

# Appendix - 1

## The Supreme Court of South Carolina

In the Matter of Marie Assa'ad-Faltas, Respondent.

Appellate Case No. 2021-000815

---

### ORDER

---

Respondent Marie Faltas is a prolific frivolous filer. *City of Columbia v. Faltas*, 420 S.C. 28, 800 S.E.2d 782 (2017). In an attempt to control her abusive filings and actions which are disruptive to the orderly and effective administration of justice, this Court has found it necessary to impose restrictions on her ability to represent herself before the courts of this State.

The current order placing restrictions on the Respondent is dated September 27, 2017. This order states:

Except as otherwise provided in this order, Respondent may not contact any judge, justice, law clerk, clerk of court, or other officer or employee of the Unified Judicial System in person, in writing, or by mail, telephone, fax, e-mail, or other form of electronic communication. Instead, if it is necessary for Respondent to contact an officer or employee of the Judicial System outside of 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*.

Further, even when a *pro se* filing is permitted under the September 27, 2017 order, the order states:

[T]hat filing shall be made in writing and shall either be hand-delivered or mailed by United States Mail to the clerk of court. Respondent shall not send filings to the clerk by fax, e-mail, or any other form of electronic communication.

In short, no provision of this order ever allows Respondent to contact an officer or employee of the Unified Judicial System by e-mail or telephone.<sup>1</sup>

Based on the enclosed affidavits, it appears there is probable cause to believe that Respondent has violated the September 27, 2017 order by directly contacting various officers and employees of the Unified Judicial System by e-mail and telephone:

- (1) E-mail sent on October 22, 2020 (see affidavit of Daniel E. Shearouse);
- (2) E-mail sent at 10:05 a.m. on January 22, 2021 (see affidavit of Daniel E. Shearouse);
- (3) E-mail sent at 3:37 p.m. on January 22, 2021 (see affidavit of Daniel E. Shearouse);
- (4) E-mail sent at 1:57 p.m. on January 10, 2022 (see affidavit of Daniel E. Shearouse);
- (5) E-mail sent May 7, 2021 (see affidavit of Marjorie L. Jones);
- (6) E-mail sent May 10, 2021 (see affidavit of Marjorie L. Jones);
- (7) E-mail sent June 16, 2021 (see affidavit of Marjorie L. Jones);
- (8) E-mail sent at 3:00 p.m. on November 19, 2021 (see affidavit of Patricia A. Howard);
- (9) E-mail sent at 3:10 p.m. on November 19, 2021 (see affidavit of Patricia A. Howard);
- (10) E-mail sent at 3:19 p.m. on November 19, 2021 (see affidavit of Patricia A. Howard);

---

<sup>1</sup> By order dated September 20, 2019, this Court clarified how the September 27, 2017, order is to apply in post-conviction relief proceedings. A certified copy of the orders of September 27, 2017, and September 20, 2019, is enclosed.

- (11) E-mail sent at 3:28 p.m. on November 19, 2021 (see affidavit of Patricia A. Howard);
- (12) E-mail sent at 7:57 p.m. on November 19, 2021 (see affidavit of Patricia A. Howard);
- (13) E-mail sent December 30, 2021 (see affidavits of Patricia A. Howard, Jenny Abbott Kitchings and Lynn Falin);
- (14) E-mail sent January 6, 2022 (see affidavits of Jenny Abbott Kitchings, Lynn Falin and Jacklyn Orr);
- (15) Telephone call to Patricia A. Howard on October 27, 2021 (see affidavit of Patricia A. Howard);
- (16) Telephone calls to Jenny Abbott Kitchings on December 30, 2021 (see affidavit of Jenny Abbott Kitchings);
- (17) Telephone call to Lynn Falin on October 27, 2021 (see affidavit of Lynn Falin);
- (18) Telephone call to Lynn Falin on December 14, 2021 (see affidavit of Lynn Falin);
- (19) Telephone call to Jacklyn Orr and Lynn Falin on January 5, 2022 (see affidavits of Lynn Falin and Jacklyn Orr);
- (20) Telephone call to Jacklyn Orr on December 31, 2021 (see affidavit of Jacklyn Orr);
- (21) Telephone call to Mary Caitlyn Singleton at 12:14 p.m. on December 30, 2021 (see affidavit of Mary Caitlyn Singleton); and,
- (22) Telephone call to Mary Caitlyn Singleton at 4:22 p.m. on December 30, 2021.

It is therefore ordered that Respondent shall personally appear in the Supreme Court Courtroom, in Columbia, South Carolina, on March 22, 2022, at 10:00 a.m. or as soon thereafter as the matter can be heard, to show cause why she should not be held in criminal contempt for violating the order of September 27, 2017, by

sending the e-mails and making the telephone calls listed above. If Respondent fails to appear as ordered, she is warned that the trial of these criminal contempt allegations will proceed in her absence, including the imposition of any sentence or sentences.

Since this case will involve the presentation of evidence, the Office of the Attorney General has assigned Donald J. Zelenka, Esquire, to prosecute this criminal contempt proceeding before this Court.

Because this matter could result in her incarceration for criminal contempt, Respondent is hereby informed she has the right to be represented by counsel in this matter. No later than ten (10) days after service of this order upon her, Respondent shall submit one of the following to the Clerk of this Court:

- (1) a written statement asserting that Respondent is indigent and desires to have counsel appointed to represent her in this matter, along with a completed Affidavit of Indigency Form. A copy of this form is enclosed, and the completed form will be used for the purpose of determining whether Respondent is entitled to the appointment of counsel;
- (2) a written statement advising of the name and contact information of the counsel who Respondent has retained to represent her in this matter; or,
- (3) a written statement acknowledging Respondent understands the dangers and disadvantages of appearing without counsel, but nevertheless desires to appear before the Court without counsel.

If Respondent fails to provide one of these responses, this Court may find that Respondent has waived any right to be represented by counsel in this matter.

Respondent is warned that there are serious dangers and disadvantages to self-representation in a criminal matter, and that if she does not obtain counsel and proceeds without counsel in this matter, she will be held to the same standards of conduct and adherence to procedures that would be expected of a licensed attorney. This Court strongly encourages Respondent to either seek to have counsel appointed to represent her if she is indigent or to retain counsel to represent her in this matter. Having a lawyer trained in the law would be very beneficial to her defense in this matter.

When served with this order, Respondent shall provide the person making the service with her current contact information, including mailing address and phone number. If any changes are made to this contact information before this matter is concluded, Respondent must immediately provide the Clerk of this Court with a written update regarding this contact information. The person serving this rule to show cause shall also have the Respondent complete the enclosed statement regarding notification to her consular officers.

John K. Hodge A.C.J.  
Jaye L. Keam J.  
John Cannon Jr. J.  
Jeffrey L. Johnson J.

Beatty, C.J., not participating.

Columbia, South Carolina  
January 24, 2022

Enclosures:

Certified Copy of the Orders of September 27, 2017, and September 20, 2019

Affidavit of Daniel E. Shearouse dated January 18, 2022

Affidavit of Marjorie L. Jones dated January 12, 2022

Affidavit of Patricia L. Howard dated January 13, 2022

Affidavit of Jenny Abbott Kitchings dated January 13, 2022

Affidavit of Lynn Falin dated January 18, 2022

Affidavit of Jacklyn Orr dated January 14, 2022

Affidavit of Mary Caitlyn Singleton dated January 13, 2022

Affidavit of Indigency Form

Notification to Foreign National

cc: Respondent Marie Assa'ad Faltas  
Donald J. Zelenka, Esquire

STATE OF SOUTH CAROLINA } Before the Supreme Court  
COUNTY OF RICHLAND } of South Carolina

In the Matter of:

Marie Assa'ad Faltas,

Respondent.

TRANSCRIPT OF RECORD  
CORRECTED ORIGINAL

Appellate Case No.

2021-000815

**ORIGINAL**

A Hearing was held in the Courtroom of the Supreme Court of South Carolina beginning at 1:30 p.m., on Tuesday, February 22, 2022 to confirm the desire of the Respondent to proceed *pro se* in an upcoming Rule to Show Cause Contempt Action to be held on March 22, 2022.

The Court consisted of Justice John W. Kittredge; Justice Kaye G. Hearn; Justice John C. Few; Justice George C. James, Jr.; and Former Court of Appeals Chief Judge James E. Lockemy.

The Office of the Attorney General was represented by Donald J. Zelenka, Esquire.

The Respondent appeared, *pro se*.

Ms. K.A. Snelling, CVR-M  
Court Reporter for Office of Commission Counsel

MS. K.A. SNELLING, CVR-M  
Supreme Court, State of South Carolina  
Office of Commission Counsel  
1220 Senate Street, Suite 111, Columbia, South Carolina 29201

RECEIVED  
MAR 03 2022  
S.C. SUPREME COURT

INDEX TO EXAMINATION

Dr. Marie Assa'ad Faltas

Examination by Justice Few ----- 5

Certificate of Reporter ----- 22

**RECEIVED**  
MAR 09 2022  
S.C. SUPREME COURT

INDEX TO EXHIBITS

There were no Exhibits Submitted during this Hearing

MS. K.A. SNELLING, CVR-M  
Supreme Court, State of South Carolina  
Office of Commission Counsel  
1220 Senate Street, Suite 111, Columbia, South Carolina 29201

1 (Whereupon, the Hearing commenced at 1:35 p.m.  
2 on the 22nd day of February, 2022)

3 CLERK OF COURT: All rise.

4 JUSTICE KITTREDGE: Please be seated. Thank you.

5 Good afternoon, we're on the record in the South Carolina  
6 Supreme Court, this is In the Matter of Dr. Marie Faltas,  
7 who is present. Chief Justice Beatty is not sitting, and  
8 in his stead we're pleased to have Judge Lockemy with us.  
9 Thank you, sir, for sitting with us here.

10 The proceeding today arises from a Rule to Show  
11 Cause Contempt Action against Dr. Marie Faltas. Dr.  
12 Faltas is present, as is Mr. Zelenka from the Attorney  
13 General's Office on behalf of the movant. The limited  
14 purpose of today's hearing is to confirm what appears to  
15 be Dr. Faltas' desire and decision to proceed *pro se* in  
16 this contempt proceeding.

17 And Dr. Faltas, we thank you, ma'am, for being here  
18 today. We understand from your submissions that you wish  
19 to represent yourself, and we understand that and respect  
20 that. The law requires that a Court ensure that an  
accused is properly informed of her rights before waiving  
the right to legal counsel and granting a request to  
proceed *pro se*, in other words, self-representation.

21  
22  
23 Dr. Faltas, you're going to be asked questions from  
24 the Court, primarily, if not exclusively, from Justice

RECEIVED  
MAR 09 2022  
S.C. SUPREME COURT

MS. K.A. SNELLING, CVR-M  
Supreme Court, State of South Carolina  
Office of Commission Counsel  
1220 Senate Street, Suite 111, Columbia, South Carolina 29201

1 Few. And it's necessary for us to ensure that  
2 whatever decision you choose to make, you do so freely  
3 and voluntarily of your own free will.

4 I will tell those in the Courtroom if you wish to  
5 remove your mask, you're free to do so at this time.

6 DR. FALTAS: Judge --

7 JUSTICE KITTREDGE: It's also necessary that I place  
8 you under oath before we begin the questions about your  
9 decision for legal representation or your desire to  
10 proceed *pro se*. So at this time, Dr. Faltas, I'd ask if  
11 you'd raise your right hand please, ma'am?

12 DR. FALTAS: No, sir, I do not swear for religious  
13 reasons. And I also handed to the Clerk a motion for  
14 this hearing, and it includes documented that both my  
15 knees are fractured. So I need at least permission to  
16 address the Court from a seated position, unless this is  
17 going to be a torture Star Chamber.

18 JUSTICE KITTREDGE: No, ma'am, you can remain seated  
19 the whole time, there's no reason for you to stand. And  
20 we will certainly review the motion that you have filed  
21 with the Court.

22 Do you affirm that the statements and testimony you  
23 give to the Court today will be truthful?

24 DR. FALTAS: Yes, sir.

25 JUSTICE KITTREDGE: Thank you, ma'am. That is

RECEIVED  
MAR 03 2022  
S.C. SUPREME COURT

MS. K.A. SNELLING, CVR-M  
Supreme Court, State of South Carolina  
Office of Commission Counsel  
1220 Senate Street, Suite 111, Columbia, South Carolina 29201

1 sufficient for the oath, so now the oath has been  
2 administered. At this time I'll turn it over to Justice  
3 Few.

4 Justice Few?

5 DR. FALTAS - EXAMINATION BY JUSTICE FEW:

6 Q: Dr. Faltas, as you know, you have the right to  
7 be represented by an attorney. As you also know, you  
8 have the right to represent yourself. As Justice  
9 Kittredge mentioned, you have fairly clearly indicated  
10 that you wish to represent yourself in this contempt  
11 proceeding. To represent yourself however you must make  
12 a valid waiver of your right to have an attorney  
13 represent you.

14 Now I'm going to talk to you about some of the  
15 things that we need to talk about today, and I want you  
16 to be cooperative with me. Because if representing  
17 yourself is what you want, then the purpose of this  
18 hearing is to enable you to do that. I'm aware that you  
19 are very familiar with all of these things that we're  
20 going to talk about because you've been through these  
21 hearings before.

22 But I'm going to talk to you about some of the  
23 things that I and the other members of this Court, first,  
24 must ask you in order to know after you've heard  
25 everything that I'm going to talk to you about do you

RECEIVED  
MAR 09 2022  
S.C. SUPREME COURT

MS. K.A. SNELLING, CVR-M  
Supreme Court, State of South Carolina  
Office of Commission Counsel  
1220 Senate Street, Suite 111, Columbia, South Carolina 29201

1 still want to represent yourself? And second, if you  
2 want to represent yourself we need to know that you are  
3 making a valid waiver to your right to counsel.

4 So there are several subjects that are important to  
5 your waiver of your right to counsel, and I'm going to  
6 discuss those with you now. Your educational background  
7 is important to this question. I am aware that you are  
8 highly educated. In fact, you have multiple degrees  
9 including a Master's in Public Health from the University  
10 of North Carolina. You have a graduate degree in  
11 medicine from a university in Cairo. You have, in fact,  
12 practiced medicine professionally, and you actually  
13 taught preventative medicine at the University of South  
14 Carolina School of Medicine. This educational background  
15 indicates that you are a highly intelligent woman. And I  
16 will note that you have listed that you are self-employed  
17 as a consultant in medical legal issues. And you have  
18 told the Court before that you speak four languages.

19 Your understanding of legal principles and  
20 procedures is important to this question. We are aware  
21 that you have been involved in extensive litigation over  
22 many years at all levels of Court here in South Carolina,  
23 both federal and state. From my review of those cases  
24 over the years, and from my review of the motions and the  
25 returns and the other documents that you have filed in

RECEIVED  
MAR 09 2022  
S.C. SUPREME COURT

MS. K.A. SNELLING, CVR-M  
Supreme Court, State of South Carolina  
Office of Commission Counsel  
1220 Senate Street, Suite 111, Columbia, South Carolina 29201

1 this case it is my impression that you have a broad  
2 and deep understanding of legal principles and  
3 procedures.

4 Your mental health is important to this question.

5 In one of the cases that you have currently on appeal  
6 here at this Court you were interrogated by Judge Marion  
7 Hanna about whether you had ever been evaluated for  
8 mental illness. You told Judge Hanna on March the 28th,  
9 2011 that you had been evaluated for mental health issues  
10 and you have no mental health issues.

11 Now Dr. Faltas, so far is there anything that I have  
12 said that you disagree with?

13 A: Yes, sir. You said that I have been through  
14 these hearings, in the plural, before.

15 Q: Excuse me?

16 JUSTICE KITTREDGE: Just one second. I want to make  
17 sure the Court Reporter can hear because we're on the  
18 record. Can you hear?

19 JUDGE LOCKEMY: Probably need to move that  
20 microphone up.

21 JUSTICE KITTREDGE: Which microphone is yours, Madam  
22 Court Reporter?

23 COURT REPORTER: The silver one, if she could --

24 JUSTICE KITTREDGE: All right, let's try to move  
25 both of them closer. And if you need assistance in doing

MS. K.A. SNELLING, CVR-M  
Supreme Court, State of South Carolina  
Office of Commission Counsel  
1220 Senate Street, Suite 111, Columbia, South Carolina 29201

RECEIVED  
MAR 09 2022  
S.C. SUPREME COURT

1 that we'll certainly accommodate you, Dr. Faltas.

2 JUSTICE FEW: Let's move the other one up too.

3 JUSTICE KITTREDGE: Madam Clerk, let's see if we can  
4 move the other one closer to Dr. Faltas? (Microphones  
5 moved closer to Dr. Faltas).

6 Q: Okay. Now I didn't hear what you said, so  
7 could you repeat?

8 A: You're asking me if there is something that  
9 needs correction. And I said yes, there are things that  
10 need correction.

11 Q: Tell me what it is?

12 A: Okay. First you said I have been through those  
13 hearings, in the plural, before. I have not. I have  
14 been through only one hearing where Judge then South  
15 Carolina Circuit Judge Barber gave me the Faretta  
16 inquiry. And I consider it a travesty, that he admitted  
17 that he agrees that I have a constitutional right to  
18 represent myself, but he said something to the effect  
19 that his hands are tied because of what you all ordered.

20 I think judges take oath to the Constitution, not to  
21 the South Carolina Supreme Court. And I am indignant at  
22 what has been done to me. I think it is no better than  
23 Jim Crow when you have had at least 400 lawyers who  
24 either were suspended definitely, publicly reprimanded,  
25 indefinitely suspended, disbarred, debarred. And all 400

RECEIVED  
MAR 09 2022  
S.C. SUPREME COURT

MS. K.A. SNELLING, CVR-M  
Supreme Court, State of South Carolina  
Office of Commission Counsel  
1220 Senate Street, Suite 111, Columbia, South Carolina 29201

1 of them, including one who had consumed drugs or  
2 alcohol and killed somebody, and you did not take their  
3 rights to speak for themselves.

4 I consider it a violation of my human rights, basic  
5 human rights, forget about Faretta and all that stuff,  
6 it's a basic human right to speak for oneself. And I  
7 consider what you're doing to me Jim Crow revisited on  
8 lawful immigrants. And because my conscience requires me  
9 to tell the truth, that is part of the truth, so I've  
10 been only to one hearing where the Faretta --

11 Q: So I used the plural when I described the  
12 Faretta Hearings that you had been through before, and  
13 you've corrected me that you've only been through Faretta  
14 one time?

15 A: Yes, sir.

16 Q: Okay.

17 A: The other thing is you said Marion Hanna  
18 questioned me. Marion Hanna is obsessed, obsessed with  
19 trying to get people to get mentally examined. And  
20 that's why I made the motion for your Court to take  
21 possession of her two so-called novels which are easily  
22 the worst ever written in English language. Because that  
23 is morbid.

24 And that is really another travesty that your Office  
25 of Disciplinary Counsel did something to her, but it was

RECEIVED  
MAR 09 2022  
S.C. SUPREME COURT

MS. K.A. SNELLING, CVR-M  
Supreme Court, State of South Carolina  
Office of Commission Counsel  
1220 Senate Street, Suite 111, Columbia, South Carolina 29201

1     -- you are supposed to protect the public from women  
2     like her. Just as you're supposed to protect the public  
3     from incompetent and ineffective and selfish and  
4     treasonous lawyers. And I do not think you're rising to  
5     this duty.

6             And you are wanting me to suppress my conscience, I  
7     will not do that. I will not suppress my conscience.

8     Now the reason I told Marion Hanna that I, and that was

9     --

10    Q:     Ma'am, the reason I brought up Judge Hanna was  
11    simply to --

12    A:     She's not a judge, I'm sorry.

13    Q:     -- simply to point out the context in which you  
14    made the statement that you had been evaluated and you  
15    didn't have any mental health issues.

16    A:     The reason --

17    Q:     Let me follow up on that if you don't mind?  
18    I'm going to ask you three questions right here, these  
19    are yes or no questions. Depending on your answers an  
20    explanation might be warranted. But I would like if you  
21    don't mind, would you give me a yes or no answer to these  
22    questions. And then we'll see whether an explanation is  
23    necessary.

24    A:     Yes, sir.

25    Q:     Have you taken any alcohol, medication, or

RECEIVED  
MAR 03 2022  
S.C. SUPREME COURT

MS. K.A. SNELLING, CVR-M

Supreme Court, State of South Carolina

Office of Commission Counsel

1220 Senate Street, Suite 111, Columbia, South Carolina 29201

1      drugs in the last 24 hours?

2      A:    Sir, I take, every day I need to take a  
3      replacement thyroid hormone.

4      Q:    So medication. And it's by prescription?

5      A:    Yes, sir.

6      Q:    And when you take that medication have you  
7      taken it consistent with the prescription that was given  
8      to you by the doctor who prescribed it?

9      A:    I have had that condition for 42 years now.  
10     And it is just, it's almost equivalent of insulin for  
11     diabetics.

12     Q:    But let me repeat my question, and I want to  
13     remind you this is a yes or no question. When you've  
14     taken this medication that you just referred to over the  
15     last few weeks, have you taken it according to the  
16     prescription that the doctor gave you?

17     A:    Yes, sir, every day.

18     Q:    Okay. Now how about alcohol or any illegal  
19     drugs?

20     A:    (Moves head from side to side).

21     Q:    I understand. You're shaking your head no.

22     A:    No, no.

23     Q:    Okay. So are you under the influence today of  
24     any drugs or medication or alcohol?

25     A:    No, sir.

RECEIVED  
MAR 09 2022  
S.C. SUPREME COURT

MS. K.A. SNELLING, CVR-M  
Supreme Court, State of South Carolina  
Office of Commission Counsel  
1220 Senate Street, Suite 111, Columbia, South Carolina 29201

1           Q:    Have you been evaluated for your mental  
2    health since that incident that I referred to where you  
3    told -- you mentioned that you'd been evaluated before,  
4    have you been evaluated since?

5           A:    Yes, sir.

6           Q:    Did those evaluations as far as you know reveal  
7    any mental health concerns?

8           A:    At different times I was very depressed.

9           Q:    Depressed?

10          A:    Depressed, yes. And the depression happens  
11        even classically in people who have been wrongly  
12        incarcerated. And once they are released there is a  
13        euphoria of the release, but after that when you look  
14        back on how much of your life is lost you do get  
15        depressed. To the day, to the day, on 22 February, 2010  
16        I started the five-day jury trial before Judge Clifton  
17        Newman.

18          Q:    Ma'am, let's stay focused, okay? And we'll try  
19        to get through this as simply and easily as we can. I'm  
20        asking, my question for you is since March of 2011 have  
21        you been evaluated for your mental health?

22          A:    I have been depressed since then.

23          Q:    Okay. But --

24          A:    But it doesn't affect my ability to understand  
25        things. And most importantly, sir, one of the cures for

RECEIVED  
MAR 09 2022  
S.C. SUPREME COURT

MS. K.A. SNELLING, CVR-M  
Supreme Court, State of South Carolina  
Office of Commission Counsel  
1220 Senate Street, Suite 111, Columbia, South Carolina 29201

1 depression is creativity. And one of the things, and  
2 I tell the joke which is true, that I got admitted to  
3 medical school in Egypt at age 17 is because I proved I  
4 was superbly qualified to be an engineer. So one of the  
5 things that cure my depression are the engineering  
6 inventions that I work on on my own and that this farce  
7 is taking me away from.

8 Q: So I think what you said a second ago is that  
9 the depression that you just mentioned is not affecting  
10 your ability to understand. Are there any other mental  
11 issues right now that are affecting your ability to  
12 understand?

13 A: I don't think they affect my ability. But I'm  
14 very afraid of you all, I really am.

15 Q: But you do have the ability to understand?

16 A: Absolutely.

17 Q: Okay. Now what I'm going to do, it's also  
18 important to a valid waiver of counsel that you be aware  
19 of the dangers of representing yourself, and that you  
20 understand how and in what way a lawyer can help you on  
21 many of these issues.

22 On February 17th of this year in a document that you  
23 called Respondent's Emergency Response to this Court's  
24 February 22nd order, which is the order -- I'm sorry,  
25 February 15th order, which is the order setting this

RECEIVED  
MAR 09 2022  
S.C. SUPREME COURT

MS. K.A. SNELLING, CVR-M  
Supreme Court, State of South Carolina  
Office of Commission Counsel  
1220 Senate Street, Suite 111, Columbia, South Carolina 29201

1 hearing, you wrote "Dr. Assa'ad Faltas reiterates  
2 that she heard the dangers of self-representation  
3 previously recited and understands what the judges mean  
4 by them."

5 I have no doubt that you understand the dangers of  
6 representing yourself, but I'm still going to go over  
7 some of them now. And at the end I'm going to ask you if  
8 you understand all those dangers. There are  
9 jurisdictional issues at stake here, and you have raised  
10 some of these jurisdictional issues already. A lawyer  
11 could help you to better understand those jurisdictional  
12 issues.

13 You have raised recusal issues, there may be other  
14 issues that you want to raise regarding recusal. And a  
15 lawyer could help you to better understand those issues.

16 In every proceeding, certainly this one, there are  
17 going to be procedural issues, and you have already  
18 raised a few of the procedural issues. A lawyer could  
19 help you to better understand those procedural issues.

20 We have to operate in this Courtroom by rules of  
21 Court, they bind us, they bind Mr. Zelenka, and they will  
22 bind you. A lawyer could help you better to understand  
23 those rules of court and what conduct is permitted and  
24 what conduct is not permitted according to those rules.

25 In every proceeding such as the one we're going to

RECEIVED  
MAR 09 2022  
S.C. SUPREME COURT

MS. K.A. SNELLING, CVR-M  
Supreme Court, State of South Carolina  
Office of Commission Counsel  
1220 Senate Street, Suite 111, Columbia, South Carolina 29201

1 have there are going to be evidentiary issues. A  
2 lawyer could help you to better understand those  
3 evidentiary issues.

4 There are substantive issues regarding contempt, and  
5 those relate particularly to what the state would have to  
6 prove and what this Court would have to find in order for  
7 you to be found in contempt of court. There may be  
8 defenses that you could assert to the contempt charge. A  
9 lawyer could help you to understand better all of the  
10 substantive issues, including whether or not there are  
11 any defenses to the charge of contempt.

12 There are constitutional issues that might be at  
13 stake. In fact, you have already raised constitutional  
14 issues and you've done it here today. And I just want to  
15 make sure you understand that there are many times when  
16 even the judges on this Court don't understand the  
17 constitutional issues, so a lawyer could certainly help  
18 you to better understand those constitutional issues.

19 And if you are found guilty of contempt, there  
20 could, there are going to be punishment issues. And as  
21 you are aware, if the Court finds you guilty of Contempt  
22 of Court the Court may choose to fine you, may choose to  
23 place other restrictions on you, and even imprison you  
24 for a term of up to six months. A lawyer could help you  
25 to understand the potential consequences of a finding of

RECEIVED  
MAR 09 2022  
R2  
S.C. SUPREME COURT  
23  
24  
25

MS. K.A. SNELLING, CVR-M  
Supreme Court, State of South Carolina  
Office of Commission Counsel  
1220 Senate Street, Suite 111, Columbia, South Carolina 29201

1 contempt and help you to mitigate or perhaps even  
2 eliminate those consequences.

3 Now is there anything that I just explained to you  
4 in the way of the dangers of self-representation that you  
5 do not understand?

6 A: What I do not understand is whether you're  
7 talking about a hypothetical, rarified, romanticized  
8 lawyer who maybe graduated top of her class from Yale, or  
9 the average lawyer that is likely to be imposed on me,  
10 who works against me, who sometimes some lawyers have  
11 been described, at least one by U.S. District Judge  
12 Gergel as exhibiting stunning ignorance of the law. So I  
13 do not understand whether you mean that all lawyers have  
14 the same ability or you agree that there is a range of,  
15 number one, competence, and number two, devotion to the  
16 client?

17 Q: As far as I know to answer your question, as  
18 far as I know there's really been no discussion about who  
19 the lawyer would be if you chose to be represented by a  
20 lawyer. And as you point out, there is a spectrum of  
21 quality of lawyering. We would certainly hope that we  
22 would find someone who could do what I just talked to you  
23 about, which is to help you to better understand all of  
24 the issues that I discussed which are what I was  
25 referring to generally as the dangers of self-

RECEIVED  
MAR 09 2022  
S.C. SUPREME COURT

MS. K.A. SNELLING, CVR-M  
Supreme Court, State of South Carolina  
Office of Commission Counsel  
1220 Senate Street, Suite 111, Columbia, South Carolina 29201

1 representation.

2 Now setting the quality of the lawyer aside, do you  
3 understand all of the dangers of self-representation that  
4 I just went over with you?

5 A: I even understand some that you have not  
6 mentioned.

7 Q: So I understand your answer to be yes, and I  
8 understand more than what you were telling me?

9 A: Yes.

10 Q: Okay, good. Now do you have any questions for  
11 me about your right to counsel or your right to represent  
12 yourself?

13 A: I wanted to tell you that I also understand  
14 that the judges' perception that the lawyer is better or  
15 smarter or whatever than the *pro se* person is itself an  
16 advantage -- a disadvantage and a risk of self-  
17 representation. And to that extent, the same brilliant  
18 legal argument could come from a lawyer and you would say  
19 oh, that's brilliant, that's new, that gives us food for  
20 thought. But it would come from me and you would say  
21 it's frivolous and say no more than that.

22 And I've had a natural experiment. Do you know what  
23 a natural experiment is?

24 Q: Well ma'am, I'm going to want us to -- we're  
25 almost done, and you're doing great. But I want to make

RECEIVED  
MAR 09 2022  
S.C. SUPREME COURT

MS. K.A. SNELLING, CVR-M  
Supreme Court, State of South Carolina  
Office of Commission Counsel  
1220 Senate Street, Suite 111, Columbia, South Carolina 29201

1 sure we stay focused. Do you have any other  
2 questions that you want to ask me?

