

THE STATE OF SOUTH CAROLINA

In The Court Of Appeals

RECEIVED

APPEAL FROM OCONEE COUNTY

AUG 05 2022

Court Of Common Pleas

SC Court of Appeals

J. CORDELL MADDOX JR., CIRCUIT COURT JUDGE

CASE NO: 2021-CP-37-00560

APPELLATE CASE NO.: 2021-001552

Dorothy Pierce,

Appellant,

V.

Jared Adam Pierce,

Respondent

AMENDED RECORD ON APPEAL

AUGUST,03 2022

ROBERT L. GAILLIARD
6650 Rivers Avenue, N. Charleston,
SC. 29406
(843-925-7521)
Attorney for Appellant

Richard Hunt McDuff,
119B Professional Park Drive, #8,
Seneca, SC 29678.
(864-882-2466)
Attorney for Respondent

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COUNTY OF: OCONEE

CERTIFICATE OF APPOINTMENT

IN THE MATTER OF:
DOYLE ELTON PIERCE
(Decedent)CASE NUMBER: 2020ES3700532

This is to certify that

DOROTHY PIERCE,

is/are the duly qualified

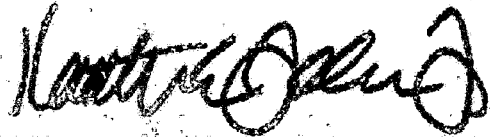
- ☒ PERSONAL REPRESENTATIVE
☐ SUCCESSOR PERSONAL REPRESENTATIVE
☐ SPECIAL ADMINISTRATOR

in the above matter and that this appointment, having been executed on the 23rd day of September,
2020, is in full force and effect.

RESTRICTIONS:

NONE AT THE TIME OF APPOINTMENT

Executed this 23rd day of September, 2020.

KENNETH E. JOHNS JR., Probate Court Judge

Do not accept a copy of this certificate without
the raised seal of the Probate Court.

STATE OF SOUTH CAROLINA)

IN THE PROBATE COURT

COUNTY OF OCONEE)

Case No.: 2020ES3700532

IN THE MATTER OF:)
DOYLE ELTON PIERCE, DECEASED.)

Jared Adam Pierce,)

Petitioner,)

Vs.)

Dorothy Pierce a/k/a Dorothy Wells,)

Respondent.)

**ORDER ON MOTION TO
DETERMINE VALIDITY OF
WILL**

OCCONEE PROBATE COURT
'21 AUG 18 AM 9:23:41

THIS MATTER came before the Court for a hearing on August 2, 2021, on the Petitioner's Motion to Determine the Validity of the Last Will and Testament of Doyle Elton Pierce dated July 7, 2020. Having heard the testimony of the witnesses, and after having reviewed the evidence, the Court hereby finds as follows:

FINDINGS

1. The Decedent, Doyle E. Pierce, died on September 14, 2020, at the age of 74 in Oconee County, South Carolina. The Decedent was an engineer by education and occupation.
2. At the time of his death, the Decedent was married to Respondent Dorothy Pierce a/k/a Dorothy Wells.
3. Respondent is 38 years of age and is a citizen of the Republic of Uganda. Respondent met the Decedent through the Craigslist website and they married in 2018.
4. Petitioner is one of the adult children of the Decedent. The Decedent was survived by two other adult children: Gregory Alan Pierce and Donna Carol Moore.

5. On September 23, 2020, Respondent submitted a Petition for Informal Probate along with the purported Last Will and Testament of Doyle Elton Pierce dated July 7, 2020.
6. The purported Last Will and Testament proffered by Respondent consists of Pages 1 of 11 through 10 of 11. Page 11 of 11 was not submitted to the Court by Respondent.
7. The purported Last Will and Testament of the Decedent names Respondent as Personal Representative.
8. Respondent testified that the Decedent herself prepared the purported Last Will and Testament. The Respondent also testified that her only role in the preparation of the purported Last Will and Testament was printing it for the Decedent.
9. The purported Last Will and Testament provides that the Decedent has three (3) living children, to wit: Jared Adam Pierce, Gregory Alan Pierce, and Donna Carol Moore.
10. The purported Last Will and Testament also provides that the Decedent has three (3) minor stepchildren, to wit: Jethro Judge, Princess Jemimah, and Apollo Abigail.
11. Jethro Judge, Princess Jemimah, and Apollo Abigail reside in Uganda. The Decedent never personally met any of the three stepchildren before his death.
12. The purported Last Will and Testament of the Decedent contains the following Specific Bequests:
 - a. To Jared Adam Pierce, "[t]he Land on Cider hill Farm [sic] and a Mobile Trailer on 708 Mourning dove lane [sic], without contents to be moved out of the current land to the beneficiary's own location."
 - b. To Gregory Alan Pierce, "8 acres of land next to Cider Hill farm [sic] and a mobile trailer on 745 Mourning dove lane [sic], without contents to be moved out of the current land to the beneficiary's own location."

c. To Donna Carol Moore, "\$10,000.00 (Ten Thousand Dollars Only)."

d. To Jethro Judge of Kamandi, Oyam District – Uganda, "\$5,000.00 (Five Thousand Dollars Only)."

e. To Princess Jemimah of Kamandi, Oyam District – Uganda, "\$5,000.00 (Five Thousand Dollars Only)."

f. To Apollo Abigail of Kamandi, Oyam District – Uganda, "\$5,000.00 (Five Thousand Dollars Only)."

g. To Intercontinental Alternative Medicine, LLC of Seneca, South Carolina, "[p]roperties comprised at 708 and 709 Mourning Dove Lane, Seneca, South Carolina 29678."

h. To American Pharma Machinery, LLC of Seneca, South Carolina, "[p]roperty comprised at 745 Mourning Dove Lane and additional 10 acres of Land surrounding 745 for commercial purposes."

i. To Joey Pierce of Westminster, South Carolina, "\$3,000.00 (Three Thousand Dollars Only)."

13. Intercontinental Alternative Medicine, LLC and American Pharma Machinery, LLC are owned by the Respondent.

14. The rest and residue of the Decedent's estate is left to Respondent under the purported Last Will and Testament.

15. Page 10 of 11 of the purported Last Will and Testament contains a signature that reads "Doyle E Pierce," along with the signatures of two (2) witnesses; Deana Walker and Tammy Youngblood, both of Greenville, South Carolina.

16. One purported witness, Ms. Youngblood, is friends with the Respondent has known the Respondent for several years. Ms. Youngblood first met the Respondent when she hired Respondent through Craigslist to assist in the care Mr. William Wells in Greenville, South Carolina.¹ The other purported witness, Ms. Walker, is the daughter of Ms. Youngblood.
17. Page 11 of 11 of the purported Last Will and Testament, which was not filed with this Court, is a Self-Proving Affidavit page. It was not executed by Doyle E. Pierce.
18. The purported Last Will and Testament, along with nineteen (19) known verified exemplars bearing the Decedent's signature were submitted by the Oconee County Sheriff's Office ("OCSO") to the South Carolina Law Enforcement Division ("SLED") for analysis.
19. At the time of the hearing on this matter, John A. Jamieson, a Questioned Document Examiner employed by SLED, was qualified by the Court as an expert witness. He testified that he received two (2) sets of documents from the OCSO. He received Pages 1 of 11 through 10 of 11 of the purported Last Will and Testament. The second set of documents received contained the nineteen (19) verified exemplars of the Decedent's signature. The nineteen (19) exemplars ranged in date from 1965 to approximately two (2) months prior to the death of the Decedent.
20. Mr. Jamieson has been with SLED approximately four (4) years. Prior to being employed by SLED, Mr. Jamieson has extensive prior training and experience in questioned documents and handwriting analysis. His experience includes employment with the Virginia State Crime Lab.

¹ The Respondent subsequently married Mr. Wells after the death of his wife. Mr. Wells died prior to the Respondent's marriage to the Decedent.

21. Mr. Jamieson initially determined that the purported Last Will and Testament was suitable for examination. He then conducted an examination of the handwriting on the purported Last Will and Testament by comparing it to the handwriting on the nineteen (19) verified exemplars. Mr. Jamieson also performed an analysis of the ink used in the signing of the purported Will through the use of a Video Spectral Comparator ("VSC").
22. Upon analysis of the ink used in the signing of the purported Last Will and Testament, Mr. Jamieson concluded that there were four (4) different pens used when it was signed. The purported signature of "Doyle E Pierce" on page 10 of 10 was written in blue ink, whereas the "DEP" initials found at the bottom of Pages 1 of 10 through 9 of 10 were written in black ink. The signatures of the two (2) "witnesses" (Ms. Walker and Ms. Youngblood) were made using two (2) different black ink pens. Mr. Jamieson also concluded that neither of the pens used to sign Ms. Walker's or Ms. Youngblood's names was one of the pens used to make the "DEP" initials.
23. Mr. Jamieson also testified that the signature of "Doyle E. Pierce" on Page 10 of 10 of the purported Will is not that of Doyle E. Pierce. Mr. Jamieson testified that there are significant differences in the signature contained in the Will when compared those in the exemplars. At the time of the hearing, he provided a demonstrative showing the marked deviations in the signature on the Will from those on the nineteen (19) exemplars. He also testified that the manner of the purported signature of "Doyle E. Pierce" on the Will was consistent with someone trying to "forge" another's signature.
24. The significant differences and inconsistencies include the formation of the "D," the separation between the "D" and the "o," the connection between the "o" and "y," the formation of "y," and the formation of "l" in Doyle. The middle initial "E" was formed in

a different manner as the exemplars because it was missing a "hook" at the top. The letters "P," "r," "c," and "e" are all much different and inconsistent from the formation of the same letters in the exemplars.

25. The Respondent failed to adduce any evidence to contradict or call into the question the opinions and testimony of Mr. Jamieson.
26. Ms. Youngblood and Ms. Walker testified that they witnessed the Decedent sign the purported Last Will and Testament on the trunk of Ms. Youngblood's vehicle in a church parking lot somewhere in Six Mile, South Carolina along Highway 183. Neither one could identify the location of the church, identify the name of the church, or describe what the church looked like.
27. Notwithstanding the testimony of Mr. Jamieson that different black ink pens were used by Ms. Youngblood and Ms. Walker to sign their names as witnesses, both Ms. Youngblood and Ms. Walker testified that they used the exact same pen to sign their names on the Will.
28. At one point during cross examination, Ms. Youngblood testified that she had brain surgery some years ago that "affects her nerves."
29. The Court observed the demeanor, the facial gestures, and the manner of both Ms. Youngblood and her daughter, Ms. Walker. The Court finds that the testimony of Ms. Youngblood and Ms. Walker lacks credibility.
30. The Respondent testified that she was present when the Decedent signed the purported Will in a church parking lot in Six Mile, South Carolina, and that Ms. Youngblood and Ms. Walker were also present. Like Ms. Youngblood and Ms. Walker, the Respondent could not identify the location of the church, the name of the church, or provide a description of

the church. The Respondent also inconsistently testified as to the side of the road on which the church is located.

31. Neither the Respondent, Ms. Youngblood, nor Ms. Walker testified that the purported Will was signed by anyone else in the Decedent's presence and at his direction. They all testified that the Decedent was the person that signed the purported Will.

32. The Court observed the demeanor, the facial gestures, and the manner of the testimony of the Respondent. The Court finds her testimony to lack credibility. In addition, the Respondent is an interested party, and therefore, is self-serving.

33. The Petitioner, Jared Adam Pierce, testified that the Decedent was fastidious in his business affairs and that it would have been highly uncharacteristic of him to execute a Will outside of an attorney's office. He also testified that the Decedent would not have signed a Will that was rife with misspellings for "Cedar Hill Farm" such as "Cider hill farm."

CONCLUSIONS OF LAW

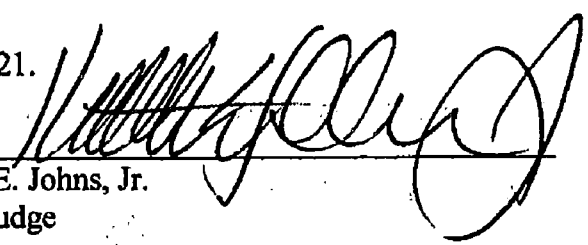
Pursuant to *S.C. Code Ann.* § 62-2-502, one of the requirements for the validity of a Will is that it "be in writing signed by the testator or signed in the testator's presence and by the testator's direction." When the valid execution of a Will is contested, the proponent of it has "the burden of establishing *prima facie* proof of due execution in all cases." In addition, "[p]arties have the ultimate burden of persuasion as to matters with respect to which they have the initial burden of proof." *S.C. Code Ann.* § 62-3-407. See *In re: Estate of Cumbee*, 333 S.C. 664, 671, 511 S.E. 2d 390 (Ct. App. 1999) (the burden of proof only shifts to a party opposing the validity of a Will on the grounds of undue influence, fraud, duress, mistake, revocation, lack of testamentary intent, or lack of capacity after due execution has been established by the proponent).

In the case before the Court, the Respondent, as proponent of the purported Last Will and Testament of Doyle Elton Pierce, has failed to establish due execution of it by the Decedent on July 7, 2020, or at any other time. In the alternative, the Petitioner has established, through clear and convincing evidence, that the Decedent did not execute the purported Will. The uncontradicted testimony of SLED employee John Jamieson is compelling and conclusive on the issue of the lack of due execution by the Decedent. Likewise, the Court rejects the testimony of Respondent, Ms. Youngblood, and Ms. Walker as not credible. *Cf. Mauldin v. Reel*, 56 So. 2d 918 (Fla. 1951) (court held that testimony of handwriting expert, alone, was sufficient to establish forgery of a Will when purported eyewitnesses to its execution were found not to be credible).

The Court hereby finds the Last Will and Testament of Doyle Elton Pierce dated July 7, 2020, to be invalid.

Given the fact that the Respondent possessed the invalid Will and presented it to the Court, an inference arises that she has knowledge that the Will is a forgery. *State v. Brandt*, 393 S.C. 526, 546, 713 S.E. 2d 591, 601 (2011). The rule is that “one found in possession of a forged instrument of instrument of which he purports to be a beneficiary, and applying it to his own use, must, in the absence of explanation satisfactory to [the trier of fact], be presumed to have forged it or to have been privy to its forgery.” *State v. Orr*, 225 S.C. 369, 374, 82 S.E. 2d 523, 526 (1954). Based upon this inference, which has not been rebutted by Respondent by any reasonable explanation, the Court also finds that the Respondent must be removed as Personal Representative as not fit for the office. The Court will set another hearing for the purpose of appointing a successor Personal Representative.

Done and ordered this 18th day of August 2021.


Kenneth E. Johns, Jr.
Probate Judge

STATE OF SOUTH CAROLINA

COUNTY OF OCONEE

IN THE MATTER OF:
DOYLE ELTON PIERCE, DECEASED.

Jared Adam Pierce,

Petitioner,

Vs.

Dorothy Pierce a/k/a Dorothy Wells,

Respondent.

IN THE PROBATE COURT

FILED OCONEE COUNTY, SC
HEIKSSA C. BURTON
CLERK OF COURT

Case No.: 2020-00000532
OCONEE PROBATE COURT
'21 OCT 13 AM 9:29:21

2021 OCT 15 P 4:42

20210P3700560

ORDER ON RESPONDENT'S
MOTION FOR NEW TRIAL

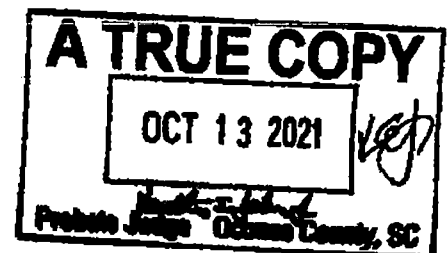
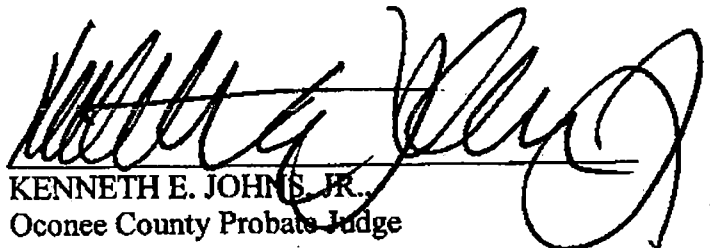
THIS MATTER came to be heard on October 1, 2021, on Respondent's Motion for New Trial pursuant to Rule 59, South Carolina Rules of Civil Procedure. At the time of the hearing, the Respondent appeared *pro se*. The Petitioner was represented by Richard H. McDuff, Esquire. Having reviewed the record, the briefs of the parties, and having heard argument of the parties, the Court hereby finds as follows:

The Respondent's Motion for New Trial is hereby **DENIED**.

Signed and Dated this 13th day of October, 2021.

Walhalla, South Carolina

KENNETH E. JOHNS, JR.
Oconee County Probate Judge



STATE OF SOUTH CAROLINA
COUNTY OF OCONEE

IN THE COURT OF COMMON PLEAS
CASE NO.: 2021-CP-37-00560

Dorothy Pierce,

Appellant,

vs.

Jared Adam Pierce

Respondent.

ORDER

The Appellant came before the Court on November 3, 2021, on an appeal from Probate Court. After careful review and consideration of the record and arguments, the Court finds that there is sufficient evidence to support the Probate Court's ruling and findings. Therefore, the appeal is denied and the Probate Court's ruling is affirmed.

The Respondent's Motion to Strike the Appellant's Notice of Appeal and the Appellant's Appeal Brief and the Appellant's "Motion to Disqualify Respondent's Attorney" are also respectfully denied.

IT IS SO ORDERED.

The Honorable J. Cordell Maddox, Jr.

_____, 2021



Oconee Common Pleas

Case Caption: Dorothy Pierce , plaintiff, et al VS Jared Adam Pierce

Case Number: 2021CP3700560

Type: Order/Other

So Ordered

s/ J. Cordell Maddox Jr.

Electronically signed on 2021-12-29 13:01:16 page 2 of 2

STATE OF SOUTH CAROLINA

IN THE PROBATE COURT

COUNTY OF: OCONEE

INFORMATION TO HEIRS AND DEVISEES

IN THE MATTER OF:
DOYLE ELTON PIERCE
(Decedent)

CASE NUMBER: 2020ES3700532

On SEPTEMBER 22, 2020, Application/Petition was made to the Probate Court of OCONEE County at (address), 415 S. PINE STREET, WALHALLA, SC 29691, for the (check all that apply):

INFORMAL

FORMAL

☒ PROBATE OF WILL
☒ APPOINTMENT

☐ TESTACY
☐ APPOINTMENT
OCONEE PROBATE
SEP 24 PM 3:54

in the above matter.

(Complete if applicable) The Decedent's Will dated JULY 7, 2020, Codicil(s) dated NA, and Memorandum(s) dated NA was/were presented.

Bond HAS ☐ HAS NOT ☒ been filed.

This notice is being sent to persons who have or may have some interest in the estate.

Please note: This form is required to be sent to all potential devisees and heirs of the Decedent. Receipt of this form does not mean that you will inherit from the Decedent. You may review the file in the Probate Court or see an attorney if you desire further information.

