Brief (206(a)(2).

Notwithstanding, this clear legal procedure, my brief telephone conversation with Judge Newman's law clerk gave me the impression that he would welcome hearing from the City or he would want to have a 3-way telephone conversation on the issue of setting the appeal bond in this case (2011-CP-40-2111). You have my permission to respond to my submissions or to write your own thoughts on this matter to the Court.

With respect and appreciation,

Orin G. Briggs

cc: Judge Clifton Newman

CAROLINA

CH LAND

IN THE COURT OF COMMON PLEAS

MARIE ASSA'AD FALLAS Plaintiff(s)

vs.

CITY OF COLUMBIA Defendant(s)

(Please Print)
Submitted By: PLAINTIFF
Address:

CIVIL ACTION COVERSHEET

2011CP4002111

SC Bar #: 563
Telephone #: 957-4863
Fax #: 957-5763
Other:
E-mail: OCB-ATTY@CITYOFCOLUMBIA.COM

FILED
RICHLAND COUNTY
2011 MAR 30 PM 3:30
JEANETTE W. McBRIDE
C.C.P. & G.S.

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)

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: _____ **Date:** 3-30-11

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.

SCANNED

APPEAL TO CIRCUIT COURT
RICHLAND COUNTY FROM
CITY OF COLUMBIA MUNICIPAL COURT

Marion Hanna, Municipal Judge

RICHLAND COUNTY
FILED
2011 MAR 30 PM 3:28
JEANETTE W. McBRIDE
C.C.P. & G.S.

CITY OF COLUMBIA,

VS.

2011-CP-40-_____

MARIE ASSA'AD-FALTAS, MD, MPH (Criminal contempt of court)

Defendant.

On March 28, 2011, Defendant was convicted on one count of Contempt of Court and sentenced to ten (10) days, and one count of contempt and sentenced to fifteen (15) days (disposition sheet attached).

On October 6, 2010, Assistant City Attorney (ACA) David Fernandez caused Columbia Municipal Court (CMC) Judge Hanna to hear his motion to restrict Defendant's access to CMC building and to other buildings which are not and never were subject to any criminal charge against Defendant. At the beginning of the hearing, Defendant asserted that CMC has no civil jurisdiction per Sect. 14-25-45, SC Code of Laws and that ACA Fernandez's motion was a civil motion. CMC Judge Hanna yelled at Defendant to sit down.

Defendant, respectfully asks the Appeals Court to issue a stay of the sentences pending the appeal.

Some of these same issues are before the State Supreme Court based upon that Court's own motion to assume jurisdiction of cases before the State Court of Appeals

Grounds for Appeal and Application for Stay in Sentence

On March 28, 2011, Columbia Municipal Court Judge Marion Hanna held a hearing in which she had no jurisdiction to hold, and yet the judge determined that Defendant had violated an Order of CMC Judge Hanna, which Order Judge Hanna had no jurisdiction to issue.

Defendant asserted the lack of jurisdiction in writing and demanded counsel per *Ex Parte Jackson ,672 S.E.2d 585* SC (App (2009). CMC Judge Hanna proceeded to find that Dr. Assa'ad-Faltas was in contempt of court on March 28, 2011 (apparently for asserting that CMC has no civil jurisdiction), and also found her in contempt of court because a City legal department employee testified that Dr. Assa'ad-Faltas used to call the legal department before the October 13, 2010, order only for the needs of her cases, and "in all honesty was very professional and nice, and sometimes she was angry," and that after the October 13 Order, that the employee received only one phone call from someone who sounded like Dr. Assa'ad-Faltas and the employee hung up immediately.

ACA Fernandez also presented one e-mail allegedly from Dr. Assa'ad-Faltas after the ACA Fernandez had written the Defendant inviting her to "feel free" to contact "him."

CMC Judge Hanna did not allow Dr. Assa'ad-Faltas to cross-examine ACA Fernandez and the judge again insisted that Defendant is mentally ill. Dr. Assa'ad-Faltas was physically ill and scheduled for another hearing immediately after the one before Judge Hanna. Yet Judge Hanna sentenced her to 25 days and had her arrested in violation of State law which prohibits arrests of persons in route to court.

CMC Judge Hanna had no jurisdiction to hold the October 6, 2010 hearing. In the course of it, she held Dr. Assa'ad-Faltas in contempt of court for zealously cross-examining ACA Fernandez's witnesses with the bounds of the law.

On or about October 8, 2010, Dr. Assa'ad-Faltas appealed this matter to the Circuit Court, Case # 2010-CP-40-7063. That appeal further divested CMC Judge Hanna of any jurisdiction, if she had any abinitio. In early March, 2011, the S. C. Supreme Court certified that appeal to itself, totally divesting CMC Judge Hanna of jurisdiction of the issues raised at the October 6, 2011 hearing.

Thus the follow-up order of March 28, 2011, is void for want of jurisdiction; the sentence is excessive and constitutes cruel and unusual punishment, and the arrest is void as a violation of the state law against arresting person in route to court.

Therefore, the sentence and conviction should be reversed, and Dr. Assa'ad-Faltas should be released forthwith per Appellate Rule of Practice 246.

Respectfully Submitted,

Marie Assa'ad-Faltas, MD, MPH
Defendant Pro se
P. O. box 9115
Columbia, SC 29290
303/232-4164

March 30, 2011

Other counsel:
David Fernandez
City of Columbia
P. O. Box 667
Columbia, SC 29201
737-4242

CITY OF COLUMBIA
SOUTH CAROLINA
MUNICIPAL COURT / P.O. BOX 644 / COLUMBIA, S.C. 29202 / 803 / 545-3150 FAX 803 / 733-8433

LETTER OF DISPOSITION

Defendant's Name: Marie Faltas

Race: O Sex: F DOB: 04/04/1953

Warrant/Ticket Number: N/A

Violation Date: 0//20

Charge: Motion to Reopen

Disposition of Case: Guilty

Sentence: 25 days

Condition(s): 10 days contempt of Court
15 days contempt of Court Order

Court Date: 03/28/2011

Session: 0001

Page: 01

Line: 07

Honorable **Judge Hanna** presiding at the hearing

CERTIFIED TRUE COPY

Kirbie J. Ishmal/Staff Assistant

Date MAR 2 9 2011

"EVERYBODY COUNTS. EVERYBODY CONTRIBUTES. EVERYBODY BENEFITS."

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

City of Columbia)
Plaintiff/Respondent,)
)
v.

Marie Ass'ad-Faltas)
Defendant/Appellant)
_____)

Docket No.: **2011-CP-400-2111**

See Temp file located in Judy Davis Office for the following documents:

1. Appellant's Motion to Deem her Full Sentence Served or, In the Alternative, to Modify and Supersede the Conditions of her Appeal Bond.
2. Certificate of Service of Motion to Stay Bond Conditions
3. Certificate of Service of Notice of Intent to Appeal
4. Motion Information Cover Sheet Motion to Appoint Counsel
5. Motion to be Appointed Counsel for Appellant
6. Certificate of Service
7. A Tape