3 A: Yes. Do you promise to be as receptive to my  
4 *pro se* advocacy as you would be to a lawyer considering  
5 that my objective record so far is better than a lawyer?  
6 For one thing, for one thing I *pro se*, thank God, won a  
7 PCR case which withstood the state's --

8 Q: So let me answer your question. It's really  
9 not my role to make promises here. But I will remind  
10 you, as I'm sure you know, that it is our duty to do what  
11 you just said. It's actually part of the oath that we  
12 all take as judges to listen fairly to every person who  
13 comes in here to raise a position. So that's my answer  
14 to your question. Are there any other questions that you  
15 have?

16 A: Yes. In this proceeding you are my accusers.  
17 Do I have the right to confront you? And I have a  
18 suspicion that you want to impose a lawyer on me because  
19 you want that lawyer to force me to give up that choice.

20 Q: My answer to your question is that that is one  
21 of the procedural and constitutional issues that could be  
22 raised at the trial of these contempt charges, and a  
23 lawyer could help you to better understand those  
24 procedural issues. Are there any other questions that  
25 you have?

RECEIVED  
MAR 09 2022  
S.C. SUPREME COURT

MS. K.A. SNELLING, CVR-M  
Supreme Court, State of South Carolina  
Office of Commission Counsel  
1220 Senate Street, Suite 111, Columbia, South Carolina 29201

1           A: I'm sorry, sir, you have not answered my  
2 question.

3           Q: Ma'am, you might not be satisfied with my  
4 answer; but I gave you my answer. Now I'm going to ask  
5 you again, are there any other questions that you have?

6           A: Yes. If you could please look at the motion  
7 that I just served?

8           Q: As Justice Kittredge indicated at the beginning  
9 of the hearing, we will look at the motion. Yes, ma'am.  
10 Are there any other questions?

11          A: Will I be allowed to require discovery from Mr.  
12 Zelenka, and will you promise to ensure that he responds  
13 to discovery within the limited time that I have? I mean  
14 what I'm trying to --

15          Q: I can answer that question by telling you again  
16 that's one of the procedural issues that could be raised.  
17 And it is our duty to rule according to the law, and so  
18 we will follow that duty. So are there any other  
19 questions?

20          A: No, thank you. And thank you for being  
21 pleasant today.

22          Q: All right, ma'am.

23          A: I really was afraid that if I smiled you'd say  
24 you're taking the procedure as a joke, you're in  
25 contempt. If I didn't smile you would say she has a

RECEIVED  
MAR 09 2022  
S.C. SUPREME COURT

MS. K.A. SNELLING, CVR-M  
Supreme Court, State of South Carolina  
Office of Commission Counsel  
1220 Senate Street, Suite 111, Columbia, South Carolina 29201

1 hostile look on her face, she's in contempt. Because  
2 this is exactly, exactly what Marion Hanna did to me.  
3 And for 12 years you all failed your duty to protect the  
4 public from that. So I was afraid of you. But I want to  
5 thank you for being pleasant.

6 Q: So having heard everything that I had to say to  
7 you, do you want this Court to appoint a lawyer for you  
8 or do you want to represent yourself?

9 A: I God willing want to represent myself more  
10 than ever. However, having reviewed Faretta, the Court  
11 does have the right to appoint standby counsel over my  
12 objection. So if you want to appoint standby counsel you  
13 could do that, it would be over my objection. But I just  
14 was, you know, wanting you to have your heart at ease  
15 about having done everything possible.

16 Q: So to be clear, in response to what you just  
17 said, you would object to standby counsel?

18 A: But Faretta says the Court has the right to do  
19 standby counsel over --

20 Q: But let me make sure I have this, you object to  
21 it though, right?

22 A: Yes.

23 Q: Okay. Now I want to ask you one more question.  
24 Has any person or any other circumstance put pressure on  
25 you or forced you in any way to make the decision to

RECEIVED  
MAR 09 2022  
S.C. SUPREME COURT

MS. K.A. SNELLING, CVR-M  
Supreme Court, State of South Carolina  
Office of Commission Counsel  
1220 Senate Street, Suite 111, Columbia, South Carolina 29201

1 represent yourself, or in your mind can you tell me  
2 that you are doing this freely and voluntarily?

3 A: Freely and voluntarily.

4 JUSTICE FEW: Okay. Thank you, ma'am.

5 DR. FALTAS: Thank you.

6 JUSTICE KITTREDGE: Thank you, Justice Few.

7 And Dr. Faltas, thank you, ma'am.

8 DR. FALTAS: Thank you.

9 JUSTICE KITTREDGE: I will on behalf of the entire  
10 Court echo what Justice Few said about our duty to treat  
11 all litigants, represented and unrepresented fairly,  
12 equally, and in accordance with the law, both  
13 procedurally and substantively.

14 Are there any questions from other members of the  
15 Court? (No response). Hearing none, that concludes this  
16 matter. Thank you all for being here today. We'll issue  
17 an order in accordance with our ruling.

18 (Whereupon, the hearing concluded at 2:01 p.m. on  
19 the 22nd day of February, 2022)

20  
21  
22  
23  
24  
25  
RECEIVED

MAR 09 2022

S.C. SUPREME COURT

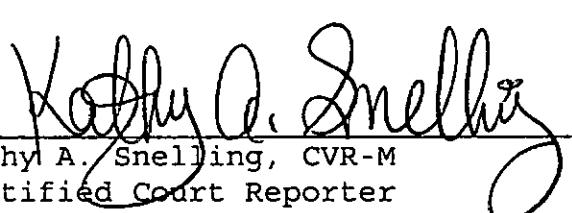
CERTIFICATE OF REPORTER

I, the undersigned K.A. Snelling, Official Court Reporter for the Office of Commission Counsel and Notary Public for 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 any evidence introduced in the captioned matter on the 22nd day of February, 2022.

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

IN WITNESS WHEREOF, I have hereunto affixed my hand this 23rd day of February, 2022.

  
\_\_\_\_\_  
Kathy A. Snelling, CVR-M  
Certified Court Reporter

Notary Public for South Carolina

My Commission Expires: May 16, 2028

RECEIVED  
MAR 09 2022  
S.C. SUPREME COURT

MS. K.A. SNELLING, CVR-M  
Supreme Court, State of South Carolina  
Office of Commission Counsel  
1220 Senate Street, Suite 111, Columbia, South Carolina 29201

STATE OF SOUTH CAROLINA      } Before the Supreme Court  
                                    } of South Carolina  
COUNTY OF RICHLAND      }

In the Matter of:      } TRANSCRIPT OF RECORD  
                            } CORRECTED ORIGINAL  
Marie Assa'ad Faltas,      }  
                            } Appellate Case No.  
                            Respondent. }      2021-000815  
                            }

A Rule to Show Cause Hearing was held in the Courtroom of the Supreme Court of South Carolina, beginning at 10:00 a.m., on Tuesday, March 22, 2022.

The Court consisted of Justice John W. Kittredge; Justice Kaye G. Hearn; Justice John C. Few; Justice George C. James, Jr.; and Former Court of Appeals Chief Judge James E. Lockemy.

The Office of the Attorney General was represented by Donald J. Zelenka, Esquire.

The Respondent appeared, *pro se*.

K.A. Snelling, CVR-M  
Court Reporter for the Office of Commission Counsel

**MS. K.A. SNELLING, CVR-M**  
Supreme Court, State of South Carolina  
Office of Commission Counsel  
1220 Senate Street, Suite 111, Columbia, South Carolina 29201

INDEX TO EXAMINATION

Daniel E. Shearouse

Direct Examination by Mr. Zelenka -----	14
Cross-Examination by Dr. Faltas -----	37
Redirect Examination by Mr. Zelenka -----	105
Recross-Examination by Dr. Faltas -----	107
 Certificate of Reporter -----	128

**MS. K.A. SNELLING, CVR-M**  
Supreme Court, State of South Carolina  
Office of Commission Counsel  
1220 Senate Street, Suite 111, Columbia, South Carolina 29201

INDEX TO EXHIBITS

<u>Number</u>	<u>Description</u>	<u>Identified/Admitted</u>
---------------	--------------------	----------------------------

Exhibits Submitted by the State:

1	9/27/17 Order of the Supreme Court -----	16 -- 102
2	Cover letter transmitting 9/27/17 Order -----	17
3	Dr. Faltas' Hand-delivered Response, 9/29/17 ----	20
4	9/20/19 Order of the Supreme Court -----	21
5	Email from Dr. Faltas, 10/22/20 -----	24
6	Email from Dr. Faltas, 1/22/21 -----	28
7	Email from Mr. Shearouse, 1/22/21 -----	29
8	Email from Dr. Faltas, 1/10/22 -----	33
9	Email from Dr. Faltas, 1/7/22 -----	33
10	Email from Mr. Shearouse, 1/10/22 -----	34
11	Email from Dr. Faltas, 1/22/21 -----	36
12	Hand-delivered Motion from Dr. Faltas, 10/3/19 -	107

Exhibits Submitted by the Respondent:

1	Script for Clerk's staff on how to respond ----	100
---	---	-----

**MS. K.A. SNELLING, CVR-M**  
Supreme Court, State of South Carolina  
Office of Commission Counsel  
1220 Senate Street, Suite 111, Columbia, South Carolina 29201

1 (Whereupon, the hearing commenced at 10:07 a.m.  
2 on the 22nd day of March, 2022)

3 **MS. BRYANT:** All rise.

4 **JUSTICE KITTREDGE:** Good morning, please be seated.  
5 This is In the Matter of Marie Assa'ad Faltas,  
6 Respondent, who now is present.

7 **DR. FALTAS:** Objection.

8 **JUSTICE KITTREDGE:** The State is represented by Mr.  
9 Zelenka. There are allegations of contempt of this  
10 Court's order as detailed in the January 24, 2022 order  
11 regarding particular telephone calls and emails that were  
12 made and sent by the Respondent allegedly in violation of  
13 this Court's orders, primarily the September 27, 2017  
14 order.

15 Because this is a criminal contempt matter the State  
16 has the burden of proof of proving a charge of criminal  
17 contempt, that is a willful violation of a court order  
18 beyond a reasonable doubt. In terms of evidence on the  
19 criminal contempt charges, the Court will receive  
20 evidence related to those charges.

21 **DR. FALTAS:** Objection.

22 **JUSTICE KITTREDGE:** And the evidence will be limited  
23 to whether Ms. Faltas violated the prior court order.

24 **DR. FALTAS:** Objection.

25 **JUSTICE KITTREDGE:** The objection is noted and it's

**MS. K.A. SNELLING, CVR-M**  
Supreme Court, State of South Carolina  
Office of Commission Counsel  
1220 Senate Street, Suite 111, Columbia, South Carolina 29201

1 overruled. I'll give you time to speak, ma'am, now  
2 is my time.

3           **DR. FALTAS:** Thank you. May I remain seated?

4           **JUSTICE KITTREDGE:** No, ma'am. I want to emphasize  
5 that the only evidence relevant to the contempt charge  
6 will be allowed.

7           Mr. Zelenka, is the State ready to proceed?

8           **MR. ZELENKA:** The State is ready, Your Honor.

9           **JUSTICE KITTREDGE:** Thank you, sir.

10           Ms. Faltas, you're here representing yourself  
11 as you adamantly requested at the prior hearing. An  
12 order was issued to that effect to honor your request.  
13 And preliminarily I'm to ask you, do you admit or deny  
14 that you made the phone calls and sent the emails as  
15 alleged in this Court's order of January the 24th?

16           **DR. FALTAS:** Under the Fifth Amendment to the United  
17 States Constitution I am protected from answering this  
18 question. I also need to ask whether I am permitted to  
19 remain seated as I was last time, or does my privacy have  
20 to be violated for me to have such a simple decency?

21           **JUSTICE KITTREDGE:** Thank you, ma'am. As to the  
22 first point based on your invocation of Fifth Amendment,  
23 the Court will enter a not guilty plea on your behalf,  
24 and the State will be required to prove that you made the  
25 phone calls and sent the emails as are alleged.

MS. K.A. SNELLING, CVR-M  
Supreme Court, State of South Carolina  
Office of Commission Counsel  
1220 Senate Street, Suite 111, Columbia, South Carolina 29201

1           As to the second point, ma'am, we moved you to  
2 the other table today from where you were at the first  
3 hearing. We accommodated you, and we're doing so today.  
4 So you do not have to stand, you do not have to move  
5 around the courtroom, we are accommodating you. And you  
6 can even, if you choose to testify, you don't have to,  
7 but if you choose to testify you can testify from where  
8 you're currently seated.

9           Also, the witnesses who testify, ma'am, will be to  
10 your right next to the court reporter. And you will be  
11 able to see and hear those witnesses and conduct your  
12 cross-examination or direct examination of any witnesses  
13 you have from that vantage point. Are you ready to  
14 proceed, ma'am?

15           **DR. FALTAS:** Sir, no, I'm not ready. The reason I'm  
16 not ready, or there are several reasons. Can the Court  
17 hear me and can the court reporter hear me?

18           **JUSTICE KITTREDGE:** Yes, ma'am.

19           **DR. FALTAS:** There are several, several reasons for  
20 which I am not ready. For one thing, my Consul is not  
21 here and did not have meaningful notice, not just any  
22 notice, meaningful notice. I specifically requested  
23 remote connection, you denied it.

24           I even object to the title of the action. Under a  
25 case from 1955 that was cited by the US District Court

1 that overturned, reversed this Court's contempt,  
2 affirmation of a contempt conviction. The case was  
3 Brandt v. Ozmit, and at the Fourth Circuit it was called  
4 Brandt v. Gooding. But in any event, it quoted a 1955  
5 case from this Court that said criminal contempt, no  
6 matter how you call it, it's a criminal charge like  
7 murder and the Defendant has all the rights. You are  
8 limiting my defenses from the get-go.

9 And the US Supreme Court reversed the South Carolina  
10 case, you had affirmed the conviction of Holmes. And in  
11 Holmes v. South Carolina the United States Supreme Court  
12 it was a case of whether if there is overwhelming  
13 evidence then the Defendant doesn't get to present  
14 evidence of third-party guilt. And the US Supreme Court  
15 said no, a Defendant has the right to present complete  
16 evidence.

17 Additionally, even in that case that was cited by  
18 the US District Court in the Brandt, B-R-A-N-D-T case,  
19 and I can pull it and give you the name, the threshold,  
20 the threshold is whether the order alleged to be violated  
21 is void. You are preventing me from offering that  
22 defense.

23 And you are also denying me a jury trial. You said  
24 six months. But that six months was based on the federal  
25 statute that said the dividing line between serious

1 offense and not serious offense is the six months  
2 sentence. In South Carolina it is different because the  
3 Legislature guaranteed jury trial in the summary court to  
4 all charges. And in summary court the maximum sentence  
5 is generally 30 days. Additionally -- am I allowed to  
6 take my breath between phrases?

7           **JUSTICE KITTREDGE:** Yes, ma'am, you're allowed to  
8 breathe.

9           **DR. FALTAS:** Yes, thank you. Even in cases where  
10 there isn't a possibility of incarceration one still gets  
11 a jury trial. I have it very seriously briefed that  
12 issue. And the last time Associate Justice Few was kind  
13 enough to say that what he read of my writings reveal a  
14 deep and broad understanding of legal principles and  
15 legal procedure.

16           The order that you had somebody hound me in my own  
17 home and give to me and scare me starts with, what do you  
18 call me, Respondent is a prolific, frivolous filer. That  
19 is an element of the charge and the State has to prove  
20 it. You don't just get to get away with it because you  
21 are the Court.

22           Justice, I hope she becomes Justice Ketanji Brown,  
23 is today being examined for a seat which she deserves  
24 more than Judge Childs. She wrote in the case of Trump  
25 no one is king. You are not kings. You don't get to

1 write that I am a frivolous filer, and then dispense  
2 with the proof of that in a criminal case.

3 In fact, you don't get to call this In the Matter of  
4 Marie Faltas, you need to call it State v. Marie Faltas.  
5 And give me all the rights to a criminal Defendant,  
6 including a public trial. I don't see a public trial  
7 here. I don't even see the docket on any public docket.  
8 You've denied me at the get-go. You've denied me my  
9 right to a public trial. You've denied me my right to  
10 know on what basis you call me frivolous filer -- no, not  
11 just frivolous -- frivolous, prolific filer.

12 For the past 11 years I have not been allowed to  
13 file anything. You have denied me even the decency of  
14 not being hung up on when I call public employees under  
15 public number to inquire about public matter. So no, I'm  
16 not ready.

17 And just I had also, I have motions for recusal, and  
18 I need to make them at the threshold. And you don't get  
19 to not let me make them by just ramming through and  
20 saying the State begin, and the State just prove that she  
21 made the calls. That's not the issue. The issue, the  
22 threshold issue is whether your order was valid.

23 And I would like to be heard and to get an answer  
24 from you in a way that is preserved either for federal  
25 habeas, or for appeal to the US Supreme Court, or just

1 for your own consciences. On what basis do you do  
2 this to me? So no, I'm not ready. First, I need to make  
3 the motions for recusals.

4 **JUSTICE KITTREDGE:** All right, thank you, ma'am.  
5 You have made your motion for recusal repeatedly. It has  
6 been denied. We are not going to entertain any motions  
7 that have already been heard repeatedly.

8 **DR. FALTAS:** There are new grounds.

9 **JUSTICE KITTREDGE:** Ma'am, I gave you leeway and I'm  
10 going to give you leeway. I'm going to give, we're all  
11 going to give you the opportunity to explain why the  
12 September 27, 2017 order is somehow not valid. And  
13 you'll get that opportunity, we'll hear from you in that  
14 regard.

15 The first thing I want to say is your motion for a  
16 continuance is denied. This hearing has been set for a  
17 substantial period of time.

18 **DR. FALTAS:** Not really. Sorry.

19 **JUSTICE KITTREDGE:** I'm going to do my best not to  
20 interrupt you, and I would ask you to please respectfully  
21 reciprocate and give this Court an opportunity to state  
22 its position. You requested a one-hour continuance to  
23 11:00 o'clock, that that was important to you. You  
24 declined in your motion to state the reason why the one-  
25 hour continuance was crucial to your defense. Without

1 knowing the basis of your request for a one-hour  
2 continuance, that motion was denied. I will note by your  
3 late appearance and the colloquy that we've enjoyed that  
4 we may be close to approaching a substantial delay before  
5 we begin evidence.

6 This is a public trial, you have your rights. We  
7 are not considering any sentence, if we choose to impose  
8 a sentence, which is not our desire. But even a  
9 potential sentence will not exceed six months. And for  
10 criminal contempt of court the United States Supreme  
11 Court precedent is clear that a jury trial is not  
12 available. So those motions which we have considered,  
13 and we consider again today, are denied. And we will  
14 move forward.

15 At some point in this proceeding we do want to give  
16 you the opportunity to state on the record why you  
17 believe the underlying order that sets forth your history  
18 of dealings with not only the courts in South Carolina  
19 but courts elsewhere, why that order is somehow not  
20 valid. So I'll give you, we all will give you that  
21 opportunity.

22 Now we're going to move forward with the evidentiary  
23 hearing on the contempt charges. I will --

24 **DR. FALTAS:** Sir --

25 **JUSTICE KITTREDGE:** Is there something else, ma'am?

MS. K.A. SNELLING, CVR-M  
Supreme Court, State of South Carolina  
Office of Commission Counsel  
1220 Senate Street, Suite 111, Columbia, South Carolina 29201

1           **DR. FALTAS:** Yes, sir. There have been new  
2 discovered grounds for recusal, and I need to state them.  
3 And also the touchstone of due process is that no man can  
4 be the judge of his own case. You're going to give me an  
5 opportunity to say why the orders are invalid.

6           **JUSTICE KITTREDGE:** Yes, ma'am.

7           **DR. FALTAS:** But you are the ones who wrote the  
8 orders, so you will be judging your own orders. That is  
9 a denial of due process. May I speak to the newly  
10 discovered or the newly arising issues of recusal,  
11 please?

12           **JUSTICE KITTREDGE:** We'll hear from you on other  
13 matters that have come to your attention when you talk  
14 about the legal efficacy of the September 2017 order.

15 Now as far --

16           **DR. FALTAS:** But these are separate issues. Recusal  
17 is totally separate and it needs to be done at the  
18 threshold.

19           **JUSTICE KITTREDGE:** No, ma'am. We'll hear it. And  
20 if it's meritorious, you'll win on it. You have filed so  
21 many motions. This hearing has been set for a long time.  
22 We're not going to try this matter by filibuster by new  
23 things coming up at the last moment. You're going to get  
24 an opportunity to say your piece, we're going to give you  
25 full opportunity to put it on the record. At this point

1 we're going to move forward with the evidentiary  
2 hearing.

3 **DR. FALTAS:** Sir --

4 **JUSTICE KITTREDGE:** I have spoken to my colleagues,  
5 I am going to rule on evidentiary challenges. But before  
6 the record is closed the Court will adjourn and my  
7 evidentiary rulings will be considered by the full Court.  
8 And if the Court majority determines that a ruling from  
9 me excluding evidence was in error, we will then allow  
10 that evidence to be presented before the record is closed  
11 so it will be made part of the record and both sides'  
12 rights will be protected.

13 Is the State ready to proceed, sir?

14 **MR. ZELENKA:** The State is ready, Your Honor.

15 **JUSTICE KITTREDGE:** You may proceed.

16 **MR. ZELENKA:** The State calls Daniel Shearouse.

17 (Mr. Shearouse enters the Courtroom)

18 **JUSTICE KITTREDGE:** Mr. Shearouse, if you would  
19 kindly raise your right hand?

20 **MR. SHEAROUSE:** Yes, sir.

21 **JUSTICE KITTREDGE:** Do you swear or affirm the  
22 testimony you give will be the truth?

23 **MR. SHEAROUSE:** I do, sir.

24 **JUSTICE KITTREDGE:** Thank you, sir. Please be  
25 seated.

1                   Your witness.

2                   **MR. SHEAROUSE - DIRECT EXAMINATION BY MR. ZELENKA:**

3                   **Q:**    Mr. Shearouse, please state your name for the  
4 record?

5                   **A:**    Daniel E. Shearouse.

6                   **Q:**    How are you currently employed?

7                   **DR. FALTAS:** I'm sorry, I didn't hear the middle  
8 name.

9                   **A:**    Daniel E. Shearouse.

10                  **DR. FALTAS:** E.?

11                  **A:**    E. Yes, ma'am.

12                  **DR. FALTAS:** Oh, okay.

13                  **Q:**    How are you currently employed?

14                  **A:**    I'm currently employed as a part-time employee  
15 of the South Carolina Supreme Court.

16                  **Q:**    How were you previously employed by the Court?

17                  **A:**    In 1983 I came to work as a staff attorney, I  
18 became the chief staff attorney sometime thereafter.

19                  **DR. FALTAS:** May I --

20                  **A:**    I worked for about 15 years in the --

21                  **DR. FALTAS:** May I ask the witness to slow down a  
22 little bit, I have difficulty hearing him.

23                  **JUSTICE KITTREDGE:** Thank you, ma'am.

24                  **A:**    Mr. Zelenka, I first came to work for the South  
25 Carolina Supreme Court in 1983, then as a staff attorney,

**MS. K.A. SNELLING, CVR-M**

Supreme Court, State of South Carolina

Office of Commission Counsel

1220 Senate Street, Suite 111, Columbia, South Carolina 29201

1 then later I became the chief staff attorney. I  
2 worked in that office for about 15 years before I was  
3 appointed to the Clerk of the South Carolina Supreme  
4 Court in October of 1998, and I served in that position  
5 until I retired July of last year.

6       **Q:**    Okay. What were duties as the Clerk of Court?

7       **A:**    Gosh, it was virtually everything from taking  
8 the initial filings, to scheduling things for oral  
9 arguments, to filing the opinions and other decisions of  
10 the Court. Basically managing the staff of the Supreme  
11 Court. Virtually everything you can think about, about  
12 the Clerk's Office.

13       **Q:**    Okay. In those duties with the South Carolina  
14 Supreme Court did you become aware of an order entered by  
15 the Court on September 27th of 2017?

16       **A:**    Yes, sir.

17       **Q:**    Have you recently seen a copy of that order?

18       **A:**    I have.

19       **DR. FALTAS:** Objection.

20       **JUSTICE KITTREDGE:** So noted.

21       **Q:**    Mr. Shearouse, is that a copy of the order?

22       **A:**    Yes, it is. This is a copy of the order filed  
23 relating to restricting filings by Dr. Faltas, the  
24 Respondent in this case.

25       **MR. ZELENKA:** We would like to move that in evidence

1 as the State's first exhibit in this case.

2       **JUSTICE KITTREDGE:** All right. And you object to  
3 that, Ms. Faltas?

4       **DR. FALTAS:** Your Honor, sir, I've been a doctor  
5 longer than you have been a judge, so I'd appreciate you  
6 remembering --

7       **JUSTICE KITTREDGE:** Yes, ma'am, please forgive me.

8       **DR. FALTAS:** -- my professional title. Yes, I do  
9 object.

10      **JUSTICE KITTREDGE:** It will be marked as State's  
11 Exhibit 1 for identification.

12      **MR. ZELENKA:** Okay.

13      **JUSTICE KITTREDGE:** And whether it is admitted will  
14 depend on Dr. Faltas' argument that the order is invalid,  
15 which we will hear subsequently. So it is received as  
16 State's No. 1 for identification.

17      **MR. ZELENKA:** I will provide a copy of that to the  
18 court reporter.

19      **(State's Exhibit No. 1 Marked for Identification)**

20      **Q:** Mr. Shearouse, within your role are you aware  
21 whether that order was provided to Dr. Faltas?

22      **A:** Yes, Mr. Zelenka, it was --

23      **DR. FALTAS:** Objection.

24      **A:** -- the C-track shows --

25      **JUSTICE KITTREDGE:** What's the objection?

1           **DR. FALTAS:** Outside his personal knowledge.  
2   And there is no C-track that I could see on the under --  
3           **JUSTICE KITTREDGE:** Overruled. You may proceed, Mr.  
4   Zelenka.

5           **Q:** Mr. Shearouse, let me ask if you can identify  
6   that document?

7           **A:** Yes, I can. This is a copy of the cover letter  
8   --

9           **DR. FALTAS:** Objection.

10          **A:** -- sending this out to Dr. Faltas and the other  
11   parties.

12          **Q:** And how are you aware that it was sent to Dr.  
13   Faltas?

14          **A:** Well I, of course, signed this letter. I had a  
15   copy of the order attached to it. The C-track indicates  
16   that it was, in fact, sent. And further, shortly  
17   thereafter she filed a response to that order.

18          **MR. ZELENKA:** We would move this as State's Exhibit  
19   No. 2.

20          **JUSTICE KITTREDGE:** Any objection?

21          **DR. FALTAS:** Yes, sir.

22          **JUSTICE KITTREDGE:** Overruled. It's admitted in  
23   evidence as State's No. 2.

24          **(State's Exhibit No. 2 Admitted into Evidence)**

25          **MR. ZELENKA:** Your Honor --

1           **DR. FALTAS:** Sir, may I say that it can only be  
2 admitted to prove that he sent it, it cannot prove that I  
3 received it.

4           **JUSTICE KITTREDGE:** Thank you for that comment. It  
5 is in evidence.

6           **MR. ZELENKA:** Okay.

7           **DR. FALTAS:** And that's number two?

8           **JUSTICE KITTREDGE:** State's Exhibit No. 2 is in  
9 evidence.

10           **DR. FALTAS:** Are there markings or anything that you  
11 put on your exhibits here or what?

12           **JUSTICE KITTREDGE:** I'm sorry, I couldn't hear you,  
13 ma'am.

14           **DR. FALTAS:** Are there exhibit stamps that you put  
15 on your exhibits here or what?

16           **JUSTICE JAMES:** The court reporter has stickers.

17           **JUSTICE KITTREDGE:** Oh, she wants stickers. I don't  
18 know if we have stickers. You were adamant you wanted to  
19 represent yourself. You were adamant that standby  
20 counsel could not be appointed. We will do our best to  
21 improvise and make sure that your exhibits are marked in  
22 some appropriate form so they are part of the record as  
23 well and your rights are protected.

24           **DR. FALTAS:** Correction. I was not adamant that  
25 standby counsel cannot be appointed. In fact, I said

1 three times that under Faretta the Court can appoint  
2 standby counsel over my objection. And it's not my job  
3 to prepare the State's case for them, it's the State's  
4 job. So don't blame it on me that you don't have  
5 stickers.

6 **JUSTICE KITTREDGE:** The State has stickers, the  
7 State is prepared.

8 Please proceed, Mr. Zelenka.

9 **MR. ZELENKA:** Thank you.

10 **Q:** Mr. Shearouse, let me ask if you can identify  
11 this document?

12 **A:** Yes, this is the document I referred to just a  
13 minute ago. This is a response that she sent us to the  
14 order complaining about the order. So it clearly shows  
15 that she references the September 27, 2017 order in this  
16 "Motion to Terminate this Case or Hold a Speedy Public  
17 Trial" is what it's called.

18 **DR. FALTAS:** Is that number three?

19 **MR. ZELENKA:** We would move to introduce this as  
20 State's Exhibit No. 3.

21 **DR. FALTAS:** No.

22 **JUSTICE KITTREDGE:** Do you object, ma'am?

23 **DR. FALTAS:** No.

24 **JUSTICE KITTREDGE:** Without objection, State's No. 3  
25 in evidence.

1 (State's Exhibit No. 3 Admitted into Evidence)

2           **MR. ZELENKA:** Your Honor, we have copies for all  
3 members of the Court if that would be useful, or would  
4 you just want --

5 DR. FALTAS: I can't hear you. I'm sorry, I can't  
6 hear you.

7       **MR. ZELENKA:** Your Honor, we have copies of the  
8 exhibits for each of the individual judges if you would  
9 like to do that, or we can rely upon the single document.

10       **JUSTICE KITTREDGE:** We will proceed as is with the  
11 court record. And if we need separate copies we'll make  
12 that request on the record in front of both sides.

13 | MR. ZELENKA: Thank you.

14 Q: Mr. Shearouse, at some later point did you  
15 become aware of the order of September 20, 2019?

17 Q: Let me ask if you can identify this document?

18       **A:**    Yes, this is a copy of an order dated September  
19       20th of 2019 which actually clarified how the earlier  
20       order, the September 2017 order --

21 DR. FALTAS: Objection, objection.

**A:** -- would apply in postconviction relief cases.

23       **DR. FALTAS:** Objection to the witness giving legal  
24 conclusions about the order. Either the witness is the  
25 judge or you all are the judges.