My application/petition was granted within the past thirty (30) days 23 SEPTEMBER, 20 20.
on

Applicant/Personal Representative Name: DOROTHY PIERCE

Address: 750 MOURNING DOVE LANE
SENECA, SC 29678

Telephone (Work): _____

(Home): _____

(Cell): _____

Email: DOROTHYDORINE@GMAIL.COM

Co-Applicant/Co-Personal Representative Name: _____

Address: _____

Telephone (Work): _____

(Home): _____

(Cell): _____

Email: _____

Attorney: CAROL A. JOHNSON, ESQ

Address: 325 MAIN STREET
SENECA, SC 29678

Telephone: 864-885-1090

Email: carol@caroljohnsonlaw.com

STATE OF SOUTH CAROLINA

COUNTY OF: OCONEE

IN THE MATTER OF:
DOYLE ELTON PIERCE

(Decedent)

IN THE PROBATE COURT

NOTICE TO CREDITORS

CASE NUMBER: 2020ES3700532

COPY



E-MAILED

9/23

OCONEE PROBATE
SEP 28 PM 1:54

NOTICE TO CREDITORS OF ESTATES

All persons having claims against the following estates **MUST** file their claims on FORM #371ES with the Probate Court of OCONEE County, the address of which is 415 S PINE STREET WALHALLA, SC 29691, within eight (8) months after the date of the first publication of this Notice to Creditors or within one (1) year from date of death, whichever is earlier (SCPC 62-3-801, *et seq.*), or such persons shall be forever barred as to their claims. All claims are required to be presented in written statements on the prescribed form (FORM #371ES) indicating the name and address of the claimant, the basis of the claim, the amount claimed, the date when the claim will become due, the nature of any uncertainty as to the claim, and a description of any security as to the claim.

Estate: DOYLE ELTON PIERCE

Date of Death: 09/14/2020

Case Number: 2020ES3700532

Personal Representative: DOROTHY PIERCE

Address: 750 MOURNING DOVE LANE SENECA, SC 29678

Attorney, if applicable: CAROL A. JOHNSON

Address: 325 MAIN STREET SENECA, SC 29678

Co - Personal
Representative:

Address:

Attorney, if applicable:

Address:

INSTRUCTIONS: Publication to be in DAILY JOURNAL, a newspaper of general circulation in OCONEE County. Publish only this (*) portion of this form. Notices may be combined by listing individualized statements of the information concerning each of the estates under one heading consisting of the notice text. Publish once a week for three successive weeks.

File a copy of this form with proof of its publication with the Probate Court.

CERTIFICATE OF PUBLICATION

I hereby certify that on these dates _____, _____, and _____, I did publish the Notice to Creditors in DAILY JOURNAL, a newspaper of general circulation in OCONEE County, South Carolina, in accordance with law.

SWORN to before me this _____ day of _____, 20____

Notary Public for South Carolina
My Commission Expires: _____

Newspaper Rep.

Signature: _____

Print Name: _____

Address: _____

Telephone: _____

Email: _____

STATE OF SOUTH CAROLINA

COUNTY OF: OCONEE

IN THE MATTER OF:
DOYLE ELTON PIERCE
(Decedent)

IN THE PROBATE COURT

PROOF OF DELIVERY

CASE NUMBER: 2020ES3700532

On the 23RD day of September, 2020, I mailed or delivered the following document(s):

Information to Heirs and Devisees

- ☐ A copy of which is attached hereto and incorporated herein, or
☒ The original of which is on file with the Court.

OCCONEE PROBATE
SEP 24 PM 3:54

Delivery was accomplished by the following method (check appropriate box):

- ☒ personal delivery ☒ ordinary first-class mail
☐ certified mail ☐ registered mail
☐ commercial delivery ☐ electronic message (Article 7, Trust matters only)

to each of the following persons at the address shown:

NAME	ADDRESS
JARED ADAM PIERCE	404 CHURCH ST, WALHALLA, SC 29691
DONNA CAROL MOORE	149 FLAT ROCK CHURCH RD, LIBERTY, SC 29657
GREGORY ALAN PIERCE	C/O DONNA MOORE, 149 FLAT ROCK CHURCH RD, LIBERTY, SC 29657
JETHRO JUDGE, PRINCESS JEMIMAH, APOLLO ABILGAIL	C/O DOROTHY PIERCE, 750 MOURNING DOVE LN, SENECA, SC 29678
JOEY PIERCE	PO BOX 576, WESTMINSTER, SC 29693-0576

SWORN to before me this 24TH day of
SEPTEMBER, 2020

Notary Public for South Carolina
My Commission Expires: _____



Relationship to
Decedent/Estate: _____

Signature: [Signature]
Print Name: DANIEL K. BLAUT
Address: 325 MAIN STREET
SENECA, SC 29678
Telephone (Work): 864-885-1090
(Home): _____
(Cell): _____
E-mail: _____
PARALEGAL FOR COUNSEL

SCANNED

**PROBATE COURT OF OCONEE COUNTY
KENNETH E. JOHNS, JR., JUDGE
PO BOX 471
WALHALLA, SC 29691**

**PHONE: (864) 364-5269
FAX: (864) 638-4278**

DATE: September 23rd, 2020

NAME: DOROTHY PIERCE

**Re: ESTATE OF DOYLE ELTON PIERCE
PROBATE COURT FILE NO. 2020ES3700532**

FOR PROFESSIONAL SERVICES:

**OPENING ESTATE COST: \$25.00
NOTICE TO CREDITORS WITH SENECA JOURNAL: \$417.00**

Amount Due: \$442.00

**A SELF-ADDRESSED ENVELOPE IS ENCLOSED FOR YOUR
CONVENIENCE.**

THANK YOU.

STATE OF SOUTH CAROLINA

IN THE PROBATE COURT

COUNTY OF: OCONEE

FIDUCIARY LETTERS

IN THE MATTER OF:
DOYLE ELTON PIERCE
(Decedent)

CASE NUMBER: 2020ES3700532

OCONEE PROBATE
SEP 23 PM 2:00

- ☒ PERSONAL REPRESENTATIVE
☐ SUCCESSOR PERSONAL REPRESENTATIVE
☐ SPECIAL ADMINISTRATOR

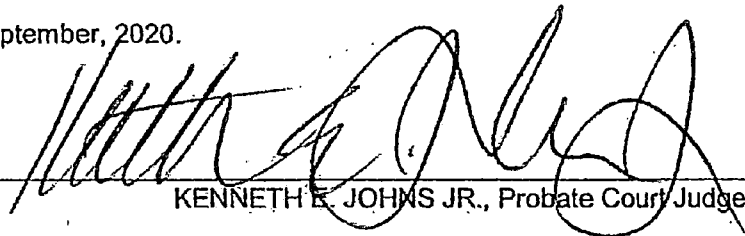
On the 23rd day of September, 2020, DOROTHY PIERCE, was/were appointed and qualified as Fiduciary(ies) of the above matter by this Court, with all the authority granted to a fiduciary by law.

NOW, THEREFORE, LETTERS are issued as evidence of such appointment, qualification, and authority of the above fiduciary(ies) to do and to perform all acts which may be authorized by law.

RESTRICTIONS:

NONE AT THE TIME OF APPOINTMENT

Executed this 23rd day of September, 2020.


KENNETH E. JOHNS JR., Probate Court Judge

COUNTY OF: OCONEE

IN THE MATTER OF:
DOYLE ELTON PIERCE
(Decedent)

CASE NUMBER: 2020-ES-37-00-532

***COMPLETE THIS SECTION ONLY IF FILING PETITION
FOR FORMAL TESTACY AND/OR FORMAL APPOINTMENT**

*JARED ADAM PIERCE,
Petitioner(s)
vs.

*DOROTHY PIERCE, GREGORY ALAN PIERCE AND
DONNA CAROL MOORE,
Respondent(s)

APPLICATION FOR INFORMAL

- ☐ PROBATE OF WILL
☐ APPOINTMENT

(check any that apply)

***PETITION FOR FORMAL**

- ☐ TESTACY
☒ APPOINTMENT

If this is a formal filing, please explain on page 3 or attach pleadings pursuant to SC Rules of Civil Procedure.

***NOTE: IF THIS IS A FORMAL PROCEEDING, IN ADDITION TO THIS FORM PETITION, YOU MUST ALSO FILE
A SUMMONS (FORM SCCA 401PC), AND PAY THE STATUTORY FILING FEE OF \$150.00. A HEARING IN THE
PROBATE COURT ON THE PETITION MAY BE REQUIRED.**

I. ALL APPLICANTS/PETITIONERS MUST COMPLETE THIS SECTION.

1. Applicant/Petitioner(s): JARED ADAM PIERCE

Address: 404 N. CHURCH STREET, WALHALLA, SC 29691

Telephone (Work): _____

(Home): _____

(Cell): 864-723-1535

Email: _____

Relationship to Decedent: SON

2. Decedent Information:

Full Legal Name
(including all known names): DOYLE ELTON PIERCE

Date of Birth: MAY 15, 1946

Date of Death: SEPTEMBER 14, 2020

Age at Date of Death: 74

3. Venue for this proceeding is proper in this County because:

- ☒ Decedent was domiciled in this County at date of death:
Address: 750 MOURNING DOVE LANE, SENECA County: OCONEE State: South Carolina.
- ☐ Decedent was **not** domiciled in **South Carolina**, but property of Decedent was located in this County
at date of death at:
Address: _____ County: _____ State: South Carolina
- ☐ Decedent has a right to take legal action in this County because:

If the above address is the address of a nursing home, prison, or other residential facility, please give the last address

FORM #300ES (03/2018)

62-2-504, 62-3-102, 62-3-203, 62-3-301, 62-3-302, 62-3-303, 62-3-308, 62-3-311, 62-3-401, 62-3-402,
62-3-404, 62-3-409, 62-3-414, 62-3-601, 62-3-602, 62-3-704, 62-3-804, 44-23-1090, 44-23-1120

Page 1 of 6

SCANNED

4(a). Names and addresses of beneficiaries (devisees) named in the Will.

Full Legal Name (including all known names)	Year of Birth	Full Address	Relationship to Decedent
DOROTHY PIERCE	ADULT	750 MOURNING DOVE LANE, SENECA, SC 29678	SPOUSE
JARED ADAM PIERCE	ADULT	404 N. CHURCH ST., WALHALLA, SC 29691	SON
GREGORY ALAN PIERCE	ADULT	638 ZION CHURCH RD., EASLEY, SC 29642	SON
DONNA CAROL MOORE	ADULT	149 FLAT ROCK CHURCH RD., LIBERTY, SC 29657	DAUGHTER

☒ See attached for additional devisees (check if applicable).

4(b). Names and addresses of intestate heirs who are not devisees (persons who inherit if Decedent left no Will).

Full Legal Name (including all known names)	Year of Birth	Full Address	Relationship to Decedent

☐ See attached for additional intestate heirs (check if applicable).

4(c). Did all of the above persons survive one hundred and twenty (120) hours since the death of Decedent?

☒ YES ☐ NO If no, please explain on page 3.

5. Did Decedent have any change of marital status or the birth or adoption of any children after execution of this Will, if one exists, or has any child of the Decedent been born since his/her death, or is any birth of a child of the Decedent anticipated? (This includes illegitimate children.)

☒ NO ☐ YES If yes, please explain, on page 3.

6. To the best of your knowledge, was the Decedent a patient in a non-private State of South Carolina mental health facility during his/her lifetime?

☒ NO ☐ YES If yes, please explain, on page 3.

7. Has a Guardian or Conservator ever been appointed by a Court for this person?

☒ NO ☐ YES If yes, please explain on page 3.

8. Has a Personal Representative of the Decedent been appointed prior to this date by a Court in this state or elsewhere?

☐ NO ☒ YES If yes, please state details, including name and address of such Personal Representative on page 3.

any probate or appointment proceeding concerning the Decedent that may have been filed in this state or elsewhere?

☒ NO ☐ YES If yes, please state details, including names and addresses on page 3.

10. Have more than ten (10) years passed since the Decedent's death?

☒ NO ☐ YES If yes, please state circumstances authorizing tardy probate on page 3.

11(a). Did the Decedent own probate real estate?

☐ NO ☒ YES If yes, an approximate value of \$TBD (Note: A complete inventory of probate assets with fair market values is to be filed after Personal Representative is appointed.)

11(b). Did the Decedent own probate personal property?

☐ NO ☒ YES If yes, an approximate value of \$TBD (Note: A complete inventory of probate assets with fair market values is to be filed after Personal Representative is appointed.)

12. Have you made a diligent search for a Will of the Decedent?

☐ YES

☒ NO If no, please explain on page 3 below.

II. IF A WILL EXISTS, PLEASE COMPLETE THIS SECTION.

1. Regarding the Decedent's Will:

☐ The original is attached.

☒ The original is in the Court's possession.

☐ An exemplified (authenticated) copy of a Will probated in another jurisdiction is attached.

☐ An exemplified (authenticated) copy of a Will not probated in another jurisdiction is attached.

☐ The original of the Will is lost, destroyed, or otherwise unavailable, however, a copy or a description of its contents is attached. (for formal proceeding, explain below or attach supplemental pleadings)

2. The execution date of the Will was: JULY 7, 2020

Codicil(s): N/A

3. Is there a memorandum that disposes of tangible personal property pursuant to 62-2-512?

☒ NO ☐ YES If yes, attach hereto.

4. To the best of your knowledge, do you believe the Will listed above is the Decedent's validly executed last Will?

☐ YES ☒ NO If no, please explain on page 3.

5. To the best of your knowledge, is any witness to the will an "interested witness" (i.e., does the will make any devise to a witness, a witness's spouse, or a witness's issue)?

☒ NO ☐ YES If yes, please explain on page 3.

COMPLETE EXPLANATION(S) FOR QUESTIONS IN SECTIONS I and II HERE.
(If more space is required, use additional sheets.)

AS TO SECTION I, ITEM 8, DOROTHY PIERCE OF 750 MOURNING DOVE LANE, SENECA, SC 29678 WAS APPOINTED AS PERSONAL REPRESENTATIVE ON SEPTEMBER 23, 2020.

AS TO SECTION I, ITEM 12, PETITIONER IS UNDER A NO TRESPASS ORDER AND CANNOT ENTER THE DECEDENT'S RESIDENCE TO LOOK FOR A WILL.

AS TO SECTION II, ITEM 4, THE LAST WILL AND TESTAMENT OF DOYLE ELTON PIERCE THAT HAS

BEEN ADMITTED TO PROBATE IS A FORGERY AND WAS NEVER EXECUTED BY THE DECEDENT.

III. IF APPLYING FOR INFORMAL OR FORMAL APPOINTMENT, PLEASE COMPLETE THE FOLLOWING.

1. If the Applicant/Petitioner is not the proposed Personal Representative(s), list name and address of the person you are proposing be appointed as the fiduciary:

2. Priority for appointment of the proposed Personal Representative (whether applicant or nominee) is:

- ☐ named as Primary Personal Representative in Will
- ☐ named as Alternate Personal Representative in Will
- ☐ nominee of Primary Personal Representative in Will
- ☐ nominee of Alternate Personal Representative in Will
- ☐ surviving spouse of Decedent who is devisee of Decedent or nominee of said spouse
- ☐ other devisee of Decedent (describe): _____ or nominee of said devisee
- ☐ surviving spouse of Decedent or nominee of said spouse
- ☒ other heir of Decedent (describe): SON or nominee of said heir
- ☐ creditor (forty-five (45) days after death must have passed) or nominee of creditor; written statement of claim, FORM 371ES, is attached
- ☐ other (describe): _____

3. List below the name(s) of any other person(s), if any, having an equal or higher priority of appointment than the proposed Personal Representative:

DOROTHY PIERCE, GREGORY ALAN PIERCE AND DONNA CAROL MOORE

IV. ALL APPLICANTS/PETITIONERS MUST COMPLETE VERIFICATION.

VERIFICATION

The undersigned, being sworn, states that the facts set forth in the foregoing statement are true to the best of the undersigned's knowledge, information and belief, and hereby submits to the Court's jurisdiction in this matter.

SWORN to before me this 5th day
of November 20 20

Zana R Hicks
Notary Public for South Carolina
My Commission Expires: _____

ZANA R. HICKS
NOTARY PUBLIC
SOUTH CAROLINA
MY COMMISSION EXPIRES 3-26-28

Signature of
Applicant/Petitioner: _____

SWORN to before me this _____ day
of _____ 20 _____

Notary Public for South Carolina
My Commission Expires: _____

Signature of Co-
Applicant/Co-Petitioner: _____

ORDER OF INFORMAL PROBATE

IT IS HEREBY ORDERED that the above application for probate of a Will executed _____ and

☐ Codicil executed _____ and

☐ Memorandum

be informally ☐ GRANTED ☐ DENIED.

Executed this _____ day of _____, 2_____.

_____, Probate Court Judge

☐ For formal probate of Will, see separate order executed _____.

ORDER OF INFORMAL APPOINTMENT

IT IS HEREBY ORDERED that the above Application for Appointment be granted upon the filing of an appropriate bond, if applicable, and upon the signing of the Qualification and Statement of Acceptance of appointment.

Bond

☐ Fiduciary Bond in the amount of \$ _____

☐ Bond not required for Personal Representative nominated by Will

☐ Bond not required as Personal Representative is sole heir or sole devisee

☐ Bond not required as Personal Representative is state agency, bank, or trust company

☐ Bond waivers filed

☐ See order dated _____

☐ Other: _____

Notice to Creditors

☐ Required

☐ Not Required

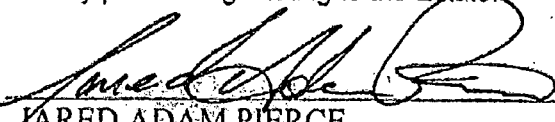
Executed this _____ day of _____, 2_____.

_____, Probate Court Judge

☐ For formal appointment of Personal Representative, see separate order executed _____.

QUALIFICATION AND STATEMENT OF ACCEPTANCE

I accept this appointment and agree to perform the duties and discharge the trust of the office of Personal Representative of this estate. I further submit personally to the jurisdiction of the Court in any proceeding relating to the Estate.

Signature: 
Print Name: JARED ADAM PIERCE
Address: 404 N. CHURCH ST.
WALHALLA, SC 29691
Telephone (Work):
(Home):
(Cell): 864-723-1535
Email:

Signature:
Print Name:
Address:
Telephone (Work):
(Home):
(Cell):
Email:

*Attorney: RICHARD H. MCDUFF
Address: 119-B PROFESSIONAL PARK DR.
SENECA, SC 29678
Telephone: 864-882-2466
Email: RICK@MJMLAWSC.COM

*By completing this information, attorney is designated as attorney of record for assisting Personal Representative until proper withdrawal.

STATE OF SOUTH CAROLINA

COUNTY OF OCONEE

IN THE MATTER OF
DOYLE ELTON PIERCE,
Decedent.

JARED ADAM PIERCE,
Petitioner,

vs.

DOROTHY PIERCE
Respondent.

IN THE PROBATE COURT

CASE #: 2020ES3700532

RESPONDENT'S ANSWER
TO PETITIONER'S PETITION
FOR APPOINTMENT

DOYLE PIERCE
DEC 7 PM 3:00

COMES NOW Respondent, DOROTHY PIERCE (hereinafter "Respondent"), by and through undersigned counsel, in Answer to the above-referenced Petition for Appointment filed by Petitioner on or about November 6, 2020. As to the allegations made by said Petition, Respondent answers as follows:

- 1) Respondent is the surviving spouse of Decedent, DOYLE ELTON PIERCE.
- 2) Respondent was named in a validly signed and witnessed Last Will and Testament, to be the Personal Representative for Decedent's estate.
- 3) Decedent passed away on September 14, 2020.
- 4) Decedent's Last Will and Testament (hereinafter "Last Will") was duly signed and witnessed on or about July 7, 2020, by two disinterested witnesses, TAMMY YOUNGBLOOD of Greenville, SC, and DEANA WALKER, of Greenville, SC, both of whom will testify before this Court as to the validity of the Last Will. (See attached sworn affidavits.)
- 5) Decedent's Last Will revokes all prior Wills and Codicils.
- 6) Decedent's Last Will contains within it a "No Contest" clause (paragraph 25), as allowed by South Carolina law, which clearly states "If any beneficiary under this Will contests in any Court any of the provisions of this will, then each and all such persons shall not be entitled to devise, legacies, bequests, or benefits under this Will or any codicil hereto, and such interest or share in my estate shall be disposed of as if that contesting beneficiary had not survived me."
- 7) Decedent's original Last Will was filed with this Court on Petition for Appointment by Decedent's nominated personal representative, DOROTHY PIERCE, on or about September 23,

2020, at which time she was appointed by this Court to be the Personal Representative of Decedent's estate.

