

State of South Carolina) In the Court of General Sessions
County of Richland) Fifth Judicial Circuit
2010-GS-40-11980
2010-GS-40-11987



State of South Carolina,)
Plaintiff,)
vs.)
Marie Assa'ad-Faltas,)
Defendant.)
_____)

Transcript of Record

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

RECEIVED

Oct 21 2021

S.C. SUPREME COURT

Elizabeth B. Harris, CVR-M-CM
Circuit Court Reporter

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No exhibits entered.

1 THE COURT: We are here on -- I guess the best way to
2 caption it is *In Re: Marie Assa'ad-Faltas, M.D.* This is a
3 hearing on a motion made by Dr. Faltas to rescind the order
4 that was issued by the chief administrative judges back in
5 2010. So, there's not a, there's not a docket number and
6 not a case number, but it was an order that was issued by
7 Judge Barber and Judge Cooper and I have a copy of that
8 order. Yes, I have a copy of that order and, and I have a
9 copy...

10 (A PAUSE.)

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

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

14 THE COURT: Good morning.

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

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

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

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

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

11 DR. FALTAS: Yes, Your Honor.

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

14 DR. FALTAS: Yes, Your Honor.

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

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

19 THE COURT: Okay.

20 DR. FALTAS: And just if I may say?

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

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

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

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

4 THE COURT: On your thumb drive?

5 DR. FALTAS: Yes.

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

8 DR. FALTAS: Okay.

9 (A PAUSE AS MICROPHONE IS ADJUSTED.)

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

14 DR. FALTAS: Yes, Your Honor.

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

20 DR. FALTAS: Yes, Your Honor.

21 THE COURT: Yes, ma'am.

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

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

5 THE COURT: All right.

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

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

16 THE COURT: Yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 THE COURT: Yes, ma'am.

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

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

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

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

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

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

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

10 DR. FALTAS: Exactly.

11 THE COURT: Yeah.

12 DR. FALTAS: Yes. Yes.

13 THE COURT: Yes, ma'am.

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

1 that is now on PCR.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 So, all the pretrial and intra-trial motions were

1 addressed by Judge Newman, and they were not frivolous.

2 Whether the ultimate ruling on them is -- Judge Newman's
3 ruling was correct or not could not be tested on appeal
4 because there was no conviction.

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

11 THE COURT: Yes, ma'am.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 DR. FALTAS: And I respond with five points, if I may,
2 Your Honor, and the first point is I did not arrest myself.

3 THE COURT: Oh, I understand, and I don't mean to
4 imply -- I'm really kind of taking it away from the
5 specific facts in this order to, to being able to think
6 about Dr. Faltas has access to the courts, and Dr. Faltas
7 can come in any time she wants and file whatever documents.
8 How can we best handle Dr. Faltas and, and her filings
9 without there being issues and tension because I think
10 that's what's -- that is what has spilled over and created
11 other issues.

12 I, I agree that the set of circumstances that gave
13 rise to Judge Cooper issuing the order are, are not
14 directly a result of things that you did so much as things
15 that were caused and that because you were arrested,
16 because you were charged with crimes, because you were not
17 represented by the attorney and you choose to represent
18 yourself because you believed that you could be the best
19 advocate for yourself -- which is your right to do -- that
20 coming in and trying to make sure that your case stayed on
21 track and to make sure that you were able to get hearings
22 and to be able to go forward and preserve evidence and
23 testimony, that that can sometimes appear to be overbearing
24 to some people.

25 DR. FALTAS: But it didn't. Those people knew that,

1 and that's where I'm asking Your Honor to be a leader and
2 to really call your colleagues to where they were wrong.

3 No one could possibly have believed that I was
4 overbearing, given what I was facing. If they want to
5 control the volume, they should have controlled the false
6 charges. In fact, I had the city -- the municipal
7 recorder, the city recorder in my case, and she said she's
8 been there for three years and she never denied the search
9 warrant. There should be better control, and I gave Your
10 Honor the number of false criminal charges that have been
11 brought against me.