MS. K.A. SNELLING, CVR-M

Supreme Court, State of South Carolina

## Office of Commission Counsel

1220 Senate Street, Suite 111, Columbia, South Carolina 29201

1                   **JUSTICE KITTREDGE:** Overruled. Please proceed.

2                   **MR. ZELENKA:** We would move that into evidence.

3                   **JUSTICE KITTREDGE:** Any objection --

4                   **DR. FALTAS:** Yes, sir.

5                   **JUSTICE KITTREDGE:** -- to State's Exhibit No. 4?

6                   **DR. FALTAS:** Yes, sir, to the extent that it's  
7 offered for the truth of its content, I object to it.

8                   **JUSTICE KITTREDGE:** Objection overruled. It is in  
9 evidence as State's No. 4 at this time.

10                  (**State's Exhibit No. 4 Admitted into Evidence**)

11                  **MR. ZELENKA:** Thank you.

12                  **Q:** Mr. Shearouse, are you familiar with Dr. Marie  
13 Assa'ad Faltas?

14                  **A:** Yes, sir, I am.

15                  **DR. FALTAS:** Objection, overbroad.

16                  **JUSTICE KITTREDGE:** Overruled.

17                  **Q:** How did you become familiar with her?

18                  **A:** I believe the first time I met Dr. Faltas was  
19 shortly after Chief Justice Toal became chief.

20                  **Q:** And how did that occur?

21                  **A:** The first time I remember was out in the lobby,  
22 she was filing some *pro se* document I believe.

23                  **Q:** Are you familiar with the email address of Dr.  
24 Faltas?

25                  **A:** Yes, sir, I am, it's a Hotmail account that she

1 uses routinely.

2       **Q:**    How did you become familiar with her email?

3       **A:**    Simply by the volume of emails that she sent  
4 using that email address.

5       **DR. FALTAS:** Objection to the word volume.

6       **JUSTICE KITTREDGE:** Overruled.

7       **Q:**    Had you prior to October 22, 2020 received  
8 emails directly from Dr. Faltas in your role as Clerk of  
9 Court?

10      **A:**    Oh, yes, sir, I did.

11      **DR. FALTAS:** I'm sorry, what was the question?

12      **MR. ZELENKA:** Pardon me?

13      **DR. FALTAS:** What was the question? I didn't hear  
14 it.

15      **Q:**    Prior to October 22, 2020 had you received  
16 emails to your account directly from Dr. Faltas?

17      **A:**    Yes, directly to my --

18      **DR. FALTAS:** Objection to the extent that's not  
19 listed in the charges.

20      **JUSTICE KITTREDGE:** Overruled.

21      **Q:**    Have you had emails that Dr. Faltas had  
22 responded to you directly as a reply to the email that  
23 you recall?

24      **A:**    Yes, absolutely.

25      **Q:**    On October 22, 2020 did you receive an email

1 from Dr. Faltas?

2 **A:** Yes, I did.

3 **Q:** Let me ask if you can identify this document?

4 **A:** Yes, this is an email dated October 22nd, 2020  
5 sent from the email address MarieFaltas@hotmail.com, that  
6 is the email address that I am familiar with her using.  
7 And it came from her. It was somewhat disturbing to me  
8 because, of course, it referenced "If you want to hold me  
9 in contempt hearing for me, just do that, please tell me  
10 the date and time so it can allow me to have a public  
11 trial." So it appears that she clearly knew that this  
12 email was in violation of the Court's order.

13 **DR. FALTAS:** Objection to his testifying about my  
14 state of mind. And I would appreciate the State giving  
15 the exhibit number before handing them to the witness.

16 **JUSTICE KITTREDGE:** That's a valid point, I'll  
17 sustain that. What is this exhibit number, is it five?

18 **MR. ZELENKA:** This would be Exhibit No. 5. Thank  
19 you, Dr. Faltas.

20 **JUSTICE KITTREDGE:** He's authenticated it. Do you  
21 offer it into evidence?

22 **MR. ZELENKA:** We offer it as an exhibit.

23 **JUSTICE KITTREDGE:** All right.

24 And you object?

25 **DR. FALTAS:** Yes, sir. And I also object --

1                   **JUSTICE KITTREDGE:** What's the grounds of  
2 objection for the admissibility of State's No. 5?

3                   **DR. FALTAS:** What the witness used to philosophize  
4 about my state of mind.

5                   **JUSTICE KITTREDGE:** He can publish, once it's in  
6 evidence he can publish the contents of that exhibit.

7                   **DR. FALTAS:** Absolutely. But he did not, he went  
8 way beyond that. So I object to his using it as saying  
9 that I knew it was a violation of the order.

10                  **JUSTICE KITTREDGE:** I'm not aware that's his  
11 evidence. But to the extent it was, I'll sustain your  
12 objection.

13                  **DR. FALTAS:** Thank you.

14                  **JUSTICE KITTREDGE:** State's Exhibit --

15                  **DR. FALTAS:** Yes, his testimony can be played. I'm  
16 not making this up, sir.

17                  **JUSTICE KITTREDGE:** I understand, ma'am, thank you.  
18 State's No. 5 is in evidence, and you may publish if it  
19 you like.

20                  **MR. ZELENKA:** Thank you.

21                  **(State's Exhibit No. 5 Admitted into Evidence)**

22                  **Q:** Mr. Shearouse, let me ask you to publish the  
23 email, the next to the last paragraph of the email?

24                  **A:** Yes sir, I'd be happy to. That paragraph reads

25                  --

1           **DR. FALTAS:** Objection to, for completeness I  
2 think the entire exhibit needs to be published. And if  
3 it's really a public trial the whole thing --

4           **JUSTICE KITTREDGE:** Overruled.

5           **DR. FALTAS:** Okay, sir.

6           **JUSTICE KITTREDGE:** And if you believe that the  
7 remainder of it needs to be published you may do that  
8 either through cross-examination or in your case, ma'am.

9           **DR. FALTAS:** Fair point, sir.

10           **JUSTICE KITTREDGE:** Thank you.

11           Proceed, please.

12           **A:** That paragraph reads "If you want to hold  
13 contempt hearings for me for that, just please tell me  
14 the date and time and allow me a true public trial and  
15 invite China's and Egypt's ambassadors to the United  
16 States so that they may witness the hypocrisy of the --

17           **DR. FALTAS:** Objection.

18           **A:** -- country that lectures the world about human  
19 rights but ignores them in its own courts."

20           **DR. FALTAS:** Objection, he did not read it  
21 accurately. It says they can witness, he read may  
22 witness.

23           **JUSTICE KITTREDGE:** Thank you for that.

24           **DR. FALTAS:** I mean the man is under oath. I take  
25 --

1                   **JUSTICE KITTREDGE:** And you'll have an  
2 opportunity to cross-examine him, ma'am.

3                   **DR. FALTAS:** Yes, sir. But just so the Court knows,  
4 I take the oath or affirmation very seriously, very  
5 seriously. And I expect people to be accurate. And I  
6 have been the victim of 378 documented perjuries,  
7 subornation, forgeries against me in a case that  
8 nonetheless --

9                   **JUSTICE KITTREDGE:** Ma'am, you'll be allowed to  
10 testify. You wanted to represent yourself. We're going  
11 to follow the normal rules. The State has a witness on  
12 the stand and they are examining that witness. And  
13 you'll have an opportunity to cross-examine if you like.  
14 But you simply can't stop in the middle of the direct  
15 examination of a witness and share your thoughts with us.

16                   **DR. FALTAS:** I --

17                   **JUSTICE KITTREDGE:** If you have a legal objection  
18 you make it, you make it succinctly, and we will rule.

19                   Proceed, Mr. Zelenka.

20                   **MR. ZELENKA:** Thank you.

21                   **Q:** Mr. Shearouse, did you on January 22, 2021  
22 receive an email from Dr. Faltas?

23                   **A:** Yes, I did.

24                   **Q:** Let me ask if you can identify this document,  
25 and if so, say yes?

1           **A:** Yes, this is --

2           **DR. FALTAS:** To the Court, the State is still not  
3 heeding the admonition to identify exhibit numbers.

4           **JUSTICE KITTREDGE:** This I guess will be No. 6?

5           **MR. ZELENKA:** I was about to ask if he --

6           **JUSTICE KITTREDGE:** He hasn't really authenticated  
7 it yet. And once you do, you can seek to admit it.

8           **MR. ZELENKA:** Okay.

9           **DR. FALTAS:** But --

10          **Q:** Does that appear to be a true and correct copy  
11 of the email?

12          **A:** Yes, this is an email dated January 22nd, 2021,  
13 that again comes from MarieFaltas@hotmail.com.

14          **JUSTICE KITTREDGE:** Do you seek to introduce this as  
15 an exhibit?

16          **MR. ZELENKA:** We do.

17          **JUSTICE KITTREDGE:** All right.

18          And do you object?

19          **DR. FALTAS:** Yes, sir, I do. But I thought the  
20 Court admonished of the State to identify the exhibit  
21 number before even admitting it. And I'm saying the  
22 State is not heeding that admonition.

23          **JUSTICE KITTREDGE:** He's authenticating the document  
24 with the witness. And once it's authenticated it's then  
25 presented to the court reporter when a number will be

1 assigned. This will be State's No. 6 that is now in  
2 evidence.

3 **DR. FALTAS:** Over my objection.

4 **JUSTICE KITTREDGE:** Thank you, ma'am.

5 **DR. FALTAS:** Thank you.

6 **JUSTICE KITTREDGE:** Has it been marked?

7 **COURT REPORTER:** Yes, sir.

8 **JUSTICE KITTREDGE:** It has been marked.

9 **MR. ZELENKA:** Thank you. We would move to introduce  
10 this exhibit.

11 **JUSTICE KITTREDGE:** Subject to Dr. Faltas'  
12 objection.

13 **MR. ZELENKA:** That's correct.

14 **(State's Exhibit No. 6 Admitted into Evidence)**

15 **Q:** Mr. Shearouse, did you authorize at this time  
16 for Dr. Faltas to communicate with you by email?

17 **A:** I have never authorized her --

18 **DR. FALTAS:** Objection.

19 **A:** -- to communicate by email.

20 **JUSTICE KITTREDGE:** Overruled.

21 **Q:** Mr. Shearouse, can you identify this document?

22 **A:** Yes, this is an email that I sent back to  
23 MarieFaltas@hotmail.com in response to the January 22nd,  
24 2021 email that you just introduced into evidence.

25 **Q:** Does that appear to be a true and correct copy?

1           **A:** Yes.

2           **MR. ZELENKA:** We would move to introduce this as  
3 State's Exhibit No. 6 I believe.

4           **JUSTICE KITTREDGE:** I believe it is number seven.

5           **DR. FALTAS:** No, seven.

6           **MR. ZELENKA:** Seven.

7           **DR. FALTAS:** See, it would've been a good idea for  
8 him to keep track of his exhibits. Objection.

9           **JUSTICE KITTREDGE:** So State's 7 is in evidence over  
10 Dr. Faltas' objection.

11           **(State's Exhibit No. 7 Admitted into Evidence)**

12           **JUSTICE KITTEREDGE:** And Justice James has mentioned  
13 something, it might alleviate some of Dr. Faltas'  
14 concerns if we sort of flip the script. And when we have  
15 exhibits, if you don't mind, would you hand it to the  
16 court reporter so she can label it, then have it -- and  
17 if for some reason if it's not included, we'll have to  
18 skip that number. But I think that will alleviate some  
19 of her concerns and she'll understand the numbering  
20 system better.

21           **MR. ZELENKA:** Thank you, Your Honor.

22           **DR. FALTAS:** Thank you. And thank you, Justice  
23 James.

24           **Q:** Mr. Shearouse, what is the substance of that  
25 exhibit, State's Exhibit No. 7?

1           **A:**    Like I said, it was an email in response to  
2 her earlier email. I reminded her, and I quote, "You are  
3 not permitted to contact me by email. I am deleting this  
4 email without reading it."

5           **Q:**    And the date on that is what?

6           **A:**    January 22nd of 2021 at 1:18 p.m.

7           **Q:**    And is that a direct response to State's  
8 Exhibit No. 6?

9           **A:**    Correct.

10           **MR. ZELENKA:** I beg the Court's indulgence.

11           **JUSTICE KITTREDGE:** Yes, sir.

12           **Q:**    On January 10th, 2022 did you receive an email  
13 from Dr. Marie Faltas?

14           **A:**    Yes, I believe I did.

15           **Q:**    Is that a copy of the email?

16           **DR. FALTAS:** Is that eight?

17           **MR. ZELENKA:** State's Exhibit 8.

18           **Q:**    Is that a true and correct copy of the email?

19           **A:**    Yes, this is a copy of an email that I again  
20 received from the MarieFaltas@hotmail.com address on  
21 January 10th of 2022.

22           **Q:**    What was your employment on January 10th of  
23 2022?

24           **A:**    I was still Clerk of the South Carolina Supreme  
25 Court at that time -- no, sorry, let's see, 2022. I'm

1 sorry, I was a working retiree at that point.

2 **DR. FALTAS:** I'm sorry, I didn't hear his answer.

3 **JUSTICE KITTREDGE:** He said he was a working retiree  
4 for the Supreme Court on that date.

5 **DR. FALTAS:** Working retiree? Working retiree is  
6 what?

7 **JUSTICE KITTREDGE:** I believe that's the words he  
8 used, ma'am.

9 **DR. FALTAS:** Thank you, sir. Thank you, sir.

10 **JUSTICE KITTREDGE:** Just for clarification, Mr.  
11 Shearouse, state your status on January the 10th of this  
12 year?

13 **A:** I was a working retiree, working part-time for  
14 the South Carolina Supreme Court.

15 **JUSTICE KITTREDGE:** Thank you, sir.

16 **Q:** And in that role did you still maintain a  
17 public email account with the South Carolina Supreme  
18 Court?

19 **A:** Yes, an individual email account assigned to me  
20 by the Judicial Branch, yes.

21 **Q:** Did you authorize in any manner Dr. Faltas --

22 **JUSTICE KITTREDGE:** Does your hand raised mean you  
23 have an objection, ma'am?

24 **DR. FALTAS:** It's not an objection. But I need to  
25 step out because I'm about to have a paroxysm of cough,

1 and it's not good for me to be coughing in a closed  
2 courtroom.

3 **JUSTICE KITTREDGE:** We'll take a five-minute break,  
4 ma'am.

5 **DR. FALTAS:** Thank you, sir.

6 **JUSTICE KITTREDGE:** Yes, ma'am.

7 (Hearing recessed at 10:51 a.m., March 22, 2022)

8 \* \* \* \* \*

9 (Hearing reconvened at 11:00 a.m., March 22, 2022)

10 **MS. BRYANT:** All rise.

11 **JUSTICE KITTREDGE:** Please be seated. We're back on  
12 the record. You may continue with your direct  
13 examination of the witness.

14 **MR. ZELENKA:** Thank you, Your Honor. We would move  
15 to introduce the January 10th, 2022 document.

16 **JUSTICE KITTREDGE:** Is that State's No. 8?

17 **MR. ZELENKA:** State's Exhibit 8.

18 **JUSTICE KITTREDGE:** Any objection?

19 **DR. FALTAS:** Yes, sir. Objection.

20 **JUSTICE KITTREDGE:** What's the objection?

21 **DR. FALTAS:** We don't even know what his position  
22 was. What is a working retiree? Is it a hanger-on? Is  
23 there an official position? I mean --

24 **JUSTICE KITTREDGE:** That's an objection to the  
25 substance of prior testimony, not the statement included

1 in the purported exhibit. So that statement is not  
2 relevant to an objection to the exhibit itself.  
3 Objection overruled. State's Exhibit No. 8 is in  
4 evidence subject to your objection.

5 **(State's Exhibit No. 8 Admitted into Evidence)**

6 Q: Mr. Shearouse, at the time you received State's  
7 Exhibit No. 8 did you receive a salary for your job?

8 A: Yes, not a salary, but I work on an hourly  
9 basis with the permission of Chief Justice Beatty.

10 Q: State's Exhibit No. 9, Mr. Shearouse, do you  
11 recognize that exhibit?

12 A: Yes, this was another email I received from  
13 MarieFaltas@hotmail.com. This is inquiring about since I  
14 was then listed as a change in my status from being a  
15 judicial staff member to being a regular member whether I  
16 could represent her pro bono.

17 MR. ZELENKA: We move to introduce State's Exhibit  
18 No. 9.

19 JUSTICE KITTREDGE: Any objection?

20 DR. FALTAS: No, sir.

21 JUSTICE KITTREDGE: Without objection, State's No. 9  
22 is in evidence.

23 **(State's Exhibit No. 9 Admitted into Evidence)**

24 Q: Did you authorize State's 9 --

25 DR. FALTAS: Objection to the question.

1                   **JUSTICE KITTREDGE:** Overruled.

2                   **A:** Did I authorize? No, I --

3                   **Q:** Did you authorize her to communicate with you  
4 in email on that date?

5                   **A:** I have never authorized her to communicate with  
6 me by email since the Court's order of September 2017.

7                   **Q:** Thank you. State's Exhibit No. 10, Mr.

8 Shearouse, can you identify this document?

9                   **A:** Yes, this is the email that I sent in response  
10 to that email. I advised her that I was still employed  
11 part-time by the South Carolina Supreme Court. That I  
12 was not engaged in the private practice of law, and that  
13 I do not provide any pro bono legal services. I also  
14 advised her since I was still a part-time employee of the  
15 Supreme Court I was still employed with the judicial  
16 system, and therefore she should not be sending emails to  
17 me under the order of September 27, 2017.

18                   **MR. ZELENKA:** Move to introduce.

19                   **JUSTICE KITTREDGE:** That would be State's No. 10.

20                   **MR. ZELENKA:** State's Exhibit 10.

21                   **DR. FALTAS:** No objection.

22                   **JUSTICE KITTREDGE:** Without objection, in evidence.

23                   **(State's Exhibit No. 10 Admitted into Evidence)**

24                   **Q:** State's No. 11, Mr. Shearouse, can you identify  
25 that document for the State?

MS. K.A. SNELLING, CVR-M  
Supreme Court, State of South Carolina  
Office of Commission Counsel  
1220 Senate Street, Suite 111, Columbia, South Carolina 29201

1           **A:** Again, this is an email again from  
2 MarieFaltas@hotmail.com dated January 22nd of 2021.

3           **Q:** And what does that document refer to?

4           **A:** I'm not so sure I understand your question.

5 It's entitled "I have tried every other legal possible  
6 avenue to bring to your attention your court's violation  
7 of Section 18-1-120, South Carolina Code of Laws."

8           **Q:** Did you authorize that email --

9           **A:** No, I did not.

10          **DR. FALTAS:** Objection.

11          **Q:** -- that you received?

12          **A:** I did not.

13          **DR. FALTAS:** Objection, it's not even addressed to  
14 him.

15          **JUSTICE KITTREDGE:** I'm sorry, I couldn't understand  
16 that, ma'am?

17          **DR. FALTAS:** Objection, it's not even addressed to  
18 him. It's not an email addressed to him.

19          **JUSTICE KITTREDGE:** Well let's clarify. Who is the  
20 email addressed to?

21          **A:** The email was to Chief Justice Beatty with a CC  
22 to me and various other people.

23          **JUSTICE KITTREDGE:** Objection overruled. State's 11  
24 has been properly identified. It's allowed in evidence  
25 subject to Dr. Faltas' objection.

1 (State's Exhibit No. 11 Admitted into Evidence)

2           **MR. ZELENKA:** I beg the Court's indulgence one  
3 moment. Your Honor, I've completed direct.

4 JUSTICE KITTREDGE: Thank you.

5 Your witness, ma'am.

6 DR. FALTAS: Yes, sir. Thank you. Sir, I just want  
7 the Court to understand and allow that my cross-  
8 examination is going to include information that I need  
9 to elicit for my defense, which is the order is invalid  
10 to begin with. So I'm not limited to what Mr. Zelenka  
11 asked, I can elicit testimony that is helpful to my  
12 defense.

13           **JUSTICE KITTREDGE:** Well number one, we'll decide  
14 what's relevant and not. But that's a fair point. And  
15 if you want to ask him questions about the validity of  
16 the September 2017 order we would give you latitude in  
17 that regard, ma'am.

18           **DR. FALTAS:** I will not ask him to decide the  
19 validity, but I will ask questions.

20           **JUSTICE KITTREDGE:** Yes, ma'am. Your witness. You  
21 may proceed.

22 DR. FALTAS: To elicit facts that go to the validity  
23 or invalidity of the order.

24 JUSTICE KITTREDGE: Yes, ma'am, we understand.

25 DR. FALTAS: Thank you.

1                   **JUSTICE KITTREDGE:** Proceed with your  
2 examination of the witness.

3                   **DR. FALTAS:** Yes, sir, I am about to proceed. And  
4 without your getting impatient with me, if I have another  
5 cough of paroxysm is it okay that I raise my hand and  
6 step out? This is out of my control, totally out of my  
7 control.

8                   **JUSTICE KITTREDGE:** Let's see when that happens.  
9 We're going to work with you and we're going to  
10 accommodate you. But this is the cross-examination of  
11 this witness.

12                  **DR. FALTAS:** I know, I know. But please remember I  
13 did not bring this proceeding against myself, you all  
14 brought it against me. And so I mean you're not the ones  
15 being put on, I am.

16                  **JUSTICE KITTREDGE:** Your witness, ma'am.

17                  **DR. FALTAS:** Thank you, sir.

18                  **MR. SHEAROUSE - CROSS-EXAMINATION BY DR. FALTAS:**

19                  **Q:** Sir, I'm sorry, I need to go in the order in  
20 which you testified, not necessarily in the order of  
21 importance. But bear with me because if I don't go in  
22 the order in which you testified I will lose my train of  
23 thought. You said that you get paid on an hourly basis  
24 with the permission of Chief Justice Beatty?

25                  **A:** That's correct, yes.

1           **Q:**    How much do you get paid per hour?

2           **A:**    I have no idea, I've not looked at it.

3           **Q:**    You don't know how much you get paid?

4           **A:**    I really don't care, I'm not doing this for the

5    money.

6           **Q:**    Sir, the question is how much do you get paid,

7    not why you're doing it or whether you care. The

8    question is how much do you get paid?

9           **A:**    I do not know the answer to that question off

10   the top of my head.

11           **Q:**    Well I mean, okay, physically do you get a

12   check or what?

13           **A:**    Yes, yes, I get a check twice a month depending

14   on how many hours I work.

15           **Q:**    And does the check say how many hours you

16   worked?

17           **A:**    Well is not really a check, it's a deposit. So

18   no, it doesn't.

19           **Q:**    It doesn't?

20           **A:**    No.

21           **Q:**    So who decides how many hours you work?

22           **A:**    The Chief Justice basically has left that up to

23   me and our Clerk of Court, Patricia Howard, so we work

24   together.

25           **Q:**    So you get to say I worked a hundred hours or I

1 worked two hours and no one checks on that?

2       **A:**    Patricia Howard certifies that I worked those  
3 hours, yes.

4       **Q:**    I'm sorry?

5       **A:**    The Clerk of Court certifies the hours I work,  
6 she approves my scheduled hours that I work, just like  
7 any other part-time employee.

8       **Q:**    Now I'm really confused. So what is the rate  
9 per hour?

10      **A:**    Again, Dr. Faltas, I do not know what that rate  
11 is, I have not computed it.

12      **Q:**    You were never told?

13      **MR. ZELENKA:** Asked and answered.

14      **JUSTICE KITTREDGE:** Sustained. Move along. Asked  
15 and answered.

16      **Q:**    Is it proper for the public to inquire about  
17 public employee's pay?

18      **A:**    I assume they could.

19      **Q:**    Okay. And how can they inquire?

20      **A:**    Well that would be something for personnel to  
21 decide. There are limits about what information can be  
22 obtained for people making less than \$50,000 a year. I  
23 have no idea where I fall in that category at this point.

24      **Q:**    So you never made more than \$50,000 a year in  
25 your employment with the State Supreme Court?

**MS. K.A. SNELLING, CVR-M**

Supreme Court, State of South Carolina

Office of Commission Counsel

1220 Senate Street, Suite 111, Columbia, South Carolina 29201

1           **MR. ZELENKA:** Objection, Your Honor. Asked and  
2 answered.

3           **JUSTICE KITTREDGE:** Sustained. This is entirely  
4 inappropriate.

5           **DR. FALTAS:** No, sir. It's part of the email that's  
6 used in evidence against me. I was inquiring what his  
7 title was.

8           **JUSTICE KITTREDGE:** We know his title. We know he's  
9 paid as a part-time employee by the Chief Justice.  
10 You've asked the same question repeatedly. And to some  
11 questions he does not know the answer, we have to leave  
12 it at that. And you need to move on to the next line of  
13 inquiry. I sustained the objection. Asked and answered.

14           **DR. FALTAS:** May I independently make to the Court a  
15 FOIA request?

16           **JUSTICE KITTREDGE:** You certainly may, ma'am.

17           **DR. FALTAS:** Okay. So on the record I'm making that  
18 FOIA request.

19           **JUSTICE KITTREDGE:** No, ma'am. The record here is  
20 for the allegations and charges of contempt against you  
21 for violation of the September 2017 order. Only --

22           **DR. FALTAS:** All right, let's --

23           **JUSTICE KITTREDGE:** I'm speaking.

24           **DR. FALTAS:** Sorry, sorry, sorry.

25           **JUSTICE KITTREDGE:** Only evidence relevant to that

1 will be allowed. We're allowing you, of course,  
2 leeway because you think the underlying order is invalid.  
3 If you want to make a FOIA request or any other thing  
4 that you want to do, you can proceed as provided by law.  
5 But it will not be in the context of this limited  
6 contempt hearing.

7       **DR. FALTAS:** Except that the 27 September order, if  
8 you give it an absurd reading, I would still be in  
9 contempt if I handed a FOIA, a written FOIA request to  
10 any employee of the judicial branch. So this has to do  
11 with the absurdity of the reading of the order. But  
12 let's go to the order itself, or the two orders. These  
13 are the ones you're talking about, right? Thank you.  
14 Okay.

15       **Q:** So State's No. 4 which was admitted over my  
16 objection, you were the Clerk of the Supreme Court at  
17 that time, were you not?

18       **A:** I'm not so sure I know what State 4 is. What  
19 is State's No. 4 that you're referring to?

20       **JUSTICE KITTREDGE:** I believe that is the September  
21 20th, 2019 order if I'm not mistaken.

22       **MR. SHEAROUSE:** The 2019 order. Okay, thank you.

23       **JUSTICE KITTREDGE:** I think that's State's No. 4.

24       **A:** Yes. Yes, I'm familiar with that order.

25       **Q:** Okay. If some member of the public entered

MS. K.A. SNELLING, CVR-M

Supreme Court, State of South Carolina

Office of Commission Counsel

1220 Senate Street, Suite 111, Columbia, South Carolina 29201

1 that case number, 2019-000036, on C-track today or  
2 any time what will they get?

3       **A:** They would receive nothing. I believe this is  
4 an original jurisdiction matter brought by the State.  
5 Insofar as a matter of policy, the Court has not elected  
6 to place those on the public version of C-track, so it's  
7 not available. None of the original jurisdiction things  
8 are currently available.

9       **Q:** In original jurisdiction does the Court judge  
10 the facts and the law? This Court when it takes original  
11 jurisdiction cases, does it judge the facts and the law?

12       **A:** Yes, depending on if there are facts that need  
13 to be determined, yes.

14       **Q:** Okay. And do the Rules of Civil Procedure  
15 apply when the Court takes a case in its original  
16 jurisdiction?

17       **A:** No, I do not believe that they do apply.

18       **Q:** So how does the Court determine facts?

19       **MR. ZELENKA:** Object, Your Honor. Relevance.

20       **JUSTICE KITTREDGE:** Sustained. Next question.

21       **Q:** Is that case, 2019-000036 open or closed?

22       **A:** I don't know if I fully understand, but yes,  
23 it's available to the public. If someone were to come in  
24 and ask for a copy of the filings made in that case it  
25 would be made available to them.

1           **Q:**    I'm sorry.  Is it an active case or a  
2 closed case?

3           **A:**    I think it's a closed case, although I think  
4 you've made some filings in it so I think it may still be  
5 pending.

6           **Q:**    After you said filings in it what did you say?  
7 I'm sorry, I genuinely cannot hear you.  And I repeat my  
8 prayer, please talk more slowly.

9           **A:**    This case I think was concluded.  But I believe  
10 that you have made, there may be one pending motion that  
11 you filed in that case.

12          **Q:**    Okay.  So if a Court issues what it thinks is a  
13 permanent injunction can a person aggrieved by that  
14 injunction come back and move the Court that issued it to  
15 lift the injunction or modify it based on changed  
16 circumstances?

17          **MR. ZELENKA:**   Object, Your Honor.  Relevance.

18          **JUSTICE KITTREDGE:**   The answer is yes.

19          **DR. FALTAS:**    Thank you.

20          **JUSTICE KITTREDGE:**   An injunction --

21          **DR. FALTAS:**    Thank you.

22          **JUSTICE KITTREDGE:**   -- can be altered based on  
23 changed circumstances.

24          **DR. FALTAS:**    Thank you.

25          **JUSTICE KITTREDGE:**   Just like the reasons in the

1 2017 order prohibiting emails, etc. If circumstances  
2 would change to remove those restrictions, then we would  
3 gladly do so. So yes, those kinds of injunctions can be  
4 altered by the Court.

5 **DR. FALTAS:** Thank you, you've made half my case for  
6 me, Acting Chief Justice Kittredge.

7 **JUSTICE KITTREDGE:** Glad to help, ma'am.

8 **DR. FALTAS:** Thank you.

9 **JUSTICE KITTREDGE:** Proceed with the witness,  
10 please, ma'am.

11 **Q:** So how can somebody ask for change of a  
12 permanent injunction due to changed circumstances?

13 **A:** By filing a motion, which I believe you have  
14 done on several occasions regarding this very, regarding  
15 the September 27, 2017 order.

16 **Q:** And in relationship to this case did I not file  
17 a motion and was it not returned to me under pretext that  
18 the case is closed?