8) Petitioner, JARED ADAM PIERCE, Decedent's son, was put under a No Trespass order by Oconee County Sheriff, on or about #Date, because of substantiated threats of violence and / or severe bodily injury made by Petitioner against Respondent.

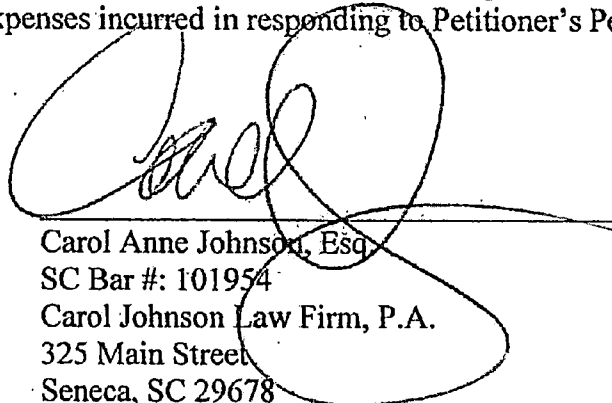
9) On or about December 3, Petitioner, JARED ADAM PIERCE, violated the No Trespass Order by again showing up at the residence of Decedent's wife, DOROTHY PIERCE.

10) Respondent denies all allegations made by Petitioner that Decedent's Last Will is a forgery that was not executed by Decedent. In fact, both witnesses to said Last Will execution have provided sworn affidavits as to the validity of the Last Will and their presence during its execution. Both witnesses have agreed to appear before this Court to provide testimony as to the signing of Decedent's Last Will.

WHEREFORE, Respondent prays for relief from this Court as follows:

- 1) That this Court deny Petitioner's Petition for Appointment as PR for Decedent's estate.
- 2) That this Court hear testimony from the witnesses to Decedent's Last Will, as to its veracity;
- 3) That Respondent be awarded such other relief as this Court deems just and equitable, including but not limited to, the attorney fees and expenses incurred in responding to Petitioner's Petition.

Dated: December 7, 2020



Carol Anne Johnson, Esq.
SC Bar #: 101954
Carol Johnson Law Firm, P.A.
325 Main Street
Seneca, SC 29678
(864) 885-1090 Office
(727) 647-6645 Cell
carol@caroljohnsonlaw.com

Attorney for Respondent

CERTIFICATE OF SERVICE

This is to certify that I, Daniel K. Blaut, paralegal for Carol A. Johnson, Esquire of the law firm Carol Johnson Law Firm, P.A., have on this day caused to be served upon the persons named below Respondent's Answer to Petitioner's Summons and Petition in the foregoing matter by

STATE OF SOUTH CAROLINA

COUNTY OF OCONEE

IN THE MATTER OF:
DOYLE ELTON PIERCE,
Decedent.

IN PROBATE COURT

Affidavit of Interested Party

CASE #: 2020ES3700532

OCCURRING
DEC 7 PM 3:00

PERSONALLY APPEARED BEFORE ME, the under-signed Notary, TAMMY YOUNGBLOOD, who being duly sworn deposes and says:

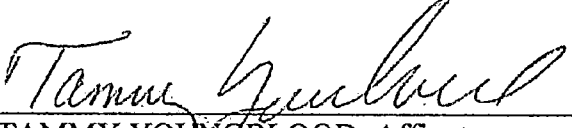
I am Tammy Youngblood, a resident of Greenville, South Carolina, and friend of Decedent, DOYLE ELTON PIERCE, and his spouse, DOROTHY PIERCE.

My Address and phone: 3 Dinwiddle Drive, Greenville, SC 29617 (864) 908-7632

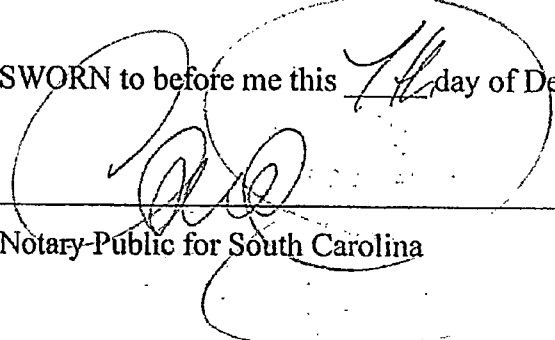
I hereby state under penalty of perjury, that the following events that occurred were personally witnessed by me:

- 1) I have known the Decedent for approximately two years.
- 2) On or about July 7, 2020, Decedent phoned me to ask if I would be a witness to his Last Will and Testament. I agreed to do so.
- 3) On or about 5pm on July 7, 2020, Decedent and his wife, DOROTHY PIERCE, met me and my daughter, DEANA WALKER, in a church parking lot in Six Mile, South Carolina.
- 4) I was personally present on July 7, 2020, to witness the signing of Decedent's Last Will and Testament.
- 5) I personally witnessed Decedent sign his Last Will and Testament.
- 6) I signed the document as a witness to Decedent's signing of the document.
- 7) The person signing the document was known to me to be DOYLE ELTON PIERCE.

FURTHER AFFIANT SAYETH NAUGHT.


TAMMY YOUNGBLOOD, Affiant
3 Dinwiddle Drive, Greenville, SC 29617

SWORN to before me this 14 day of December, 2020


Notary-Public for South Carolina



SCANNED

STATE OF SOUTH CAROLINA

COUNTY OF OCONEE

IN THE MATTER OF:
DOYLE ELTON PIERCE,
Decedent.

IN PROBATE COURT

Affidavit of Interested Party

CASE #: 2020ES3700532

OCCONEE PROBATE
DEC 7 PM 3:00

PERSONALLY APPEARED BEFORE ME, the undersigned Notary, DEANA WALKER, who being duly sworn deposes and says:

I am Deana Walker, a resident of Greenville, South Carolina, and know both Decedent, DOYLE ELTON PIERCE, and his spouse, DOROTHY PIERCE, through my mother.

My Address: 87B Montague Road, Greenville, SC 29617

I hereby state under penalty of perjury, that the following events that occurred were personally witnessed by me:

- 1) On or about July 7, 2020, Tammy Youngblood, my mother, phoned me to ask if I would be a second witness to Decedent's signing of his Last Will and Testament. I agreed to do so.
- 2) On or about 5pm on July 7, 2020, Decedent and his wife, DOROTHY PIERCE, met my mother, TAMMY YOUNGBLOOD, and me in a church parking lot in Six Mile, South Carolina.
- 3) Decedent briefly explained what was in the document he was signing.
- 4) I was personally present on July 7, 2020, to witness Decedent, DOYLE ELTON PIERCE, sign his Last Will and Testament.
- 5) I personally witnessed Decedent sign his Last Will and Testament.
- 6) I signed the document as a witness to Decedent's signing of the document.
- 7) The person signing the document was known to me to be DOYLE ELTON PIERCE.

FURTHER AFFIANT SAYETH NAUGHT.

Deana Walker
DEANA WALKER, Affiant

87B Montague Rd, Greenville, SC 29617

SWORN to before me this 7th day of December, 2020

[Signature]
Notary Public for South Carolina

1



SCANNED

LAST WILL AND TESTAMENT OF DOYLE ELTON PIERCE

I, Doyle Elton Pierce, presently of Seneca, South Carolina, declare that this is my Last Will and Testament.

PRELIMINARY DECLARATIONS

Prior Wills and Codicils

1. I revoke all prior Wills and Codicils.

Marital Status

2. I am married to Dorothy Pierce.

Current Children

3. I have the following living children:

- Jared Adam Pierce;
- Gregory Alan Pierce;
- Donna Carol Moore;

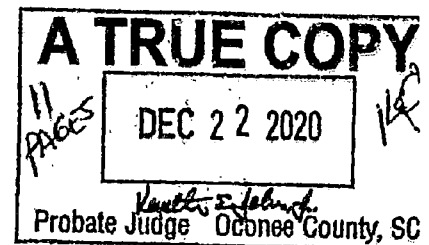
4. I have the following step children who are minors:

- Jethro Judge;
- Princess Jemimah;
- Apollo Abigail.

5. The term 'child' or 'children' as used in this Will includes the above listed children and any children of mine that are subsequently born or legally adopted.

EXECUTOR

Definition



SCANNED

REP

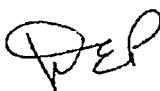
6. The expression 'my Executor' used throughout this Will includes either the singular or plural number, or the masculine or feminine gender as appropriate wherever the fact or context so requires. The term 'executor' in this Will is synonymous with and includes the terms 'personal representative', 'executrix' and 'trustee'.

Appointment

7. I appoint my spouse, Dorothy Pierce, as the sole Executor of this Will.
8. No bond or other security of any kind will be required of any Executor appointed in this Will.

Powers of My Executor

9. I give and appoint to my Executor the following duties and powers with respect to my estate:
- a. To pay my legally enforceable debts, funeral expenses and all expenses in connection with the administration of my estate and the trusts created by my Will as soon as convenient after my death. If any of the real property devised in my Will remains subject to a mortgage at the time of my death, then I direct that the devisee taking that mortgaged property will take the property subject to that mortgage and that the devisee will not be entitled to have the mortgage paid out or resolved from the remaining assets of the residue of my estate;
 - b. To take all legal actions to have the probate of my Will completed as quickly and simply as possible, and as free as possible from any court supervision, under the laws of the State of South Carolina;
 - c. To retain, exchange, insure, repair, improve, sell or dispose of any and all personal property belonging to my estate as my Executor deems advisable without liability for loss or depreciation;
 - d. To invest, manage, lease, rent, exchange, mortgage, sell, dispose of or give options without being limited as to term and to insure, repair, improve, or add to or otherwise deal with any and all real property belonging to my estate as my Executor deems advisable without liability for loss or depreciation;
 - e. To purchase, maintain, convert and liquidate investments or securities, and to vote stock, or exercise any option concerning any investments or securities without liability for loss;



- f. To open or close bank accounts;
 - g. To maintain, continue, dissolve, change or sell any business which is part of my estate, or to purchase any business if deemed necessary or beneficial to my estate by my Executor;
 - h. To maintain, settle, abandon, sue or defend, or otherwise deal with any lawsuits against my estate;
 - i. To employ any lawyer, accountant or other professional; and
 - j. Except as otherwise provided in this Will, to act as my Trustee by holding in trust the share of any minor beneficiary, and to keep such share invested, pay the income or capital or as much of either or both as my Executor considers advisable for the maintenance, education, advancement or benefit of such minor beneficiary and to pay or transfer the capital of such share or the amount remaining of that share to such beneficiary when he or she reaches the age of 21 years or, prior to such beneficiary reaching the age of 21 years, to pay or transfer such share to any parent or guardian of such beneficiary subject to like conditions and the receipt of any such parent or guardian discharges my Executor.
10. The above authority and powers granted to my Executor are in addition to any powers and elective rights conferred by state or federal law or by other provision of this Will and may be exercised as often as required, and without application to or approval by any court.

DISPOSITION OF ESTATE

Specific Bequests

11. To receive a specific bequest under this Will a beneficiary must survive me for thirty (30) days. Any item that fails to pass to a beneficiary will return to my estate to be included in the residue of my estate. All property given under this Will is subject to any encumbrances or liens attached to the property. My specific bequests are as follows:
- a. I leave to Jared Adam Pierce of Westminster, South Carolina, if they shall survive me, for their own use absolutely, the following: The Land on Cider hill Farm and a Mobile Trailer on 708 Mourning dove lane, without contents to be moved out of the current land to the beneficiary's own location;



- b. I leave to Gregory Alan Pierce of Easley, South Carolina, if they shall survive me, for their own use absolutely, the following: 8 Acres of land next to Cider Hill farm and a mobile trailer on 745 Mourning dove lane, without contents to be moved out of the current land to the beneficiary's own location;
- c. I leave to Donna Carol Moore of Liberty, South Carolina, if they shall survive me, for their own use absolutely, the following: \$10,000.00 (Ten Thousand Dollars Only);
- d. I leave to Jethro Judge of Kamdini, Oyam District- Uganda, if they shall survive me, for their own use absolutely, the following: \$5,000.00 (Five Thousand Dollar Only);
- e. I leave to Princess Jemimah of Kamdini, Oyam District- Uganda, if they shall survive me, for their own use absolutely, the following: \$5,000.00 (Five Thousand Dollars Only);
- f. I leave to Apollo Abigail of Kamdini, Oyam District- Uganda, if they shall survive me, for their own use absolutely, the following: \$5,000.00 (Five Thousand Dollars Only);
- g. I leave to Intercontinental Alternative Medicine LLC of Seneca, South Carolina, with the employer identification number: 82-3762191, for their own use absolutely, the following: Properties comprised at 708 and 709 Mourning Dove Lane, Seneca, South Carolina 29678; and
- h. I leave to American Pharma Machinery LLC of Seneca, South Carolina, with the employer identification number: 84-1814745, for their own use absolutely, the following: Property comprised at 745 Mourning Dove Lane and additional 10 Acres of Land surrounding 745 for commercial purposes.
- i. I leave to Joey Pierce of Westminster, South Carolina, if they shall survive me, for their own use absolutely, the following: \$3,000.00 (Three Thousand Dollars Only);

Distribution of Residue

12. To receive any gift or property under this Will a beneficiary must survive me for thirty (30) days. Beneficiaries of my estate residue will receive and share all of my property and assets not specifically bequeathed or otherwise required for the payment of any debts owed, including but not limited to, expenses associated with the probate of my Will, the payment of taxes, funeral expenses or any other expense resulting from the administration of my Will. The entire estate residue is to be divided between my designated beneficiaries with the beneficiaries receiving a



share of the entire estate residue. All property given under this Will is subject to any encumbrances or liens attached to the property.

13. The entire residue of my estate will be transferred to my spouse, if my spouse survives me for thirty (30) full days, for their own use absolutely.
14. If my spouse is not living on the thirtieth day following my death, I direct my Executor to divide the residue of my estate into as many equal shares as there shall be children of mine then alive at my death, subject to the provisions hereinafter specified and to pay and transfer one such share to each of those surviving children. If any child of mine shall die before becoming entitled, in accordance with the terms of this Will, to receive the whole of his or her share of my estate, but such child has a child or children which survive me, that child of mine shall be deemed to have survived me for the purposes of this division and the share of that child of mine or the amount remaining thereof shall be distributed according to the provisions hereinafter provided.
15. If any child of mine shall die before becoming entitled in accordance with the terms of this Will, to receive the whole of his or her share of my estate, I direct that such share or the amount remaining of that share will be divided and transferred in equal shares to each of the surviving children of that deceased child of mine. And if any of such children of my deceased child dies before receiving the whole of his or her share of my estate, that share or the amount remaining thereof will be divided in equal shares amongst the surviving children of that child of mine. But if that deceased child of mine leaves no surviving children, then that share or the amount remaining of that share will be divided amongst my surviving children in equal shares.

Wipeout Provision

16. Should my spouse predecease me, or fail to survive me for thirty (30) full days and should I leave no children, child, grandchildren or grandchild surviving me, or should they all die before becoming entitled to receive the whole of their share of my estate, then I direct my Executor to divide any remaining residue of my estate into one hundred (100) equal shares and to pay and transfer such shares as follows:
 - a. 50 shares to be divided equally between my parents and siblings, or the survivors thereof, for their own use absolutely, if all or any of them is then alive. If any of these beneficiaries shall die before becoming entitled, in accordance with the terms of this Will, to receive the whole of his or her share of my estate, but such beneficiary has a child or children which survive me, that beneficiary shall be deemed to have survived me for the purposes of this distribution. Provided however, that if all of my parents and siblings shall

Def

predecease me and have no children surviving them, or surviving me, die before receiving their share of my estate, I direct that their share of my estate or the amount remaining of that share will be divided equally between my spouse's parents and siblings for their own use absolutely, if all or any of them is then alive; and

- b. 50 shares to be divided equally between my spouse's parents and siblings, or the survivors thereof, for their own use absolutely, if all or any of them is then alive. If any of these beneficiaries shall die before becoming entitled, in accordance with the terms of this Will, to receive the whole of his or her share of my estate, but such beneficiary has a child or children which survive me, that beneficiary shall be deemed to have survived me for the purposes of this distribution. Provided however, that if all of my spouse's parents and siblings shall predecease me and have no children surviving them, or surviving me, die before receiving their share of my estate, I direct that their share of my estate or the amount remaining of that share will be divided equally between my parents and siblings for their own use absolutely, if all or any of them is then alive.

TESTAMENTARY TRUST

Testamentary Trust For Minor Beneficiaries

17. It is my intent to create a testamentary trust (the "Testamentary Trust") for each minor beneficiary named in this Will. I name my Executor(s) as trustee (the "Trustee") of any and all Testamentary Trusts required in this Will. Any assets bequeathed, transferred, or gifted to a minor beneficiary named in this Will are to be held in a separate trust by the Trustee until that minor beneficiary reaches the designated age. Any property left by me to any minor beneficiary in this Will shall be given to my Executor(s) to be managed until that minor beneficiary reaches the age of 21.

Trust Administration

18. The Trustee shall manage the Testamentary Trust as follows:
- a. The assets and property will be managed for the benefit of the minor until the minor reaches the age set by me for final distribution;
 - b. Upon the minor reaching the age set by me for final distribution, all property and assets remaining in the trust will be transferred to the minor beneficiary as quickly as possible; and

PEP

- c. Until the minor beneficiary reaches the age set by me for final distribution, my Trustee will keep the assets of the trust invested and pay the whole or such part of the net income derived therefrom and any amount or amounts out of the capital that my Trustee may deem advisable to or for the support, health, maintenance, education, or benefit of that minor beneficiary.
19. The Trustee may, in the Trustee's discretion, invest and reinvest trust funds in any kind of real or personal property and any kind of investment, provided that the Trustee acts with the care, skill, prudence and diligence, considering all financial and economic considerations, that a prudent person acting in a similar capacity and familiar with such matters would use.
20. No bond or other security of any kind will be required of any Trustee appointed in this Will.

Trust Termination

21. The Testamentary Trust will end after any of the following:
- a. The minor beneficiary reaching the age set by me for final distribution;
 - b. The minor beneficiary dies; or
 - c. The assets of the trust are exhausted through distributions.

General Trust Provisions

22. The expression 'my Trustee' used throughout this Will includes either the singular or plural number, or the masculine or feminine gender as appropriate wherever the fact or context so requires.

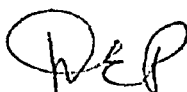
(1) Powers of Trustee

To carry out the terms of my Will, I give my Trustee the following powers to be used in his or her discretion at any time in the management of a trust created hereunder, namely:

- a. The power to make such expenditures as are necessary to carry out the purpose of the trust;
- b. Subject to my express direction to the contrary, the power to sell, call in and convert into money any trust property, including real property, that my Trustee in his or her discretion deems advisable;



- c. Subject to my express direction to the contrary, the power to mortgage trust property where my Trustee considers it advisable to do so;
- d. Subject to my express direction to the contrary, the power to borrow money where my Trustee considers it advisable to do so;
- e. Subject to my express direction to the contrary, the power to lend money to the trust beneficiary if my Trustee considers it is in the best interest of the beneficiary to do so;
- f. To make expenditures for the purpose of repairing, improving and rebuilding any property;
- g. To exercise all rights and options of an owner of any securities held in trust;
- h. To lease trust property, including real estate, without being limited as to term;
- i. To make investments he or she considers advisable, without being limited to those investments authorized by law for trustees;
- j. To receive additional property from any source and in any form of ownership;
- k. Instead of acting personally, to employ and pay any other person or persons, including a body corporate, to transact any business or to do any act of any nature in relation to a trust created under my Will including the receipt and payment of money, without being liable for any loss incurred. And I authorize my Trustee to appoint from time to time upon such terms as he or she may think fit any person or persons, including a body corporate, for the purpose of exercising any powers herein expressly or impliedly given to my Trustee with respect to any property belonging to the trust;
- l. Without the consent of any persons interested in trusts established hereunder, to compromise, settle or waive any claim or claims at any time due to or by the trust in such manner and to such extent as my Trustee considers to be in the best interest of the trust beneficiary, and to make an agreement with any other person, persons or corporation in respect thereof, which shall be binding upon such beneficiary;
- m. To make or not make any election, determination, designation or allocation required or permitted to be made by my Trustee (either alone or jointly with others) under any of the provisions of any local, state, federal, or other taxing statute, in such manner as my



Trustee, in his or her absolute discretion, deems advisable, and each such election, determination, designation or allocation when so made shall be final and binding upon all persons concerned;

- n. To pay himself or herself a reasonable compensation out of the trust assets; and
- o. To employ and rely on the advice given by any attorney, accountant, investment advisor, or other agent to assist the Trustee in the administration of this trust and to compensate them from the trust assets.