12 Well, if you all want to control the burden on the
13 court system, well, control the prosecutor's ability with
14 impunity to bring false charges against people. The
15 prosecutor listed thirty-six witnesses against me. She,
16 she had been ordered by the judge to try both indictments,
17 and she didn't. She tried only one because she knew the
18 other one was even weaker than what she tried, and still
19 nothing gets done to her.

20 Now, the other thing, yes, I am my own best advocate
21 and that is statistically proven. The only two times that
22 I was convicted of a criminal thing is when lawyers were
23 forced on me. All the other times that I represented
24 myself, I was not convicted. And the one time I was
25 convicted of front yard parking, I made sure that there

1 would be no sentence. So, statistically if we treat it as
2 a continuous variable -- meaning the length of sentence,
3 days, or as a discreet variable convicted, not convicted --
4 definitely statistically significant, unquestionable that
5 when I represent myself, I get better results.

6 Ma'am, it's no longer possible to be diplomatic with
7 that. Judge Cooper by that time knew that the charges were
8 false; he knew that the prosecutor tried me and could not
9 get a conviction. He knew that I have researched and
10 submitted objective evidence that there was perjury against
11 me. He knew that all I did was try to go to the
12 supervisor, John Meadors, and tell him in case you haven't
13 seen this objective evidence, here it is. And for Judge
14 Cooper to say that I harassed John Meadors, no, no, no, no,
15 no. There is no diplomacy. Judge Cooper was trying to
16 intimidate me, and I am appealing to Your Honor's
17 conscience to lead Judge Cooper to admit that he did not
18 adequately supervise.

19 In fact, both Doug Strickler and Fielding Pringler --
20 Pringle -- and I told him this should not be remanded to
21 the City of Columbia. Either handle it here or dismiss it,
22 and that's in a transcript. He didn't do anything, and I
23 continued to suffer for two years under the bond condition
24 and everything, and then I was right. It shouldn't have
25 been remanded because the City of Columbia doesn't have

1 jurisdiction over first degree, and they never brought the
2 second degree warrant. So, he could have ended all of this
3 with a stroke of his pen. He did not do it because of the
4 presumption of vindictiveness or even worse. And I'm
5 sorry, Your Honor, there can be no diplomacy about that.

6 I would admit that I'm a perfectionist and that's --
7 in part, you should see it as a labor of love and of
8 respect. I, I want -- if I see something and there is even
9 a typo in it, I want to file another one without the typo
10 because I think -- especially when I'm advocating before
11 Your Honor.

12 Now, sometimes I would arrive like before that order
13 at five minutes to 5, and most of the time they would
14 accommodate me. Okay, he, he could say she can come -- or
15 could have said she can come in like everybody else, but
16 she cannot come earlier and if she comes too late, it will
17 not be accepted. But for me to be singled out like that,
18 and the first word is to be said -- to be told that I'm
19 erratic, and that was after the prosecutor had filed the
20 motion to have me mentally evaluated so that I cannot
21 represent myself again because they know that when I
22 represent myself, I win. That was an attempt to intimidate
23 me, and there is no excuse for it, and Your Honor is better
24 as a person and as a judge than trying to make an excuse
25 for it.

1 THE COURT: Oh, yes, I understand. I understand your
2 position, Dr. Faltas. I do, and like I said, I'm, I'm -- I
3 would agree with you that, you know, that there, that there
4 are some things that are written here that I would not
5 agree with, and, and I also agree that because most of the
6 things that have -- were discussed in here are no longer
7 issues, that there shouldn't be a problem with you being
8 able to come in and file documents.