19 **A:** Yes, that was correct, this was -- and I'm glad  
20 you brought that up. I'm thinking about your original  
21 one dealing with the 2017 order. In this one you did  
22 attempt to make a filing, and I rejected that because  
23 this was the final order in that case. You were trying  
24 to get the Court to further clarify other issues  
25 unrelated to what the Attorney General sought. And I

1 told you you'd have to file a separate, I believe a  
2 separate original jurisdiction action.

3       **Q:**    But you knew two things, you knew that you  
4 would not take an original jurisdiction action from me  
5 *pro se*?

6       **A:**    No, ma'am, that's not true. There is another  
7 order that hasn't been introduced at this trial that  
8 says --

9       **Q:**    I'm sorry, you're talking too fast.

10      **A:**    I'm not so sure that that is true. It might  
11 have to be filed by an attorney. But there is an order  
12 separate from what's been talked about today which places  
13 restrictions on you and requires an affidavit and a  
14 filing fee. But no, you do have the opportunity to file  
15 original jurisdiction.

16      **DR. FALTAS:** I have no idea what, I have no idea  
17 what order he's talking about. And since he volunteered  
18 it I ask that it be produced.

19      **JUSTICE KITTREDGE:** Continue with your examination.  
20 You're here on violation of court orders as alleged.

21      **DR. FALTAS:** I know, sir. But --

22      **JUSTICE KITTREDGE:** And if we go off on these  
23 tangents that are not relevant --

24      **DR. FALTAS:** Sir --

25      **JUSTICE KITTREDGE:** That's not relevant.

1           **DR. FALTAS:** Sir, under the Sixth Amendment I  
2 get to compulsory process for witnesses in my defense.  
3 Now he talked about an order that I had no idea about.  
4 So I mean it's as if -- and I'm sorry, Acting Chief  
5 Justice Kittredge, you said ample time. I was served on  
6 January 24th, today is March 22nd. I was served on  
7 January 25th, not even 60 days.

8           In addition, I have made several motions for  
9 discovery. You've said no. So under -- and however you  
10 rule, just let me for the record put my request and rule  
11 on it anyway you want.

12           **JUSTICE KITTREDGE:** We will when it's your time to  
13 talk to the Court and present evidence. Yes, you have  
14 filed motions. Yes, we have ruled. You are now in the  
15 process of examining this witness. If you wish to ask  
16 him any further questions, that's fine. If you don't  
17 have any other further questions, that will conclude the  
18 examination.

19           **DR. FALTAS:** I have a lot of questions, sir.

20           **JUSTICE KITTREDGE:** Proceed with questioning.

21           **DR. FALTAS:** Yes, sir. And please be patient with  
22 me. Remember I am the one brought here, I did not bring  
23 you all here. You're the ones who bought me here. And  
24 I'm presumed innocent. So please do not be impatient  
25 with me.

1           **Q:**    So can you tell me what, there was an order  
2 saying that if I file an affidavit I can bring an action  
3 in original jurisdiction, is that what you last said?

4           **A:**    That's what I stated. There is an order that  
5 has not been introduced at this proceeding today. It  
6 places restrictions on your ability to make filings in  
7 the original jurisdiction issued under Maxton v. State  
8 which requires you to file an affidavit and pay the  
9 filing fee, the motion filing fee.

10          **Q:**    There is an order that has my name on it that  
11 says Maxton or Paxton v. State?

12          **A:**    It references Maxton, I believe it does. It  
13 requires you to pay a filing fee and to provide an  
14 affidavit that it's been filed in good faith.

15          **Q:**    Do you have the date of this order as you sit  
16 here?

17          **A:**    Not off the top of my head, no.

18          **Q:**    Okay. If we could take a break considering  
19 that you're employed as a part-time Clerk or that you  
20 work with the Clerk can you produce that order? May I  
21 ask the Court to give me leave under the compulsory  
22 process to which I'm entitled for him to produce that  
23 order?

24          **JUSTICE KITTREDGE:** Mr. Shearouse, is this an order  
25 that's been filed by the Court?

1           **MR. SHEAROUSE:** Yes, sir, it is.

2           **JUSTICE KITTREDGE:** Sure, we'll make it available to  
3 you.

4           **DR. FALTAS:** I honestly never received an order that  
5 says that.

6           **JUSTICE KITTREDGE:** All right, it will be given to  
7 you. And you can now continue with your next line of  
8 questioning.

9           **DR. FALTAS:** Absolutely, thank you, sir.

10          **Q:** So do you read this order, State's Exhibit 4,  
11 as kind of a permanent injunction against me that I may  
12 not do this and I may not do that, or what do you read --

13          **A:** I don't know if I would characterize it, but it  
14 is an order of the Court restricting your ability to make  
15 filings in postconviction relief cases.

16          **Q:** So is it in the nature of a permanent  
17 injunction?

18          **A:** I don't think I'm going to give a legal opinion  
19 about what I think it is.

20          **Q:** Okay. Well I mean contempt proceedings are  
21 held for someone who violates a permanent either  
22 affirmative or prohibitory injunction, correct?

23          **A:** I don't understand your question.

24          **Q:** I mean really you said you've been the staff  
25 attorney for 15 years, I mean you should know that.

1           **A:**    I don't know what your question is, I'm  
2 sorry.

3           **Q:**    Okay. An order from a Court either says  
4 somebody should pay money, or should go to prison, or  
5 should do something, or should stop doing something,  
6 right?

7           **A:**    I'm still not so sure I understand your  
8 question. Yes, this Court issues orders directing people  
9 to do things or not do things, and if they violate those  
10 orders it is potentially punishable by contempt.

11           **Q:**    When they direct people to do things or not do  
12 things, is that in the nature of an injunction?

13           **A:**    I'm not going to, once again, I'm not going to  
14 characterize --

15           **Q:**    All right. What was the basis for you not  
16 filing my motion to modify this order due to changed  
17 circumstances?

18           **A:**    Because the 2019 action which was bought by the  
19 State had ended, the time for rehearing had expired. And  
20 I told you that you would need to file a separate motion  
21 if you wanted to seek some further clarification of the  
22 order.

23           **Q:**    But that order is the one that you're saying is  
24 still in effect and for which I'm called to answer to  
25 criminal charges. So either the order was still in

1 effect, at which point I am allowed to move to modify  
2 it or lift it due to changed circumstances, or it no  
3 longer has effect, therefore cannot be the basis for  
4 these proceedings.

5 Sir, you've been the staff attorney for 15 years. I  
6 don't want to use the phrase playing dumb, but please use  
7 the knowledge for which the public paid you for 15 years  
8 to answer this question.

9 **MR. ZELENKA:** Your Honor, I would object. This is a  
10 compound, confusing, and misleading question.

11 **JUSTICE KITTREDGE:** Sustained. And there's no  
12 reason to attempt to belittle the witness. We're trying  
13 to treat you with the utmost respect, ma'am.

14 **DR. FALTAS:** You're trying to put me in prison for  
15 six months, and you know very well that that's a death  
16 sentence.

17 **JUSTICE KITTREDGE:** No one wants you to go to jail.  
18 But you're examining a witness. An objection has been  
19 made. It's appropriate. And I sustain it.

20 **DR. FALTAS:** All right, I'll rephrase the question.

21 **JUSTICE KITTREDGE:** You want us to be patient with  
22 you, and we are, we're doing our best. We're not  
23 perfect, you're not perfect, and maybe Mr. Shearouse is  
24 not perfect. But there's no reason for you to belittle  
25 him and try to mock him. So treat him with the same

1 respect that you want us to treat you.

2       **DR. FALTAS:** But sir, I have been treated like a  
3 leper, so don't tell me that I've been treated with  
4 respect. I have a cheat sheet from him saying hang up on  
5 her, that's treating me like a leper, that's the opposite  
6 of respect.

7       **JUSTICE KITTREDGE:** That argument may be appropriate  
8 when you testify or you make your legal presentation of  
9 why this order, underlying order is not valid. But right  
10 now you're questioning a witness. I'm asking you to  
11 proceed with questioning the witness.

12       **DR. FALTAS:** Yes, sir, I will. But I will use that  
13 order. Unless I can recall him in my case? It's up to  
14 the Court's preference. I could, you know, foresee what  
15 I --

16       **JUSTICE KITTREDGE:** There was some reference to an  
17 order with which I'm not familiar.

18       **DR. FALTAS:** Okay.

19       **JUSTICE KITTREDGE:** Which wouldn't be unusual given  
20 the number of orders this Court issues. And if upon  
21 production of that some new material is set forth in that  
22 that's germane and relevant to this proceeding, we'll  
23 allow you to recall Mr. Shearouse.

24       **DR. FALTAS:** Yes, sir. And what I was saying is I  
25 already received in discovery a cheat sheet or whatever

1 it's called in which he instructed his staff to hang  
2 up on me. So my question is what's the --

3       **JUSTICE KITTREDGE:** All right, then ask him a  
4 question about that.

5       **DR. FALTAS:** Yes, sir.

6       **JUSTICE KITTREDGE:** You don't need to tell me about  
7 it. He's on the witness stand and you're examining him,  
8 ask him questions.

9       **DR. FALTAS:** Yes, sir. I was trying to say there  
10 are two ways to do it. I could limit myself to what Mr.  
11 Zelenka presented to him, and then call him back in my  
12 defense case. Or I can go ahead and use exhibits that  
13 Mr. Zelenka had not presented to this witness now. So  
14 I'm totally open.

15       **JUSTICE KITTREDGE:** You proceed as you see fit. If  
16 there's an objection, it will be made, and I'll rule.  
17 And when this Court rules, that issue will have been  
18 decided and we move on from there.

19       **DR. FALTAS:** Thank you, sir.

20       **JUSTICE KITTREDGE:** Your witness.

21       **Q:** So you said that you issued something to the  
22 effect that I cannot file it as a motion to lift the  
23 injunction based on this case or to modify this ruling  
24 based on changed circumstances?

25       **A:** What I said was that this particular case had

1 ended because the time to file a rehearing had  
2 passed. And that you would have to file a separate  
3 petition if you wanted to seek relief from the Court, I  
4 believe that's what I told you.

5       **Q:**    Okay. Did you reduce that to writing?

6       **A:**    I honestly do not remember, I believe I did.

7       **Q:**    Okay. And if I wanted to tell you that no,  
8 you're wrong, how could I have done that? I mean Acting  
9 Chief Justice Kittredge just said you're not perfect and  
10 I'm not perfect either.

11      **A:**    Right. Well again, that case had ended, the  
12 time for rehearing that case had been concluded.

13      **Q:**    Sir, that's not --

14      **A:**    And you needed to file a separate petition.

15      **Q:**    Please answer my question.

16      **A:**    Well this is one of my roles as the Clerk at  
17 that time, to determine what gets filed and how it gets  
18 filed.

19      **Q:**    Do people get to say no, Mr. Clerk, you're  
20 wrong for such and such a reason?

21      **A:**    Yes. You could once again file a separate  
22 motion which would be assigned a new case if you wanted  
23 to do that.

24      **Q:**    But you wouldn't take a motion from me separate  
25 from that case?

1           **A:**    I would not take a motion from you if it  
2 violated the September 2017 order, or if it was under  
3 Rule 245. I believe the other order also puts in those  
4 additional requirements that there be an affidavit along  
5 with the filing fee. So if those requirements were met I  
6 would, of course, cheerfully take it.

7           **Q:**    I am talking about what you claim, whether you  
8 reduced to writing or you said or whatever. How could I  
9 tell you that no, you're wrong? Because you want me to  
10 tell it to you in a motion, but you would not take a  
11 motion. You want me to write it, and you ignore my  
12 writing. The only thing left is to email or call, and  
13 then if I do that you bring me to criminal contempt. I  
14 mean, weren't you putting me in a Catch 22?

15          **A:**    No, Dr. Faltas, I'm simply complying with the  
16 orders issued by the Supreme Court that have been  
17 introduced in the trial here today, along with the other  
18 order that I believe exists about your ability to file  
19 petitions seeking relief from the Court under Rule 245.

20          **Q:**    Sir, if the Acting Chief Justice just told us  
21 that yes, if it's a permanent injunction you can move to  
22 lift it or modify it based on changed circumstances,  
23 you're telling me that you refused to allow me to do  
24 that. And I am asking you --

25          **MR. ZELENKA:**   Object, Your Honor. Asked and

1 answered.

2 **JUSTICE KITTREDGE:** Sustained.

3 **DR. FALTAS:** I imagine that was State's Exhibit 1,  
4 the 27 September order?

5 **JUSTICE KITTREDGE:** Yes, ma'am.

6 **DR. FALTAS:** It was, thank you. Thank you, sir.

7 **JUSTICE KITTREDGE:** For identification.

8 **DR. FALTAS:** So it's not admitted, that one is not  
9 admitted?

10 **JUSTICE KITTREDGE:** That's correct. You said you  
11 wanted to make an argument about that exhibit, so we did  
12 not allow it in evidence until we hear fully from you.

13 **DR. FALTAS:** So you sustained the objection?

14 **JUSTICE KITTREDGE:** Well I allowed it --

15 **DR. FALTAS:** Or provisionally?

16 **JUSTICE KITTREDGE:** The term of art is for  
17 identification.

18 **DR. FALTAS:** Okay.

19 **JUSTICE KITTREDGE:** It's in, it's in the record.  
20 But it's not been received as an exhibit because you said  
21 you wanted to object to its validity.

22 **DR. FALTAS:** Yes, sir. All right, thank you.

23 **JUSTICE KITTREDGE:** And if you have questions about  
24 that you can ask the witness.

25 **DR. FALTAS:** Yes, thank you. So this has Appellate

1 Case No. 2013-000862. And just for the record,  
2 because, I'm sorry, this may have to go to federal court  
3 for habeas or to the US Supreme Court please let me make  
4 a complete record. And you know, I believe in North  
5 Carolina, I've had some litigation in North Carolina, you  
6 are the most stringent Court about issue preservation.  
7 So I'm just, you know, playing by your own rules.

8           **JUSTICE KITTREDGE:** Let the record reflect you're  
9 looking at me, you're talking to me again, telling me  
10 what the law is. This is your opportunity --

11           **DR. FALTAS:** Yes, sir.

12           **JUSTICE KITTREDGE:** -- to ask the witness questions.

13           **DR. FALTAS:** Yes, sir.

14           **JUSTICE KITTREDGE:** So I would ask you to please  
15 direct --

16           **DR. FALTAS:** Yes, sir.

17           **JUSTICE KITTREDGE:** -- your attention to the witness  
18 and ask the witness direct questions.

19           **DR. FALTAS:** Yes, sir. Okay.

20           **Q:** So again, if someone were today or at any time  
21 since the beginning of history to enter Appellate Case  
22 No. 2013-000862 on C-track what would they see?

23           **A:** Again, as I've explained, this was also a  
24 matter brought under Rule 245 in the original  
25 jurisdiction of the Supreme Court. And so it's not

1 available on the public access version of C-track.  
2 It is, of course, freely available to anyone who comes  
3 into the Clerk's Office and asks to see a copy of it.

4       **Q:** Who brought it?

5       **A:** This was something the Court initiated on its  
6 own if I remember correctly.

7       **Q:** So what was the case of controversy underlying  
8 it?

9       **A:** The Court, this is actually, there was earlier  
10 orders issued in this case restricting the filings. This  
11 was actually a modification of those orders that  
12 increased your ability to make certain, to represent  
13 yourself *pro se* in certain situations and make some *pro*  
14 *se* filings.

15       **Q:** How did the Court acquire jurisdiction over me  
16 to begin with?

17       **MR. ZELENKA:** Object, Your Honor. Goes beyond the  
18 scope.

19       **DR. FALTAS:** No, sir. It has exactly to do with an  
20 order can be valid only if it was in the context of a  
21 case or controversy where the Court had --

22       **JUSTICE KITTREDGE:** It really requires a legal  
23 conclusion, which the Court can handle. But I'm going to  
24 overrule the objection. If you want to ask the witness  
25 that question --

1           **DR. FALTAS:** Thank you, sir.

2           **JUSTICE KITTREDGE:** -- he can offer an answer if he  
3 so chooses.

4           **DR. FALTAS:** Thank you, sir. I'm sorry, I forgot my  
5 question, I forgot my question.

6           **JUSTICE KITTREDGE:** How did the Court acquire  
7 jurisdiction to issue the 2017 order?

8           **DR. FALTAS:** Yes, sir. Thank you.

9           **Q:** So how did the Court acquire jurisdiction over  
10 me?

11           **A:** The Court under the Constitution has the  
12 ability to issue on its own volition writs and petitions,  
13 and 245 implements that Rule. So it can in any case  
14 regardless of whether a party has asked for relief, it  
15 can take action.

16           **Q:** Even when there is no case or controversy,  
17 that's your reading?

18           **A:** Where there is no petition from any party, that  
19 is correct.

20           **Q:** So the Court can wake up one day and issue an  
21 order, Dr. Faltas, donate your right kidney, and that  
22 would be an order under which if I don't donate my kidney  
23 I will be in contempt of court?

24           **A:** Well of course the situation you posited is  
25 preposterous. Here the Court became aware that you had

1 made a whole bunch of frivolous filings, some of them  
2 with this Court, some of them in lower courts --

3 **Q:** Oh, oh.

4 **A:** -- and issued this order.

5 **JUSTICE KITTREDGE:** Do not.

6 **DR. FALTAS:** Sorry.

7 **JUSTICE KITTREDGE:** When he's answering, I imagine  
8 everything he says you don't agree with. You will let  
9 him finish. And then you can go to your next question.

10 **DR. FALTAS:** Yes, sir. I do apologize.

11 **JUSTICE KITTREDGE:** Did you finish your answer, Mr.  
12 Shearouse?

13 **MR. SHEAROUSE:** Yes, Your Honor, I believe I did.

14 **JUSTICE KITTREDGE:** And another thing, the court  
15 reporter, bless her heart, cannot take down multiple  
16 people talking at one time. So Dr. Faltas, please  
17 respect that so we can have a full record of this.

18 **DR. FALTAS:** I am totally at fault. And as we used  
19 to say in the Catholic Church when I was Catholic, mea  
20 culpa, mea culpa, mea maxima culpa.

21 **COURT REPORTER:** I did not get the witness' full  
22 answer when Dr. Faltas started. It's what we call  
23 overlapping speakers.

24 **JUSTICE KITTREDGE:** Yes, speakers talking on top of  
25 each other.

1           **COURT REPORTER:** I am not aware of Mr.  
2           Shearouse's complete answer.

3           **JUSTICE KITTREDGE:** Do you recall what you said, Mr.  
4           Shearouse?

5           **MR. SHEAROUSE:** Your Honor, I'll do the best I can.  
6           I think my response was that the Constitution invests in  
7           the South Carolina Supreme Court the ability to entertain  
8           matters and issue writs or other matters in its original  
9           jurisdiction. That has been implemented by Rule 245 of  
10          the South Carolina Appellate Court Rules. And the way  
11          that rule has been interpreted, and indeed this contempt  
12          is actually probably under that rule, the Court can on  
13          its own volition initiate matters, it doesn't require  
14          necessarily a petition. This particular case was  
15          initiated in 2013 where the Court began to address the  
16          problem of frivolous filings by the Respondent in this  
17          case. And this is a modified order of earlier orders  
18          that had been issued is I believe my response.

19           **JUSTICE KITTREDGE:** Thank you.

20           Next question?

21           **DR. FALTAS:** Yes, sir. I believe not in this answer  
22          but the previous one that the court reporter did not get,  
23          he said the Court became aware of a whole bunch of  
24          frivolous filings that you were making. So could I ask  
25          if he had said that and follow-up a question, please?

MS. K.A. SNELLING, CVR-M  
Supreme Court, State of South Carolina  
Office of Commission Counsel  
1220 Senate Street, Suite 111, Columbia, South Carolina 29201

1                   **JUSTICE KITTREDGE:** Go ahead.

2                   **A:** Well, yes. In fact, in this order it says  
3 "These orders have been necessitated by the Respondent's  
4 lamentable history of vexatious filings and inappropriate  
5 conduct toward the courts of this State, its officers,  
6 and employees."

7                   **Q:** Okay. So at whatever point you said that the  
8 Court became aware of a whole lot of frivolous filings, a  
9 whole bunch or something like that, okay?

10                  **A:** Yes, numerous.

11                  **Q:** Okay, okay, okay, okay, just relax, relax. Let  
12 me make my, let me ask my question. Were those filings  
13 made to this Court before September 2017?

14                  **A:** Yes, some of them were made with this Court,  
15 others were made with the trial courts.

16                  **Q:** Others were made what?

17                  **A:** With the trial courts I believe.

18                  **Q:** Okay. Did any trial court come running to this  
19 Court and say save us, Dr. Faltas is filing frivolous  
20 things?

21                  **A:** I'm not aware of that happening, no.

22                  **Q:** Okay. In fact, are you aware that now-Justice  
23 James was a trial judge and I had appeared before him  
24 when he was a trial judge?

25                  **A:** I have no independent knowledge of that, no.

1           **Q:**    Okay. Have you ever received any or is  
2 there any record of any complaint from now-Justice James  
3 from me when I appeared before him when he was a trial  
4 judge?

5           **A:**    I'm not so sure I understand what you mean by  
6 complaint, I'm not aware of any complaint.

7           **Q:**    Is there anything in the Court records related  
8 to this case, we're talking about this case now, is there  
9 anything in the Court records from now-Justice James  
10 complaining of me when I appeared before him when he was  
11 a trial judge?

12          **A:**    If there is I'm not aware of it.

13          **Q:**    Okay. I had also appeared before Acting  
14 Justice Lockemy when he was a trial judge. Is there any  
15 complaint in this Court's record of my conduct or  
16 anything when I appeared before him when he was a trial  
17 judge?

18          **A:**    I'm not aware of it, I have not --

19          **MR. ZELENKA:** Objection, Your Honor. Relevance.

20          **DR. FALTAS:** Your Honor, it's the heart of the  
21 matter.

22          **JUSTICE KITTREDGE:** Well I think I finally  
23 understand why you believe the 2017 order is invalid.  
24 And I'm going to take this up with my colleagues on the  
25 Court at the next break.

1           **DR. FALTAS:** Thank you, and thank God.

2           **JUSTICE KITTREDGE:** And I think we can answer it  
3 with finality.

4           **DR. FALTAS:** Yes, sir. Because I --

5           **JUSTICE KITTREDGE:** You think the Supreme Court  
6 doesn't have the authority under the Constitution and  
7 Rule 245 to address matters and correct matters in the  
8 trial courts, and also that occur at the appellate level?

9           **DR. FALTAS:** Absolutely.

10           **JUSTICE KITTREDGE:** Thank you, ma'am.

11           **DR. FALTAS:** Because the Constitution says you sit  
12 as a Court for correction of errors. So you leave the  
13 circuit court alone to do so. And hundreds, hundreds of  
14 your rulings say this or that is left to the discretion  
15 of the trial judge, and you leave them alone until  
16 somebody comes to you in a case. And thank you for  
17 understanding. You thought I was just being frivolous,  
18 but, but --

19           **JUSTICE KITTREDGE:** No, I'm not saying I agree with  
20 your argument.

21           **DR. FALTAS:** I know.

22           **JUSTICE KITTREDGE:** But I now understand the basis  
23 of your argument. I think we all do, and I might be the  
24 last one up here to have figured it out.

25           **DR. FALTAS:** I'm sorry. But I was saying because

1 for some reason you have a prejudiced idea that  
2 everything I say is frivolous or going to be frivolous or  
3 trying to avoid true legal --

4       **JUSTICE KITTREDGE:** We're going to -- if you have  
5 any other questions on that issue ask your question.

6       **DR. FALTAS:** Absolutely, absolutely. And I thank  
7 you.

8       **JUSTICE KITTREDGE:** Please proceed. You don't need  
9 to speak to me. You're examining a witness, please  
10 proceed.

11       **DR. FALTAS:** Yes, sir. But you know exactly that  
12 this is not exactly a trial or is not proceeding like a  
13 trial because you all are interested. But I'll take  
14 everything I can get when it's so --

15       **Q:** Which court, which trial court complained of  
16 the substance of anything that I had filed in a trial  
17 court?

18       **JUSTICE KITTREDGE:** That's the same objection that  
19 was just made.

20       **DR. FALTAS:** But you overruled it.

21       **JUSTICE KITTREDGE:** No. We understand it. I  
22 overruled an earlier objection.

23       **DR. FALTAS:** Okay, all right.

24       **JUSTICE KITTREDGE:** But the absence of a complaint  
25 from Justice James or Justice Lockemy, you believe the

1 lack of a complaint from the trial court did not  
2 allow the exercise of jurisdiction by this Court?

3 **DR. FALTAS:** Anyone, the lack of complaint of  
4 anyone. There was no case or controversy before you.

5 **JUSTICE KITTREDGE:** Thank you, ma'am. We've got it.

6 **DR. FALTAS:** Thank you.

7 **JUSTICE KITTREDGE:** Go ahead.

8 **Q:** Just you said there was a whole lot of  
9 frivolous complaints in the trial courts, is there any  
10 record of that or were you just extrapolating or just  
11 imagining?

12 **A:** You're asking me now for my opinion? Yes, I  
13 have reviewed numerous filings that you have made, some  
14 of them in the lower courts, some of them relating to  
15 three appeals you now have pending. And I will say very  
16 definitely they are completely frivolous in my opinion.

17 **Q:** Okay. So you initiated a review of what I was  
18 filing in the trial court on your own volition?

19 **A:** No, ma'am. You asked if I'm aware of you  
20 making frivolous filings in the lower court, and I was  
21 just giving you my opinion.

22 **Q:** No, no, no, no, no. I asked if you --

23 **JUSTICE KITTREDGE:** Okay, okay.

24 **DR. FALTAS:** Sorry, sorry.

25 **JUSTICE KITTREDGE:** You're not going to agree with

1 anything he says. But you're going to let him  
2 answer.

3 **DR. FALTAS:** Okay.

4 **JUSTICE KITTREDGE:** The court reporter can't take  
5 this down unless we speak one at a time.

6 **DR. FALTAS:** I truly am sorry.

7 **JUSTICE KITTREDGE:** Now if you want to say --

8 **DR. FALTAS:** I truly am sorry. Go ahead. And I  
9 interrupted you, sorry.

10 **JUSTICE KITTREDGE:** Did you have anything else you  
11 want to say in response to the last question?

12 **MR. SHEAROUSE:** Your Honor, only that if her  
13 question is was I aware, am I aware of what caused the  
14 September 2017 order to come, I do not remember what  
15 caused that order to be issued by the Court.

16 **JUSTICE KITTREDGE:** Next question?

17 **DR. FALTAS:** Thank you.

18 **Q:** And you said you reviewed my submissions in  
19 appeals in the Court of Appeals, is that correct?

20 **A:** In the court? No, I did not say that. I don't  
21 know what you're referring to.

22 **Q:** Okay. You did not say that you reviewed my  
23 submissions in this Court or the Court of Appeals?

24 **A:** No. You asked me if I was aware of the fact  
25 that you had filed frivolous filings in the lower courts.

1 And I responded that you have three appeals coming  
2 up, and in my humble opinion it appears that the numerous  
3 filings in those cases were, in fact, frivolous. You  
4 asked for me for my opinion and I gave it.

5 Q: So those lower court cases are still pending?

6 A: Those three appeals are pending, yes.

7 Q: In this Court?

8 A: Yes.

9 Q: Okay. And I'm sorry, but I need to make a  
10 record. Is it for you or for the judges to decide  
11 whether they are meritorious or frivolous?

12 A: Well that's why you asked me for my opinion,  
13 and that's why I clarified that I don't know whether that  
14 has any real relevance or meaning.

15 Q: I'm sorry.

16 A: But you asked the question.

17 Q: Have you finished? Can I ask a new question  
18 which was really my original question? And let's get a  
19 clean answer please, and I'm trying to make the question  
20 as clean as possible. Is there a record from any lower  
21 court, be that the Court of Appeals of South Carolina or  
22 the circuit court or the summary courts complaining to  
23 this Court that I was filing frivolous documents?

24 A: As I indicated earlier, I'm not aware of any  
25 such complaints being filed.

1           **Q:**    As the retired Clerk who is active or  
2 something, are you able to canvass the record underlying  
3 this order and tell me if there were or were not  
4 complaints from the trial courts?

5           **A:**    Now are you referring back to the 2013-000862  
6 case, is that what you're referring to?

7           **Q:**    Yes, sir. Or are you --

8           **A:**    I --

9           **Q:**    Sorry. Go ahead.

10          **A:**    Yes, that would potentially be possible. I  
11 just don't know what's in that record.

12          **DR. FALTAS:** Okay. So may I ask the Court under my  
13 right for compulsory process to require the production of  
14 that entire record? And if there is nothing --

15          **JUSTICE KITTREDGE:** We'll take that under advisement  
16 to the extent the presence or absence of a complaint in a  
17 record whether that's relevant to the validity of the  
18 2017 order. So your point is made. I have responded.  
19 Next question.

20          **DR. FALTAS:** Thank you. And I just want to say it's  
21 not directly to jumping from presence or absence to  
22 validity, but the threshold in between is whether a case  
23 or controversy was created. I'm just clarifying my  
24 position so you don't think --

25          **JUSTICE KITTREDGE:** And you've made your position.

1 And I've ruled. And when the judge rules or a court  
2 rules it's time to move on respectfully.

3 **DR. FALTAS:** Yes, sir.

4 **JUSTICE KITTREDGE:** And you can continue with your  
5 examination.

6 **DR. FALTAS:** Yes, sir. So we've agreed that we'll  
7 have that record produced and I can get to cross-examine  
8 or argue based on what the record --

9 **JUSTICE KITTREDGE:** I have just ruled on that.

10 **DR. FALTAS:** Yes, sir. Thank you.

11 **JUSTICE KITTREDGE:** We will consider whether the  
12 presence or absence of an underlying complaint impacts  
13 the jurisdiction of the Court to issue an order in an  
14 original jurisdiction matter.

15 **DR. FALTAS:** Yes, sir.

16 **JUSTICE KITTREDGE:** So we will consider it and we  
17 will rule on that. Please proceed.

18 **DR. FALTAS:** Yes. But will I get to see the entire  
19 record of this case?

20 **JUSTICE KITTREDGE:** I don't know, I'm going to have  
21 to confer with my colleagues on the bench. And we will  
22 rule.

