

JUDICIAL MERIT SELECTION COMMISSION)
In Re: the Honorable **George (Buck) James, Jr.**)
Candidate for: **Judge in Seat 2, Third Judicial Circuit**) **WITNESS AFFIDAVIT FORM**

I will appear to testify concerning the qualifications of the above-named candidate and will produce all documents in my possession, if any, which will further develop or corroborate my testimony. I understand that this written statement must be completed and returned to the Judicial Merit Selection Commission at least five (5) days prior to the hearing at which I wish to testify in order for the commission to hear my testimony and that the deadline for complaints is

In regard to my intended testimony, I will offer information as to the following:

- (1) Set forth your full name, age, address, and both home and work telephone numbers. **NAME: Marie-Therese H. Assa'ad-Faltas, MD, MPH AGE: 57 ADDRESS: P.O. Box 9115, Columbia, SC 29290. CELL PHONE: (330) 232-4164 E-MAIL: Marie_Faltas@hotmail.com**
- (2) Set forth the names, addresses, and telephone numbers (if known) of other persons who have knowledge of the facts concerning your testimony. Please see the transcripts and copies of court records that are on record with JMSC from Tuesday, 2 November 2010 and thereafter. **Generally, I do NOT ask for Judge James to be disqualified. I DO wish him to answer before this JMSC to his own conscience, to South Carolina's people, and to me why he failed to do anything when I presented him with irrefutable objective evidence that a ruling of his was procured by fraud upon the court and resulted in extreme and continuing oppression of me.**
- (3) State the nature of your testimony regarding the qualifications of the above-named judicial candidate, including: **Generally**, SC's Supreme Court held in *Riddle v. Ozmint*, 631 S.E.2d 70 (SC 2006) that "the failure to correct false evidence is as reprehensible as its presentation" and "We disagree. The issue is not why Jason failed to tell the truth: rather, it is why the solicitor, who knew Jason's testimony to be false, failed to correct it." Judge James failed to do anything with the proof I provided him that knowing false evidence was presented in his court. A judge should not only ensure fairness to the parties but also be a mentor to the Bar before him, including prosecutors who present false evidence. Judge James failed in that. I hope he takes this opportunity to examine his conscience about why he failed and how, if at all, he will act differently in the future.
 - (a) specific facts relating to the candidate's character, competency, or ethics, including any and all allegations of wrongdoing or misconduct on the part of the candidate; **Generally**, the candidate showed lack of regard to my rights and to his duty as a mentor to the Bar.
 - (b) specific dates, places, and times at which or during which such allegations took place; **Generally**, from December 2009 to the present.
 - (c) names of any persons present during such alleged actions or possessing evidence of such alleged actions; **Generally**, please see the transcripts and other court documents on file with JMSC.and (d) how this information relates to the qualifications of the judicial candidate. Because the candidate should have shown more concern for the rights of the **innocent and unjustly-framed** criminal defendant.
- (4) and (5) Set forth a list of and provide a copy of any and all documents to be produced at the hearing which relate to your testimony regarding the qualifications of the judicial candidate. **Generally**, please see the transcripts and other court documents and exhibits on file with JMSC..

I understand that the information I have provided herein is confidential and is not to be disclosed to anyone except the Judicial Merit Selection Commission, the candidate and counsel.

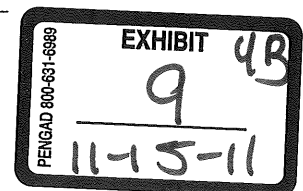
WAIVER (not applicable) I further understand that my testimony before the Judicial Merit Selection Commission may require the disclosure of information that would otherwise be protected by the attorney-client privilege. Therefore, in order that my complaint may be fully investigated by the commission, I hereby waive any right that I may have to raise the attorney-client privilege as that privilege may relate to the subject of my complaint. I further understand that by waiving the attorney-client privilege for this matter, I am authorizing the commission to question other parties, including my attorney, concerning the facts and issues of my case.