The above authority and powers granted to my Trustee are in addition to any powers and elective rights conferred by statute or federal law or by other provision of this Will and may be exercised as often as required, and without application to or approval by any court.

(2) Other Provisions

- a. Subject to the terms of this Will, I direct that my Trustee will not be liable for any loss to my estate or to any beneficiary resulting from the exercise by him or her in good faith of any discretion given him or her in this Will;
- b. Any trust created in this Will shall be administered as independently of court supervision as possible under the laws of the State having jurisdiction over the trust; and
- c. If any trust condition is held invalid, it will not affect other provisions that can be given effect without the invalid provision.

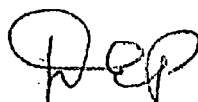
GENERAL PROVISIONS

Individuals Omitted From Bequests

23. If I have omitted to leave property in this Will to one or more of my heirs as named above or have provided them with zero shares of a bequest, the failure to do so is intentional.

Insufficient Estate

24. If the value of my estate is insufficient to fulfill all of the bequests described in this Will then I give my Executor full authority to decrease each bequest by a proportionate amount.



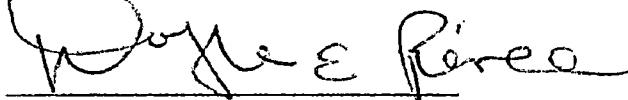
No Contest Provision

25. If any beneficiary under this Will contests in any court any of the provisions of this Will, then each and all such persons shall not be entitled to any devises, legacies, bequests, or benefits under this Will or any codicil hereto, and such interest or share in my estate shall be disposed of as if that contesting beneficiary had not survived me.

Severability

26. If any provisions of this Will are deemed unenforceable, the remaining provisions will remain in full force and effect.

IN WITNESS WHEREOF, I have signed my name on this the 7th day of July, 2020, at Seneca, South Carolina, declaring and publishing this instrument as my Last Will, in the presence of the undersigned witnesses, who witnessed and subscribed this Last Will at my request, and in my presence.

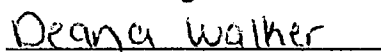


Doyle Elton Pierce (Testator) Signature

SIGNED AND DECLARED by Doyle Elton Pierce on the 7th day of July, 2020 to be the Testator's Last Will, in our presence, at Seneca, South Carolina, who at the Testator's request and in the presence of the Testator and of each other, all being present at the same time, have signed our names as witnesses.



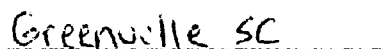
Witness #1 Signature



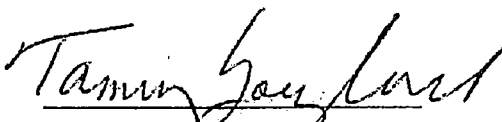
Witness #1 Name (Please Print)



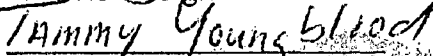
Witness #1 Street Address



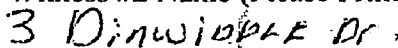
Witness #1 City/State



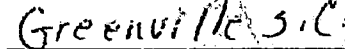
Witness #2 Signature



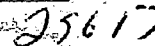
Witness #2 Name (Please Print)



Witness #2 Street Address



Witness #2 City/State



THE STATE OF SOUTH CAROLINA

IN THE PROBATE COURT

THE COUNTY OF OCONEE

2021CP3700560
CASE NO.:2020ES3700532

IN THE MATTER OF:

DOYLE ELTON PIERCE,

DECEASED.

JARED ADAM PIERCE

(Petitioner)

vs.

DOROTHY PIERCE

(Defendant)

AMENDED MOTION FOR NEW
TRIAL; & MEMORANDUM OF
LAW IN SUPPORT OF AMENDED
MOTION FOR NEW TRIAL

OCONEE PROBATE COURT
21 SEP 3 48:37:10

COMES NOW, Defendant Dorothy Pierce (hereinafter "Defendant") and respectfully files this **Amended Motion for New Trial; & Memorandum of Law In Support Of Amended Motion For New Trial** herein and in support thereof would show unto the Court that the Defendant is entitled to a New Trial.

This motion, made pursuant to Rule 59 of the South Carolina Rules of Civil Procedure, will be based on the accompanying Memorandum of Points and Authorities, the attached Affidavit in Support, and any exhibits thereof, and on such oral and documentary evidence as may be presented at the hearing of the motion scheduled for October 1st, 2021, at 10:00am.



**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
AMENDED MOTION FOR A NEW TRIAL**

INTRODUCTION

This case concerns the validity of a will made by the Deceased, Doyle Elton Pierce. Accordingly, on August 18, 2021, a judgment in favor of the Plaintiff entitled "ORDER ON MOTION TO DETERMINE VALIDITY OF WILL" was signed by this Court in this case. The Defendant subsequently filed a Motion for a New Trial on August 23, 2021. The Defendant seeks to file the instant Amended Motion for a New Trial in lieu of the already filed Motion for New Trial. The Defendant herein moves this Honorable Court to set aside its judgment dated August 18, 2021, and to grant her a new trial.

FACTUAL BACKGROUND

Towards the end of the year 2017, the Defendant was looking for a house to rent within Upstate, South Carolina. Since the Defendant had a small manufacturing business, she had a second requirement: She wanted a house with a spare storage space for her manufacturing business. Craigslist was the only reliable platform to find houses for rent within the upstate community. She therefore searched several listings on the platform and the Deceased, Doyle Elton Pierce, had listed for rent, a room in his 3-bedroom brick house in a small city of Seneca, Oconee County, SC. After a conversation with the Deceased, he had both a room for rent and approximately 5,000

SF warehouse that the Defendant could lease for her business after cleaning up.

The Defendant met the Deceased in Greenville, SC. and they drove to Seneca to see the house. Upon arriving at the Deceased 's home, the Defendant discovered that the Deceased had the dirtiest and the most disorganized house and compound Defendant had ever set her eyes on her entire life. The Deceased was a Hoarder, he kept piles of everything, from old children's bicycles, rusted household items, immovable economy tractors, to old barns filed with junks, very old and rat-infested motor vehicles, among others. The house looked like it had never been cleaned up for a decade. The Deceased told Defendant that if she wanted to leave, he would understand. On the contrary, Defendant told him that she would still rent the room if the Deceased allowed her to clean up his entire house. He was excited. It took Defendant over fifteen days to clean the house including arranging Defendant's new room.

During the clean-up, the Deceased helped the Defendant whenever he could. There were so many items to move to the dumpster. Sometimes the Deceased was running the skid steer while the Defendant loaded the trash on foot.

Two weeks later, the Deceased told the Defendant that he would have looked a thousand years and never found a woman like her. He asked Defendant to marry him, but he had not asked her out on a date yet. Defendant told him to start from the beginning by asking her out on a date. The two joked and laughed about it.

Subsequently, they went on series of “cleaning dates” and fell head over heels for each other. The Defendant also discovered that the Deceased had earlier posted another ad on craigslist looking for a young woman to bear him children. He was abandoned by his own children and family, he said. The two got married on February 14th, 2018, presided by Honorable Judge, Kenneth E. Johns, Jr. and were inseparable till the passing of the Deceased on September 14th, 2020.

The Defendant wondered why the Deceased wanted a child at the age of 72, but the answer came in handy a few weeks later when the couple decided to visit the Deceased ’s eldest son, Jared Adam Pierce, the plaintiff. It was about 2:45pm in the afternoon when the Deceased knocked at his son’s door. The Plaintiff opened the door slightly and immediately asked his father “What? What do you want? The Deceased turned red and mumbled, “...I came to visit you, are you not going to let me in? “Hell no, go the F..k away.” Replied the Plaintiff. The Deceased left in shame. For a long time, the Deceased never said much about the incident and never wanted to hear about the Plaintiff. It took several months before he would want to talk to his son again.

Accordingly, when the Deceased forgave his son, the Plaintiff asked his father for a piece of land so he and his wife could buy a trailer and move in since they still rented their current house after losing their previous home to the plaintiff’s gambling habits and liabilities. The Deceased, the Plaintiff, Plaintiff’s wife Sandy Phillips Pierce and Defendant went down to Cedar Hill Farm, where the Plaintiff picked the most

expensive and best river front plot of land. He asked Deceased to subdivide the land and make the deed in his name, but the Deceased refused fearing that the plaintiff would sell the land again once the deed was in his name. The Plaintiff could not build a house on his father's land without a deed in his name since he never trusted his father enough. Doyle Elton Pierce willed the land and a trailer to Plaintiff on his last will and testament dated, July 7th, 2020.

The Deceased's second "son", Greg Alan Pierce never talked to his "father" for over 10 years. The Deceased on the other hand, never wanted anything to do with his "son". To Doyle Elton Pierce, his "son", Greg Alan Pierce was Dead. Greg Pierce showed up in April 2020 when the Easter storm hit Seneca and destroyed almost everything the Deceased had worked for his entire life, three months before the Deceased passed away.

Within two weeks of helping with cleanup after the storm, Greg Pierce asked the Deceased for land and a favor to pay for a new trailer since he did not have any credit to buy a trailer or a home. His credit was so bad that he could not get any mortgage or loan. He offered to pay the Deceased cash as his "father" paid the mortgage company. The Deceased and Greg Pierce rode on a 4-Wheeler to Cedar Hill Farm where Greg picked a river front plot of land adjacent to his brother Jared Adam Pierce.

Greg, however, also wanted his “father” to deed him the title to the land, but Doyle Elton Pierce refused claiming Greg Pierce only showed up when he needed something and vanished when he got it or didn’t get his way. Though the Deceased refused to deed his second “son” the land, he allowed him to build on it or use it. He however, refused to secure a mortgage on his “son’s” behalf but gave him an old trailer on 745 Mourning Dove Lane, where Greg’s daughter Samantha Leigh still lives in up to the time of this filing. The Deceased willed the land and the Trailer to his son on his last will and testament dated July 7, 2020.

The Deceased’s daughter, Donna Carol Moore was always “daddy’s baby”. Their relation was thorny though, because of her daughter’s personal choices. The two did not talk to each other for a few years when Donna Moore chose to support her only daughter who is a lesbian, against her father’s counsel. Such act was considered unholy by the Deceased.

The Deceased asked her daughter who is a CNA/Nurse, if he could buy her a house near the estate so she could take care of him since his health was not good, Donna More was NOT INTERESTED in ever living in Seneca again.

The Deceased also felt like Donna Moore had already received her inheritance since he funded the tests conducted by the doctors on her autistic child which according to the Deceased, cost him more than \$25,000.

In his last will and testament, he bequeathed \$10,000.00 to his daughter Donna Carol Moore.

For the last three years of the Deceased's life, the Defendant was both light and hope to him. When everyone abandoned him, the Defendant accepted, respected, and loved him unconditionally irrespective of the fact that the Defendant made more money than the Deceased. The Defendant was the only one available when the Deceased needed someone. When he was sick, Defendant was always by his side. When he needed to go to the hospital for his appointments, it was the Defendant who accompanied him. When his blood sugar dropped in the middle of the night, Defendant was the one that got up and made him something sweet to drink. When his sons humiliated him, it was Defendant who comforted him. When he was lonely, it was Defendant who gave him company. When he was happy, it was Defendant that he shared his joy with. When the Defendant got pregnant with the Deceased's dream child but had a miscarriage at 8 weeks, the Deceased was there for her.

On July 7th, 2020, the Deceased executed the last Will and Testament in compliance with SC Code § 62-2-502 (2017). Notably, the will was in writing and was signed by at least two individuals, each of whom witnessed either the signing or the testator's acknowledgment of the signature or of the will. Three months later, the decedent died at Prisma hospital, Oconee County on September 14th, 2020, at the age

of 74 years, 3 month, & 29 days.

On or about September 23rd, 2020, the Defendant was legally appointment Personal Representative of the Estate of Doyle Elton Pierce. It should be noted that the Deceased depended on the income from Social Security Administration and The VA Pension which stopped as soon as his death was reported. Since the Defendant's appointment as Personal Representative, the Defendant has executed all the tasks of the Estate of Doyle Elton Pierce with own income including but not limited to the following:

- a) Paid and continues to pay all the Estate Taxes, Mortgage, Insurance on four motor vehicles, Legal fees, Utility Bills and many more.
- b) The defendant has also Secured the Estate with surveillance cameras for protection of the property.
- c) Built beautiful monument for the Deceased's Grave

The Plaintiff contested the will and testament of the Deceased dated July 7, 2020, with the Probate Court. He relied on handwriting expert who used signature exhibits as old as 1971-2008, which are all against the basic rules and guidelines of modern document examination that require that the signature samples must be within the proximity of two years.

On or about November 05th, 2020, the Plaintiff's Attorney Rick McDuff

reported an incident case to Oconee County Sheriff Department on the account of counterfeiting/forgery. The sheriff department investigated the Defendant thoroughly and closed the investigation, after finding NO WRONGDOING on the part of the Defendant.

On or about August 2, 2021, the Probate Court ruled to set aside the will.

Up to the time of this filing, loving Doyle Elton Pierce and being the Shoulder, he leaned on, and the reason he smiled during the three years of their lives together, is the main reason the Defendant seeks a New Trial to validate his last Will and Testament dated July 7th, 2020.

ARGUMENTS

1. THE LAST WILL AND TESTAMENT WAS PREPARED AND EXECUTED IN FULL ACCORDANCE WITH SC. Code § 62-2-502.

"A will is an expression of a testator's intent to dispose of the testator's property after death." *In re Estate of Pallister*, 363 S.C. 437, 448, 611 S.E.2d 250, 256 (2005). SC. Code § 62-2-502 provides the requirements for a valid will. Accordingly, a valid will should meet the following requirements:

... every will shall be:

- (1) in writing.
- (2) signed by the testator or signed in the testator's name by some other individual in the testator's presence and by the testator's direction; and
- (3) signed by at least two individuals each of whom witnessed either

the signing or the testator's acknowledgment of the signature or of the will.

Pursuant to SC. Code § 62-2-506(a), a will or any part thereof is revoked: (1) by executing a subsequent will that revokes the previous will or part expressly or by inconsistency; or (2) by being burned, torn, canceled, obliterated, or destroyed, with the intent and for the purpose of revoking it by the testator or by another person in the testator's presence and by the testator's direction.

Besides, revocation by an act or by a subsequent instrument must be accompanied by an intention to revoke, and, without the intention, revocation does not take place. *Johnson v. Brailsford*, 11 S.C.L. 272 (1820) (mutilated will requires evidence that testator intended to destroy it).

In the instant action, the Court significantly erred in invalidating the last will and testament of the Decedent dated July 7th, 2020, even though the Will was executed in compliance with the South Carolina Code Laws. Notably, the said Will was in writing; was duly witnessed by two witnesses; each of the said witnesses appended their signatures thereon; and the Decedent appended his signature and/or initials.

Besides, the petitioner did not provide any verbal or factual evidence to show that the Decedent revoked the will. There is also no evidence that shows that the Decedent had intentions to revoke the will, as required by the law. Accordingly, the Decedent's will was duly executed.

2. DEFENDANT IS ENTITLED TO A NEW TRIAL TO PROVIDE ADDITIONAL TESTIMONY.

According to S.C. R. Civ. P. 59, a Court's previous judgment may be opened to provide additional testimony. S.C. R. Civ. P. 59(a)(2) provides in that regard that:

(a) Grounds. A new trial may be granted to all or any of the parties and on all or part of the issues ... (2) in an action tried without a jury, for any of the reasons for which rehearings have heretofore been granted in the courts of the State. On a motion for a new trial in an action tried without a jury, the court may open the judgment if one has been entered, **take additional testimony, amend findings of fact and conclusions of law, or make new findings and conclusions, and direct the entry of a new judgment.** (Emphasis added).

"Post-trial motions are ... utilized to raise issues that could not have been raised at trial." Jean H. Toal, Amelia W. Walker & Margaret E. Baker, *Appellate Practice in South Carolina* 189 (3d ed. 2016).

The Defendant's expert document examiner, whose report dated, July 29th, 2021, validated that, the Decedent authored the last Will and Testament dated, July 7th, 2020, was not able to attend Court due to insufficient time to prepare. The Defendant's expert witness testimony is crucial in validating the last Will and Testament of the Decedent. Justice will not be properly served unless the expert document examiner of the Defendant testifies in Court.

3. THE PLAINTIFF DID NOT MEET THE BURDEN OF PROOF REQUIRED TO SUCCESSFULLY CHALLENGE A WILL.

According to S.C. Code Ann. § 62-3-407, contestants of a will have the burden of establishing undue influence, fraud, duress, mistake, revocation, or lack of testamentary intent or capacity. *See In re Estate of Cumbee*, 333 S.C. 664, 671, 511 S.E.2d 390, 393 (Ct.App.1999).

The Supreme Court of South Carolina went ahead to state in *Calhoun v. Calhoun*, 277 S.C. 527, 530, 290 S.E.2d 415, 417 (1982) that:

When the formal execution of a will is admitted or proved, a **prima facie case in favor of the will is made out**, and the burden is then on the contestants to prove undue influence, incapacity, or other basis of invalidation. The contestants continue to bear the burden of proof throughout the will contest. (Emphasis added).

The contestants of a will must do so by clear and convincing evidence. *Russell v. Wachovia Bank, N.A.*, 353 S.C. 208, 217, 578 S.E.2d 329, 333 (2003). A will that is prepared and duly executed according to the required procedure must be given due regard as a valid will unless controverted by sufficient evidence. The Court in *Kaufman v. Kaufman*, 49 S.C. 159, 27 S.E. 16, 61 Am. St. Rep. 808; *Mordecai v. Canty*, 86 S.C. [470] 476, 68 S.E. 1049 held in that regard that:

It is true that ordinarily the proof of a paper writing, signed and witnessed according to the statute, and purporting to be a will, entitles it to be regarded as such. And it will be then presumed, as matter of fact, that the testator knew the contents of the paper. The contestant must show the contrary.

In the instant action, the Court erred in admitting the fraudulent third-party signature exhibit dated 2020, presented in court by the petitioner's document examiner, Mr. John Jamieson as evidence. The document was not signed by the Decedent, in addition to that, it bears a wrong name of the Defendant written as, Dorothy Wells Pierce. The Defendant has never at any point in time used both Wells and Pierce at the same time, on the same document. Despite several attempts made by the Defendant to quash it, the court wrongly admitted the evidence that would have made a significant difference to the outcome of the trial. It follows; therefore, the Plaintiff has failed to provide a sufficient burden of proof to challenge the Decedent's will. A new trial should be granted to correct the legal error.

4. FAILURE TO GRANT DEFENDANT SUFFICIENT TIME TO REBUT PLAINTIFF'S EVIDENCE AMOUNTS TO A VIOLATION OF DEFENDANT'S DUE PROCESS RIGHTS.