9 What I'm, what I'm thinking about is when it's lifted
10 and it's done and there is the need for you to come into
11 the courthouse in order to -- in the clerk's office to file
12 documents, the -- I, I, I think it will, I think it will
13 take an effort for -- and I don't mean this in a bad way.
14 I think, I think everyone's attitude needs to be adjusted,
15 and so the order either needs to be written or
16 communication needs to take place with the clerk's office
17 about how to -- about treating people fairly when they come
18 into the courthouse and when they come in to file
19 documents, and that means you and anybody else who needs to
20 come in and do that.

21 I do -- I just know that on occasion there's been some
22 frustration about the quantity of the information that
23 you're bringing in to try to file at one time and the time
24 of day that it comes in, you know, depending on what time
25 you're able to arrive at the courthouse. And, and I, and I

1 know that they want to make sure that you are taken care
2 of, but they are also trying to respect the time of day and
3 everything else.

4 DR. FALTAS: Yes. Yes, Your Honor. The second
5 response to that is that of course the judges have Rule,
6 Rule 11 power. If anything I file is excessive or
7 frivolous or anything, it's up to, to the judge. And as I
8 said in my testimony to the Judicial Merit Selection
9 Commission, the trial judges are not potted plants. You
10 know, if the, the -- my first appearance before Your Honor,
11 Your Honor correctly ruled for me and -- actually, there
12 are only four civil cases. They have like one case Mr.
13 Brown took a change of venue and all -- but all four civil
14 cases I filed in this court, and there are only four except
15 the one that was really, I was told the other team can go
16 down to the field but I sit and get gagged and bound. This
17 is the only one I lost, but all other four I won by having
18 a favorable settlement. All four of them were, were
19 settled. And, and no judge until Jean Toal decreed, no
20 trial judge had said that I was frivolous or, or anything.

21 And then remember what those people were trying to do
22 to me. They were trying to keep me in prison for six years
23 and possibly plus enhancements. Compare the volume.
24 Compare the volume. Why is my life -- I mean, what time
25 does it take from a clerk to, to file something that, that

1 I bring? Few minutes as opposed to having me put in prison
2 for six years, knowing that I didn't do that. I mean, the
3 proportionality here.

4 THE COURT: Yes, ma'am. Well, I, you know, like I
5 said, I would agree with you that based upon, you know,
6 what I've reviewed in this order, that it should be lifted.

7 DR. FALTAS: Thank you.

8 THE COURT: I would like to, to, you know, read it in
9 full again but I, I think that because there's no longer
10 the criminal issues that are -- and I, and I understand
11 fully the circumstances under, under what I know and what I
12 believe occurred, and so I understand and I have empathy
13 for, for what you experienced. And I think you are
14 absolutely correct that what happens to you in your life
15 can affect you and health wise. And I think that these
16 charges were very serious charges. As you indicated, they
17 carried up to six years in jail or longer, depending on
18 whether the charges were concurrent or consecutive. And
19 for anyone who is facing the possibility of imprisonment
20 who's, who's never had to deal with those potential issues,
21 it is frightening, and the idea that you will lose your
22 liberty is something that you would -- you know, you are
23 going to fight for, and no one can blame you for that at
24 all.

25 And so I think what may be seen by others as being

1 abusive, excessive, for someone who is representing
2 themselves *pro se*, trying to get the information out, I
3 view it a little bit differently. And, and I think also,
4 because I've had the opportunity to know you over the years
5 through the legal proceedings, I think I, I think I have an
6 idea of how you, how you handle yourself and how you face
7 things, and what I would anticipate your responses to be to
8 certain things that are said or done, and I don't
9 necessarily find that those are necessarily outrageous.

10 But as I stated earlier, I do find that sometimes the
11 documents get to be a little excessive, and so you've
12 pointed out to me that Rule 11 is something -- and that's
13 something that I think we just don't consider because
14 different judges touch the files because that's, that's our
15 system in South Carolina. It's not like federal court
16 where you get one judge and you're assigned and that judge
17 is the only person that sees those files, and so you have
18 to, you have to send out a lot of information to different
19 people to make sure that the right people are getting the
20 information who have the opportunity to rule on your
21 motions. So, I understand that, and I would like to read
22 it and, and I would anticipate that I would issue an order
23 very briefly, very briefly and very shortly.