23 **DR. FALTAS:** Yes, sir. And I am asking for that  
24 entire record under my right for compulsory process.

25 **JUSTICE KITTREDGE:** Right. And you've made that

1 three times. And I have ruled.

2 **DR. FALTAS:** Or you have not ruled. You've decided  
3 to confer with --

4 **JUSTICE KITTREDGE:** Right. And we're going to rule.

5 **DR. FALTAS:** Okay.

6 **JUSTICE KITTREDGE:** I mean I've told you.

7 **DR. FALTAS:** All right.

8 **JUSTICE KITTREDGE:** On a going forward basis how  
9 we're going to address it.

10 **DR. FALTAS:** Thank you, thank you. Thank you, sir.  
11 Believe it or not, I'm so happy that you're, you know,  
12 now responsive to me that maybe --

13 **JUSTICE KITTREDGE:** Next question, please.

14 **DR. FALTAS:** Yes, sir.

15 **Q:** You're a lawyer, right?

16 **A:** Correct.

17 **Q:** Okay. Are you familiar with the concept of the  
18 Rule of Lenity?

19 **JUSTICE KITTREDGE:** We are, and we'll take judicial  
20 notice of it.

21 **DR. FALTAS:** Thank you.

22 **Q:** Are you also familiar with the concept that the  
23 purpose of a law supersedes its letter?

24 **A:** I don't know if I would characterize that legal  
25 principle in that way, the intent of interpreting statutes

1 is determined with the intent of the General  
2 Assembly.

3       **Q:**    Okay. Is this order an administrative law or  
4 an order resulting from a case of controversy?

5       **A:**    It is an order issued by the Supreme Court  
6 under Rule 245 of the South Carolina Appellate Court  
7 Rules.

8       **Q:**    Yes, sir. But would you characterize it as  
9 administrative or judicial?

10      **A:**    It is judicial.

11      **Q:**    Okay. Without underlying cause of controversy?

12      **A:**    Once again, I do not believe that a case of  
13 controversy is required under the Constitutional  
14 provisions or under Rule 245, the Court has discretion to  
15 take any matter it wishes to take in its original  
16 jurisdiction.

17      **Q:**    All right. Were you aware as the Clerk of the  
18 Supreme Court that the US Supreme Court reversed or  
19 vacated an order of this Court in the case of Turner v.  
20 Rogers?

21      **A:**    Yes.

22      **Q:**    And what was the gist of the Supreme Court's  
23 reasoning?

24      **A:**    I do not remember, Dr. Faltas. I remember it  
25 was reversed, I do not remember the reason.

1           **Q:**    Okay. If I were to tell you that what they  
2 said is before you hold somebody in contempt you need due  
3 process to find out if they were able or not able to  
4 comply with the court reporter -- with the court order.  
5 Sorry, ma'am. Would you agree with me or disagree with  
6 me that that was what the US Supreme Court said?

7           **A:**    Dr. Faltas, I really do not remember. I  
8 remember that case being reversed, I do not remember.

9           **Q:**    Okay, okay.

10          **A:**    In fact, I do know it had something to do with  
11 contempt and failure to pay child support. It would not  
12 surprise me if that says that someone, that the ability  
13 to pay is a consideration that has to be made.

14          **DR. FALTAS:** And I ask the Court to please take  
15 judicial notice. Thank you.

16          **JUSTICE KITTREDGE:** Yes, ma'am.

17          **Q:**    And also as a lawyer are you aware of the  
18 concept of necessity? For example, if someone is on  
19 trespass from a building but sees the building on fire  
20 and there is a child there, and that person goes to the  
21 building to rescue the child from the house on fire,  
22 would that person be guilty of trespass or will the  
23 absence of a guilty intent be a complete defense?

24          **MR. ZELENKA:** Object. Relevance in these  
25 proceedings.

1                   **JUSTICE KITTREDGE:** Sustained.

2                   **DR. FALTAS:** Well, sir --

3                   **JUSTICE KITTREDGE:** I've sustained it. That  
4 question is so far beyond the bounds of what we're  
5 dealing with, so I've sustained it.

6                   **DR. FALTAS:** Thank you.

7                   **JUSTICE KITTREDGE:** And if you want to move to  
8 another area of inquiry, you may.

9                   **DR. FALTAS:** Thank you.

10                  **Q:** Would you say that this order of September  
11 27th, generally, it wants things to move smoothly in  
12 courts?

13                  **MR. ZELENKA:** Object. That's a confusing question.

14                  **JUSTICE KITTREDGE:** Sustained.

15                  **Q:** What was the purpose of that 27 September, 2017  
16 order as you see it?

17                  **A:** I can't give my opinion but other than to read  
18 what it actually says. "It is the duty of this Court to  
19 maintain the integrity of the court system in this State;  
20 it is also the duty of this Court to protect the rights  
21 of all persons, including Respondent, to meaningful  
22 access of the courts of this State. In striking that  
23 balance, this Court finds it appropriate to issue this  
24 order to clarify Respondent's rights and  
25 responsibilities." And then it proceeds to impose

1 restrictions upon you.

2       **Q:**    All right. Going back to the State's Exhibit 6  
3 which was admitted over my objection.

4       **A:**    Yes.

5       **Q:**    Okay. Are you aware of Section 18-1-120 SC  
6 Code of Laws?

7       **A:**    Yes, I am. It has a similar provision that's  
8 in our court rules.

9       **Q:**    Okay. And does it say that the title of the  
10 action shall not be changed in consequence of the appeal?

11      **A:**    Yes.

12      **Q:**    Okay. And has it happened that you or your  
13 staff entered appeals from me, were they flipped, the  
14 title?

15      **MR. ZELENKA:** Objection, Your Honor. Relevance to  
16 these proceedings.

17      **JUSTICE KITTREDGE:** What was the question about  
18 being flipped? I didn't understand the question, ma'am.

19      **DR. FALTAS:** Yes, sir. I may not say it, like for  
20 instance in the US Supreme Court the Petitioner is named  
21 first. But in South Carolina, the original, it's always  
22 the Plaintiff first or the State.

23      **JUSTICE KITTREDGE:** Okay, thank you for that. Now  
24 what is the relevance of that? Explain to me succinctly  
25 what is the relevance of that to whether or not you have

1 violated or are in contempt of the court's order?

2       **DR. FALTAS:** Of the relevance is that I read, and I  
3 read all court orders, looking to the purpose. And if  
4 the purpose is not to just make me miserable but to make  
5 things go smoothly and correctly, when I see something  
6 that's not correct I think it's not an intent to defy,  
7 it's an intent to cooperate by bringing it to the  
8 attention.

9       **JUSTICE KITTREDGE:** I don't find that response  
10 germane to the objection. I sustain the objection.

11       **DR. FALTAS:** Exception.

12       **JUSTICE KITTREDGE:** Yes, ma'am.

13       **DR. FALTAS:** Exception. Has it happened that  
14 inadvertently cases were entered incorrectly title-wise  
15 or number-wise?

16       **MR. ZELENKA:** Objection. Again, relevance. As I  
17 understand the issue before the Court, contempt is not  
18 whether the substance of the emails were necessary or  
19 correct, it's the manner that the information was being  
20 presented to the Court. There was the opportunity under  
21 the rule to write the Court correctly and use other forms  
22 of communication. This isn't about whether the  
23 communication itself had relevance, it's the manner that  
24 it was given.

25       **JUSTICE KITTREDGE:** I sustain the objection. That

1 line of inquiry is irrelevant.

2 **DR. FALTAS:** And again, I take exception.

3 **JUSTICE KITTREDGE:** Yes, ma'am.

4 **Q:** But still on that Exhibit 6, does it say that  
5 "I have tried every other legal possible avenue to bring  
6 to your attention your court's violation of Section  
7 18-1-120 SC Code of Laws," is that the title of the email  
8 in Exhibit 6?

9 **A:** Yes.

10 **Q:** Had I not, in fact, written to you several  
11 times, and had you not, in fact, ignored my writings?

12 **A:** I don't remember particularly if you had done  
13 multiples, I'm sure you sent other emails potentially on  
14 the same subject.

15 **Q:** I'm sorry?

16 **A:** I assume you probably sent other emails on this  
17 same subject, I do not remember what correspondence you  
18 sent.

19 **DR. FALTAS:** No, no, no. I'm sorry. If there are  
20 other emails on this same subject the State was required  
21 to produce them. And again, under my compulsory process  
22 I ask the Court to order him to produce if any other  
23 emails exist.

24 **JUSTICE KITTREDGE:** They have chosen certain charges  
25 on emails and dates, and they need to produce that. And

1 I believe they have. This foray into other possible  
2 emails, we'll consider it. And that's something that you  
3 want to bring to our attention when you present your  
4 case.

5 He answered a question. You didn't like it. So  
6 then you had a discourse with me. That must stop. If  
7 you don't like the answer, you just make a note of it so  
8 you can present it when your time comes. But then you go  
9 to the next line of inquiry.

10 **DR. FALTAS:** Sir, I very respectfully take exception  
11 because the answer suggests the existence of other facts  
12 which, you know, are inculpatory to me. But the State  
13 has refused to produce them, or you're not letting me  
14 compel them. So I ask the Court to consider that there  
15 was no other email exists related to this subject of the  
16 violation of Section 18-1-120.

17 **JUSTICE KITTREDGE:** The only things that are  
18 included in the contempt allegations are those specific  
19 contacts by email or telephone that are listed in the  
20 contempt complaint.

21 **DR. FALTAS:** All right. Then I move to strike his  
22 testimony that there were other emails about this  
23 subject.

24 **JUSTICE KITTREDGE:** Granted.

25 **DR. FALTAS:** Thank you.

MS. K.A. SNELLING, CVR-M  
Supreme Court, State of South Carolina  
Office of Commission Counsel  
1220 Senate Street, Suite 111, Columbia, South Carolina 29201

1           **Q:**    If one were to look today, look for Appeals  
2 No. 2021-000047, 48 or 49 what will they see?

3           **A:**    Those cases are in C-track, they are pending  
4 before the Court, but they are not on the public case  
5 index.

6           **Q:**    Why?

7           **A:**    They're not on the public index because I have  
8 concerns about whether they are properly filed under the  
9 court's order of September the 27th of 2017. And  
10 therefore I, when I was the Clerk elected to mark it as  
11 non-public, and that's the way they are at the moment.

12           **Q:**    What is your authority for that?

13           **A:**    When we came up with C-track we had the ability  
14 to mark things as being non-public, and that has been the  
15 prerogative of the Court to mark it so it will not appear  
16 on the public case index, and instead are waiting for the  
17 Court to determine whether the filings are appropriate.

18           **Q:**    And these were filed in January 2021, is that  
19 correct?

20           **A:**    That is correct.

21           **Q:**    And did you even send them to the Court in a  
22 timely fashion to determine whether they were or were not  
23 correctly filed?

24           **A:**    Dr. Faltas, I cannot testify about the internal  
25 workings of the Supreme Court, that is all privileged.

1           **Q:**    Is any member of the public entitled to get  
2 their papers processed in a timely and transparent  
3 manner?

4           **A:**    To have their papers processed in a timely  
5 manner? Yes. That's the goal we strive for, yes.

6           **Q:**    I'm sorry, please. I'm sorry, I interrupted  
7 you because you were talking quickly. Can you repeat  
8 what you just said?

9           **A:**    Yes. I said as a goal we try to process things  
10 promptly, yes.

11          **Q:**    Okay. So these were filed in January 2021,  
12 early in January 2021, is that correct?

13          **A:**    Correct.

14          **Q:**    And we are now in March 2022, is that correct?

15          **A:**    Correct.

16          **Q:**    And they were accompanied, at the same time  
17 there were two civil appeals which were 2021-000045 and  
18 46 which do appear on C-track, is that correct?

19          **A:**    Correct. And those two appeals, if memory  
20 serves me correctly, were dismissed because you failed to  
21 pay the filing fee.

22          **Q:**    Okay. So what's the difference, why are the  
23 two civil cases on C-track but the criminal appeals not  
24 on C-track?

25          **MR. ZELENKA:**   Object, Your Honor. Relevance, again.

1 And asked and answered.

2 **JUSTICE KITTREDGE:** Sustained. You've gone down  
3 this road on something that's not relevant to the  
4 contempt charges before the Court today. It's been asked  
5 and answered, so you got it out anyway. The objection is  
6 sustained. Move to your next question please, ma'am.

7 **DR. FALTAS:** Exception. And may I --

8 **JUSTICE KITTREDGE:** Yes, ma'am. Exception noted.  
9 Next question.

10 **Q:** Okay. I need to ask this question for the  
11 record because if I don't ask it, it will not appear for  
12 further appeals. Weren't you, in fact, trying to annoy  
13 me by removing them from C-track so that I wouldn't know  
14 what's happening to them and I would have to ask  
15 questions?

16 **A:** No. As I've already explained, I have concerns  
17 about whether they're properly filed under the 2017  
18 order. Also concerns about whether the notice of appeal  
19 was properly served since you did so by email. And those  
20 issues need to be resolved by the Court, and that's why  
21 it was marked as non-public.

22 **Q:** Okay. The notice of appeal was not served by  
23 email on these. Did you send me a deficiency letter?

24 **A:** No, I do not remember.

25 **MR. ZELENKA:** Objection, Your Honor. Relevance.

1                   **JUSTICE KITTREDGE:** You asked the question. You  
2 didn't like the answer. I sustain the objection. You  
3 can't just go back and forth, well I think it's this, he  
4 thinks it's that.

5                   **DR. FALTAS:** Okay.

6                   **JUSTICE KITTREDGE:** You asked a question. And like  
7 I told you repeatedly, I know you're not going to agree  
8 with much of anything that comes out of the witness's  
9 mouth. The fact you disagree is not an opportunity to  
10 engage in a banter back and forth. But you can ask  
11 direct questions. But please move along to the next  
12 issue.

13                  **DR. FALTAS:** Okay.

14                  **Q:** Are you aware of deficiency letters, what you  
15 call deficiency letters?

16                  **A:** Am I aware that we issue deficiency letters?  
17 Yes.

18                  **Q:** Okay. Did you issue a deficiency letter in  
19 those cases?

20                  **A:** I do not remember, I do not recall.

21                  **DR. FALTAS:** Again, under compulsory process may I  
22 ask the Court to make available those records to me?

23                  **JUSTICE KITTREDGE:** That could be done separately  
24 because that issue has nothing to do with the contempt  
25 matter today. Apparently you have some other appeals

1 pending that will at some point be addressed by the  
2 Court. But those -- (cracking noise) -- are you okay?  
3 What was that?

4 **DR. FALTAS:** I don't know, maybe static.

5 **JUSTICE KITTREDGE:** It might have been. But in any  
6 event, that could be handled separately. It may be a  
7 request, it may be a written request, but it's outside  
8 the confines of this proceeding.

9 **DR. FALTAS:** Acting Chief Justice Kittredge, it has  
10 to do with the right of the public person to know and  
11 inquire about their case. If he doesn't put it on  
12 C-track, doesn't send a deficiency letter, and for 14  
13 months I don't know anything about what's happening to  
14 them.

15 **JUSTICE KITTREDGE:** I appreciate you saying that.  
16 And if you want to follow up with a proper way of  
17 communicating with the Court consistent with the 2017  
18 order then that can be followed up on. That is not  
19 relevant to the issue today for these specific  
20 allegations of contempt by email and telephone contact  
21 with Court staff.

22 **DR. FALTAS:** Exception.

23 **JUSTICE KITTREDGE:** Yes, ma'am. Noted. Next  
24 question.

25 **DR. FALTAS:** All right. What was this number?

1                   **MR. ZELENKA:** Two.

2                   **Q:** State's Exhibit 2, is that addressed to me?

3                   **A:** Let's see. It is addressed to the judges and  
4 you were CC'd.

5                   **Q:** Do you have personal knowledge, did you with  
6 your own hands type and address correctly to me and put  
7 it in an envelope and send it to me?

8                   **A:** No, I of course do not address envelopes for  
9 the Supreme Court as a general rule.

10                  **Q:** Did you see someone do that?

11                  **A:** No, I did not.

12                  **Q:** Okay. So you do not have any personal  
13 knowledge that I received it by mail?

14                  **A:** Well I don't have any personal knowledge  
15 whether you received it other than the fact that you  
16 filed a response to it.

17                  **Q:** Okay. But you do not have personal knowledge  
18 that I received it based on State's Exhibit 2?

19                  **A:** Only, as I've said, that you responded to it  
20 and said that you received it in a document you filed  
21 shortly thereafter.

22                  **Q:** Okay. State's Exhibit 3, what action did you  
23 take on it?

24                  **A:** This email was sent in violation of the order.  
25 I took no action on this particular filing I don't think,

1 I don't think I responded to this email at all.

2 **Q:** Okay. So that was fresh after the date of the  
3 order, right, nothing had expired or anything?

4 **A:** I don't understand what you're saying.

5 **Q:** What's the date of State's Exhibit 3?

6 **A:** Let's see. September the 29th, 2019.

7 **Q:** Really?

8 **A:** Really, what?

9 **Q:** Really, 2019?

10 **A:** 29 September, 2019 I believe.

11 **Q:** Sir?

12 **JUSTICE KITTREDGE:** Is this service of the 2017  
13 order or the 2019 order?

14 **A:** That is, the letter that I just referenced was  
15 the service of the 2017 order.

16 **JUSTICE KITTREDGE:** Okay.

17 **A:** I believe this email --

18 **Q:** No, sir, we're looking at State's Exhibit 3.

19 **A:** Yes, State's Exhibit 3 is an email, or a  
20 document from you, I think it's not an email, a document  
21 from you dated 29 September, 2019.

22 **Q:** Sir, could you please look? Unless something  
23 is wrong my version says 2017, not 2019. Can we compare?  
24 I mean that's --

25 **A:** I'm saying --

1                   **JUSTICE KITTREDGE:** What's your position? Stop,  
2 sir. What's your position on that, Mr. Zelenka, with  
3 State's Exhibit No. 3?

4                   **MR. ZELENKA:** I beg the Court's indulgence one  
5 moment.

6                   **JUSTICE KITTREDGE:** That's fine. I just want to  
7 know what your contention of the date is. And then the  
8 Court will take a look at it during our next break.

9                   **MR. ZELENKA:** I have that document here. I think  
10 what Dr. Faltas is asserting is the particular document,  
11 State's Exhibit 3, at the bottom of it she says,  
12 diligently submitted on Friday, 29 September 2019, and  
13 served on the AG's Office on that date. It reflects  
14 received by the Supreme Court on September 29, 2017. We  
15 submit that that is the appropriate date.

16                  **DR. FALTAS:** Yes, sir. And as you said, I'm not  
17 perfect. And in typing I typed 2019 because it was 29  
18 September.

19                  **JUSTICE KITTREDGE:** Yes, ma'am.

20                  **DR. FALTAS:** But the real date it was issued is  
21 2017.

22                  **JUSTICE KITTREDGE:** 2017. And that makes sense  
23 since the order was just issued a few days earlier in  
24 2017, in September.

25                  **DR. FALTAS:** Exactly.

1                   **JUSTICE KITTREDGE:** Okay, we hear you.

2                   **DR. FALTAS:** Thank you, sir.

3                   **JUSTICE KITTREDGE:** Next question.

4                   **DR. FALTAS:** Thank you, sir.

5                   **Q:** So this was transmitted by hand-delivery in  
6 writing, no email, no phone call, no anything, is that  
7 correct?

8                   **A:** That's what it appears to be, yes.

9                   **Q:** And that would still be under the time to  
10 reconsider, I mean it was.

11                  **A:** No. And I can tell you that I was getting it  
12 confused with the other case, you've got so many cases  
13 and you're jumping back and forth. But in this thing I  
14 believe this was processed and I believe some orders were  
15 (overlapping speakers).

16                  **DR. FALTAS:** Motion to strike "so many cases."

17                  **JUSTICE KITTREDGE:** No, no, no, no.

18                  **DR. FALTAS:** Okay, sir.

19                  **JUSTICE KITTREDGE:** When he's speaking, you don't  
20 like what he says. We get it. He finishes.

21                  **DR. FALTAS:** I'm sorry, I'm sorry.

22                  **JUSTICE KITTREDGE:** Did you finish your answer, Mr.  
23 Shearouse?

24                  **MR. SHEAROUSE:** Your Honor, I would just say that I  
25 was confused about the earlier case. In this case I

1 believe these documents were ultimately processed,  
2 and that's my recollection as I guess a motion for  
3 rehearing, I believe that is the case.

4           **JUSTICE KITTREDGE:** Next question.

5           **DR. FALTAS:** Thank you.

6           **Q:** Did you ever send me anything in response to  
7 this? Do you agree? Or I think we did get testimony  
8 that was filed by hand-delivery, not by email. And it  
9 was not stale, not beyond the time. Did you send me  
10 anything in response to this?

11           **A:** I don't know if I know the answer to that  
12 question. Like I said, my recollection is that this  
13 document was ultimately processed and I believe some  
14 other order was issued. I'm not 100% sure of that, I'd  
15 have to look at the case to see.

16           **Q:** Again, if no order is produced then the Court  
17 needs to assume that no order happened. And therefore,  
18 that I was doing what the order says but not getting any  
19 response. In the grand scheme of things if the order  
20 were wrong, either the 27 September 2017 order were  
21 wrong, either in part or in whole, would it not be in the  
22 Court's interest to correct it?

23           **A:** Is that a question?

24           **Q:** Yes.

25           **A:** I wasn't sure if that was a question.

1                   **JUSTICE KITTREDGE:** That's not a question.

2                   **MR. ZELENKA:** Objection. That's misleading. We  
3 object.

4                   **JUSTICE KITTREDGE:** That's not a question. You can  
5 rephrase it if you would like, Dr. Faltas.

6                   **DR. FALTAS:** Sir, is the Court ready for a break? I  
7 am ready for one.

8                   **JUSTICE KITTREDGE:** How much longer do you have on  
9 cross-examination?

10                  **DR. FALTAS:** Well it always depends on whether he  
11 freelances or doesn't. But I also need to get my train  
12 of thought back together.

13                  **JUSTICE KITTREDGE:** I'm just trying to get a sense.  
14 Judges conduct court.

15                  **DR. FALTAS:** Right.

16                  **JUSTICE KITTREDGE:** And if you have two or three  
17 more minutes, then we need to finish and then take a  
18 break. But if you've got a lot more --

19                  **DR. FALTAS:** Yes.

20                  **JUSTICE KITTREDGE:** -- to go then we can take a  
21 break.

22                  **DR. FALTAS:** Yes, yes, I was thinking maybe we can  
23 take the lunch break. I will not be eating, but if the  
24 Court wants.

25                  **JUSTICE KITTREDGE:** We're going to take a 10 minute

1 break, and then I'll reassess with my colleagues on  
2 what our next steps will be. But for now we're taking a  
3 10 minute break and we'll be in recess.

4 **DR. FALTAS:** Thank you, sir.

5 (Hearing recessed at 12:18 p.m., March 22, 2022)

6 \* \* \* \* \*

7 (Hearing reconvened at 12:37 p.m., March 22, 2022)

8 **MS. BRYANT:** All rise.

9 **JUSTICE KITTREDGE:** Be seated, be seated. We are  
10 back on the record and I have several things to put on  
11 the record. One is Dr. Faltas questioned Mr. Shearouse  
12 about her communications with the Court dated September  
13 29, 2017. The manner of communication was in violation  
14 of an order of the Court that's referenced in Mr.  
15 Shearouse' response. That response is in a letter dated  
16 April 5, 2018, and I instructed a representative from the  
17 Clerk's Office to provide a copy of that letter to both  
18 sides. Has the State received a copy of that April 5th,  
19 2018 letter?

20 **MR. ZELENKA:** We did, we just received it, and I  
21 provided a copy to Dr. Faltas.

22 **JUSTICE KITTREDGE:** All right, good, so both sides  
23 have it. The second thing I have discussed with my  
24 colleagues, a legal ruling and what is the Court's  
25 procedure that will be followed going forward. In terms

MS. K.A. SNELLING, CVR-M  
Supreme Court, State of South Carolina  
Office of Commission Counsel  
1220 Senate Street, Suite 111, Columbia, South Carolina 29201

1 of the legal ruling, it is the unanimous and firm  
2 judgment of all members of the Court that the September  
3 2017 order is a valid order of this Court.

4 Under the Constitution, the Appellate Court Rules,  
5 and the inherent authority of this Court to supervise the  
6 administration of the court system of South Carolina and  
7 it provides more than ample basis for this Court to have  
8 acted and issued an order in September of 2017. The  
9 record will reflect the Court's ruling and that, of  
10 course, Dr. Faltas takes exception to it.

11 Now on moving forward, Mr. Shearouse has testified  
12 to the particular allegations of contempt into which he  
13 was a participant, i.e., on the receiving end of email  
14 communications in violation of the 2017 order. My  
15 colleagues have stressed upon me that we have got, I have  
16 allowed the hearing to get so far afield from the  
17 relevant issue before the Court.

18 So going forward the Court is only going to permit  
19 questions relevant to the matter of contempt as testified  
20 to by Mr. Shearouse. No colloquy with the Court except  
21 in responding to an objection or otherwise. But we're  
22 going to move forward and conclude the examination of the  
23 witness limited to evidence of the contempt allegations  
24 as testified to by Mr. Shearouse.

25 **DR. FALTAS:** Sir, may I ask -- and of course I do

MS. K.A. SNELLING, CVR-M  
Supreme Court, State of South Carolina  
Office of Commission Counsel  
1220 Senate Street, Suite 111, Columbia, South Carolina 29201

1 not think it's a valid order -- but you have ruled  
2 among yourselves that it's a judicial order or an  
3 administrative order, because you said that it's in your  
4 supervisory power over the state courts. I still take  
5 issue with that. But even if it were so, there is a  
6 difference between an administrative order and a judicial  
7 order. An administrative --

8       **JUSTICE KITTREDGE:** Ma'am, the Court has ruled.

9       **DR. FALTAS:** But -- okay.

10      **JUSTICE KITTREDGE:** And the order prohibited you  
11 from communicating to the Court and court staff in a  
12 particular way. It's alleged that you violated that. I  
13 have stated the Court's ruling, I'm not going to state it  
14 again. And I'm not going to go back and forth.

15      Because right now what you're doing is you're taking  
16 time away from your examination of the witness to engage  
17 in this dialogue, which is not productive in our  
18 judgment. I have been told to move along and limit this  
19 to the relevant issue of contempt. And I accept that  
20 constructive criticism. And so that's what I'm going to  
21 do.

22      **DR. FALTAS:** Sir, I have offered Mr. Zelenka not to  
23 plead guilty because I cannot in good conscience say that  
24 I'm guilty, not even to plead Alford because I cannot in  
25 good conscience say that the elements of true contempt

1 are in the possession of the State. I had offered  
2 him to consent to the entry of a judgment of conviction  
3 with the staying of the sentencing until your ruling can  
4 be reviewed, either in federal court or by the US Supreme  
5 Court because -- and this will save time.

6 **JUSTICE KITTREDGE:** Whatever order we issue you  
7 certainly can appeal. Let me just ask you a question  
8 that seems to be self-evident. There's a court order  
9 that does not permit you to email court staff, telephone  
10 court staff, if you have an attorney you can do it in the  
11 normal way through your attorney. But when you're *pro se*  
12 you have to do it through in person by bringing documents  
13 or US mail. That's the order of this Court. It is of no  
14 great joy for us to be here, but we have an obligation to  
15 ensure that the court orders are enforced.

16 Is there anything, ma'am, that we can do that will  
17 get you to comply with that obligation that you do not  
18 email the courts of this state, the staff, and make  
19 telephone calls to the court and staff, and communicate  
20 as prescribed by this court's order? Is there anything  
21 we can do to get you to comply?

22 **DR. FALTAS:** Many things. First, put such cases as  
23 I have on the public record so I can tell what's  
24 happening with them without my having to call anybody or  
25 ask anybody.

MS. K.A. SNELLING, CVR-M  
Supreme Court, State of South Carolina  
Office of Commission Counsel  
1220 Senate Street, Suite 111, Columbia, South Carolina 29201

1           Second, rule on my cases and get me out of here.  
2           I'm a medical doctor and really a frustrated engineer.  
3           I don't know where this legal talent came from, but I  
4           have it. But some of the staff have accused me of  
5           enjoying this. Not at all. Just put my things on the  
6           public record. Because a whole lot of those were where I  
7           was asking what's happening. And when we stopped I mean  
8           genuinely, genuinely I think that the recent supersedes  
9           the older, and when you all did that order by filing by  
10           email it didn't exclude me.

11           And in fact, so when you look at those emails and  
12           those phone calls they are really together 21 or 20 over  
13           a 22 month period, it's one call per month. And it's not  
14           as if the contempt I was saying hey, I'm calling to annoy  
15           you, or hey, I'm calling to violate the court order.

16           **JUSTICE KITTREDGE:** All right, thank you. We're  
17           trying to find some solution. But I can promise you that  
18           part of any solution will be you will comply with the  
19           orders of this Court.

20           **DR. FALTAS:** Yes, sir. I will. And --

21           **JUSTICE KITTREDGE:** No, ma'am.

22           **DR. FALTAS:** Sorry.

23           **JUSTICE KITTREDGE:** We're not going to respond to  
24           your request of what you perceive to be placing cases on  
25           the public record. Every case filed is part of the

1 public record. It may not appear on a particular  
2 track, but it's still available to the public, and those  
3 cases proceed in that way. There is no nefarious intent  
4 involved. There's nothing to hide those documents,  
5 they're simply on different tracks. And those  
6 different tracks are available to the public. Now  
7 perhaps in some instances a person can go on the Internet  
8 and see some of those filings. But all of the filings  
9 through some effort, all minimal, can be obtained. So  
10 they are public records.

11 **DR. FALTAS:** May I just say something?

12 **JUSTICE KITTREDGE:** Yes, but it has to be relevant.

13 **DR. FALTAS:** Yes, sir.

14 **JUSTICE KITTREDGE:** To something that this Court,  
15 the five of us can do, and be assured that you will not  
16 violate that order going forward. Because we could  
17 impose a sentence and then suspend it and let you walk  
18 out of here. But we need some assurance. Now you can  
19 respond.