"Procedural due process requires (1) adequate notice; (2) adequate opportunity for a hearing; (3) the right to introduce evidence; and (4) the right to confront and cross-examine witnesses." *Moore v. Moore*, 376 S.C. 467, 657 S.E.2d 743 (2008). See also *Clear Channel Outdoor v. City of Myrtle Beach*, 372 S.C. 230, 235, 642 S.E.2d 565, 567 (2007).

"In order to prove a denial of substantive due process, a party must show that he was arbitrarily and capriciously deprived of a cognizable property interest footed

in state law." *Sloan v. S.C. Bd. of Physical Therapy Examr'*, 370 S.C. 452, 483, 636 S.E.2d 598, 614 (2006); see *Mathews v. Eldridge*, 424 U.S. 319, 332, 96 S. Ct. 893, 47 L. Ed. 2d 18 (1976) (recognizing that before due process *473 guarantees are implicated, there must be a deprivation by the government of constitutionally protected interest).

"Due process is flexible and calls for such procedural protections as the particular situation demands." *Morrissey v. Brewer*, 408 U.S. 471, 481, 92 S. Ct. 2593, 2600, 33 L. Ed. 2d 484, 494 (1972). The requirements in a particular case depend on the importance of the interest involved and the circumstances under which the deprivation may occur. *S.C. Dept. of Soc. Servs. v. Beeks*, 325 S.C. 243, 246, 481 S.E.2d 703, 705 (1997).

In the instant action, copies of the signature exhibits presented in court by the Petitioner's document examiner, Mr. John Jamieson were not availed to the Defendant in advance to prepare a rebuttal. Such documents could only have been discovered during the hearing. The outcome of the judgment would have been different if the Defendant had the copies of signature exhibits used in the Petitioner's handwriting report prior to the hearing of August 2nd, 2021. The Court's failure to grant Defendant time to rebut the Plaintiff's evidence amounts to a violation of Defendant's due process rights.

5. DEFENDANT IS NOT LIABLE FOR FRAUD AND/OR FORGERY.

"Fraud on the court" . . . requires a showing that one has acted with an intent to deceive or defraud the court." *Chewning v. Ford Motor Co.*, 354 S.C. 72, 78, 579 S.E.2d 605, 608 (2003) (quoting *United States v. Buck*, 281 F.3d 1336, 1342 (10th Cir. 2002)); *id.* at 78-79, 579 S.E.2d at 608-09.

The Court erred in its judgment to find the Defendant guilty of a crime of forgery without factual evidence and due process of the law. The Plaintiff did not present any evidence that showed that the Defendant had intent to deceive or defraud. Besides, the Defendant could possibly have no motive to defraud the Petitioner. Notably, the will gave Defendant the residue of the Estate while the other beneficiaries contesting the will had eight acres of river front land, which is the most expensive part of the Decedent's real estate.

Therefore, the Defendant will face irreparable harm should the lower court presume jurisdiction contrary to the following evidence/facts before Court. The Defendant further points out that:

a) The petitioner's handwriting expert Mr. John Jamieson could not make any conclusions as to whether the signature on the 10th page of last will and testament of Doyle Elton Pierce, dated July 7th, 2020, was that of the Defendant.

b) On November 5th, 2020, the Petitioner's Attorney Rick McDuff reported an incident case to Oconee County Sheriff Department on the account of

counterfeiting/forgery. The sheriff department investigated the Defendant thoroughly and closed the investigation, after finding NO WRONGDOING on the part of the Defendant.

c) Furthermore, on or about January 22nd, 2021, the Plaintiff and his attorney further contacted some customers of the Defendant's company exhorting them to file complaints against the Defendant both in Court and with the police in a bid to make the Petitioner's probate case stronger. Two clients of the Defendant's company filed cases of breach of trust with the sheriff department. After investigations, the Sheriff again closed their cases upon finding NO ILLEGAL BEHAVIOR on the part of the Defendant. A new trial should be granted so that the Defendant can produce additional evidence that could have only been deemed important after the judgment. Justice will be denied if a new trial is not granted to enable the Defendant to clear her name.

(d) On or about April 5th, 2021, The Plaintiff reported the Defendant to the Sheriff Department on the account of Vandalism of the Deceased's Grave. Upon arriving at the site of the incident, the deputy sheriff determined that a crime was not committed and advised the Plaintiff to thank the Defendant for building a beautiful monument for the Deceased.

6. THE COURT ERRED WHEN IT ONLY CONSIDERED

PETITIONER'S EVIDENCE AND TESTIMONIES.

When the formal execution of a will is admitted or proved, a prima facie case in favor of the will is made out, and the burden is then on the contestants to prove undue influence, incapacity, or other basis of invalidation. The contestants continue to bear the burden of proof throughout the will contest. In determining whether the contestants sustained such burden, the evidence must be viewed in the light most favorable to the contestants. *Calhoun v. Calhoun*, 277 S.C. 527, 530, 290 S.E.2d 415, 417 (1982).

"Parties have the ultimate burden of persuasion as to matters with respect to which they have the initial burden of proof. "); *Id.*, 277 S.C. at 530, 290 S.E.2d at 417.

"An abuse of discretion may be found if the conclusions reached by the court are without reasonable factual support." *Runyon v. Wright*, 322 S.C. 15, 19, 471 S.E.2d 160, 162 (1996).

In the instant action, the Court erred in admitting and solely relying on the testimony of the Petitioner's expert witness, Mr. John Jamieson whose report comprised of outdated and forged signature samples and yet, unfairly Impeached Defendant's witnesses.

The Court also unfairly discredited the testimonies of the eyewitnesses on the account that, they could not identify the exact name of the Church where the will was signed. Notably, SC Code § 62-2-502 does not limit the witnesses to specific location

of the signing ceremony, neither does it provide guidance on the same. The witnesses were using GPS to reach the Decedent's house and they are not natives of the local area of Six Miles, SC. hence it's only natural that they would not remember the exact location. Nevertheless, the Defendant seeks a new trial to provide evidence that would have only been deemed important during or after the trial to validate the witness testimonies.

The Court also overruled objections to questions addressed to the Defendant, Dorothy Pierce, which were irrelevant to the matter before court. The Petitioner's attorney continuously directed their questioning placing the Defendant in immoral position and allowing the leading questions to influence the judge. The Defendant was therefore denied a fair and impartial trial.

Further, the Court unfairly impeached the Defendant's witnesses based on body language. The Defendant finds significant inconsistencies with Court's narration on the events that transpired during the Court hearing on August 2nd, 2021. In the absence of a body language expert to confirm the courts findings, a new trial should be granted.

The Court also unfairly rejected the testimony of an eyewitness to the last will and testimony of Doyle Elton Pierce dated, July 7th, 2020, Tammy Youngblood, on the account of prior brain surgery or bad nerve and yet admitted the testimony of the petitioner, Jared Adam Pierce who has had SEVERE BRAIN INJURY and has been on treatment for brain damage and memory loss for years.

Furthermore, the court ignored important facts as per the testimony of the expert witness, Mr. John Jamieson that could not make any conclusions as to whether the initials on pages one through nine of the last will and testament of the Decedent, dated July 7th, 2020, was that of the Deceased or not.

Also, there was irregularity in the court's narration of the Defendant's testimony during the hearing.

Lastly, the Defendant was not informed by the Petitioner in advance that she would testify as a witness during the hearing on August 2, 2021.

Accordingly, the verdict went against the requirements for evidence.

**7. THE COURT FAILED TO PROVIDE GUIDANCE ON THE
PROCEDURE UNDER INTESTACY LAW IN THE EVENT IT FOUND
THE WILL INVALID.**

According to S.C. Code § 62-2-102, one half of the property in the estate is inherited by the surviving spouse. It follows; absent a will, and in the event the Decedent left a spouse, the spouse is entitled to half of the Decedent's property.

In the instant case, when the Court held in favor of the Petitioner that the Last Will was invalid, the Court ought to have divided the Decedent's estate according to the said law by giving the Defendant half of the property.

**8. DEFENDANT'S COUNSEL IN THE TRIAL CASE FAILED TO DULY
PERFORM HIS DUTIES EFFECTIVELY.**

In order to establish a claim for ineffective assistance of counsel, a Defendant must prove that: counsel's performance was deficient; and the deficient performance prejudiced the applicant's case. *See Edwards v. State*, 392 S.C. 449, 455, 710 S.E.2d 60, 64 (2011).

In the instant action, the Defendant is confident that her Counsel was compromised by the Plaintiff's Counsel because the two attorneys were seen together in a closed-door discussion for several minutes prior to the hearing. According to the Defendant, her Counsel's attitude changed after coming out of that meeting.

The Counsel intentionally and maliciously failed to introduce sufficient evidence in his possession that could corroborate the testimonies of the witnesses. Such documents were crucial in validating the last Will and Testament of the Deceased. Had the Counsel presented all the evidence in his possession, the outcome of the judgement would have been different.

The Defendant's Counsel failed to properly apply the correct strategy to counter the evidence adduced by the Petitioner. He offered no cross examination and left the Defendant vulnerable and defenseless during the hearing.

The Counsel also failed prepare Defendant's witness(es) for hearing. For instance, the Defendant's expert document examiner, whose report validated that the

Decedent authored the last Will and Testament dated, July 7th, 2020, was not able to attend Court due to insufficient time to prepare. The Defendant's attorney was out of town several days prior to the hearing and could not be reached by the Defendant. Several emails sent by the Defendant on days leading to the hearing were not replied by the Counsel. He, therefore, failed to follow-up with the Defendant's expert witness and have him ready to testify during the hearing.

In that regard, the Defendant lost the case due to the attorney's ineptitude and/or failure to perform his duties diligently.

9. THE PETITIONER'S COMMUNICATION WITH THE JUDGE VIOLATED DEFENDANT'S DUE PROCESS RIGHTS.

A fundamental requirement of due process is the opportunity to be heard. *Armstrong v. Manzo*, 380 U.S. 545, 85 S.Ct. 1187, 14 L.Ed.2d 62 (1965). "It is an opportunity which must be granted at a meaningful time and in a meaningful manner." *Id.* at 552, 85 S.Ct. at 1191, 14 L.Ed.2d at 66.

The law considers the partiality of a Judge in a case as a very sensitive matter. It follows; for example, a judge should disqualify himself in a proceeding in which his impartiality might reasonably be questioned, including but not limited to, instances where he has a personal bias or prejudice against a party. *Murphy v. Murphy*, ___ S.C. ___, 461 S.E.2d 39 (1995).

It is the movant's responsibility to provide some evidence of the existence of the judge's impartiality. *Lyvers v. Lyvers*, 280 S.C. 361, 367, 312 S.E.2d 590, 594 (Ct.App.1984) (citation omitted).

In the instant case, Defendant has several Email evidence detailing that the plaintiff's attorney persistently emailed the judge about the forgery case he reported to Oconee Sheriff Department tainting the Defendant's reputation on false allegations and speculations. Even after the Sheriff Department closed the investigations, exonerating the Defendant on several false charges, the Plaintiff did not inform the judge that the cases were closed.

It is also worth noting that in the Emails, the Petitioner/Counsel was tainting Defendant's name by informing the Judge how bad Defendant is. For example, the Petitioner **falsely** stated thus: *"She is having the utilities disconnected ... for nonpayment, and is in default under the payment terms of the lease on that property... We have employee witnesses to testify that she has not paid them wages and are pursuing action with the Department of Labor."*

In another communication the petitioner wrote *"Judge John's, Sheriff Crenshaw has confirmed through the Department of Homeland Security that the PR, Dorothy Pierce, has fled the country and is in Uganda - not in Florida as she apparently told her attorney."*

In a similar Communication the petitioner wrote: *Judge Johns: At the request*

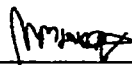
of Sheriff Crenshaw, SLED performed an examination of Mr. Pierce's Last Will and Testament dated July 7, 2020. Upon examination, the SLED Questioned Documents Examiner, Jack Jamieson, determined that signature on the Will is not that of the Decedent. The SLED File Number is L21-897. Sheriff Crenshaw can be contacted to confirm, and Mr. Jamieson's direct phone number is

It is apparent that such communication sought to influence the Judge's decision to rule in favor of the Petitioner, in violation of the Defendant's due process rights. For that reason, the Defendant contends that the contents in the email communications by the petitioner's attorney to the Judge corrupted the Judge's view of the case. Accordingly, Defendant seeks a New Trial for that reason to provide evidence that would clear her name and reputation.

CONCLUSION

Based upon the foregoing arguments, and each of them, it is clear that Justice will not be properly served unless a new trial is granted. Accordingly, the Defendant prays that the Court set aside the judgment signed on August 18th, 2021, and in the interest of justice, grant a new trial.

Respectfully Submitted, This September 8th, 2021.



Dorothy Pierce, Defendant, pro se.

NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS

APPEAL FROM OCONEE COUNTY

The Probate Court
Kenneth E. Johns Jr.-Probate Court Judge

CASE NO.: 2020ES3700532

DOROTHY PIERCE
*Surviving Spouse & Personal Representative
to Doyle Elton Pierce Estate.*
(Appellant)

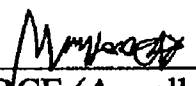
VS.

JARED ADAM PIERCE
(Respondent)

NOTICE OF APPEAL

Dorothy Pierce appeals the order judgment of the Honorable Kenneth E. Johns Jr. dated August 18th, 2021. Appellant received written notice of entry of this order judgment on August 19th, 2021.

Respectfully signed and dated this August 23rd, 2021


DOROTHY PIERCE (Appellant)
Address: 750 Mourning dove lane,
Seneca, SC.29678.

Other Counsel of Record: Attorney for Respondent:
Richard H. McDuff, Esq. Merrell, Jahn & McDuff,
P.A. 119-B Professional Park Drive, Seneca, South Carolina 29678.

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF GeorgeCLERK OF COURT
SCCA S. BURTON
CLERK OF COURT

CIVIL ACTION COVERSHEET

Dorothy Pierce

Appellant Plaintiff(s)

2021 CP 37-560

vs.

Jared Adam Pierce
Respondent
Defendant(s)Submitted By: Dorothy Pierce
Address: 750 mourning dove lane
Summerville SC 29678SC Bar #: _____
Telephone #: 864.324.6315
Fax #: _____
Other: _____
E-mail: dorothy.pierce@qmail.com

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. This form is NOT required to be filed in E-Filed Cases.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☐ JURY TRIAL demanded in complaint. ☒ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Certificate Attached)

NATURE OF ACTION (Check One Box Below)

Contracts ☐ Constructions (100) ☐ Debt Collection (110) ☐ General (130) ☐ Breach of Contract (140) ☐ Fraud/Bad Faith (150) ☐ Failure to Deliver/Warranty (160) ☐ Employment Discrim (170) ☐ Employment (180) ☐ Other (199) _____ Inmate Petitions ☐ PCR (500) ☐ Mandamus (520) ☐ Habeas Corpus (530) ☐ Other (599) _____	Torts - Professional Malpractice ☐ Dental Malpractice (200) ☐ Legal Malpractice (210) ☐ Medical Malpractice (220) Previous Notice of Intent Case # 20 ____ -NI- ____ ☐ Notice/ File Med Mal (230) ☐ Other (299) _____ Administrative Law/Relief ☐ Reinstate Drv. License (800) ☐ Judicial Review (810) ☐ Relief (820) ☐ Permanent Injunction (830) ☐ Forfeiture-Petition (840) ☐ Forfeiture-Consent Order (850) ☐ Other (899) _____	Torts - Personal Injury ☐ Conversion (310) ☐ Motor Vehicle Accident (320) ☐ Premises Liability (330) ☐ Products Liability (340) ☐ Personal Injury (350) ☐ Wrongful Death (360) ☐ Assault/Battery (370) ☐ Slander/Libel (380) ☐ Other (399) _____ Judgments/Settlements ☐ Death Settlement (700) ☐ Foreign Judgment (710) ☐ Magistrate's Judgment (720) ☐ Minor Settlement (730) ☐ Transcript Judgment (740) ☐ Lis Pendens (750) ☐ Transfer of Structured Settlement Payment Rights Application (760) ☐ Confession of Judgment (770) ☐ Petition for Workers Compensation Settlement Approval (780) ☐ Incapacitated Adult Settlement (790) ☐ Other (799) _____	Real Property ☐ Claim & Delivery (400) ☐ Condemnation (410) ☐ Foreclosure (420) ☐ Mechanic's Lien (430) ☐ Partition (440) ☐ Possession (450) ☐ Building Code Violation (460) ☐ Other (499) _____ Appeals ☐ Arbitration (900) ☐ Magistrate-Civil (910) ☐ Magistrate-Criminal (920) ☐ Municipal (930) ☒ Probate Court (940) ☐ SCDOT (950) ☐ Worker's Comp (960) ☐ Zoning Board (970) ☐ Public Service Comm. (990) ☐ Employment Security Comm (991) ☐ Other (999) _____
- Special/Complex /Other**
☐ Environmental (600)
☐ Automobile Arb. (610)
☐ Medical (620)
☐ Other (699) _____
☐ Sexual Predator (510)
☐ Permanent Restraining Order (680)
☐ Interpleader (690)
☐ Pharmaceuticals (630)
☐ Unfair Trade Practices (640)
☐ Out-of State Depositions (650)
☐ Motion to Quash Subpoena in an Out-of-County Action (660)
☐ Pre-Suit Discovery (670)

Submitting Party Signature: _____

Date: 08/23/2021Date: 08/23/2021ENTERED
COMPUTER

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

Effective January 1, 2016, Alternative Dispute Resolution (ADR) is mandatory in all counties, pursuant to Supreme Court Order dated November 12, 2015.

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

Pursuant to the ADR Rules, you are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs.
4. Cases are exempt from ADR under ADR Rule 3(b) upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals;
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. Cases may also be exempt from ADR under ADR Rule 3(c) upon motion to and approval by the court.
6. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
7. Application of a party to be exempt from payment of neutral fees due to indigency should be filed with the Clerk of Court prior to the scheduling of the ADR conference.

**Please Note: You must comply with the Supreme Court Rules regarding ADR.
Failure to do so may affect your case or may result in sanctions.**

APPEAL BRIEF IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS

APPEAL FROM OCONEE COUNTY

The Probate Court

Kenneth E. Johns Jr.-Probate Court Judge (*Suspended*)

CASE NO.:2021CP3700560

DOROTHY PIERCE

*Surviving Spouse & Personal Representative
to Doyle Elton Pierce Estate.
(Appellant)*

VS.

JARED ADAM PIERCE

(Respondent)

APPEAL BRIEF

2021 NOV - 1 A 11:32

FILED OCONEE COUNTY, SC
KELISA G. BRYSON
CLERK OF COURT

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STATEMENT OF ISSUES ON APPEAL

1. DID THE JUDGE FAIL TO CORRECTLY APPLY THE DAUBERT STANDARD FOR EXPERT TESTIMONY?
2. DID THE JUDGE'S CONDUCT AMOUNT TO JUDICIAL MISCONDUCT?
3. DID THE JUDGE'S CONDUCT VIOLATE APPELLANT'S DUE PROCESS RIGHTS?
4. DID THE JUDGE ERR IN FINDING APPELLANT LIABLE FOR FRAUD UPON THE COURT AND UNFAIRLY REMOVED THE APPELLANT AS PERSONAL REPRESENTATIVE?

STATEMENT OF THE CASE

This case concerns the validity of a will made by the Deceased, Doyle Elton Pierce. Accordingly, on August 18, 2021, a judgment in favor of the Respondent entitled "ORDER ON MOTION TO DETERMINE VALIDITY OF WILL" was signed by this Court in this case. The Appellant subsequently filed a Motion for a New Trial on August 23, 2021. Thereafter, Appellant filed an Amended Motion for a New Trial in lieu of the already filed Motion for New Trial.

On or about October 1, 2021, the Court conducted a hearing for Appellant's Motion for New Trial. Consequently, the Court denied the said Motion. It is worth noting that the Judge was so unfair that he did not even respond to any of Appellant's emails asking for a legal explanation to his denial of Appellant's Motion. Besides, the said Judge signed an Order, which the Respondent drafted without Appellant's knowledge. Appellant hereby appeals the said Order.