Marie-Therese H. Assa'ad-Faltas, MD, MPH
Signature

Affirmed and subscribed to me before me this **2nd** day of **November** 2011,

Craig Westley L.S.

Notary Public of South Carolina, My commission expires: 6/4/12





State of South Carolina
Third Judicial Circuit

GEORGE C. JAMES, JR.
CIRCUIT COURT JUDGE

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November 3, 2011

Ms. Laurie Traywick
Senate Judiciary Committee
Post Office Box 142
Columbia, South Carolina 29202

RE: Complaint of Marie Assa'd-Faltas, M.D.

Dear Ms. Traywick:

I received your November 2 e-mail and have reviewed the complaint submitted by Dr. Faltas. To place some perspective on my encounters with her, I have to give some background information.

I believe my first involvement with Dr. Faltas was in late 2009, when I was assigned to preside over a term of Richland County General Sessions court. She had been charged with harassment, with the alleged victims being the manager and certain occupants of the apartment complex in which she lived. Her bond (set by a magistrate) included a restriction forbidding her return to her apartment. I happened to be presiding in Columbia when her motion to lift that restriction came up for hearing.

At the hearing in late 2009, I modified the restriction by allowing her to go to her apartment in two three-hour increments with a Columbia Police Department escort. She then moved for reconsideration and she and Assistant Solicitor Heather Weiss appeared in Sumter on January 7, 2010 for the hearing of that motion. The hearing was held in Sumter because I was not assigned to be in Richland again for quite a while. I denied her motion based on my view of the evidence presented.

As for her complaints against me, it is apparent they are based on her contention that certain individuals, including Assistant Solicitor Weiss, made false representations to me at the hearings. Dr. Faltas argued at both hearings that the evidence against her was fabricated. I

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disagree with her contention that I tolerated and relied upon evidence that I knew to be false in making my decision not to grant her motion.

In her complaint, Dr. Faltas refers to someone named "Jason". If he was one of the individuals speaking at one or both of the hearings, I do not remember the specifics of his statements to me. With regard to "Jason", Dr. Faltas cites Riddle v. Ozmint, 631 SE2d 70 (2006), a South Carolina Supreme Court post-conviction relief decision addressing a Brady violation committed by a prosecutor. Respectfully, the passage from Riddle quoted in Dr. Faltas' complaint has nothing to do with a court's knowing receipt of false information during a hearing, but rather deals with a prosecutor's duty to advise a defendant when a witness is giving false testimony.

I agree with Dr. Faltas that it would be improper for me to knowingly rely upon false representations in making a decision, but that is not what occurred here. I was faced with the task of making a decision based on the information provided at the hearings and I believe my decisions were factually and legally sound.

If you would like further information, please advise.

Yours very sincerely,



George C. James, Jr.

G CJjr:djf

CC: (e-mail only)
Andy Fiffick, Esquire
Chief Counsel, South Carolina House of Representatives
Labor, Industry, and Commerce Committee
andyfiffick@schouse.gov



State of South Carolina
Third Judicial Circuit

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November 7, 2011

Ms. Laurie Traywick
Senate Judiciary Committee
Post Office Box 142
Columbia, South Carolina 29202

RE: Complaint of Marie Assa'd-Faltas, M.D.

Dear Ms. Traywick:

In my letter of November 3, 2011, I referenced the possibility that the "Jason" referred to by Dr. Faltas was one of the people who spoke in the bond proceedings over which I presided. In the course of referencing "Jason", Dr. Faltas cited Riddle v Ozmint. I now realize that "Jason" was the pertinent witness in Riddle v Ozmint.

This does not change my overall response to Dr. Faltas' complaint. I am sorry for the error. If you have any questions, please let me know.

Yours very sincerely,

George C. James, Jr.

GCJjr:djf

CC: (e-mail only)
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