24 DR. FALTAS: Thank you.

25 THE COURT: Related to the matter.

1 DR. FALTAS: Thank you, Your Honor. Your Honor
2 answered about the PCR. I had also transcribed and I think
3 I emailed it to Mr. Devlin, but I have the actual of the,
4 of the bond hearing when I was arrested, and that's related
5 to the expenses because it clearly says where Barbara Jean
6 Burns told me to stay in a hotel. So, that's -- if I, if I
7 may hand that ---

8 THE COURT: And that's -- and that was related to the
9 other hearing on that?

10 DR. FALTAS: Yes, yes, yes, Your Honor.

11 THE COURT: Okay.

12 DR. FALTAS: But also, but also Your Honor, you know,
13 mentioned the federal courts. I mean, the federal courts,
14 bond hearings are -- the witnesses are sworn and people can
15 cross-examine them. Again, last time I cited to Your Honor
16 three areas of the law where I said it should be different,
17 and all three were changed as I -- the last argument rule,
18 that non-appealability of a motion for a new trial, and the
19 prosecutorial control over the criminal, all three points.
20 And again I need to put that in there because I know you're
21 a great person and a great judge. And to improve the
22 system, I think the bond hearing being the witness is not
23 sworn and not cross-examined, there is a whole lot of lack
24 of due process. And this is a point I want to leave before
25 Your Honor because it can result in travesties, especially

1 the lengths of time people stay, stay on bond.

2 THE COURT: Yes, ma'am.

3 DR. FALTAS: So, so that I would like to submit that
4 and if it's okay to submit two copies so that one can be
5 for Your Honor's in-chambers use and the other added ---

6 THE COURT: All right.

7 DR. FALTAS: --- to the, to the record.

8 THE COURT: Thank you, Dr. Faltas.

9 DR. FALTAS: Thank you. So, so, this is, you know,
10 the improvement of the law for today, and I thank Your
11 Honor for being open-minded about this.

12 The last point, again I am sorry to have to bring it
13 back to this, but the motion to suspend the appeal about
14 the assault charges, the assault charge for me to bring the
15 after-discovered evidence to the trial court is still
16 pending and has not been scheduled and ---

17 THE COURT: Do you happen to know what docket number
18 that, that would be?

19 DR. FALTAS: Yes. Yes, Your Honor. 2013-CP-40-3522.

20 THE COURT: Okay.

21 DR. FALTAS: And, in fact, the clerk of court had, had
22 written to me telling me that they will not schedule it.
23 So, that wasn't a judicial decision that was ---

24 THE COURT: Okay, I'll look into that.

25 DR. FALTAS: I very much appreciate that, Your Honor.

1 THE COURT: And, and I will tell you, Dr. Faltas, I'm
2 leaving town tomorrow, so I may not get this order done
3 until next week.

4 DR. FALTAS: Okay.

5 THE COURT: But I will get it done next week.

6 **--- END OF TRANSCRIPT OF RECORD ---**

CERTIFICATE

I, THE UNDERSIGNED ELIZABETH B. HARRIS, CERTIFIED VERBATIM OFFICIAL COURT REPORTER FOR THE FIFTH JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE AND COMPLETE TRANSCRIPT OF RECORD OF ALL THE PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THIS PORTION OF THE CAPTIONED CAUSE, RELATIVE TO APPEAL, IN THE CIRCUIT COURT FOR RICHLAND COUNTY, SOUTH CAROLINA, ON THE 7TH DAY OF JUNE, 2016.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN, COUNSEL, NOR INTEREST IN ANY PARTY HERETO.

/S/ELIZABETH B. HARRIS, CVR-M-CM

COLUMBIA, SOUTH CAROLINA

DECEMBER 2ND, 2018