STANDARD OF REVIEW

The standard of review applicable to cases originating in the probate court is controlled by whether the underlying cause of action is at law or in equity. *Howard v. Mutz*, 315 S.C. 356, 361-62, 434 S.E.2d 254, 257-58 (1993). Appellant states that this is an action at law. *NationsBank of S.C. v. Greenwood*, 321 S.C. 386, 392, 468 S.E.2d 658, 662 (Ct. App. 1996) (holding an action to construe a

will is an action at law). If a proceeding in the probate court is in the nature of an action at law, review by this court extends merely to the correction of legal errors. *Townes Assocs. Ltd. v. City of Greenville*, 266 S.C. 81, 86, 221 S.E.2d 773, 775 (1976), abrogated on other grounds by, *In re Estate of Kay*, 423 S.C. 476, 816 S.E.2d 542 (2018).

Further, the circuit court must hear and determine an appeal from the Probate Court “according to the rules of law.” S.C.Code Ann. § 62-1-308(d) (1987). This phrase means according to the rules governing appeals. *Howard*, 315 S.C. at 360, 434 S.E.2d at 257. On appeal from the final order of the probate court, the circuit court should apply the same standard of review that this court would apply on appeal. *Id.*

FACTS

In November 2017, the Appellant was looking for a house to rent within Upstate South Carolina. Since the Appellant had a small manufacturing business, she had a second requirement: a house with a spare storage space for her manufacturing business. Craigslist was the only reliable platform to find houses for rent within the upstate community. She therefore searched several listings and the Deceased, Doyle Elton Pierce, had listed for rent, a room in his 3-bedroom brick house in a small city of Seneca, Oconee County, SC. After chatting with the Deceased, he had both a room for rent and approximately 5,000 SF warehouse that the Appellant could lease for her business after cleaning it up.

The Appellant met the Deceased in Greenville, SC. and they drove to Seneca to see the house. Upon arriving at the Deceased’s home, the Appellant discovered that the Deceased was a hoarder, his house looked like it had never been cleaned or organized in a decade. The Deceased told Appellant that if she wanted to leave, he would understand. On the contrary, Appellant told him that she would still rent the room if the Deceased allowed her to clean up his entire house. He was excited. It took Appellant more than fifteen days to clean the house. During the clean-up, the Deceased helped the

Appellant whenever he could. There were so many items to move to the dumpster. Sometimes the Deceased was running the skid steer while the Appellant loaded the trash on foot. Two weeks later, the Deceased told the Appellant that he would have looked a thousand years and never found a woman like her. He asked Appellant to marry him, but he had not even asked her out on a date yet. Appellant told him to start from the beginning by asking her out on a date. The two joked and laughed about it. Subsequently, they went on series of "cleaning dates" and fell head over heels for each other. A few weeks later, Appellant also discovered that the Deceased had also earlier posted another ad on craigslist looking for a young woman to bear him children. He was abandoned by his own children and family, he said. The two got married on February 14, 2018.

The Appellant wondered why the Deceased wanted children at the age of 71, but the answer came in handy a few weeks later when the couple decided to visit the Deceased's eldest son, Jared Adam Pierce, the respondent. It was about 2:45pm in the afternoon when the Deceased knocked at his son's door. The Respondent opened the door slightly and immediately asked his father "What? What do you want? The Deceased turned red and mumbled, "...I came to visit you, are you not going to let me in? "Hell no, go the F..k away." Replied the Respondent. The Deceased left in shame. For a long time, the Deceased never said much about the incident and never wanted to hear about the Respondent. It took several months before he would want to talk to his son again. Accordingly, when the Deceased forgave his son, the Respondent asked his father for a piece of land so he and his now separated wife could buy a trailer and move in since they still rented their house after losing their previous home to the Respondent's gambling habits and liabilities. The Deceased, the Respondent, Respondent's wife Sandy Phillips Pierce and Appellant went down to Cedar hill farm, where the Respondent picked the most expensive and best river front plot of land. He asked Deceased to cut the land and make the deed in his name, but the Deceased refused fearing that the Respondent would sell the land again once the deed was in his name. The Respondent could not build a house on his father's land without a deed in

his name since her never trusted his father enough. Doyle Elton Pierce willed the land and a trailer to Respondent on his last will and testament dated, July 7th, 2020.

The Deceased's second "son", Greg Alan Pierce never talked to his "father" for over 10 years. The Deceased on the other hand, never wanted anything to do with his "son". To Doyle Elton Pierce, his "son", Greg Alan Pierce was Dead. Greg Pierce showed up in April 2020 when the Easter storm hit Seneca and destroyed almost everything the Deceased had worked for his entire life, three months before the Deceased passed away. Within two weeks of helping with cleanup after the storm, Greg Pierce asked the Deceased for land and a favor to pay for a new trailer since he did not have any credit to buy one or a home. His credit was so bad that he could not get any mortgage or loan. He offered to pay the Deceased cash as his "father" paid the mortgage company. The Deceased and Greg Pierce rode on a 4-Wheeler to Cedar hill farm where Greg picked a river front plot of land adjacent to his brother Jared Adam Pierce. Greg, however, also wanted his "father" to deed him the title to the land, but Doyle Elton Pierce refused arguing that Greg Pierce only showed up when he needed something and vanished when he got it or didn't get his way. Though the Deceased refused to deed his second "son" the land, he allowed him to build or use it. He however, refused to secure a mortgage on his "son's" behalf but gave him an old trailer on 745 Mourning Dove Lane, where Greg's daughter Samantha Leigh still lives in up to the time of this filing. The Deceased willed the land and the Trailer to Greg Alan Pierce on his last will and testament dated July 7, 2020.

For the last three years of the Deceased's life, the Appellant was both light and hope to him. When everyone abandoned him, the Appellant accepted, respected, and loved him unconditionally irrespective of the fact that Appellant's made more money than her husband. The Appellant was the only one available when the Deceased needed someone. When he was sick, Appellant was always by his side. When he needed to go to the hospital for his appointments, it was Appellant who accompanied him. When his blood sugar dropped in the middle of the night, Appellant was the one that got up and

made him something sweet to drink. When his sons humiliated him, it was Appellant who comforted him. When he was lonely, it was Appellant who gave him company. When he was happy, it was Appellant that he shared his joy with. When the Appellant got pregnant with the Deceased miracle child and had a miscarriage, the Deceased was there for her.

On or about July 7th, 2020, the Deceased executed the last will and testament in compliance with SC Code § 62-2-502 (2017). Notably, the will was in writing and was signed by at least two disinterested individuals, each of whom witnessed either the signing or the testator's acknowledgment of the signature or of the will. Three months later, the decedent died at Prisma hospital, Oconee County on September 14th, 2020, at the age of 74 years, 3 month, & 29 days.

On or about September 23rd, 2020, the Appellant was legally appointment Personal Representative of the Estate of Doyle Elton Pierce.

The Respondent contested the will and testament of the Deceased dated July 7, 2020, with the Probate Court. He relied on expert testimony that is time barred and failed the Daubert test.

On or about November 05th, 2020, the Respondent's Attorney Rick McDuff reported an incident case to Oconee County Sheriff Department on the account of counterfeiting/forgery. The sheriff department investigated the Appellant thoroughly and closed the investigation, after finding NO WRONGDOING on the part of the Appellant.

On or about August 2, 2021, the Probate Court ruled to set aside the will.

ARGUMENTS

I. THE JUDGE FAILED TO CORRECTLY APPLY THE DAUBERT STANDARD FOR EXPERT TESTIMONY.

Under The Daubert Standard for Admissibility of Scientific Evidence. The first decision judges must determine, as gatekeepers of the law, is whether a witness is sufficiently qualified by "knowledge, skill, experience, training, or education" to give expert testimony. Once a judge has decided a witness is qualified to serve as an expert, Daubert requires the judge to make an independent assessment to "ensure that any and all scientific testimony or evidence admitted is not only relevant, but reliable.

The U.S. Supreme Court in *Daubert v. Merrell Dow Pharmaceuticals Inc.*, 509 U.S. 579 (1993) set out the Daubert standard to assess whether an expert witness's scientific testimony is based on scientifically valid reasoning that can properly be applied to the facts at issue. Under the Daubert standard, the factors that may be considered in determining whether the methodology is valid are: (1) whether the theory or technique in question can be verified, refuted, and tested, (2) whether the evidence is valid and reliable, (3) whether it has been subjected to peer review and publication; (4) whether the existence and maintenance of standards controlling its operation are held to standards within the field ; and, (5) whether it has attracted widespread acceptance within a relevant scientific community.

The Federal Rules of Evidence 702 is the crux of Article VII, as it guides the court's analysis in determining admissibility of expert testimony. Rule 702 of the Federal Rules of Evidence makes no distinction between "scientific knowledge" and "technical knowledge" or "other specialized knowledge." Under Federal Rule 702, persons that are qualified as experts based on knowledge, skill, experience, training, or education are permitted to offer expert opinion testimony if the following conditions have been met:

1. The expert's scientific, technical, or other specialized knowledge will help the trier of

fact to understand the evidence or to determine a fact in issue;

2. The testimony is based on sufficient facts or data;
3. The testimony is the product of reliable principles and methods; and
4. The expert has reliably applied the principles and methods to the facts of the case

It follows; the federal courts are all governed by the Daubert standard. Besides, the proponent of an expert bears the burden of demonstrating that the expert's testimony would satisfy the Daubert standard. *Lewis v CITGO Petroleum Corp.*, 561 F3d 698 (7th Cir 2009), citing *Bourjally v US*, 483 US 171, 175-76 (1987).

In this instant case, on whether the theory or technique in question can be verified, refuted, and tested. The Answer is NO. The expert evidence is not reliable, verifiable, refutable, or testable. According to the vague report of the Respondent's handwriting expert, both the report and the evidence do not show the type of document purportedly signed by the Deceased, does not show the contents of the document, the actual date it was purportedly signed or the purpose of the documents in question. The purported signature standards cannot be verified or authenticated to have been signed by Doyle Elton Pierce. To be specific, 14 purported signatures copied and pasted on one single piece of paper with an impossible way of tracing or authenticating the documents from which the purported signatures where extracted. It should be noted that 4 of the 14 signatures appear to have been extracted from documents typed by the same person according to Doyle E. Pierce naming and font size.

On whether the evidence is valid and reliable. The answer in NO. Chiefly, the Respondent's handwriting expert used signature exhibits as old as 1971-2008 with one purported signature for 2016, which are all against the basic rules and guidelines of modern document examination that require that the signature samples execution be within the proximity of the execution of questioned document. The expert evidence is not relevant, valid, or reliable. The expert presented the probate court with evidence and testimonies based irrelevant and insignificant signatures samples with notes of dates too old to be

used to compare a person's signature 49 years after. To put this into perspective, the signatures used from as 1971, 1972 1974 ,1975,1979 1991,1992,1994,2004,2008 ,2016, an act considered, foolish, forbidden, and fraudulent in the handwriting examination forensics.

On whether the method corresponds to published peer review, held to standards within the field, or generally accepted in the scientific community. The answer is NO. The evidence relied upon by the Respondent would not gain general acceptance in the relevant scientific community because it was time barred. All published document examiners recommend that the best standards are those that most closely emulate the timeframe, circumstances, materials, and content of the questioned document. Therefore, the collected standards should be executed close in time to the questioned document. This is especially critical in cases involving illness, death, accident, mental imbalance, substance abuse, or anything likely to cause a dramatic change in the subject's handwriting. Investigators **MUST** Find out everything possible about the circumstances under which the questioned document was allegedly prepared. Was the subject lying sick in bed, standing at a counter, holding a clipboard in his or her lap? Try to obtain standards written under similar conditions. In this instant case, the decedent was 74 years old who signed the last will and testament on the Trunk of the car.

Furthermore, it was the courts responsibility to independently consider all the facts presented by the expert, the court ignored important facts as per the testimony of the expert witness, Mr. John Jamieson that could not make any conclusions as to whether the initials on pages one through nine of the last will and testament of the Decedent, dated July 7th, 2020, was that of the Deceased or not.

In the instant action, the Trial Judge erroneously admitted, and relied on fraudulent, irrelevant, insignificant, unreliable, untestable, and unverifiable expert evidence, which failed the Daubert test.

II. THE JUDGE'S CONDUCT AMOUNTED TO JUDICIAL MISCONDUCT

Under S.C. App. Ct. R. 7, a Judge is said to have committed misconduct and is therefore subject to discipline if the Judge: failed to uphold the integrity of the judiciary; fails to participate in establishing, maintaining, and enforcing high standards of conduct, and personally observing those standards; fails to avoid impropriety and the appearance of impropriety; fails to act at all times in a manner that promotes public confidence in the judiciary; allows his relationships with others to influence the judge's judicial conduct or judgment; fails to perform the duties of the judicial office impartially; fails to be dignified and courteous to those with whom the judge deals in an official capacity and requiring similar conduct of persons subject to the judge's discretion and control; and fails to perform his judicial duties without bias or prejudice and by failing to cooperate with other judges and court officials in the administration of court business.

South Carolina case law requires "[a] factual finding of judicial misconduct [to] be supported by clear and convincing evidence." *In re Gravely*, ___ S.C. ___, 467 S.E.2d 924 (1996).

Appellant contends that the Judge's actions as alleged in the "Statement of the Case" section of this Brief, constituted the practice of law, a violation of Code of Judicial Conduct Canon 5 F. The practice of law is not limited to "the conduct of cases in courts" but includes "all action taken for them in matters connected with the law." *In re Duncan*, 83 S.C. 186, 65 S.E. 210 (1909). It is the character of the services rendered, not where they are rendered, which determines whether the acts constitute the practice of law. *State ex rel. Daniel v. Wells*, 191 S.C. 468, 5 S.E. (2d) 181 (1939).

The trial Judge constantly engaged in improper *ex parte* communication with the Respondent. During the probate hearing on August 2nd, 2021, while on recess, the Judge, the Respondent, and the Respondent's counsel had an *ex parte* communication before deciding to bring the Respondent as a witness after the appellant's witnesses made an irrefutable testimony validating

the Will. The Respondent even called the Judge by his first name (Kenneth) while both exited the court room, proof that the judge has personal connection to the Respondent.

Furthermore, several minutes before the Motion for a new trial hearing on October 1st, 2021, The Respondent's attorney, Richard McDuff, the Respondent, Jared Adam Pierce and another lady in their company spent considerable amount of time with the probate Judge in the judge's office before the three exited the office from the back door. The Appellant was not informed of the subject matter of the meeting nor invited to attend the meeting.

The trial Judge Intentionally discriminated against the Appellant based on race, color and national origin. When the Appellant filed a motion for a new trial, neither the judge nor his clerks wanted to set up any date for the hearing of the motion for a new trial. The appellant politely asked the probate court on more than 3 different occasions to set a date, but the judge deliberately refused to set up a date claiming that the probate court did not have jurisdiction to hear the motion, NOT until Judge Sprouse, the presiding judge on the Appellant's appeal hearing advised that the pending motion in the probate court be ruled upon before Court could hear the appeal. Upon such determination, the Respondent informed the probate judge about Judge Sprouse's position, and the probate judge responded in less than two hours with possible dates for the motion hearing.

Additionally, Weeks before the hearing of the appellant's motion for new trial, the appellant asked probate court about PowerPoint presentation system if court had any to aid her presentation during the motion hearing but the judge and his clerks denied they had a PowerPoint presentation system, only to discover at the time of the hearing that the probate court actually had a boardroom with all PowerPoint system in place but they did not think the appellant was white enough to use the court's PowerPoint system. Surprisingly, the judge asked the appellant if she wanted to use PowerPoint at the time of the hearing of the appellant's motion to save face. The appellant had

already printed her presentation on paper and did not prepare a PowerPoint presentation.

The appellant presented 10 grounds in her motion for a new trial but on his ruling, the probate judge ruled on one and completely ignored the other 9 arguments. In his Ruling the judge wrote”;

“After reviewing Rule 59, the case file and the arguments presented, I find the following: Both sides had ample time for discovery, to prepare their arguments, secure witnesses and expert testimony prior to the August 2, 2021 Hearing. A continuance prior to the August 2, 2021 Hearing could have been requested and granted for additional time to prepare.

The Motion for a New Trial/Hearing is denied.

Mr. McDuff, please draft an Order for Ms. Pierce’s review, and then my signature.

Thank you,

Kenneth E. Johns, Jr.”

When the appellant reminded the judge that Rule 59 provides grounds for granting a new trial based on significant error of the law and that Legal error and abuse of discretion were the basis of the appellant’s new trial motion. The appellant, therefore, asked the Judge to provide legal grounds for each of the arguments to preserve the record. The Judge was so unfair that he did not even respond to any of Appellant’s emails asking for a legal explanation to his denial of Appellant’s Motion. Besides, the said Judge signed an Order, which the Respondent drafted without Appellant’s knowledge. Although it is not express sole object of this Appeal to have the Judge disciplined, Appellant avers that the Judge’s misconduct affected the validity of the Order issued by the Judge, which Order was issued without considering Appellant’s case, and without giving any reason of the denial to Appellant.

The Judge had Personal knowledge of the facts of the case and yet failed to recuse himself from the case. According to American Bar Association Rule 2.11: Disqualification. A judge shall disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned, including but not limited to the following circumstances: The judge has a personal bias or prejudice concerning a party or a party’s lawyer, or personal knowledge* of facts that are in dispute in the proceeding.

The law considers the partiality of a Judge in a case as a very sensitive matter. It follows; for example, a judge should disqualify himself in a proceeding in which his impartiality might reasonably be questioned, including but not limited to, instances where he has a personal bias or prejudice against a party. *Murphy v. Murphy*, ___ S.C. ___, 461 S.E.2d 39 (1995).

In the instant case, Defendant has several Email evidence detailing that the plaintiff's attorney persistently emailed the judge about the forgery case he reported to Oconee Sheriff Department tainting the Defendant's reputation on false allegations and speculations. Even after the Sheriff Department closed the investigations, exonerating the Defendant on several false charges, the Plaintiff did not inform the judge that the cases were closed. It is also worth noting that in the Emails, the Petitioner/Counsel was tainting Defendant's name by informing the Judge how bad Defendant is. For example, the Petitioner falsely stated thus:

"She is having the utilities disconnected ... for nonpayment, and is in default under the payment terms of the lease on that property... We have employee witnesses to testify that she has not paid them wages and are pursuing action with the Department of Labor." In another communication the petitioner wrote *"Judge John's, Sheriff Crenshaw has confirmed through the Department of Homeland Security that the PR, Dorothy Pierce, has fled the country and is in Uganda - not in Florida as she apparently told her attorney. In a similar Communication the petitioner wrote: Judge Johns: At the request of Sheriff Crenshaw, SLED performed an examination of Mr. Pierce's Last Will and Testament dated July 7, 2020. Upon examination, the SLED Questioned Documents Examiner, Jack Jamieson, determined that signature on the Will is not that of the Decedent. The SLED File Number is L21-897. Sheriff Crenshaw can be contacted to confirm, and Mr. Jamieson's direct phone number is.*

It is apparent that such communication sought to influence the Judge's decision to rule in favor of the Petitioner, in violation of the Defendant's due process rights. For that reason, the Defendant contends that the contents in the email communications by the petitioner's attorney to the Judge corrupted the Judge's view of the case.

III. THE JUDGE'S CONDUCT VIOLATED APPELLANT'S DUE PROCESS RIGHT

"Procedural due process requires (1) adequate notice; (2) adequate opportunity to be heard; (3) the right to introduce evidence; and (4) the right to confront and cross-examine witnesses." *Moore v. Moore*, 376 S.C. 467, 657 S.E.2d 743 (2008) (Emphasis added). See also *Clear Channel*.