20 **DR. FALTAS:** Because, you know, in medicine we  
21 always think of solutions and creating ones. If you  
22 don't want to put my cases on the record, because this  
23 says that I cannot even talk to people, you can set once  
24 a month, once every two months that I can come and look  
25 at my public cases to find out what happened in them and

1 what didn't happen in them. And I leave that to your  
2 discretion, what you think is reasonable. And I will not  
3 be in contempt for even speaking to people. You can set  
4 it any date, you can say on such and such a date you can  
5 come and look at all your cases and see if they've  
6 progressed.

7 Because sometimes there may be an order issued that  
8 gets -- and that happened. I'm not saying, I mean please  
9 believe me, it's not as if it didn't happen -- that was  
10 sent to the wrong address. Not because I had given a  
11 wrong address, but it was mis-typed. So in the absence  
12 of that, and in the absence of my being able to call or  
13 email, you can set a time every month or two months that  
14 I can come and look at my cases. It's an idea. There  
15 are several other ideas.

16 In fact, the last part of the allegations were about  
17 an appeal that I did not even file. I had prevailed in  
18 the Circuit Court on the PCR case that I was allowed to  
19 proceed *pro se* and I had prevailed twice, twice. And  
20 then the State appealed, or certiorari. And that stayed  
21 on for three months -- three years, I'm sorry.

22 And then the last step is that the remittitur did  
23 not issue on time. So that's one of my biggest things.  
24 You can set it. I mean if the cases are, are -- what's  
25 the word -- resolved, resolved, then there would be no

1 reason for me to ask.

2       But while cases are pending if you don't want me to  
3 call and you don't want me to send emails and you don't  
4 want me to, and you don't want to put them on  
5 C-track, let me come once a month or whatever and look at  
6 them.

7       **JUSTICE KITTREDGE:** Your statement is based on a  
8 false premise as if you are precluded from access to your  
9 files or public records. That is not part of the 2017  
10 order. The means of you gaining access is limited  
11 because of the reasons clearly set forth in the 2017  
12 order.

13       Now I want to just ask my colleagues if they wish to  
14 take a break to discuss this dialogue or to move forward?

15       **DR. FALTAS:** Actually, sir, this is where Mr.  
16 Shearouse, and that was produced to me in discovery, said  
17 that when she comes don't even talk to her. So you're  
18 telling me that I'm not precluded, but I am precluded. I  
19 mean the order, if it says don't call and don't email, it  
20 says don't even talk to people. So there was no way for  
21 me to know what's happening in my cases. And this is, as  
22 I said, one thing that I just found in discovery in this  
23 case. So no, it wasn't a false premise.

24       **JUSTICE KITTREDGE:** Well the Court has for a long  
25 time attempted, without much success, to have you comply

1 with the 2017 order. And that's why we're here  
2 today. I get indication from some of my colleagues that  
3 we're going to take a five minute break. We'll discuss  
4 what you said, ma'am. And then we'll come back for  
5 further the discussion. Five minutes.

6 (Hearing adjourned at 12:55 p.m., 3/10/22)

7 \* \* \* \* \*

8 (Hearing reconvened at 1:06 p.m., 3/10/22)

9 **MS. BRYANT:** All rise.

10 **JUSTICE KITTREDGE:** Thank you all so much, please be  
11 seated. First of all, all five of us appreciate your  
12 patience. We have discussed Dr. Faltas' concerns, and  
13 this is where we are in the proceedings. We cannot as a  
14 matter of law accept something called a conditional  
15 guilty plea. So we're going to move forward and conclude  
16 the examination of Mr. Shearouse.

17 I will tell you, Dr. Faltas, that it's the desire of  
18 the Court when at the end of this process, it won't be  
19 today, but at the end of this process, we'll finish the  
20 proceeding today we hope, but when this proceeding is  
21 concluded we're going to have to take some time to issue  
22 an order. And part of that order is going to respond to  
23 your request for access to your records.

24 **DR. FALTAS:** Thank you.

25 **JUSTICE KITTREDGE:** So we hear you in that regard,

MS. K.A. SNELLING, CVR-M  
Supreme Court, State of South Carolina  
Office of Commission Counsel  
1220 Senate Street, Suite 111, Columbia, South Carolina 29201

1 and we're going to address that when we issue an  
2 order. And rather than do that now off the cuff, it's  
3 just better that we finish this proceeding, close the  
4 proceeding, and then we can address everything in one  
5 order.

6 **DR. FALTAS:** Thank you, sir.

7 **JUSTICE KITTREDGE:** Okay.

8 **DR. FALTAS:** Thank you, sir.

9 **JUSTICE KITTREDGE:** So we're going to move forward.  
10 If you have any further questions of Mr. Shearouse  
11 related to the specific times of the communications to  
12 him that were allegedly in violation of the 2017 order?

13 **DR. FALTAS:** Thank you. Thank you very much. And I  
14 thank God that you made this decision. But may I just  
15 ask to leave it on the table, you know? Because you  
16 know, for your consciences and everything. What's so bad  
17 about -- when I'm not saying I'm asking, I mean what's so  
18 bad about my having emailed once or twice, or called when  
19 some of my papers were not handled? I mean doesn't  
20 everyone else call? I don't want this to come through as  
21 if I'm saying I'm right and you're wrong. But I want to  
22 understand what's so bad from your point of view? I mean  
23 it's possible that you can ration my calls, you can, I  
24 mean.

25 **JUSTICE KITTREDGE:** We're going to address that.

1                   **DR. FALTAS:** Okay.

2                   **JUSTICE KITTREDGE:** The order of this Court is you  
3 have filed vexatious and abusive litigation in this  
4 State, that is set forth in the 2017 order, an order that  
5 you do not agree with.

6                   **DR. FALTAS:** Absolutely, yes.

7                   **JUSTICE KITTREDGE:** But that is an order of this  
8 Court. The history that was recited in that order and  
9 prior orders from Chief Justice Toal, etc., gave rise to  
10 the culmination of the 2017 order. It speaks for itself.  
11 We intend to address the history of this matter and why  
12 such conditions have been imposed upon you when we issue  
13 an order.

14                  I'm going to once again give you the opportunity, if  
15 you want, to ask Mr. Shearouse any further questions --

16                  **DR. FALTAS:** Yes, sir.

17                  **JUSTICE KITTREDGE:** -- about the contempt  
18 allegations in this case today.

19                  **DR. FALTAS:** Yes, sir. And I was so optimistic I  
20 put my papers back in my bag. So if I may borrow that  
21 cheat sheet from Mr. Zelenka, and we can make it a joint  
22 exhibit if he likes. Thank you. Okay. So may I?

23                  **JUSTICE KITTREDGE:** You're holding some document in  
24 your hand, do you want to make it an exhibit?

25                  **DR. FALTAS:** Yes, yes.

1                   **JUSTICE KITTREDGE:** Any objection from the  
2 State?

3                   **MR. ZELENKA:** No objection.

4                   **JUSTICE KITTREDGE:** Okay, this will be admitted as  
5 Respondent's Exhibit No. 1.

6                   **DR. FALTAS:** Yes, sir. Thank you.

7                   **JUSTICE KITTREDGE:** Is there any way you could hand  
8 that to the court reporter? Can you reach that far?

9                   **DR. FALTAS:** Yes.

10                  **COURT REPORTER:** Got it.

11                  **JUSTICE KITTREDGE:** Thank you, ma'am. Let her mark  
12 it and then we'll get back on the record.

13                  **DR. FALTAS:** Thank you, sir.

14                  (**Respondent's Exhibit No. 1 Admitted into Evidence**).

15                  **JUSTICE KITTREDGE:** She's handing it back to you.

16                  **DR. FALTAS:** Thank you.

17                  **JUSTICE KITTREDGE:** The record will reflect that  
18 Respondent's Exhibit No. 1 has been admitted without  
19 objection. Now you may ask the questions of Mr.  
20 Shearouse.

21                  **DR. FALTAS:** Yes. May I pass it to him, please?

22                  **JUSTICE KITTREDGE:** Sure, the court reporter will  
23 help you.

24                  **DR. FALTAS:** Thank you.

25                  **Q:** Do you agree that this is, I'm calling it a

1 cheat sheet or you can call it something else that  
2 you prepared for the court staff?

3       **A:** Yes, this was basically scripts that I gave to  
4 my staff I believe in February of 2019. At that  
5 particular time you were coming to the Supreme Court  
6 lobby on numerous times in succession, and you were also  
7 phone calling numerous times. And I gave this script  
8 since we are not supposed to have telephone conversations  
9 with you, you're not supposed to be calling. First it  
10 deals with advising you or reminding you again about the  
11 September 27, 2017 order that you were not permitted to  
12 call us on the telephone. So I gave them the script so  
13 that we could be consistent on how we were responding to  
14 your calls.

15       **DR. FALTAS:** Motion to strike the part about the  
16 phone call.

17       **JUSTICE KITTREDGE:** Motion overruled.

18       **DR. FALTAS:** Okay, thank you.

19       **JUSTICE KITTREDGE:** He answered your question. You  
20 don't like it, fine.

21       **DR. FALTAS:** Okay.

22       **JUSTICE KITTREDGE:** Next question.

23       **DR. FALTAS:** Okay, okay, okay.

24       **Q:** At that time the State had filed a petition in  
25 the Court's original jurisdiction, isn't that correct?

1 That's case number 20 --

2       **A:** I do not know the relative timing of those  
3 events.

4       **Q:** Okay, going back to State's Exhibit 1 or 2, the  
5 September order.

6       **JUSTICE KITTREDGE:** I appreciate you mentioning  
7 State's No. 1. For the record, it's no longer for  
8 identification. We've ruled on the legal efficacy of  
9 that document, it's a valid court order. It is in  
10 evidence as an exhibit.

11       **(State's Exhibit No. 1 Admitted into Evidence)**

12       **JUSTICE KITTREDGE:** Yes, ma'am. Proceed.

13       **DR. FALTAS:** Okay, then State's now Exhibit 2.

14       **JUSTICE KITTREDGE:** All right, State's Exhibit 2 is  
15 the proof of service of the order.

16       **DR. FALTAS:** Okay, then 3.

17       **JUSTICE KITTREDGE:** So ask your question of Mr.  
18 Shearouse regarding State's Exhibit 2.

19       **DR. FALTAS:** No, it's not 2, it's 3. I'm sorry.

20       **JUSTICE KITTREDGE:** Your response that's dated  
21 September 29, and you typed in 2019.

22       **DR. FALTAS:** Okay.

23       **JUSTICE KITTREDGE:** And it was really 2017 and we  
24 figured that out.

25       **DR. FALTAS:** I'm sorry. Okay. Let me pull out what

1 I put back in my bag out of optimism. There is one  
2 that's related to the case that generated, the September  
3 2019 order, the September 2019 order.

4 **JUSTICE KITTREDGE:** That might be Exhibit 4.

5 **DR. FALTAS:** Exhibit 4, okay.

6 **JUSTICE KITTREDGE:** So you can ask him a question  
7 about No. 4.

8 **DR. FALTAS:** Yes, sir.

9 **Q:** That case, I'm the Respondent, is that correct?

10 **A:** That case was brought by the State. And yes,  
11 you were the Respondent in that case.

12 **Q:** And out of your own knowledge or just because  
13 the number, the serial number is so low, 36, is it likely  
14 that it was filed very early in January?

15 **A:** I would assume, I would assume that would be  
16 the case. I do not know.

17 **Q:** 2019.

18 **A:** I do not know.

19 **Q:** So the reason I was coming to file things or I  
20 was coming to the lobby in February 2019 was to file  
21 documents in response to the State's petition, is that  
22 correct?

23 **A:** I don't know what case you were trying to file  
24 on, but yes, you were coming to file documents, yes.

25 **Q:** Okay. Assuming for the purpose of this

1 question that the September --

2 **MR. ZELENKA:** Your Honor, I object once again.

3 Relevance.

4 **JUSTICE KITTREDGE:** I'm going to sustain the  
5 objection. I've tried my best. My colleagues have  
6 impressed upon me and all of us that there are  
7 allegations of contempt that allege that you sent emails  
8 to Mr. Shearouse that he's testified to. He's testified  
9 to your responses, your email contacts, that's what I  
10 want your questions to be about. Because we have  
11 determined that the underlying court order is valid.

12 **DR. FALTAS:** Okay. What I am saying because he has  
13 gone on to say that he did that script because I was  
14 coming often in February 2019, and I am relating that to  
15 --

16 **JUSTICE KITTREDGE:** You think you had just cause to  
17 come?

18 **DR. FALTAS:** Yes.

19 **JUSTICE KITTREDGE:** All right.

20 **DR. FALTAS:** And even though I had just cause to  
21 come because I was the Respondent, which is like the  
22 Defendant, which you allowed me to proceed *pro se* when  
23 I'm a Defendant or a Respondent, then I could file  
24 things. And even then he was telling them to not speak  
25 to me.

1                   **JUSTICE KITTREDGE:** You're not being alleged to  
2 be in contempt for walking in this Court in February of  
3 2019, you're alleged the specifics that are set forth by  
4 your email communication to Mr. Shearouse. I'm trying,  
5 and we are all trying to bend over backwards to give you  
6 every possible latitude, and then much more.

7                   You're going to ask him questions about the elements  
8 of contempt that are before the Court, or we're going to  
9 have no choice but to end your examination because you're  
10 speaking more with the Court than you are the witness.

11                  **DR. FALTAS:** Okay. I have no further questions of  
12 him. And I really appreciate the Court's promise to  
13 review what it calls the underlying cases. I want, I  
14 pray that the Court considers two things. First, all --  
15 and I'm finished with my examination of him.

16                  **JUSTICE KITTREDGE:** Right. So save that, make a  
17 note if you need to, I want to hear you on that. But  
18 we're through with the cross-examination.

19                  Any redirect?

20                  **MR. ZELENKA:** Briefly, Your Honor.

21                  **MR. SHEAROUSE - REDIRECT EXAMINATION BY MR. ZELENKA:**

22                  **Q:** State's Exhibit 12, Mr. Shearouse, can you  
23 identify that document?

24                  **A:** Yes. After the Court had issued the September  
25 20, 2019 order Dr. Faltas sent us a motion for partial

1 reconsideration.

2       **Q:** Does that reflect she received a copy of the  
3 2019 order?

4       **DR. FALTAS:** Are we talking about the same thing?  
5 That's not at all what you -- this is not at all that.  
6 You gave me one more of the thing, that's not it.

7       **MR. ZELENKA:** The end of the first paragraph?

8       **JUSTICE KITTREDGE:** He has identified it as some  
9 document purportedly from Dr. Faltas, is that correct?

10      **MR. ZELENKA:** Yes, sir.

11      **JUSTICE KITTREDGE:** All right. And you seek to  
12 admit this document that's been identified and  
13 authenticated?

14      **MR. ZELENKA:** That's correct.

15      **JUSTICE KITTREDGE:** All right.

16           Do you object to this being received as State's  
17 Exhibit No. 12?

18      **DR. FALTAS:** No, I do not. But he's not describing  
19 it correctly. So I mean subject to his describing what  
20 it is, I do not object.

21      **JUSTICE KITTREDGE:** Unfortunately, I'm going to  
22 allow it because he's authenticated it. But fortunately,  
23 you on recross can ask him questions limited to that  
24 document.

25      **DR. FALTAS:** Yes, sir.

1                   **JUSTICE KITTREDGE:** So you can pursue it.

2                   **DR. FALTAS:** I'm trying to finish and say what I  
3 want to say.

4                   **JUSTICE KITTREDGE:** Yes, ma'am.

5                   **DR. FALTAS:** And let you make your decision.

6                   **JUSTICE KITTREDGE:** State's 12 is in evidence  
7 subject to cross-examination of Mr. Shearouse by Dr.  
8 Faltas.

9                   **(State's Exhibit No. 12 Admitted into Evidence)**

10                  **Q:** Just to clarify, what is the title of the  
11 document?

12                  **A:** The title of the document is "Dr. Assa'ad  
13 Faltas' Timely Motion for Partial Reconsideration of 20  
14 September 2019 ORDER."

15                  **Q:** Thank you. I assume the Court's taken judicial  
16 notice of the orders that were referred to previously,  
17 the 2009 [sic] order, is that correct?

18                  **JUSTICE KITTREDGE:** Yes, sir.

19                  **MR. ZELENKA:** I have no further questions at this  
20 time.

21                  **JUSTICE KITTREDGE:** All right.

22                  I'm going to allow you if you want to question  
23 Mr. Shearouse about that, State's No. Exhibit 12.

24                  **DR. FALTAS:** Okay.

25                  **MR. SHEAROUSE - RECROSS-EXAMINATION BY DR. FALTAS:**

1           **Q:**    That was hand-delivered, it was not  
2 emailed, right?

3           **A:**    It appears that that is the case.

4           **Q:**    And the Court received it, right?

5           **A:**    Yes.

6           **Q:**    And stamped it?

7           **A:**    Yes.

8           **Q:**    And the stamp maybe got, but the case number  
9 that's on it at the top is 2019-000036, is that correct?

10          **A:**    I'm not so sure where you're talking about.

11          **Q:**    Okay.

12          **A:**    On this document?

13          **Q:**    Yes, the caption.

14          **A:**    Yes, 2019-000036, that's correct.

15          **Q:**    And you agreed that's the case that the State  
16 brought, not I brought?

17          **A:**    That is correct. That is the motion the State  
18 brought to clarify your ability to file postconviction  
19 relief applications.

20          **Q:**    And the order in that case did not issue until  
21 September, correct?

22          **A:**    Yes, September of 2019 I believe.

23          **Q:**    Okay. So this was a timely motion to  
24 reconsider?

25          **A:**    Yes, I think it probably was.

1           **Q:**    Okay. And was it anything that I was  
2    forbidden from filing?

3           **A:**    I don't believe so, no.

4           **Q:**    Okay.

5           **A:**    I believe it came in writing.

6           **Q:**    Okay, all right.

7           **A:**    I do not remember what happened to this motion  
8    for reconsideration. I believe that some action was  
9    taken by the Court on it, but I don't remember what it  
10   was.

11           **DR. FALTAS:** I'm sorry, for what purpose had Mr.  
12   Zelenka offered it? I forgot.

13           **JUSTICE KITTREDGE:** I have no idea.

14           **DR. FALTAS:** Yes.

15           **JUSTICE KITTREDGE:** But we're going to find out  
16   because we're going to look at all the exhibits and we're  
17   going to study them. And sometimes evidence comes in  
18   without objection, and we may look at it and determine  
19   it's not relevant. But we'll go through that process.  
20   But I don't have it in front of me so it's hard for me to  
21   answer your question, ma'am. This is your opportunity to  
22   ask Mr. Shearouse about that document if you have any  
23   questions.

24           **DR. FALTAS:** Okay. No, I do not.

25           **JUSTICE KITTREDGE:** Great, thank you so much.

1                   You may step down, Mr. Shearouse.

2                   **MR. SHEAROUSE:** Thank you, Your Honor.

3                   **JUSTICE KITTREDGE:** At this point, Mr. Zelenka,  
4 we're not going to hear any further witnesses from the  
5 State.

6                   **MR. ZELENKA:** Thank you.

7                   **JUSTICE KITTREDGE:** The Court has decided that you  
8 have put forth testimony allegations about discrete  
9 conduct which may constitute contempt under the 2017  
10 order from Mr. Shearouse. We're not, of course,  
11 dismissing the other contempt particulars, but we see no  
12 reason to go forward to allow the additional. Because if  
13 there is contempt we would never in any circumstances go  
14 beyond six months and do a consecutive sentence. So  
15 we're going to hold those matters in abeyance after we  
16 issue a formal order in this case. So I apologize if  
17 that cuts off your presentation. But in talking to the  
18 members of the Court we see nothing practical to be  
19 gained at this point by going further with the contempt  
20 evidence.

21                   **MR. ZELENKA:** Understood.

22                   **JUSTICE KITTREDGE:** Thank you, sir.

23                   Now if you want to testify, you have a right to  
24 testify to us. You have a right to present evidence.  
25 And you're aware of this as much as we are, Dr. Faltas,

1 your right to remain silent. You referenced the  
2 Fifth Amendment several hours ago when we started when I  
3 asked you if you would admit or deny that you had made  
4 the phone calls or sent the emails. And you didn't  
5 respond, and you had absolute right to invoke the Fifth  
6 Amendment. And you have a right to stand on that at this  
7 time. You don't have to testify, you don't have to  
8 present evidence. Because the burden is on the State to  
9 prove the elements of contempt, willful violation of a  
10 court order beyond a reasonable doubt. So I want you to  
11 know something I think you're already familiar with, you  
12 have the right to testify and present evidence, or you  
13 have the right to decline to do so based on the  
14 Constitution. So the choice is yours, ma'am.

15 **DR. FALTAS:** Well, sir, I was trying to work with  
16 the Court and with the Court's time and my time and my  
17 health in cutting it short. But if you want me to  
18 present my defense, that's a different story. How about  
19 -- and I'm not, I'm saying we can agree that if you want  
20 that to be resolved, fine. If you don't, then you can  
21 reconvene and let me put a case in defense. Because  
22 there is no point in this if a higher court might say  
23 that, no, the order was invalid, or no, you should have  
24 taken into account intent and necessity and the Rule of  
25 Lenity because the order was so ambiguous that the State

1 itself --

2       **JUSTICE KITTREDGE:** That's a valid point, and we  
3 hear you.

4       **DR. FALTAS:** So, so --

5       **JUSTICE KITTREDGE:** But if you choose to present a  
6 defense, it will be limited very narrowly. We are not  
7 going to hear about the 2017 order. We have ruled with  
8 finality it is a valid and legal order.

9       The only evidence you'll be able to present on the  
10 issue of whether or not you are in contempt is whether or  
11 not you sent an email on October 22nd, 2020 to Mr.  
12 Shearouse; whether you sent an email to him on January  
13 22nd, 2021; whether you sent an email to him on January  
14 22nd, 2021 at a different time, there were two time  
15 periods on January 22nd; and an email that was sent on  
16 January 10th of 2022. He's testified to that. We've  
17 received exhibits. That will be the extent of any  
18 defense.

19       Now if you acknowledge that you sent those emails  
20 and you want to present mitigation and invoke the Rule of  
21 Lenity, we'll be glad to hear from you.

22       **DR. FALTAS:** And what I'm saying is I do want to put  
23 all those defenses, but after, and not only from him but  
24 I could have the right to call other witnesses and do  
25 compulsory process with them. But I don't want to go

1 this route if there is a possibility of conciliation.  
2 And if, because really I was thinking that the Court was  
3 trying to make me miserable. You have convinced me that  
4 that's not your intent. I hope I've convinced you that  
5 I'm not this evil, crazy person who's going around  
6 violating orders just for the sake of it. And when  
7 people decide for resolution they don't like say, okay,  
8 we still want to fight it.

9 And what I'd like to do is to say two things. From  
10 December 2009 I was not allowed to file any new civil  
11 cases. I take issue that you call PCR civil. But I  
12 wasn't allowed to file any civil cases. Previously all  
13 four of the civil cases that I had filed *pro se* were  
14 resolved in my favor. So I do not understand unless, and  
15 I'm sorry, I mean unless the judges, the circuit judges,  
16 in fact, even the case that I had the pleasure of arguing  
17 or advocating before Judge Lockemy was settled. So I do  
18 not understand. Some other cases I won straight out,  
19 others were settled.

20 So my question is do you have any other basis for  
21 thinking that cases I won were frivolous? Because if you  
22 do, please tell me, and I'll try to explain why they were  
23 not frivolous. The other matters that I had been  
24 involved in since 2009 were criminal proceedings that  
25 were brought against me. I mean I could have never

1 arrested myself or brought criminal proceedings.

2           **JUSTICE KITTREDGE:** I apologize for cutting you off,  
3 but we have an obligation to deal with only things that  
4 are relevant. At this stage the State has established a  
5 *prima facie* case that you violated the September 2017  
6 order by your contacts with Mr. Shearouse.

7           Whether you filed meritorious cases in the past or  
8 not, what happened in 2009 or didn't happen, has nothing  
9 to do with anything that's before our decision of whether  
10 or not you have any defense to your contacts with Mr.  
11 Shearouse vis-à-vis the 2017 order from this Court. If  
12 you do not have a defense we are obligated by law to find  
13 you in contempt of court.

14           Now if we make that decision then you can speak to  
15 us about mitigation or reasons why you think of what you  
16 think would be an appropriate remedy here. One of which  
17 we've gone back and forth with is you want to have some  
18 specific right and opportunity, maybe a day and time  
19 periodically, to access your records here at the Court.  
20 That doesn't strike us as unreasonable at all. So that's  
21 a productive way going forward to remedy this.

22           But right now we've got to back up and see what your  
23 position is regarding whether or not you contacted Mr.  
24 Shearouse. Then we can discuss what is the appropriate  
25 way forward.

MS. K.A. SNELLING, CVR-M  
Supreme Court, State of South Carolina  
Office of Commission Counsel  
1220 Senate Street, Suite 111, Columbia, South Carolina 29201

1           **DR. FALTAS:** I thought you said that you will  
2 review the basis of the orders and whether I had  
3 previously filed frivolous things. Was that my wishful  
4 thinking?

5           **JUSTICE KITTREDGE:** That was your wishful thinking.  
6 We're going to look at the evidence. But based on what's  
7 presented, and we've spoken at the last break, we want to  
8 give you a chance to present a defense. Perhaps you did  
9 not send the emails to Mr. Shearouse. I don't know. But  
10 you have a right to present a defense to that. But  
11 that's the parameters of the defense. Not what happened  
12 in 2009. Not some glorious case that had merit that was  
13 filed. That is not germane, it's not relevant to the  
14 issue of contempt. And if you want to be heard --

15           **DR. FALTAS:** Did you say contempt or intent?

16           **JUSTICE KITTREDGE:** Contempt.

17           **DR. FALTAS:** Okay. I'm sorry.

18           **JUSTICE KITTREDGE:** So that's where we are. And if  
19 you want to proceed you can testify today and we'll hear  
20 from you and your evidence. But this idea that we're  
21 simply going to walk out of here and reconvene three  
22 weeks from now and come back and start over another full  
23 day, no, ma'am.

24           We've heard testimony, really the relevant part was  
25 very limited. And this is your opportunity, if you want

1 to present evidence in response to that this is your  
2 opportunity.

3 **DR. FALTAS:** How can I present evidence without  
4 compulsory process if my evidence comes from other  
5 witnesses like people who called or sent emails?

6 **JUSTICE KITTREDGE:** If you want to submit documents  
7 that you have tried to procure witnesses and subpoena  
8 witnesses and they haven't appeared, we'll let you  
9 supplement the record with that. But this case was set  
10 for today, and it's our intent if at all possible to  
11 conclude the matter today.

12 **DR. FALTAS:** I thought you said you weren't going  
13 conclude it today.

14 **JUSTICE KITTREDGE:** Well the receipt of the  
15 evidence, then we have to study it and look at it.  
16 You're going to walk out of here today, you're not going  
17 to jail. We want to look at what's been presented. But  
18 I don't want us, we don't want to give you the message  
19 that somehow you're not going to be in contempt. Right  
20 now the chances are you will be in contempt. So here's  
21 an opportunity to present evidence if you want to.

22 And if you would rather just continue to focus as  
23 you have on explaining why you did certain things, we'll  
24 hear from you in that, but in terms of mitigation to any  
25 possible penalty, but not as it relates to whether or not

1 you are in contempt.

2       **DR. FALTAS:** Well let me ask you this, how can I  
3 create a record for further review that -- I know you  
4 made your ruling that the order was valid, but how can I  
5 create a record for further review that it was not?

6       **JUSTICE KITTREDGE:** Well you can appeal. We will  
7 issue an order. And you will say I disagree with that,  
8 so I'm going to appeal it. And you've told us you are  
9 going to appeal to the Federal District Court and you're  
10 going to appeal to the US Supreme Court. You can appeal  
11 as provided by law. But we're going to issue an order.

12      **DR. FALTAS:** All right. May I recall Mr. Shearouse?  
13 I mean I need to if you're requiring me to put my defense  
14 now, I have to recall him. And I have to recall such of  
15 the witnesses that are available for the Court. But I  
16 mean can we take a lunch break, have we already had a  
17 lunch break? No?

18      **JUSTICE KITTREDGE:** No. And you would call Mr.  
19 Shearouse for what purpose?

20      **DR. FALTAS:** For the Rule of Lenity evidence.

21      **JUSTICE KITTREDGE:** No, that's a legal thing. You  
22 ask us for lenity under the Rule of Lenity.

23      **DR. FALTAS:** I want to put fact that he once sent me  
24 an email because he thought that it was necessary, or two  
25 or three times, as a fact, as a fact. So it cannot be

1 that he can email me and I am a criminal if I email  
2 him back.

3         **JUSTICE KITTREDGE:** I'm telling you, and I'm going  
4 to consider this with my colleagues so they may disagree  
5 with me.

6         **DR. FALTAS:** Okay.

7         **JUSTICE KITTREDGE:** That what you just said, even if  
8 true, is not relevant to the discrete dates and times  
9 where you allegedly sent him emails.

10        **DR. FALTAS:** It is relevant to his saying that he  
11 sometimes in an email that he sometimes interpreted the  
12 order as allowing email, so it has, I think it strengthens  
13 it.

14        **JUSTICE KITTREDGE:** That deals with a penalty for  
15 contempt. And you have already established that.

16        **DR. FALTAS:** I'm sorry?

17        **JUSTICE KITTREDGE:** That last point you've already  
18 pursued and received evidence on, on your original cross-  
19 examination of him. So on that issue we would not allow  
20 him to be called back. You've got to give me some bases  
21 that you did not have, even if you did have the  
22 opportunity, what questions or what evidence relates to  
23 the specific charges of contempt? This case is about  
24 whether or not you emailed certain court employees, and  
25 here we're talking about Mr. Shearouse, on certain dates?

1 Either you did it or you didn't do it. We've already  
2 ruled on the validity of the court order.

3 **DR. FALTAS:** Have you ruled that the court order is  
4 susceptible to interpretations?

5 **JUSTICE KITTREDGE:** The order speaks for itself, and  
6 we'll address that in our final order.

7 **DR. FALTAS:** Can I put evidence that others  
8 interpreted it as not to bar emails after the pandemic?