"Procedural due process requires (1) adequate notice; (2) adequate opportunity to be heard; (3) the right to introduce evidence; and (4) the right to confront and cross-examine witnesses." *Moore v. Moore*, 376 S.C. 467, 657 S.E.2d 743 (2008) (Emphasis added). See also *Clear Channel Outdoor v. City of Myrtle Beach*, 372 S.C. 230, 235, 642 S.E.2d 565, 567 (2007). The right to a notice and reasons for the decision is also protected under due process.

"In order to prove a denial of substantive due process, a party must show that he was arbitrarily and capriciously deprived of a cognizable property interest footed in state law." *Sloan v. S.C. Bd. of Physical Therapy Examr's*, 370 S.C. 452, 483, 636 S.E.2d 598, 614 (2006); see *Mathews v. Eldridge*, 424 U.S. 319, 332, 96 S. Ct. 893, 47 L. Ed. 2d 18 (1976) (recognizing that before due process guarantees are implicated, there must be a deprivation by the government of a constitutionally protected interest).

In the instant action, the Judge failed to give reasons for the denial of Appellant's Motion. Appellant is entitled, under the due process rights, to notice and reasons for the decision of the Court. Besides, the Appellant's due process rights guaranteed Appellant's right to a fair and/or impartial hearing; and to have an opportunity to be heard. Therefore, Appellant contends that the Judge ought to have provided Appellant sufficient notice and/or reasons of the Court's decision. Instead, the Judge failed to respond to Appellant's request(s) to provide the said decisions.

The Judge abused his discretion when he impeached Appellant's witnesses by association without any factual grounds. An abuse of discretion is to be found because the conclusions reached by the court were without reasonable factual support." *runyon v. wright*, 322 s.c. 15, 19, 471 s.e.2d 160, 162 (1996). The court's action violated Appellant's due process rights, which guarantee an adequate opportunity to be heard; the right to introduce evidence; and the right to confront and cross-examine witnesses. See *Moore*, 376 S.C. 467, 657 S.E.2d 743 (2008).

Witness impeachment is guided by federal general rules 601, 607, 608, 609 and 613. Rule 601. Competency to Testify in General. Every person is competent to be a witness unless these rules provide otherwise. But in a civil case, state law governs the witness's competency regarding a claim or defense for which state law supplies the rule of decision. Rule 608. Permits impeachment based on A Witness's Character for Truthfulness or Untruthfulness. Rule 609. Impeachment by Evidence of a Criminal Conviction, Rule 613. Permits impeachment of a witness based on Prior inconsistent Statement. In this instant case, the witnesses were not impeached on the stand but on the judgment order. The Respondent did not raise any evidence or issues to impeach the witnesses during the hearing, neither did he suggest the witnesses be impeached for any reasons. The trial Judge however, at his discretion decided to impeach the witnesses on the judgment.

The Court unfairly impeached the appellant's witnesses on the account that, they could not remember the exact name of the Church where the will was signed. Notably, SC Code § 62-2-502 does not limit the witnesses to specific location of the signing ceremony, neither does it provide guidance on the same. The witnesses were using GPS to reach the Decedent's house and they are not natives of the local area of Six Miles, SC. hence it's only natural that they would not remember the exact name of the location. *Commonwealth v. Brusgulis*, 398 Mass. 325, 329 (1986). Neither the inability of a witness to remember specific details of events nor inconsistencies in the testimony render the witness incompetent to testify, so long as the witness demonstrates "the general ability to observe, remember and recount.

The Court also unfairly impeached a witness to the last will and testament of Doyle Elton Pierce dated, July 7th, 2020, Tammy Youngblood, on the account of prior brain surgery or bad nerve. According to a report presented to Court by Tammy Youngblood's Neurologist, Dr. Stephen Gardner, the witness is in sound mind and does not have any mental incompetence.

Further, In the absence of a body language expert, the Court unfairly impeached the Appellant's witnesses based on body language. The Appellant finds significant inconsistencies and lack of credibility in Court's narration on the events that transpired during the Court hearing on August 2nd, 2021.

IV. THE JUDGE ERRED IN FINDING APPELLANT LIABLE FOR FRAUD UPON THE COURT AND UNFAIRLY REMOVED THE APPELLANT AS PERSONAL REPRESENTATIVE.

Fraud on the court" . . . requires a showing that one has acted with an intent to deceive or defraud the court." *Chewning v. Ford Motor Co.*, 354 S.C. 72, 78, 579 S.E.2d 605, 608 (2003) (quoting *United States v. Buck*, 281 F.3d 1336, 1342 (10th Cir. 2002)); *id.* at 78-79, 579 S.E.2d at 608-09.

Appellant contends that the Court erred in its conclusion that the appellant intentionally misrepresented material facts in the proceedings and had knowledge that the last will and testament was forged, leading to her appointment as personal representative. The Respondent did not present any evidence that showed that the Appellant had intent to deceive or defraud. Besides, the Appellant could possibly have no motive to defraud the Respondent. Notably, the will gave Appellant the residue of the Estate while the Respondent has eight acres of river front land, which is the most expensive part of the Decedent's real estate.

The Decedent's last will and testament was duly signed and witnessed by two disinterested witnesses, Tammy Youngblood of Greenville SC. and Deana Walker, both of whom testified under

oath before the probate court to the validity of the last will on August 2nd, 2021. Their testimonies were consistent with prior testimonies in their sworn affidavits dated, September 08th 2020, filed with the Probate Court on December 7th, 2020, and sworn voluntary statement to the deputy sheriff of Oconee County SC. dated February 8th, 2021. Again, On August 2nd, 2021, both witnesses testified under oath to the validity of the last will and testament of the decedent without any contradiction of their previous sworn statement.

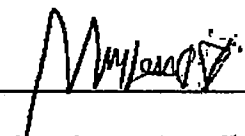
Furthermore, the appellant presented court with text messages corroborating testimonies of the witnesses before the signing event dating between July 6th 2020 to July 7th 2020.

Considering all the above factors and evidence, it's absolutely cruel for the probate Court to taint the reputation of the appellant for having knowledge the will was forged and yet the Will is Valid and Authentic.

CONCLUSION

Based upon the foregoing arguments, and each of them, it is clear that Justice will not be properly served unless the appeal is granted. Accordingly, the Appellant prays that the Court reverses the judgment of the Probate Court; and in the interest of justice, remand the case with further instructions.

Respectfully Submitted,



Dorothy Pierce, Appellant, Pro se

STATE OF SOUTH CAROLINA IN THE PROBATE COURT

COUNTY OF OCONEE

CASE NO. 2020-ES-37-00532

Jared Pierce,

Plaintiff,

vs.

Dorothy Pierce,

Defendant.

CERTIFIED COPY

2021:CP37.560

HEARING BEFORE KENNETH JOHNS, JR.

DATE TAKEN: August 2, 2021

TRANSCRIBED BY: Traci L. Barr

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CLERK OF COURT
COUNTY OF OCONEE
SOUTH CAROLINA

EXPEDITE COURT REPORTING, LLC
Traci L. Barr & Associates
Post Office Box 25882
Greenville, South Carolina 29616
(864) 509-0914
info@expeditereporting.com

1 APPEARANCES:

2

3

RICHARD McDUFF, ESQUIRE

Merrell, Jahn & McDuff

4

119B Professional Park Drive

Seneca, South Carolina 29678

5

Rick@mjmlawsc.com

(864) 882-2466

6

.....On behalf of the Plaintiff

7

8

N. GRUBER SIRES, JR., ESQUIRE

807 Bypass 123, Suite 19

9

Seneca, South Carolina 29678

(864) 882-1277

10

.....On behalf of the Defendant

11

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1 seated?

2 THE COURT: Yes.

3 MR. McDUFF: Thank you.

4 EXAMINATION

5 BY MR. McDUFF:

6 Q. Sir, would you tell the Court your full name for
7 the record?

8 A. My name is John Allan Jamieson. Allan is spelled
9 A-L-L-A-N. Jamieson, J-A-M-I-E-S-O-N.

10 Q. Mr. Jamieson, what do you do for a living?

11 A. I am a questioned document examiner for the SLED,
12 commonly the South Carolina Law Enforcement
13 Division, at their lab in Columbia.

14 Q. All right. How long have you held the position
15 of questioned document examiner for SLED?

16 A. A little over four years. I have -- first joined
17 the field in June of 1981, so I've been doing
18 this for 40 years.

19 Q. All right. Prior to going to work for SLED in
20 Columbia, your testimony was you worked in
21 questioned documents before that?

22 A. Yes, sir.

23 Q. And since 1981, so your 41st year --

24 A. Yes, sir.

25 Q. Where did you work in questioned documents prior

1 to working for SLED?

2 A. I started at the Center of Forensic Sciences in
3 Toronto Ontario, Canada, where I took my
4 training. I was there for approximately eight or
5 nine years.

6 Then I went to the Ontario Lottery Corporation as
7 their in-house questioned document examiner.

8 I then went to Virginia, the Commonwealth of
9 Virginia, the state crime lab there. I was there
10 for about two years.

11 I then transitioned back to Toronto to the Center
12 of Forensic Sciences. And then I went back down
13 to Virginia, and I was there for 14 years, and
14 then they closed the lab there or the document
15 section, and then I went to Columbia.

16 Q. Okay. And you said that has been about four
17 years ago that you joined SLED in Columbia?

18 A. Yes.

19 Q. And how many employees work in questioned
20 documents in the Columbia office?

21 A. Just two.

22 Q. You, and who is the other person?

23 A. Gaile Heath.

24 Q. And do you review one another's work?

25 A. Yes. The lab policies of the quality control of

1 the laboratory, which is nationally accredited,
2 each case done by the examiner is peer reviewed,
3 gone over by the other examiner before the report
4 goes out.

5 Q. All right. And before we kind of march into this
6 in more detail, can you tell the Court what
7 formal education you have?

8 A. I have a Bachelor of Science in biochemistry and
9 chemistry, as well as a certificate in
10 criminology.

11 Q. All right. So how did you get your training in
12 questioned documents?

13 A. Questioned document training is conducted by --
14 under the tutelage of senior examiners. This was
15 done in Toronto, Canada. The training consists
16 of doing readings of journals, periodicals,
17 textbooks. It also involves performing trial or
18 mock cases. It also includes doing cases under
19 the direct supervision of senior document
20 examiners. It also included a mock trial where a
21 case was put together, I examined it, then the
22 senior document examiners examined it, and they
23 had a mock court proceeding where I presented my
24 findings. And it takes about two years.

25 Q. Two years before, for lack of a better analogy,

1 before the training wheels come off, so to speak?

2 A. Yes.

3 Q. I guess you're apprenticing or studying under
4 somebody more experienced?

5 A. Yes, yes. Questioned documents involves not only
6 the examination of handwriting, hand printing,
7 and signatures, but it also includes the
8 examination of mechanical impressions, such
9 things as typewriters, check protectors, computer
10 printers, that sort of thing. Also involves the
11 analysis of inks, pens, papers, and pencils, and
12 also it deals with the examination of
13 alterations, obliterations, and erasures.

14 So I completed my handwriting portion within the
15 first year and was actually testifying then.

16 Q. Now, is -- has handwriting analysis come to be
17 generally accepted in the courts of law of the
18 United States?

19 A. Yes, sir. It's been around -- text was first
20 published around 1910 by Albert S. Osborn, and
21 the Courts have accepted the questioned document
22 examination as a matter of routine for -- well,
23 since then, if not slightly before. It's -- it's
24 prevalent in all states, Canada as well.

25 Q. So you're familiar with the Daubert case and the

1 Frye admissibility cases?

2 A. Yes, sir. And the Jones.

3 Q. Jones case?

4 A. Yes.

5 Q. And the handwriting analysis has been deemed to
6 be admissible under those standards?

7 A. Yes, sir.

8 Q. How many times have you testified in a court of
9 law in your 40 years of experience concerning
10 questioned handwriting on a document?

11 A. Over 250 times.

12 Q. Have you ever had your testimony disqualified?

13 A. No, sir.

14 Q. Have you been accepted as an expert witness in
15 handwriting in each one of those cases?

16 A. Not each of those cases. Some of them involved
17 alterations, obliterations, and erasures, but
18 primarily, I testify on handwriting.

19 Q. That's the majority of your cases?

20 A. Yes, sir.

21 Q. And how many -- let me ask you this. How did you
22 first become involved in this matter involving
23 the Last Will and Testament of Doyle Pierce?

24 A. It was submitted to the laboratory for
25 examination.

1 Q. All right. Do you belong to any professional
2 organizations?

3 A. Yes. I belong to the Midwestern Association of
4 Forensic Scientists, as well as the Southern
5 Association of Forensic Document Examiners.

6 Q. All right. When you testify here, you work for
7 the state law enforcement division. So is that
8 always on behalf of the prosecution, or in your
9 career, has it always been on behalf of the
10 prosecution?

11 A. I have testified for defense in the past, yes,
12 sir.

13 Q. Okay. And what kind of ongoing training do you
14 continue to have in questioned documents and
15 handwriting and things like that?

16 A. There are a lot of seminars out there that are
17 conducted now because of COVID on the web. There
18 is professional meetings that I go to as well,
19 and we have a questioned document web sort of
20 e-mail system set up where papers are circulated,
21 brand new -- you know, brand new research, that
22 sort of thing. In fact, I attended the training
23 about two and a half weeks ago online.

24 Q. Are you required to recertify your training ever
25 so often?

1 A. Yes, sir. Every year we perform a proficiency
2 test. It's a blind test that's given to us, and
3 we have to get the anticipated results of the
4 test. It's administered by our quality control
5 department, so that's a yearly thing.

6 Q. Okay. And you've continued to maintain whatever
7 standards required by SLED to be a questioned
8 documents examiner?

9 A. Yes, sir.

10 Q. Do you use any specialized equipment, electronic
11 equipment or otherwise, in doing your job in
12 analyzing handwriting?

13 A. In looking at handwriting, we basically use a
14 stereoscopic microscope, which is a microscope
15 with two eye pieces, and it gives you a
16 three-dimensional view of the document, as well
17 as various handheld magnifiers and the like, but
18 that's it for equipment for handwriting.

19 Q. How about for analyzing ink? Any other special
20 equipment for that?

21 A. Yes. We have what's called a video spectral
22 comparator, which basically shines light on the
23 document, and because inks react differently
24 under various wavelengths of light, we can
25 visualize that through the video spectral

1 comparator to see if there are differences
2 between the inks. Some inks are transparent.
3 Some inks transmit. Some inks fluoresce in the
4 various wavelengths.

5 MR. McDUFF: At this time, the petitioner would like to
6 tender Mr. Jamieson as an expert witness on
7 handwriting matters.

8 THE COURT: Absolutely.

9 Mr. Sires?

10 Anything further?

11 MR. McDUFF: Nothing on his qualifications.

12 MR. SIRES: Nothing on qualifications. I'm sure he's
13 qualified, Your Honor.

14 EXAMINATION RESUMED

15 BY MR. McDUFF:

16 Q. All right. Mr. Jamieson, how did you first
17 become involved in this matter?

18 A. It was submitted to the SLED lab for examination.

19 Q. And who would have submitted it to the SLED lab?

20 THE WITNESS: Your Honor, may I refer to my notes,
21 please?

22 THE COURT: Absolutely.

23 THE WITNESS: Thank you.

24 It was submitted by Jordei Jameson of the Ocone
25 County Sheriff's Department.

EXAMINATION RESUMED

1
2 BY MR. McDUFF:

3 Q. Okay. And you understand -- is she a detective
4 or a sworn law enforcement officer?

5 A. I believe she's sworn law enforcement.

6 Q. And how did she communicate with you on the first
7 instance?

8 A. It's -- the case was submitted, first of all,
9 electronically prelogged, and then it was dropped
10 off into our lockers, and it was then processed
11 by Evidence Receiving. I really didn't
12 communicate with her directly. All I get is a
13 submission form, as well as an incident report.

14 Q. All right. And after you received this
15 electronic communication, were you provided any
16 particular documents to review?

17 A. Yes. I received two sets of documents. One was
18 a known samples purportedly from Mr. Pierce, as
19 well as a 10-page last testament and will, which
20 I took as the questioned document.

21 MR. McDUFF: Your Honor, if I may approach.

22 THE COURT: Yes, sir.

23 MR. McDUFF: We'll mark this as Petitioner's Number 1.

24 Mr. Sires, do you have any objection to the
25 introduction of this document?

1 MR. SIRES: No, no.

2 MR. McDUFF: Judge, I'm going to introduce without
3 objection -- thank you, Mr. Sires -- the Last
4 Will and Testament of Doyle Pierce, and you have
5 it in your file.

6 THE COURT: I've got a certified copy. The original
7 went to SLED.

8 MR. McDUFF: They should be somewhere -- I've been told
9 all those originals should be back in your
10 office.

11 THE COURT: It may be at the sheriff's office.

12 MR. McDUFF: All right.

13 (Petitioner's Exhibit Number 1 marked for
14 identification.)

15 EXAMINATION RESUMED

16 BY MR. McDUFF:

17 Q. Mr. Jamieson, did you -- were you given what was
18 -- appeared to be the, quote, unquote, original
19 document of Last Will and Testament of Doyle E.
20 Pierce?

21 A. Yes.

22 Q. What I provided you as a photocopy.

23 A. Yes. I examined the original.

24 Q. And with the actual ink signatures on it?

25 A. Yes, sir.

1 Q. And you said you were also provided known samples
2 of what were purported to be Mr. Pierce's
3 signatures from on other occasions?

4 A. That's correct, sir.

5 Q. And how many known samples were you provided?

6 A. I received 19 known signature samples.

7 Q. Do we know over what dates those ranged?

8 A. There was -- they ranged from 1972 to 2020.

9 Q. Do you know when in 2020? Because the will --
10 this will was purportedly executed on July 7 of
11 2020.

12 MR. McDUFF: What we might have to do is get his entire
13 -- what he's brought with him in his file marked
14 as an exhibit as to what he reviewed?

15 MR. SIRES: Your Honor, I object on the grounds of --
16 when was the last document that you examined
17 executed by Mr. Pierce prior to July 20?

18 MR. McDUFF: How recent a document --

19 THE WITNESS: The document was dated May 18, 2020.

20 MR. SIRES: May 18, so some two months before.

21 THE COURT: Duly noted.

22 MR. SIRES: What was that document?

23 THE WITNESS: It was entitled or in reference to Doyle
24 E. Pierce and Dorothy Wells Pierce, a FEMA
25 disaster number, an authorization that his son,

1 Jared Adam Pierce, may convey any information
2 with respect to the FEMA application number.
3 Errors have occurred due to the inability to hear
4 and/or fully comprehend the context of the
5 questions due to inconsistent cell phone service.
6 Any and all information referenced to the above
7 listed FEMA application, as well as any and all
8 information needed to complete the process, is
9 authorized to be shared and conveyed with or by
10 my designee, Jared Adam Pierce.

11 THE COURT: What is it?

12 MR. McDUFF: We'll take a look and see if we can
13 identify this.

14 THE WITNESS: I can't give it out to you.

15 MR. McDUFF: I'm not going to -- just so we can
16 identify it, it looks like it's authorizing -- it
17 looks like it authorizes Jared Adam Pierce to act
18 on his behalf with regard to a FEMA disaster
19 application. I'm assuming this is post tornado.

20 THE COURT: Tornado, yes.

21 MR. SIRES: May I examine that document, Your Honor?

22 THE COURT: Absolutely.

23 MS. PIERCE: When they brought this document, my
24 husband refused to sign it because we called FEMA
25 and processed his payment. My husband did it

1 himself, so I'm not --

2 MR. SIRES: That will be marked separate, Your Honor.

3 MR. McDUFF: Let me see if I can help with this.

4 THE COURT: Clarify it.

5 MR. McDUFF: What's that?

6 THE COURT: Clarify it.

7 EXAMINATION RESUMED

8 BY MR. McDUFF:

9 Q. Are the 19 documents that you reviewed as
10 exemplars to compare to what's purported to be
11 the Last Will and Testament of Doyle Pierce dated
12 July 7 of 2020, are any of those 19 exemplars --
13 were those notarized documents? Like, deeds or
14 anything else.