9 **JUSTICE KITTREDGE:** Well you should have come today  
10 prepared to present your mitigation evidence or how other  
11 people may have considered the court order. We will  
12 interpret the court order.

13 **DR. FALTAS:** I am, I am. I even filed the order of  
14 Judge Brown that says that I may file by email. And you  
15 said Judge Brown doesn't affect our order. But I was, I  
16 had used Judge Brown's order as proof of the ambiguity of  
17 the order, which under the Rule of Lenity allows  
18 different interpretations and even judges.

19 **JUSTICE KITTREDGE:** That's a valid point. In  
20 relation to Judge Brown's order, which we're very  
21 familiar with, it was issued on July the 8th of 2021. So  
22 it did not exist concerning the alleged email you sent to  
23 Mr. Shearouse on January 22nd, 2021.

24 **DR. FALTAS:** What existed was the ambiguity of the  
25 order. And it's not that I'm saying Judge Brown can or

1 cannot give me permission. I'm saying that the  
2 ambiguity of the order is inherent in the order itself,  
3 and proof of it comes several ways. In fact, Judge  
4 Jocelyn Newman interpreted it as --

5 **JUSTICE KITTREDGE:** Here's what we'll do --

6 **DR. FALTAS:** Okay.

7 **JUSTICE KITTREDGE:** -- you've given no legal basis  
8 to recall Mr. Shearouse. That request is denied. Do you  
9 have any other witnesses present you want to call?

10 **DR. FALTAS:** I would like to call Ms. Howard.

11 **JUSTICE KITTREDGE:** Ms. Howard?

12 **DR. FALTAS:** Yes, please.

13 **JUSTICE KITTREDGE:** What information does she have  
14 related to the allegations of contempt involving Mr.  
15 Shearouse?

16 **DR. FALTAS:** That the motion to reconsider the  
17 order, or I call it to lift the injunction, if it's  
18 treated as a permanent injunction was not returned to me  
19 saying no, we will not file it until after those emails.  
20 I'm sorry, can I rephrase, can I rephrase?

21 **JUSTICE KITTREDGE:** Please do because I couldn't  
22 quite follow you, ma'am.

23 **DR. FALTAS:** Yes, yes. I think even I was very  
24 happy when you agreed with me that a permanent injunction  
25 can be lifted, and that someone who is subject to it can.

1     But when I filed for that permanent injunction, if  
2     that's what the order is, to be lifted she did not  
3     respond to me. She did not say I cannot file it or file  
4     it by hand instead of filing it by email or anything.

5           And part of the lenity proof is that parallel with  
6     that there was a case that I asked for appointment of  
7     counsel so I could file an amicus in it. And my motion  
8     was filed by email. And you, sir, ruled on it on behalf  
9     of the Court. So, you know, before you put somebody, a  
10    penalty on somebody, it's another way of the Rule of  
11    Lenity. But the evidence I'm getting is that, number  
12    one, reasonable people, a whole lot actually, more than  
13    not read it as allowing me to file by email when the rest  
14    of creation could. And those emails happened after the  
15    pandemic.

16           The other thing is that that very order can be  
17    lifted or modified. But my efforts to have that done  
18    were not properly addressed. She received it on the  
19    27th, I have the email showing that it was transmitted.

20           **JUSTICE KITTREDGE:** I'm being admonished because  
21    I've let you just go off on a tangent that has nothing to  
22    do with the issue that I'm trying to address with you,  
23    ma'am. And I've tried to give you obviously too much  
24    latitude. There is no legal basis, there's no basis  
25    whatsoever to call Ms. Howard.

1           What we're going to do is I'm going to make a  
2 statement about a path forward. Then the five of us are  
3 going to step to the conference room and we're going to  
4 see if what I'm about to say is acceptable to the full  
5 Court. If it's not, we're coming back. We may come back  
6 anyway just to say whether it is or not.

7           But here's what we're going to do; everything you  
8 have said has dealt with mitigation, not whether you sent  
9 or did not send the emails to Mr. Shearouse. But you  
10 obviously want to submit information that perhaps falls  
11 more correctly under the heading of mitigation. So what  
12 I'm proposing is we will adjourn and -- (cell phone  
13 rings).

14           **DR. FALTAS:** It's not me, it's not me.

15           **JUSTICE FEW:** I'm in contempt, (laughter).

16           **JUSTICE KITTREDGE:** You have 10 days and you can  
17 submit affidavits from witnesses. You can submit a legal  
18 brief. You can submit a narrative in memorandum form.  
19 Because I'm afraid if we sit here I'm going to encounter  
20 the wrath of my colleagues because you're just going to  
21 go on and you're not going to talk about the issue before  
22 the Court. But I think your mitigation information could  
23 be very important on the backend as to how we move  
24 forward.

25           So I want to give you the opportunity to file with

MS. K.A. SNELLING, CVR-M  
Supreme Court, State of South Carolina  
Office of Commission Counsel  
1220 Senate Street, Suite 111, Columbia, South Carolina 29201

1 the Court in an appropriate way consistent with the  
2 mandate of the 2017 order, 10 days to put additional  
3 argument, your submissions, other information that you  
4 believe is important for us to know in making a final  
5 decision.

6 Now what I would ask you to do, and I'm ordering you  
7 to do it, when you submit that to the Court in a proper  
8 way, that you send it to Mr. Zelenka at the Attorney  
9 General's Office so he has a copy of it. I then want to  
10 give, if the State wishes to reply to that, 10 days from  
11 receipt to reply to the submissions of whatever Dr.  
12 Faltas submits.

13 So I'm giving you sort of carte blanche to submit to  
14 the Court what you think is important for us to know  
15 going forward to resolve this in a fair and equitable  
16 way. And I want to give the State an opportunity to  
17 respond. And if we need to reconvene at that point and  
18 have the very wonderful and patient court reporter back  
19 with us, and we're grateful for her services, we'll do  
20 that. But if we have all the information, and that will  
21 give us time to study all the exhibits, then we'll issue  
22 an order at that point.

23 **DR. FALTAS:** So I understand, I have three  
24 questions. First, will I get a copy of today's --

25 **JUSTICE KITTREDGE:** Whatever the proper procedure

**MS. K.A. SNELLING, CVR-M**  
Supreme Court, State of South Carolina  
Office of Commission Counsel  
1220 Senate Street, Suite 111, Columbia, South Carolina 29201

1 is, I don't know what the timetable is for typing.  
2 Whether you get today's thing or not, you have 10 days.

3 **DR. FALTAS:** Okay.

4 **JUSTICE KITTREDGE:** You should have been ready  
5 today, you should have been ready today. And we are  
6 bending over backwards to give you 10 additional days.  
7 So I'm not asking if you accept it, I'm telling you this  
8 gracious offer is yours whether you avail yourself of it  
9 or not.

10 **DR. FALTAS:** I understand.

11 **JUSTICE KITTREDGE:** There's no 15 days because you  
12 didn't get the transcript or 30 days, you have 10 days  
13 from today's date. So you don't have to present today.  
14 You submit what you think is important for us to consider  
15 on the issue of contempt and/or mitigation. Copy to the  
16 State. The State will then have 10 days to respond.  
17 We'll make a judgment decision at that time whether to  
18 reconvene or not.

19 **DR. FALTAS:** Thank you. So seriously, so I'm not  
20 being flip, do I file it by hand or by email? I'm not  
21 being flip.

22 **JUSTICE KITTREDGE:** You do not do email.

23 **DR. FALTAS:** Okay, okay.

24 **JUSTICE KITTREDGE:** You do not do email.

25 **DR. FALTAS:** All right, fine. Fine.

1                   **JUSTICE KITTREDGE:** You can do it by hand or you  
2 can do it by US mail.

3                   **DR. FALTAS:** Okay. When I come to file it can  
4 someone give me a stamped copy of at least the first  
5 page, because there are already issues of things that I  
6 put in the box or asked the personnel to put in the box.

7                   **JUSTICE KITTREDGE:** We will make sure you get, that  
8 your submission to the Court is stamped.

9                   **DR. FALTAS:** Okay. Then my question is will I be in  
10 contempt if I talk to somebody and say here it is, give  
11 me a stamped copy back? I mean these are the real issues  
12 that I'm being held in contempt for. And I'm not, at  
13 this point I'm not arguing. I'm grateful. But I don't  
14 want you to have reason to charge me with more contempt  
15 or to think that.

16                  **JUSTICE KITTREDGE:** If you give us reason to charge  
17 you with more contempt, we will.

18                  **DR. FALTAS:** I'm sorry.

19                  **JUSTICE KITTREDGE:** We have been as gracious today  
20 as we can possibly be. You came here thinking that we  
21 were just going to lock you up today. That was what --

22                  **DR. FALTAS:** Well, yes.

23                  **JUSTICE KITTREDGE:** I'm talking.

24                  **DR. FALTAS:** Yes, sir. Sorry.

25                  **JUSTICE KITTREDGE:** We haven't done that. There's

1 no desire that you have to go to jail, that's not  
2 what we're looking for. We're looking for you to comply  
3 with the orders of this Court. We're going to make a  
4 decision, we're going to issue an order. But I'm keeping  
5 the record open subject to my colleagues' approval for  
6 you to make an additional submission for us to consider.  
7 But I can't do it unless I give a reciprocal right for  
8 the State to respond.

9       **DR. FALTAS:** I have no problem with you the State  
10 responding, I have no problem with it at all.

11       **JUSTICE KITTREDGE:** All right.

12       **DR. FALTAS:** I want to tell you though --

13       **JUSTICE KITTREDGE:** We --

14       **DR. FALTAS:** Go ahead. Sorry.

15       **JUSTICE KITTREDGE:** You've got one question that you  
16 can ask. I don't know what else to tell you. So if you  
17 want to ask one question you better think real hard,  
18 because it's the only question you're going to ask  
19 because we have another matter beginning at 2:00 o'clock.

20       **DR. FALTAS:** All right. Do you understand that it  
21 is a matter of conscience for me that I believe that the  
22 order is invalid?

23       **JUSTICE KITTREDGE:** We are completely convinced that  
24 you believe the order is invalid.

25       **DR. FALTAS:** Okay.

1                   **JUSTICE KITTREDGE:** And that you have never  
2 filed frivolous litigation and you believe that.

3                   **DR. FALTAS:** Yes.

4                   **JUSTICE KITTREDGE:** Thank you, ma'am.

5                   **DR. FALTAS:** Thank you.

6                   **JUSTICE KITTREDGE:** Thank the State for its work  
7 today in preparation, we know a lot of hard work went  
8 into it.

9                   **MR. ZELENKA:** Thank you.

10                  **JUSTICE KITTREDGE:** We are very grateful to the  
11 State, and we're grateful to Dr. Faltas appearing and  
12 being here as well, to both sides. We'll do our very  
13 best to issue an order that's fair and in accordance with  
14 the law under the circumstances. Thank you.

15                  **DR. FALTAS:** Thank you.

16                  (Whereupon, the Hearing adjourned at 1:52 p.m. on  
17 the 22nd day of March, 2022)

18

19

20

21

22

23

24

25

**CERTIFICATE OF REPORTER**

I, the undersigned K.A. Snelling, Official Court Reporter for the Office of Commission Counsel and Notary Public for 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 captioned matter on the 22nd day of March, 2022.

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

IN WITNESS WHEREOF, I have hereunto affixed my hand this 29th day of March, 2022.

*/s/ Kathy A. Snelling*

Kathy A. Snelling, CVR-M  
Certified Court Reporter

Notary Public for South Carolina

My Commission Expires: May 16, 2028

**MS. K.A. SNELLING, CVR-M**  
Supreme Court, State of South Carolina  
Office of Commission Counsel  
1220 Senate Street, Suite 111, Columbia, South Carolina 29201

# The Supreme Court of South Carolina

In the Matter of Marie Assa'ad Faltas, Respondent.

Appellate Case No. 2021-000815

---

## ORDER

---

This matter came before the Court on March 22, 2022, pursuant to a Rule to Show Cause alleging Respondent Marie Assa'ad-Faltas is in criminal contempt of court for violating this Court's September 27, 2017 order prohibiting her from contacting any judge, justice, law clerk, clerk of court, or any other officer or employee of the Unified Judicial System.<sup>1</sup> As explained below, we find beyond a reasonable doubt that Respondent willfully violated this Court's order on numerous occasions by her continued contact with Clerk of Court Daniel E. Shearouse, who has since retired.<sup>2</sup> Accordingly, we hold Respondent in contempt of court and sentence her to six months in jail, suspended upon the service of ten days in jail at the Alvin S. Glenn Detention Center. Respondent shall report to the Alvin S. Glenn Detention Center at 10:00 am on Monday, June 27, 2022, to serve the ten-day contempt sentence. The balance of the six-month sentence is suspended on the condition Respondent comply with the orders of this Court. As an additional element of her sentence for contempt, we prohibit Respondent from filing any document in any form in the Unified Judicial System of South Carolina except in the limited instances set forth below.

---

<sup>1</sup> The Clerk of Court requested that the Office of the Attorney General prosecute this action. Deputy Attorney General Donald J. Zelenka represented the State. The Court commends Mr. Zelenka and his staff for their diligent, competent, and professional handling of this matter.

<sup>2</sup> As stated from the bench during the contempt proceeding, because of the protracted nature of the hearing, the Court proceeded on only four of Respondent's twenty-two contacts with seven officers and/or employees of the Unified Judicial System. The remaining eighteen matters are not addressed in this order and are held in abeyance.

## I.

Respondent is a prolific frivolous filer. *See generally City of Columbia v. Assa'ad Faltas*, 420 S.C. 28, 31, 800 S.E.2d 782, 783 (2017) (detailing Respondent's lengthy history of abusive filing). However, to limit the description of Respondent's actions to merely "prolific frivolous filing" would be a gross understatement. For over two decades, this Court and various lower courts throughout our state have been besieged by Respondent and her extensive, burdensome, and vexatious litigation and filings. Since 1997, Respondent has been involved in sixty-four matters before this Court, twenty-four matters before the court of appeals, forty-three matters before the Richland County Circuit Court, and thirty-seven matters before the Richland County Magistrates Court, the overwhelming majority of which were found to be without merit or frivolous. In each of these cases, Respondent used the litigation as a license to repeatedly contact court officials and personnel in an unrelenting, abusive, and inappropriate manner.

Respondent's use of excessive litigation as a license to engage in a scorched-earth approach to contacting judicial branch employees is not limited to the courthouse setting. As this Court noted in 2017, Respondent has pursued and approached individual members of this Court and other Court personnel in non-public areas of the Courthouse, the Courthouse parking lot, at a hotel in Columbia, and during a church service. Likewise, during a January 2011 oral argument before this Court in a matter to which Respondent was not a party, Respondent stood and attempted to address the Court to offer her opinion on the outcome of the case. *Id.* at 34, 800 S.E.2d at 784–85. Stunningly, following the March 22 contempt hearing, Respondent filed a document opining about the merits of a case to which she is not a party.<sup>3</sup>

Respondent frequently submits rambling, often incoherent, irrelevant, and long-winded filings in which she addresses non-justiciable matters or requests the Court intervene in matters outside of our appellate jurisdiction. As we noted previously:

[Respondent] has requested that this Court grant her permission to sit for either the July 2017 or February 2018 bar examination without paying an application fee or obtaining a law school degree; she has asked to be appointed the Director of South Carolina Court

---

<sup>3</sup> *See S.C. Pub. Interest Found. v. Wilson*, Appellate Case No. 2021-000343 (pro se motion by Marie Assa'ad Faltas filed April 12, 2022).

Administration to implement an initiative applying scientific principles to the administration of justice; she has forwarded to this Court her ideas for how Congress could repeal and replace the Affordable Care Act; and she has asked this Court to make a public show of support for Coptic Christians in Egypt in the wake of recent violent attacks targeting the religious group.

*Id.* at 34, 800 S.E.2d at 785. More recently, Respondent sent a lengthy e-mail to numerous judicial branch judges and staff, United States District Court judges and staff, and South Carolina Department of Corrections employees espousing the dangers of COVID-19 in relation to the state's detention facilities. Respondent's submissions have resulted in extreme expenditures of time and diverted limited judicial resources away from the countless other complex matters pending before our courts.

Respondent's repeated superfluous inquiries, cryptic messages, disruptive conduct, and unnecessary contacts are not limited to our appellate courts. Due to her conduct in state circuit court, her access to the Richland County Courthouse was restricted based on the following findings of the circuit court:

I find that [Respondent] 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 security forces at the Richland County Courthouse have advised the undersigned that [Respondent] is a constant nuisance to the orderly oversight of activity in a very busy courthouse. Even the Public Defender's office has had to deal with [Respondent] 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 [Respondent]. In response, [Respondent] has treated this Court and courthouse

personnel with rudeness, incivility[,] and constant harassment . . . .

The people's business must be conducted in an orderly and unencumbered manner. [Respondent] has created an obstruction to this process.

*Id.* at 35, 800 S.E.2d at 785. Despite the lower court's order, this Court received reports that Respondent continued to attend circuit court proceedings in which she was not involved and disruptively held up placards in an attempt to convey her objections to the proceedings. *Id.*

Predictably, Respondent's abuse of the Unified Judicial System and its employees is not exclusive to the state courts of South Carolina. Since 1989, Respondent has commenced more than forty actions in the United States District Court of South Carolina, four actions across the three federal districts of North Carolina, sixteen actions in the United States Court of Appeals for the Fourth Circuit, and thirty petitions with the United States Supreme Court. Both the district courts and the Supreme Court have chastised Respondent for her vexatious filing tactics and the latter has limited her ability to file entirely. *See, e.g., Assa'ad-Faltas v. Carter*, No. 1:14CV678, 2014 WL 4566037, at \*4–5, \*9 (M.D.N.C. Sept. 5, 2014) (listing numerous judicial decisions showing Respondent "repeatedly has abused the litigation process[,] both in state and federal courts" and finding the specific claims before that court to be "legally frivolous and malicious"); *Assa'ad-Faltas v. Richland Cnty. Sheriff's Dep't*, 574 U.S. 1148, 1148 (2015) (stating Respondent has "repeatedly abused" the Supreme Court's process and directing the Clerk not to accept any further petitions in noncriminal matters from Respondent unless the docketing fee required by Sup. Ct. R. 38(a) is paid and the petition is submitted in compliance with Sup. Ct. R. 33.1).

Although this Court is not unique in having faced the universally overwhelming task of dealing with Respondent's frequent contacts and filings, this Court and its personnel have suffered the brunt of it. Specifically, since December 23, 2009, Respondent has filed or attempted to file with this Court fifty-three pro se appeals or petitions for extraordinary writs, 152 pro se motions or supplemental motions, and 100 other items of correspondence, in addition to numerous phone calls and e-mails to court staff—notwithstanding this Court's explicit orders expressly forbidding such conduct. In an effort to restrict Respondent from continuing to engage in inappropriate conduct, we issued an order in December 2009, prohibiting her from filing anything with this Court unless it was signed and filed by an attorney. Thereafter, in April 2011, we expanded that prohibition to preclude Respondent from filing anything in *any* court of this state in a pro se capacity

based on Respondent's persistent disregard for and abuse of the judicial process. Despite these prohibitions, Respondent repeatedly attempted to circumvent the Court's orders and began e-mailing judges and law clerks regarding her pending litigation. In response, on October 24, 2012, then-Chief Justice Toal issued an order expressly prohibiting Respondent from contacting "any judge, justice, law clerk, clerk of court or any other officer or employee of the Judicial System by telephone, e-mail or any other form of electronic communication."<sup>4</sup>

In flagrant disregard of the Court's orders, Respondent continued to commence pro se litigation; file petitions, writs, and motions; and contact court officers, personnel, and staff. Accordingly, due to her history and in an attempt to control her abusive filings and actions, the Court found it necessary to impose further restrictions on Respondent's ability to represent herself and contact court personnel. In a September 27, 2017 order, the Court stated:

Except as otherwise provided in this order, Respondent may not contact any judge, justice, law clerk, clerk of court, or other officer or employee of the Unified Judicial System in person, in writing, or by mail, telephone, fax, e-mail, or other form of electronic communication. Instead, if it is necessary for Respondent to contact an officer or employee of the Judicial System outside of 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.

*In re Assa'ad-Faltas*, S.C. Sup. Ct. Order dated Sept. 27, 2017. In the same order, the Court further limited Respondent's pro se filing ability, stating any such filings "shall be made in writing and shall either be hand-delivered or mailed by United States Mail to the clerk of court. Respondent shall not send filings to the clerk by fax, e-mail, or any other form of electronic communication." *Id.*

Two years later, in light of Respondent's "continued vexatious filings and inappropriate conduct" toward the courts of this state, the Court issued an order clarifying the September 27, 2017 order and setting forth additional guidelines:

[W]e intend for [post-conviction relief (PCR)] actions to be included

---

<sup>4</sup> The Court subsequently modified its restrictions and prospectively permitted Respondent to proceed pro se in criminal actions in which she was a defendant.

in the prohibition against Respondent proceeding pro se as a plaintiff in civil actions. Because PCR actions are generally commenced pro se, we clarify that Respondent may file an initial PCR application pro se. However, Respondent is prohibited from proceeding pro se any further than filing the initial PCR action.

Additionally, we note Respondent's numerous filings with unrelated discussions and [erroneous] appellate case numbers unnecessarily complicate this Court's records and usurp the time of the Court and its staff in attempting to address the issues raised by Respondent.

Accordingly, we instruct Respondent that any communications with this Court, pro se or otherwise, must include the appropriate appellate court case number, if one has been assigned, and include only arguments that pertain to that case, without extraneous commentary on unrelated topics or unrelated cases. We direct the Clerk of Court not to accept any filings that do not comply with these requirements.

... Respondent's request to lift the filing restrictions [is] denied.

*Assa'ad Faltas v. State*, S.C. Sup. Ct. Order dated Sept. 20, 2019.

Accordingly, no provision of the September 27, 2017 order or the September 20, 2019 order allowed Respondent to contact an officer or employee of the Unified Judicial System by e-mail.

Nevertheless, in direct violation of this Court's order, Respondent sent e-mail communications to Mr. Shearouse on October 22, 2020; January 22, 2021; January 22, 2021; and January 10, 2022. Having dealt with Respondent with incredible patience for more than twenty years, this Court had no choice but to issue a Rule to Show Cause for why she should not be held in contempt.

After being warned of the dangers of self-representation,<sup>5</sup> Respondent proceeded pro se at the Rule to Show Cause hearing on March 22, 2022. The State introduced the September 27, 2017 order, the September 20, 2019 order, and evidence of the four e-mails Respondent sent to Mr. Shearouse. Respondent did not deny having sent the e-mails. Instead, she challenged the Court's jurisdiction and claimed the Court's orders are void.

---

<sup>5</sup> See generally *Fareta v. California*, 422 U.S. 806 (1975).

After direct and cross-examination of Mr. Shearouse, the State rested and Respondent was allowed to proceed. However, when given the opportunity to present her defense, Respondent repeatedly refused to respond with a relevant defense.<sup>6</sup> Accordingly, in our continuing effort to afford Respondent every opportunity to present a defense, the Court allowed Respondent ten days to submit affidavits from witnesses, legal briefs, or a narrative in memorandum form for the Court's review.

Days later, Respondent availed herself of the Court's allowance and submitted an incoherent, rambling document containing, among other things (1) at least six pages of an unrelated June 2016 hearing transcript before the circuit court; (2) her claim that the State presented no evidence she has ever filed a frivolous document; and (3) Bible verses in a foreign language. The document was completely irrelevant to the discrete question of whether or not she e-mailed Mr. Shearouse in violation of the Court's prior orders. It provided no assistance to the Court and violated the provision of this Court's September 20, 2019 order requiring Respondent only include arguments that pertain to the case at issue, without extraneous commentary on unrelated topics or unrelated cases.

## II.

### A. Jurisdiction

During the March 22, 2022 hearing, Respondent argued this Court lacked jurisdiction over her to issue its September 27, 2017 order; therefore, the order is not valid.

Subject matter jurisdiction refers to a court's constitutional or statutory power to adjudicate a matter. *Johnson v. S.C. Dep't of Prob., Parole, & Pardon Servs.*, 372 S.C. 279, 284, 641 S.E.2d 895, 897 (2007). "Subject matter jurisdiction is the power of a court to hear and determine cases of the general class to which the proceedings in question belong." *Pierce v. State*, 338 S.C. 139, 150, 526 S.E.2d 222, 227 (2000).

This Court's jurisdiction extends to the issuance of "writs or orders of injunction,

---

<sup>6</sup> At the outset of the March 22 contempt hearing, Respondent invoked her Fifth Amendment right to remain silent. Given that, it is perhaps understandable that Respondent declined to respond in a relevant manner to the Court's inquiries at the close of the State's case.

mandamus, quo warranto, prohibition, certiorari, habeas corpus, and other original and remedial writs." S.C. Const. art. V, § 5. The Court also possesses the power to make rules governing the administration of all the courts of the state and, subject to statutory law, make rules governing the practice and procedure in all state courts. S.C. Const. art. V, § 4. Pursuant to this constitutional authority, the Court established the South Carolina Appellate Court Rules. In particular, Rule 245, SCACR, defines the original jurisdiction of the Court, and Rule 269, SCACR, describes the procedures for dealing with frivolous appeals, petitions, motions, or returns, noting an "appellate court may upon its own motion . . . impose upon offending attorneys or parties such sanctions as the circumstances of the case and discouragement of like conduct in the future may require."

Pursuant to the South Carolina Constitution, the South Carolina Appellate Court Rules, and this Court's inherent authority to supervise the administration of the Unified Judicial System, the Court had more than ample basis to act in response to Respondent's numerous frivolous filings and prolific unnecessary contacts with court personnel. *See* S.C. Const. art. V, §§ 4–5; Rules 245 & 269, SCACR. Accordingly, we reject Respondent's argument that this Court lacked the jurisdiction to issue the September 27, 2017 order, and we reiterate our oral finding from the March 22, 2022 hearing that the order is valid.

## **B. Contempt**

"The power to punish for contempt is inherent in all courts. Its existence is essential to the preservation of order in judicial proceedings, and to the enforcement of the judgments, orders[,] and writs of the courts, and consequently to the due administration of justice." *Curlee v. Howle*, 277 S.C. 377, 382, 287 S.E.2d 915, 917 (1982); *see also Juidice v. Vail*, 430 U.S. 327, 335 (1977) ("The contempt power lies at the core of the administration of a State's judicial system."); *State ex rel. McLeod v. Hite*, 272 S.C. 303, 306, 251 S.E.2d 746, 748 (1978) (noting a court has the inherent authority to punish offenses calculated to obstruct, degrade, and undermine the administration of justice and such power cannot be abridged). Contempt "is a power not derived from any statute, but arising from necessity; implied, because it is necessary to the exercise of all other powers.' Without such power . . . the administration of the law would be in continual danger of being thwarted by the lawless." *In re Terry*, 128 U.S. 289, 303 (1988) (internal citation omitted) (quoting *In re Cooper*, 32 Vt. 253, 257 (Vt. 1959)).

The willful disobedience of a court's order leads to contempt. *Bigham v. Bigham*, 264 S.C. 101, 104, 212 S.E.2d 594, 596 (1975). A willful act is "one 'done

voluntarily and intentionally with the specific intent to do something the law forbids, or with the specific intent to fail to do something the law requires to be done; that is to say, with bad purpose either to disobey or disregard the law."<sup>7</sup> *Spartanburg Cnty. Dep't of Soc. Servs. v. Padgett*, 296 S.C. 79, 82–83, 370 S.E.2d 872, 874 (1988) (quoting *Black's Law Dictionary* (5th ed. 1979)).

In a contempt proceeding for the violation of a court's order, the moving party must demonstrate (1) the existence of a court order and (2) facts establishing the respondent's noncompliance with the order. *Hawkins v. Mullins*, 359 S.C. 497, 501, 597 S.E.2d 897, 899 (Ct. App. 2004). In order to find an individual in contempt, the record must clearly and specifically reflect the contemptuous conduct. *Henderson v. Henderson*, 298 S.C. 190, 197, 379 S.E.2d 125, 129 (1989).

Having found the September 27, 2017 order valid, the inquiry turns to Respondent's noncompliance with the order. *See Hawkins*, 359 S.C. at 501, 597 S.E.2d 899. Based on the testimony and documentary evidence, Respondent's willful contempt of the Court's orders has been established beyond a reasonable doubt. It is beyond dispute that, in direct and willful violation of the September 27, 2017 order, Respondent e-mailed Mr. Shearouse on October 22, 2020; January 22, 2021; January 22, 2021; and January 10, 2022. Respondent neither refuted the fact she sent the e-mails in question, nor did she provide any evidence in her defense, including of her inability to comply with the Court's order. Therefore, we find the record clearly establishes her contemptuous conduct. *See Henderson*, 298 S.C. at 197, 379 S.E.2d at 129.

### III.

We sentence Respondent to six months in jail, suspended on the service of ten days in jail at the Alvin S. Glenn Detention Center. Respondent shall report to the Alvin S. Glenn Detention Center<sup>7</sup> at 10:00 am on Monday, June 27, 2022, to serve the ten-day contempt sentence. Should Respondent fail to report to the Alvin S. Glenn Detention Facility as ordered, we direct that a bench warrant be issued for Respondent's arrest and that Respondent be transported to the Alvin S. Glenn Facility to serve her sentence.

Given Respondent's contemptuous conduct, we recognize that this brief period of incarceration reflects mercy more than accountability. This is our final effort of

---

<sup>7</sup> 201 John Mark Dial Drive, Columbia, South Carolina, 29209.

leniency toward Respondent. We are hopeful that this undeserved mercy will motivate Respondent to comply with court orders and refrain from using the presence of litigation to harass and burden Judicial Branch staff. We thus, once again, *strongly impress* upon Respondent the requirement that she abide by the orders of this Court.

As an additional element of her sentence for contempt, we prohibit Respondent from filing any document in any form in any court of the Unified Judicial System of South Carolina except in the following limited instances:

- Respondent may file any action or any other document when represented by an attorney licensed to practice law in this state and the filing is signed by the attorney in compliance with Rule 11 of the South Carolina Rules of Civil Procedure and all other applicable rules.
- Respondent may file a timely post-conviction relief action on the form prescribed by this Court. *See* Rule 71.1(b), SCRCP.
- Respondent may file any document she is required to file in any criminal proceeding in which she is a defendant not represented by counsel.

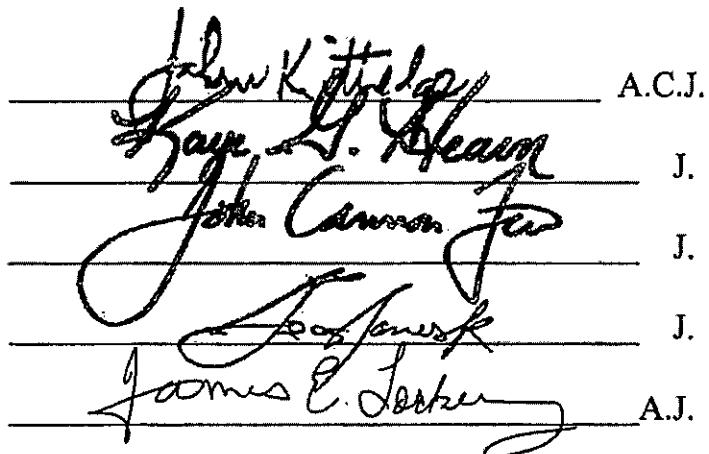
The Clerks of Court of all courts in the Unified Judicial System are directed to promptly deliver any filing made by Respondent to the Chief Administrative Judge for the Court for that Judge's determination whether the filing complies with these restrictions. If the Judge determines the filing does not comply, the filing shall be promptly dismissed with prejudice.

Additionally, many of our prior orders regarding Respondent and her conduct limited the enforcement of the September 27, 2017 order and the September 20, 2019 order to this Court. We hereby direct that while the lower courts may not modify the orders of this Court, the lower courts may hold Respondent in contempt for any future violations of the orders.

Finally, we respond to Respondent's criticism that some of her filings are included in the public appellate case management system (C-Track) and some are not. This is a function of the design of the appellate case management system, not some scheme to shield some filings from public view. All public filings are available to the public, either online through C-Track or in person. Respondent desires that all of her filings be included on the public C-Track, which would obviate the need for

Respondent to appear in person in the Clerk of Court's office. We agree with that request. Accordingly, we direct the Clerk of Court to notify the Court, within sixty days of the issuance of this order, if the C-Track system can be modified to place every matter Respondent is involved in on the C-Track Public Access within a reasonable time after filing.

**IT IS SO ORDERED.**

  
John Kittredge A.C.J.  
Donald J. Zelenka J.  
John Cannon, Jr. J.  
Joseph F. Jones J.  
James E. Lester A.J.

Columbia, South Carolina  
June 10, 2022

cc:

Donald J. Zelenka, Esquire  
Marie Assa'ad Faltas

# The Supreme Court of South Carolina

In the Matter of Marie Assa'ad Faltas, Respondent.

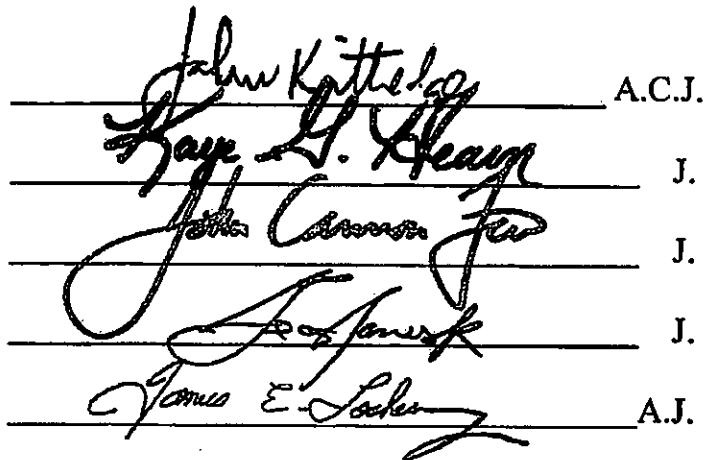
Appellate Case No. 2021-000815

---

## ORDER

---

Respondent has filed a document captioned "Application for Post-Conviction Relief" and a second document captioned "SC Crim. R1 29(a) Motions to Poll the Judges and Reverse Conviction; but Failing that, to Credit Time Served and Stay Reporting Date." The Court has construed these filings as a petition for rehearing. Having carefully reviewed Respondent's submission, it is denied.



Handwritten signatures of five Supreme Court Justices are shown, each followed by their initials. The signatures are: John Kittredge (A.C.J.), H. L. Keay (J.), John Cannon (J.), Joseph Jensen (J.), and James E. Barker (A.J.).

Columbia, South Carolina  
June 21, 2022

cc:

Donald J. Zelenka, Esquire  
Marie Assa'ad Faltas

22-524

ATTORNEY GENERAL'S OFFICE

RECEIVED 6/21/22

ADMINISTRATIVE INSTRUCTIONS

       FILE        OPEN        END  
       HAVE        COPIES MADE  
       ROUTE TO         
       ORDER        TRANSCRIPT  
       OPEN RECORDS        CLERK RECORDS  
       OTHER:

**Don Zelenka**

---

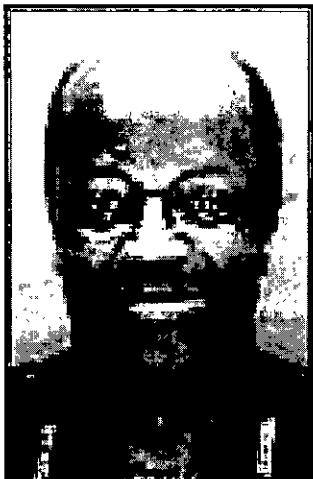
**From:** Shealy, Brenda <BShealy@sccourts.org>  
**Sent:** Tuesday, June 21, 2022 3:47 PM  
**To:** Don Zelenka  
**Subject:** Matter of Faltas  
**Attachments:** Faltas rehearing order.pdf

Dear Mr. Zelenka,

Attached is a copy of an order on the petition for rehearing in the above case.

Thank you,  
Brenda F. Shealy  
Chief Deputy Clerk  
South Carolina Supreme Court

~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.



**EXHIBIT**  
**No. 7**

## **Detention Officer Alvin Sherman Glenn**

*Richland County Detention Center, South Carolina*

End of Watch: Sunday, September 17, 2000

### **ALVIN SHERMAN GLENN**

Detention Officer Alvin Glenn was beaten and strangled after being attacked by three inmates during an escape attempt at the Richland County Detention Center.

The incident occurred when he was locking prisoners back in their cells. Officer Glenn was overpowered by three inmates who handcuffed, beat and strangled him. The inmates then made their way to the roof of the jail but were injured when they jumped to the ground. All three were taken into custody before they made their escape.

Officer Glenn was the only guard overseeing 64 inmates in the medium security area when he was attacked.

The inmate found to be responsible for Officer Glenn's death was serving a life sentence for murder. On July 26th, 2006, he was convicted of murdering Officer Glenn and received another life sentence.

Officer Glenn had served with the Richland County Detention Center for five years. He is survived by four children.

The Richland County Detention Center was renamed the Alvin S. Glenn Detention Center in his honor.

## BIO

**Age:** 59    **Tour:** 5 years    **Badge:** Not available

 Escape Attempt, Prisoner Custody

[LODD Mapping FAQs](#)

2021-08-25-02

EXHIBIT

No. 8

# The Supreme Court of South Carolina

RE: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules

Appellate Case No. 2020-000447

---

ORDER

---

**(a) Purpose.** Pursuant to Rule 262(a)(3) and (c)(3) of the South Carolina Appellate Court Rules (SCACR), this Court may by order establish methods for the electronic filing and service of documents. Since the Order Relating to the Operation of the Appellate Courts during the Coronavirus Emergency has been rescinded, including the electronic methods of filing and service provided for by that order, the purpose of this order is to specify the permissible methods of electronic filing and service under Rule 262, SCACR. For the purpose of this order, "Appellate Court" means the Supreme Court of South Carolina or the South Carolina Court of Appeals.

**(b) Electronic Methods of Filing.** Filings with an appellate court may be made electronically using the methods listed below.

**(1) Electronic Filing by Lawyers.** Lawyers who are licensed to practice law in South Carolina may utilize OneDrive for Business to electronically submit documents for filing with the Supreme Court and the Court of Appeals, and *lawyers are strongly encouraged to use this method of filing*. More information about this method, including registration and filing instructions, is available in the Attorney Information System (<https://ais.sccourts.org/AIS>) under the tab "Appellate Filings."

**(2) Filing by E-mail.** Filings may be made by e-mail. For the Supreme Court, the e-mail shall be sent to [supctfilings@sccourts.org](mailto:supctfilings@sccourts.org); for the Court of Appeals, the e-mail shall be sent to [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org). This method may not be suitable for large documents, and if it becomes necessary to split a document into multiple parts, the e-mail shall identify the part being sent (i.e., Record on Appeal, Part 1 of 4). A document filed by this method must be in an Adobe Acrobat file format (.pdf).

**(3) Faxing Documents.** A document may be filed by an electronically transmitted facsimile copy. The fax number for the Supreme Court is 803-734-1499. The fax number of the Court of Appeals is 803-734-1839. While this method is well suited for relatively small documents, depending primarily upon the limitations of the sending fax machine, it may not be possible to send large documents, such as a record on appeal, in a single transmission. If it becomes necessary to split a document into multiple parts to make the fax transmission, a separate cover sheet should be used on each part to identify the document (i.e., Brief of Appellant, Part 1 of 4). In the event, the facsimile copy is not sufficiently legible, the clerk of the appellate court may require the party to provide a copy by mail.

**(c) Filing Date and Payment of Fees for Documents Filed Electronically.** When filed using one of the methods specified in (b) above, a document transmitted and received by 11:59:59 p.m., Eastern Standard Time, shall be considered filed on that day. If a filing fee is required for the document, a check or money order for the fee must be mailed or delivered to the appellate court within five (5) days of the filing; the case name and the Appellate Case Number, if known, should be listed on the check or money order.

**(d) Electronic Service Using AIS E-mail Address.**

**(1) Service on Another Lawyer.** A lawyer admitted to practice law in South Carolina may serve a document on another lawyer admitted to practice law in South Carolina using the lawyer's primary e-mail address listed in the Attorney Information System (AIS). For documents that are served by e-mail, a copy of the sent e-mail shall be enclosed with the proof of service, affidavit of service, or certificate of service for that document. Lawyers are reminded of their obligation under Rule 410(g), SCACR, to ensure that their AIS information is current and accurate at all times.<sup>1</sup>

**(2) Service by an Appellate Court.** An appellate court may send an order, opinion or other correspondence to a person admitted to practice law in South Carolina using that lawyer's primary e-mail address in AIS.

**(3) Service on Persons Admitted Pro Hac Vice.** For attorneys admitted pro hac vice under Rule 404, SCACR, service on the associated South Carolina lawyer using an electronic method permitted by this order shall be construed as service on the pro hac vice attorney; if appropriate, it is the responsibility of the associated lawyer to provide a copy to the pro hac vice attorney.

This order is effective immediately.

s/Donald W. Beatty C.J.  
s/John W. Kittredge J.  
s/Kaye G. Hearn J.  
s/John Cannon Few J.  
s/George C. James, Jr. J.

Columbia, South Carolina  
August 25, 2021

<sup>1</sup> The primary AIS e-mail address for lawyers admitted to practice in South Carolina may be obtained using the search function at <https://www.sccourts.org/attorneys/dspSearchAttorneys.cfm>. Lawyers may update their AIS information at <https://ais.sccourts.org/AIS>.

2022-05-06-01

EXHIBIT

No. 9

# The Supreme Court of South Carolina

RE: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (As Amended May 6, 2022)

Appellate Case No. 2020-000447

---

ORDER

---

**(a) Purpose.** Pursuant to Rule 262(a)(3) and (c)(3) of the South Carolina Appellate Court Rules (SCACR), this Court may by order establish methods for the electronic filing and service of documents. For the purpose of this order, "Appellate Court" means the Supreme Court of South Carolina or the South Carolina Court of Appeals.

**(b) Electronic Methods of Filing.** Filings with an appellate court may be made electronically using the methods listed below.

**(1) Electronic Filing by Lawyers.** Lawyers who are licensed to practice law in South Carolina may utilize OneDrive for Business to electronically submit documents for filing with the Supreme Court and the Court of Appeals, and *lawyers are strongly encouraged to use this method of filing*. More information about this method, including registration and filing instructions, is available in the Attorney Information System (<https://ais.sccourts.org/AIS>) under the tab "Appellate Filings."

**(2) Filing by E-mail.** Filings may be made by e-mail. For the Supreme Court, the e-mail shall be sent to [supctfilings@sccourts.org](mailto:supctfilings@sccourts.org); for the Court of Appeals, the e-mail shall be sent to [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org). This method may not be suitable for large documents, and if it becomes necessary to split a document into multiple parts, the e-mail shall identify the part being sent (i.e., Record on Appeal, Part 1 of 4). A document filed by this method must be in Adobe Acrobat portable document format (.pdf). Filers shall not utilize any other file format or a file-sharing service when e-mailing documents for filing. The clerk of the appellate court may reject any document submitted by e-mail in a format other than .pdf or using a file-sharing service.

**(3) Faxing Documents.** A document may be filed by an electronically transmitted facsimile copy. The fax number for the Supreme Court is 803-734-1499. The fax number of the Court of Appeals is 803-734-1839. While this method is well suited for relatively small documents, depending primarily upon the limitations of the sending fax machine, it may not be possible to send large documents, such as a record on appeal, in a single transmission. If it becomes necessary to split a document into multiple parts to make the fax transmission, a separate cover sheet should be used on each part to identify the document (i.e., Brief of Appellant, Part 1 of 4). In the event the facsimile copy is not sufficiently legible, the clerk of the appellate court may require the party to provide a copy by mail.

**(c) Filing Date and Payment of Fees for Documents Filed Electronically.** When filed using one of the methods specified in (b) above, a document transmitted and received by 11:59:59 p.m., Eastern Standard Time, shall be considered filed on that day. If a filing fee is required for the document, a check or money order for the fee must be mailed or delivered to the appellate court within five (5) days of the filing; the case name and the Appellate Case Number, if known, should be listed on the check or money order.

**(d) Electronic Service Using AIS E-mail Address.**

**(1) Service on Another Lawyer.** A lawyer admitted to practice law in South Carolina may serve a document on another lawyer admitted to practice law in South Carolina using the lawyer's primary e-mail address listed in the Attorney Information System (AIS). Documents must be e-mailed as an attachment in .pdf. In the absence of consent, a lawyer serving a document by e-mail may not utilize another file format or a file-sharing service. For documents that are served by e-mail, a copy of the sent e-mail shall be enclosed with the proof of service, affidavit of service, or certificate of service for that document. Lawyers are reminded of their obligation under Rule 410(g), SCACR, to ensure that their AIS information is current and accurate at all times.<sup>1</sup>

**(2) Service by an Appellate Court.** An appellate court may send an order, opinion or other correspondence to a lawyer admitted to practice law in South Carolina using that lawyer's primary e-mail address in AIS. A self-represented litigant may request the appellate court serve the litigant by e-mail under this provision. Any request must be in writing and must include the e-mail address for service. It is the responsibility of the self-represented litigant to immediately inform the appellate court of any change in e-mail address..

**(3) Service on Persons Admitted Pro Hac Vice.** For attorneys admitted pro hac vice under Rule 404, SCACR, service on the associated South Carolina lawyer using an electronic method permitted by this order shall be construed as service on the pro hac vice attorney; if appropriate, it is the responsibility of the associated lawyer to provide a copy to the pro hac vice attorney.

s/Donald W. Beatty C.J.

s/John W. Kittredge J.

s/Kaye G. Hearn J.

s/John Cannon Few J.

s/George C. James, Jr. J.

Columbia, South Carolina  
May 6, 2022

1 The primary AIS e-mail address for lawyers admitted to practice in South Carolina may be obtained using the search function at <https://www.sccourts.org/attorneys/dspSearchAttorneys.cfm>. Lawyers may update their AIS information at <https://ais.sccourts.org/AIS>.

## Court News ...

2022-05-06-02

## The Supreme Court of South Carolina

EXHIBIT

No. 10

RE: Service by E-Mail in the Trial Courts

Appellate Case No. 2022-000029

## ORDER

**a) Purpose.** Pursuant to Rule 613 of the South Carolina Appellate Courts Rules (SCACR), the Supreme Court may promulgate an order setting forth permissible methods of electronic service in the trial courts, including by e-mail.<sup>1</sup> The purpose of this order is to provide a uniform rule for service by e-mail in the various trial courts of this state.

**(b) E-Mail as Additional Method of Service.** In addition to the methods of service that may be provided for in the rules governing service of pleadings and other papers in the circuit, family, probate, and summary courts of this state, pleadings and other papers may be served by e-mail pursuant to the provisions of this order.

**(c) E-Mail Service on Lawyers.** A lawyer admitted to practice law in this state may serve a pleading or other paper on another lawyer admitted to practice law in this state by e-mail using that lawyer's primary e-mail address listed in the Attorney Information System (AIS). The primary e-mail address for a lawyer admitted in South Carolina can be accessed utilizing the Attorney Information Search at: <https://www.sccourts.org/attorneys/dspSearchAttorneys.cfm>. Lawyers are reminded of their obligation under Rule 410(g) of the South Carolina Appellate Court Rules (SCACR) to ensure their AIS information is current and accurate at all times.

**(d) E-Mail Service By and On Self-Represented Litigants.** A self-represented litigant who is not a lawyer admitted to practice in this state may consent in writing to be served by e-mail and designate a correct e-mail address for service. A lawyer may consent in writing to accept service by e-mail from a self-represented litigant.

**(e) Requirements for Service.** In all cases:

(1) E-mail service under this order is intended for the service of pleadings and other papers subsequent to the initiation of a case, and may not be used for the service of a summons and complaint, subpoena, or other pleading or document required to be personally served under any rule of court. However, this provision does not prohibit a party from consenting to accept such service by e-mail or other electronic means.

(2) Pleadings and papers served by e-mail must be sent as an attachment in Adobe Acrobat portable document format (.pdf) unless otherwise agreed by the parties. In the absence of consent, a party serving a document may not utilize another file format or a file-sharing service for e-mail service.

(3) Service by e-mail under this order is complete upon transmission of the e-mail. If the serving party learns the e-mail did not reach the intended recipient(s), the party shall immediately provide a copy of the pleading or paper by other means set forth in the applicable court rule, together with evidence of the prior attempt at service by e-mail.

(4) E-Mail service under this order may not be utilized for documents that are required to be E-Filed in accordance with Section 2 of the South Carolina Electronic Filing Policies and Guidelines, except as to parties that are not authorized E-Filers. Lawyers are reminded that the E-Filing System automatically serves parties that have appeared in a case, and the Notice of Electronic Filing (NEF) indicates which parties have been served.

(5) In any action governed by the South Carolina Rules of Civil Procedure (SCRCP), computation of the time for a response after service by e-mail is governed by Rule 6, SCRCP. In accordance with Rule 6(e), SCRCP, service by e-mail will be treated the same as service by U.S. Mail for purposes of determining the time to respond; therefore, five days shall be added to the prescribed period to respond from the date of transmission of the e-mail serving the document.

(6) For attorneys admitted pro hac vice, service on the associated South Carolina lawyer under this method of service shall be construed as service on the pro hac vice attorney; if appropriate, it is the responsibility of the associated lawyer to provide a copy to the pro hac vice attorney.

**(f) Proof of Service.** Any proof of service of a document that is served by e-mail shall include a copy of the sent e-mail with the proof of service, affidavit of service, or certificate of service for that document.

s/Donald W. Beatty C.J.

s/John W. Kittredge J.

s/Kaye G. Hearn J.

s/John Cannon Few J.

s/George C. James, Jr. J.

Columbia, South Carolina  
May 6, 2022

<sup>1</sup> The Supreme Court similarly permits service by electronic means in matters governed by the SCACR in accordance with 262(c)(3), SCACR, which states that, in addition to service by delivery or via U.S. mail, a party may also serve a copy by electronic means in a manner specified by order of the Supreme Court.

# The Supreme Court of South Carolina

In the Matter of Marie Assa'ad-Faltas, Respondent.

Appellate Case No. 2013-000862

---

## ORDER

---

This matter is before this Court to determine if a rule to show cause for contempt should be issued against respondent. Various affidavits have been filed with this Court. While this Court declines to issue a rule to show cause at this time, it has decided to issue this order, and to warn respondent that any violation of the restrictions contained in this order will be treated as a contempt of this Court.

By order dated December 23, 2009, this Court imposed the first restriction on filings by respondent. This order, which found that respondent "has a history of engaging in vexatious litigation in both state and federal courts" and that her "frivolous filings constitute an abuse of the judicial process and result in a waste of judicial resources," prohibited the Clerk of this Court from accepting any "further filings from [respondent] seeking an extraordinary writ or to invoke the original jurisdiction of this Court unless the filing is signed and filed by an attorney." By order dated January 6, 2010, this Court denied a petition for rehearing regarding the order of December 23, 2009.

By order dated March 31, 2010, the Chief Judges for Administrative Purposes in Richland County, Judges G. Thomas Cooper, Jr., and James R. Barber, found it necessary to restrict respondent's access to the Richland County Courthouse. This order indicates that respondent has been "insulting and demanding" to court personnel, had been banned from the Circuit Solicitor's office for disruptive behavior, "has harassed individual solicitors by following them around the courthouse," "has treated the [circuit court] and courthouse personnel with rudeness, incivility and constant harassment," and has entered courtrooms in an attempt to engage in *ex parte* conversations with judges. This order restricted

respondent from entering the courthouse except for scheduled court appearances, or to file documents from 2:00 to 4:00 p.m. each day. The order also prohibited her from making or attempting to make *ex parte* communications with judges, their staff and court personnel in the clerk's office.

Respondent sought review of the order of Judges Cooper and Barber, and sought habeas corpus and other extraordinary relief from this Court. She also asked for reconsideration of this Court's order of December 23, 2009, which required her to have an attorney to seek any extraordinary writ from this Court. By order dated August 20, 2010, this Court denied all relief, noting that respondent's, "latest filing further supports this Court's order" requiring her to have an attorney to seek extraordinary relief from this Court.

In January 2011, respondent sent this Court a document regarding a criminal case unrelated to her. Respondent indicated that she had heard the arguments in this case and wanted to suggest answers to some of the issues discussed during oral argument. By order dated February 3, 2011, this Court refused to allow her to do so and noted that her "attempt to 'weigh in' on a decision in the [criminal case] is prohibited by the rules of this Court, is completely inappropriate, and quite frankly, shocking."

In that same order, this Court noted respondent has "on several occasions approached a member of this Court while the member was engaged in purely personal activities unrelated to any official duties." Finding this conduct was "prohibited by the rules of this Court and completely inappropriate," this Court prohibited respondent "from directly contacting any member of the Court." This included, but was not limited to "contact made in person, by phone or in writing." Respondent was warned that a violation of this order would be treated as contempt. This Court denied her petition for reconsideration of the February 3, 2011, order.

In January 2011, respondent filed a notice of appeal from the circuit court. The South Carolina Court of Appeals dismissed the appeal finding that the matter was not immediately appealable. After a petition for rehearing *en banc* was filed with the Court of Appeals, the appeal was transferred to this Court. Respondent also filed various other motions.

By order dated April 8, 2011, this Court denied the petition for rehearing and the other motions. In addition, based on "the frivolous, repetitive and abusive nature of [respondent's] filings in this Court and other courts of this state," this Court prohibited respondent "from filing anything in the courts of this state in a *pro se*

capacity." Instead, respondent was advised that she "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." This order warned her that a violation of the order could result in her being held in contempt.

Finally, on October 24, 2012, Chief Justice Toal issued an order directed at several means by which respondent had attempted to circumvent the requirement that she have a lawyer for all court filings and proceedings. This included sending e-mails to judges and law clerks, contacting judicial staff members on their direct phones, and holding placards in court proceedings in an attempt to convey her objections. Among other things, this order specifically prohibited respondent from contacting "any judge, justice, law clerk, clerk of court or any other officer or employee of the Judicial System by telephone, 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." This order warned respondent that a violation would be treated as contempt.

Since the issuance of the October 24, 2012, order, respondent has sent various e-mails to justices, judges and law clerks. Based on the affidavits filed with this Court, there is probable cause to believe that respondent sent the following e-mails in violation of the order of the Chief Justice:

- (1) An e-mail which shows that it was sent on February 20, 2013. This e-mail has the subject listed as "I am a, if not a representative [sic] of the, most central stake-holder in speedy criminal trials: the falsely-accused criminal defendant." This e-mail was sent to Chief Justice Toal.
- (2) An e-mail which shows that it was sent on April 19, 2013. This e-mail has the subject listed as "Response to Administrative Matters and court integrity issues SC's Chief Justice requested be directed to her office." This e-mail was sent to Chief Justice Toal; Circuit Court Judge George C. James, Jr.; Municipal Court Judge Carl L. Solomon; and Susanna Brailsford, the law clerk for Circuit Court Judge James R. Barber, III.
- (3) An e-mail which shows that it was sent on April 22, 2013. This e-mail has the subject listed as "RE: Please bring to SC's Supreme Court's attention that an incompetent lawyer is forced on me and now he wants to practice medicine without a license on me." This e-mail was sent to Judge

Solomon, Ms. Brailsford and Ms. Karen Huelson, a law clerk to Justice Donald W. Beatty.

(4) An e-mail which shows that it was sent on April 23, 2013. This e-mail has the subject listed as "Immediate request for Mr. Lupton to be relieved. I do NOT need other counsel." This e-mail was sent to Judge Solomon and Ms. Brailsford.<sup>1</sup>

(5) An e-mail which shows that it was sent on May 4, 2013. This e-mail has the subject listed as "Mr. Lupton has no right to prohibit me from e-mailing him or to abandon my cases now." This e-mail was sent to Chief Justice Toal and Ms. Brailsford.

Further, there is probable cause to believe that respondent has violated this Court's order of February 3, 2011, prohibiting any direct contact with a member of this Court by sending the e-mails of February 20, 2013, April 19, 2013, and May 4, 2013, to Chief Justice Toal.

While this Court could issue a rule to show cause for contempt to adjudicate these matters, this Court declines to do so at this time. Instead, this Court issues this order and places the following restrictions on respondent regarding her filings and contacts with the Unified Judicial System in South Carolina:

(1) Respondent may not represent herself *pro se* in any court of this state. Instead, she must be represented by counsel before any court of this state. Respondent is advised that she is not precluded from addressing any grievances she may have in the courts of this State, assuming that she is represented by counsel and such grievances are not frivolous. Except as provided in (3) below, no clerk of court shall accept any filing from or on behalf of petitioner unless it is signed and filed by an attorney licensed to practice law in this state.

(2) 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

---

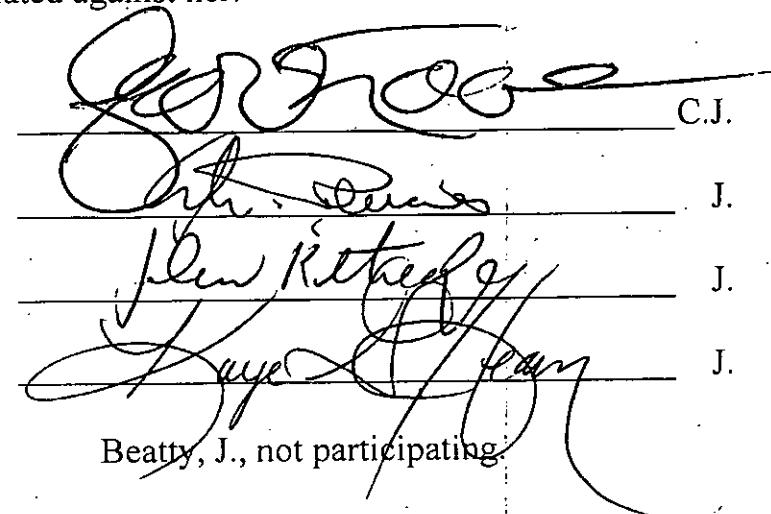
<sup>1</sup> The e-mail of April 23 indicates that a copy was also sent to "Toal, Jean" and "Huelson, Karen", but a copy of this e-mail was apparently not received by either Chief Justice Toal or Ms. Huelson.

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.

(3) As an exception to the restrictions above, respondent may file a written *pro se* motion to either appoint counsel or relieve counsel with the appropriate clerk of court as long 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.

This order does not affect any orders that may have been issued by the lower courts relating to respondent, including the order of March 31, 2010, issued by Judges Cooper and Barber. Further, nothing in this order shall be construed as preventing a lower court from placing such additional restrictions on respondent as that court may determine are appropriate.

Respondent's pattern of frivolous filings and inappropriate conduct toward the courts, its officers and employees has required restrictions to be placed on respondent's access to the courts. Further, this Court has had to continually increase the restrictions to curb respondent's inappropriate conduct. Respondent is warned that a violation of the restrictions contained in this order will result in contempt proceedings being initiated against her.



Handwritten signatures of judges are arranged vertically on three lines. The top line is signed by C.J. (Chief Justice). The middle line is signed by J. (Judge). The bottom line is signed by J. (Judge). Below the bottom signature, the text "Beatty, J., not participating" is written.

Columbia, South Carolina  
June 28, 2013

CC: Dr. Marie Assa'd Faltas  
The Honorable Alan MCrory Wilson  
Salley W. Elliott, Esquire  
David Amando Fernandez, Esquire  
The Honorable Jeanette W. McBride  
The Honorable George C. James, Jr.  
The Honorable Carl L. Solomon  
The Honorable James R. Barber, III  
The Honorable G. Thomas Cooper, Jr.  
The Honorable J. Ernest Kinard, Jr.  
The Honorable Alison Renee Lee  
The Honorable Clifton Newman  
The Honorable Brooks P. Goldsmith  
The Honorable W. Jeffrey Young  
The Honorable Dana Davis Turner  
The Honorable Donald Jeffrey Simons  
Orin Gal Briggs, Esquire  
Theodore Nichols Lupton, Esquire  
J. Andrew Delaney, Esquire  
Robert A. McKenzie, Esquire  
Alice Price Adams, Esquire  
The Honorable L. Casey Manning