15 A. Let me check.

16 Yeah. The document 1, bracket 4, is an electric
17 line right-of-way easement form dated 3rd of
18 March '16, and it's -- there is the known
19 signature of Doyle Pierce, and it was notarized
20 on the 3rd of March '16.

21 Q. 2016?

22 A. 2016.

23 Q. Now, when you compare -- did you compare the
24 signatures on all the exemplars with each other
25 to see if they were consistent?

1 A. Yes. As a matter of my examination course, it's
2 a three-phase examination. The first phase
3 includes the questioned document. I go through
4 it because often there are multiple questioned
5 documents, but in this case there was really only
6 the one, the signature page, and I go through and
7 see if it's original writing, whether or not it's
8 freely and naturally executed, whether it
9 contains identifiable features, and whether those
10 features that are present are suitable for a
11 comparison.

12 I then go through the known in a similar manner
13 to see if they're original, to see if they're
14 freely and naturally executed, to see if they
15 contain identifiable features, whether or not
16 these identifiable features are sufficient on
17 which to base a comparative analysis. I also go
18 through the known to see whether or not they're
19 written all by one person. I also then go
20 through the known to see if they're all
21 comparable to the questioned document.

22 Q. Let me ask you this. Of the 19 comparative
23 documents and the 19 exemplar documents, did you
24 find anything inconsistent about the signatures
25 on any of those 19 documents to lead you to

1 believe it was not the same person?

2 A. No, I didn't. Everybody has a range of variation
3 in their writing, so you never write the same way
4 twice exactly, so they're not superimposable, but
5 it followed a natural range of variation.

6 Q. So in other words, specifically with regard to
7 the utility line right-of-ways, electric line
8 right-of-ways in 2016 where there is a notary
9 signature and the signature of Doyle Pierce,
10 comparing that to the 2020 document, the FEMA
11 document was within the range of variance, did
12 you have any belief that the person who signed
13 those two documents was not one and the same?

14 A. No, sir.

15 Q. Would that hold true for all 19 of those
16 documents?

17 A. Yes. And I do have other documents that are
18 notarized. This one was dated -- is book number
19 2798, page 179. There is a notary signature on
20 it as well.

21 Q. And what was the date of that document? Can you
22 tell?

23 A. It's date-stamped September 16, 2009.

24 Q. And again, is that somebody notarizing what's
25 purported to be the signature of Doyle E. Pierce?

1 A. Yes, sir.

2 Q. And again, is that signature consistent with the
3 2016 and the 2020 documents?

4 A. Yes.

5 Q. Did you find over the course -- you said that the
6 first of the 19 exemplars went back to what,
7 1974?

8 A. Yes, I believe so.

9 Q. And so between 1974 and 2020, was there a lot of
10 variation or change in the handwriting of what
11 was -- appears to be the signature of Doyle E.
12 Pierce?

13 A. No. The signatures were all pretty consistent.

14 Q. Okay. Within the range of what you would expect
15 in terms of variation?

16 A. That's correct.

17 Q. Now, what was -- when you did your analysis of
18 those -- of the questioned will -- the questioned
19 document would be the will, I assume?

20 A. Yes, sir.

21 Q. And so which do you -- in your order of process,
22 what do you examine first? Do you examine the
23 exemplars first and then compare that to the
24 questioned document?

25 A. No. I go through the questioned document first

1 to see if it is suitable for examination.

2 Q. Okay. Did you look at the original questioned
3 document to determine in this case whether it was
4 suitable for examination?

5 A. Yes, sir.

6 Q. Did you determine it was suitable for
7 examination?

8 A. Yes, sir.

9 Q. And --

10 A. And, actually, that's noted on my notes page when
11 I do the handwritten notes for the case. There
12 is a notation that signature on page 10, number 2
13 is fluent and natural and it's suitable.

14 Q. All right. Upon examination -- and let's --
15 we've marked the will as Exhibit Number 1, and
16 you have the original, which is somewhere between
17 here and the sheriff's office and whatnot.
18 When you examined that document, what did you
19 look at? Did you look at the handwriting and the
20 ink?

21 A. When I originally looked at the document, there
22 was two sets of examinations conducted on this.
23 I received known standards from another writer on
24 a second submission. So on the first submission,
25 I focused in on the questioned signature on page

1 10 of the will. I also looked at the initials
2 that were on the preceding pages.

3 Q. When you looked at the original document, the one
4 with the ink on it, did anything -- was anything
5 of interest to you or of note to you when you
6 were looking at the will in terms of the ink or
7 the type of pen that was used?

8 A. Well, on the second set of examinations, I did
9 use the video spectral comparator, and I did
10 notice that the signature on the will of Doyle E.
11 Pierce is obviously different than the DEP
12 initials on each of the proceeding pages. One,
13 the will signature was in blue ink, and the DEP
14 initials were in black ink. Also, I noticed
15 through the video spectral comparator that the
16 DEP initials that were black ink was in a
17 different pen than either of the two witnesses on
18 page 10, and I found that the two witnesses' inks
19 used to write those was by two different pens.

20 Q. So I guess the DEP, did you draw an inference
21 that those were supposed to be the initials of
22 Doyle E. Pierce?

23 A. I assumed so, and I did attempt to compare, but I
24 didn't have sufficient initial samples to perform
25 the proper comparison in the known.

1 Q. To kind of summarize this, you noted that on page
2 10, where it says the signature of Doyle Elton
3 Pierce testator, was in blue ink?

4 A. Yes, sir.

5 Q. And all the initials on the preceding pages, DEP,
6 were all done in a black ink?

7 A. That's correct.

8 MR. SIRES: Did you say -- excuse me. Did you say that
9 the witnesses' signatures were in black ink?

10 MR. McDUFF: The testator. He said -- we haven't
11 gotten there yet.

12 MR. SIRES: Oh, okay.

13 EXAMINATION RESUMED

14 BY MR. McDUFF:

15 Q. All right. So just to clarify, the purported
16 signature on page 10, it says page 10 of 11 of
17 Doyle E. Pierce, was in blue ink, and the
18 initials at the bottom of each page preceding
19 that, where it says DEP, were done in black ink?

20 A. That's correct.

21 Q. Obviously, in a different pen?

22 A. Yes.

23 Q. And your testimony was, the witness signatures,
24 were those done in blue ink or black ink?

25 A. Black.

1 Q. And you concluded that each one of those was done
2 by a different pen?

3 A. That's correct.

4 Q. And it was a different black pen than the pen
5 used to put DEP on the bottom of each page?

6 A. That's correct.

7 Q. And how did you conclude that?

8 A. I examined their spectral properties using the
9 video spectral comparator and found that they
10 were different.

11 Q. Different types of ink and different types of
12 ball points and things on the pen?

13 A. Just different types of ink.

14 Q. Different types of ink.

15 All right. Now, did you -- and so you -- one of
16 the things you were tasked with doing was
17 determining whether the signature of Doyle --
18 purported signature of Doyle E. Pierce on page 10
19 of 11 matched the signatures on the 19 comparator
20 documents, correct?

21 A. That's correct.

22 Q. And did you draw a conclusion in that regard?

23 A. Yes, I did.

24 Q. And what was your conclusion?

25 A. I found that the writer of the known standards

1 purported to be Doyle E. Pierce did not sign or
2 make that Doyle E. Pierce signature on the will.

3 Q. Okay. And before we go into specifics, I think
4 you have some handwriting cards that you have
5 done for analysis and comparison?

6 A. For demonstration.

7 Q. For demonstration. Yes, sir.

8 Let me ask you this. Is your opinion that the
9 signature on page 10 of 11 of the purported will
10 is not that of the signature of those persons on
11 the 19 comparative documents, is that within a
12 reasonable degree of scientific certainty?

13 A. We don't go through a reasonable degree of
14 scientific certainty because there is all kinds
15 of problems with that. It is my opinion, based
16 on my experience and training, that they were by
17 two different writers.

18 Q. And how certain are you of that?

19 A. A hundred percent.

20 Q. Now -- and so if you can show -- I know you did
21 some demonstrative exhibits here.

22 Can you show the Court and take the Court through
23 those, and also so Mr. Sires can see, and show
24 what you created for demonstrative exhibits to
25 compare the known -- the samples versus the

1 handwriting on the will?

2 A. I prepared basically a cut-and-paste little
3 chart. At the top left-hand corner is the
4 signature from the will. The other signatures
5 that appear below it and beside it are the
6 signatures from the 19 known documents. It's
7 basically a little -- on a Post-it board-type
8 thing. I have prepared copies for his honor,
9 yourself, and defense counsel.

10 Q. I think they're copies of the same thing, but you
11 can compare it.

12 A. Yes, they are. Slightly enlarged so you can see
13 them better.

14 MR. McDUFF: Judge, I would like to have this
15 separately marked as Petitioner's Number 2.

16 MR. SIRES: No objection, Your Honor. It is what it
17 is.

18 (Petitioner's Exhibit Number 2 marked for
19 identification.)

20 EXAMINATION RESUMED

21 BY MR. McDUFF:

22 Q. If we can -- just for the record here, if I'm
23 looking at your demonstrative exhibit, the
24 signature at the top left-hand corner would be
25 the questioned signature on the will?

- 1 A. From the will, yes.
- 2 Q. And then the ones below it in the same column are
3 from known sample documents, as are the ones in
4 the right-hand column?
- 5 A. Yes, sir.
- 6 Q. And so did you -- in comparing the signatures on
7 the documents, did you do anything to note what
8 you thought were deviations that caused you to
9 determine that the author of this signature was
10 not the same as the ones on the other 19
11 documents?
- 12 A. Yes, sir.
- 13 Q. Okay. Did you -- do you have anything
14 demonstrative that shows those points of
15 question?
- 16 A. Yes. I've hand written some of the points on my
17 copy of the chart.
- 18 Q. Okay. Do you only have one copy of that?
- 19 A. Yes.
- 20 MR. McDUFF: So if we can get a copy of that, of the
21 one he has where --
- 22 THE COURT: Okay.
- 23 MR. McDUFF: -- and mark the copy of that as Exhibit 3,
24 if that's acceptable to you.
- 25 THE COURT: Sure.

1 MR. McDUFF: Gruber, did you want to take a look at
2 that?

3 MR. SIRES: Yes.

4 Are your handwritten notes somewhere?

5 THE WITNESS: Yes, sir.

6 MR. SIRES: Okay. The only one you really have any
7 question on or writing on is the purported will
8 signing, right?

9 THE WITNESS: That's correct.

10 MR. SIRES: Is that J-O-R-N? What is that?

11 THE WITNESS: No, O-P-E-N.

12 MR. SIRES: Open?

13 THE WITNESS: Open.

14 MR. SIRES: Okay. And some of the others are open as
15 well, aren't they?

16 THE WITNESS: No.

17 MR. SIRES: They're not?

18 THE WITNESS: No, sir.

19 MR. SIRES: It doesn't look like that one?

20 THE WITNESS: Sir, to my eye, it doesn't.

21 MR. SIRES: Everybody's got an opinion. All right.

22 MR. McDUFF: Judge, do you think we can go ahead --
23 could somebody run a copy?

24 THE COURT: Yeah. Let's take five.

25 (Recess taken.)

1 MR. McDUFF: Judge, I'd like this one marked as Exhibit
2 Number 3.

3 THE COURT: Duly noted.

4 All right. Let's continue.

5 (Exhibit Number 3 marked for
6 identification.)

7 EXAMINATION RESUMED

8 BY MR. McDUFF:

9 Q. Mr. Jamieson, before we took our five-minute
10 recess, I was asking you whether or not you made
11 notes comparing the questioned document to the
12 other signatures and noting, if any, any
13 variations or deviations that caused you to
14 conclude that the questioned -- or the signature
15 on the questioned document was not that of the
16 signature on the other 19 documents.

17 A. This is all for demonstration.

18 Q. All for demonstration purposes, correct.

19 All right. So for demonstration purposes, if you
20 can show the Court how the questioned document
21 signature varied in material ways from the
22 signatures on the other 19 documents.

23 A. All right. We'll start with the D; and up by
24 witness, that long loop, there is a hesitation
25 which is unnatural to what the known documents

1 are. Usually, that is one of the hallmarks of
2 people trying to simulate or forge somebody's
3 signature. So in other words, they're trying to
4 make a copy or produce a copy without the real
5 person having written it. That's a difference in
6 line quality, as we call it.

7 We move down to the -- actually, where the D
8 starts, it starts about mid D, goes down, comes
9 back up, and forms kind of a tented shape, and
10 I've got that marked as open. You can see that
11 the Ds in the known documents pretty well all
12 retrace upon each other at the bottom of the D,
13 as opposed to this tented shape. You'll also
14 notice that the bottom loop of the D is much
15 higher than the downstroke forming the tented
16 shape, which is uncharacteristic of what Mr.
17 Pierce does. His usually line up fairly straight
18 across.

19 We have the D and the O being connected, which
20 Mr. Pierce never does in these known documents.
21 We have the fact that the first loop of the Y is
22 not there. Mr. Pierce forms a full Y. This is
23 just basically the second peak of the Y that's
24 there.

25 I'd also like you to draw your attention to the

1 alignment of the signature on the line. That
2 signature in the will is very much higher than
3 the rest of the line of the known document.
4 Mr. Pierce writes on the line or slightly above
5 it, but not this much above it in the questioned
6 document.
7 Another feature we look at is relative heights
8 between letters, and you can see that the second
9 or the Y, if you will, is actually a little
10 taller than the L of Doyle, which is not done in
11 the known documents.
12 We move along to the E. The E in the known
13 documents begins with a hook. This one does not.
14 Also, it's low in height when compared to the
15 rest of the Doyle E. Pierce. That's, again,
16 alignment on a line.
17 Going into the Pierce, we have a connection
18 between the P and the I, which never happens in
19 the known documents. We also have a formation
20 that's kind of a gold wing, if you will, that I'm
21 assuming is the R of Pierce in the questioned
22 document. That's never repeated in the known
23 documents. In fact, it's an opposite movement to
24 what Mr. Pierce normally does.
25 Then ending up, we have the double E of Pierce in

1 the questioned will signature. Mr. Pierce does
2 not do a double E. He always forms a C and the
3 E. and these are significant differences that I
4 found between the questioned document and the
5 known documents.

6 Q. I'm just making some notes here.

7 So based upon this review of this document and
8 the known documents, the comparative documents,
9 were you able to conclude that the -- whoever
10 signed the questioned document, the will, was
11 attempting to sign the signature of Doyle Pierce
12 in a way that was not authentic?

13 A. That leads to motive, and to me, I cannot comment
14 on motive. I would say that the questioned
15 document is a -- appears to be a rough attempt to
16 copy or simulate Mr. Pierce's. We do have some
17 pictorial similarities, but as far as intention
18 and stuff, I can't speak to that.

19 I can say that Mr. Pierce, in my opinion, did not
20 write that signature.

21 THE COURT: For the record, this is Exhibit 1, this
22 document?

23 THE WITNESS: The will, yes.

24 THE COURT: Mr. Sires, any questions?

25 Mr. McDuff?

1 MR. SIRES: Are you through, Mr. McDuff?

2 MR. McDUFF: Let me see here. Let me look at my notes
3 here.

4 EXAMINATION RESUMED

5 BY MR. McDUFF:

6 Q. Have you formed any other opinions with regard to
7 the questioned document?

8 A. In what way?

9 Q. In any other form other than the fact that you
10 believe that the question on page 10 is not that
11 of Doyle E. Pierce?

12 A. I have received subsequent submission for known
13 documents of Dorothy Wells, and I cannot tell
14 whether or not Ms. Wells wrote that signature.

15 Q. And you can't rule it out or rule it in?

16 A. No. Neither nor. I don't know.

17 MR. McDUFF: All right. I don't have any further
18 questions.

19 THE COURT: All right. Mr. Sires?
20 Please answer any questions Mr. Sires might have,
21 please, sir.

22 THE WITNESS: Thank you, Your Honor.

23 EXAMINATION

24 BY MR. SIRES:

25 Q. Would it make any difference as to his signature

1 as to where he signed the document?

2 A. It may make some difference. However --

3 Q. If it was signed on the back of a car, upside,
4 with three other people present, you can't tell
5 that, can you?

6 A. No, I can't.

7 Q. That's right.

8 And have you ever heard of a fellow named Travis
9 King, an expert document examiner?

10 A. No.

11 Q. He's testified in 24 different states, including
12 South Carolina.

13 Never heard of him?

14 A. No, never heard of him.

15 Q. Oh, boy. Okay.

16 The latest document you have was when?

17 MS. PIERCE: 2016.

18 EXAMINATION RESUMED

19 BY MR. SIRES:

20 Q. Five years ago?

21 A. May 2020.

22 Q. You have a May 2020?

23 MR. McDUFF: He testified he's got a May 2020 document.

24 EXAMINATION RESUMED

25 BY MR. SIRES:

1 Q. Okay. What was that document? Do you recall?

2 It wasn't notarized.

3 MR. McDUFF: It was the FEMA document.

4 EXAMINATION RESUMED

5 BY MR. SIRES:

6 Q. It was the FEMA document. And that's the latest
7 one?

8 A. Yes.

9 Q. Now, don't signatures change over time?

10 A. Mr. Pierce's didn't.

11 Q. Didn't change over time?

12 A. Not very much, no.

13 Q. And what about his physical condition, as far as
14 any illness or disease or anything that he may
15 have, that won't have any effect?

16 A. It could, but in this case, according to my known
17 documents, they're all pretty consistent.

18 Q. But if he was sick, getting ready -- he died two
19 months after this, didn't he? Three months
20 after?

21 MR. McDUFF: There is just no foundation for this. I
22 object that he was sick at the time he signed the
23 FEMA document.

24 MR. SIRES: By the same token, Your Honor, I may, by
25 cross-examination, find out how he arrived at

- 1 A. No.
- 2 Q. It's not going to have any effect?
- 3 A. Not if he's walking, no.
- 4 Q. Okay. He's steady on his hand?
- 5 A. Seems to be, yes.
- 6 Q. Let me show you a document. That's the
- 7 cancellation of the lease. This is dated just a
- 8 few days before, the 17th.
- 9 A. Yes, sir.
- 10 Q. Do you question that signature?
- 11 A. I do not perform examinations on the stand, sir.
- 12 Q. Okay.
- 13 A. Period.
- 14 Q. So you can't tell whether or not that's --
- 15 A. No, I cannot.
- 16 MR. McDUFF: I can tell you when that was delivered to
- 17 my office, it didn't have any witness signatures
- 18 on it, Mr. Sires.
- 19 MR. SIRES: That is your signature.
- 20 MR. McDUFF: That is, but when it was delivered to my
- 21 office, it had absolutely no witness signatures
- 22 on it.
- 23 MR. SIRES: That's not your signature?
- 24 MR. McDUFF: Of course that's mine because I witnessed
- 25 on behalf of my client.

1 MR. SIRES: Right, and Mrs. Wells it's got here saying
2 she witnessed as to -- well, she was the tenant.

3 MR. McDUFF: I'm telling you there were no tenant
4 witnesses when it was delivered to my office.

5 MS. PIERCE: He witnessed my signature.

6 MR. SIRES: He was with you?

7 MS. PIERCE: Yes. He witnessed my signature.

8 EXAMINATION RESUMED

9 BY MR. SIRES:

10 Q. So you're telling me that you used magnifying
11 glasses?

12 A. Yes, sir.

13 Q. Vision binocular stereo microscope?

14 A. Stereoscopic microscope.

15 Q. An Alvin satin-glow light pump, are you familiar
16 with that?

17 A. No.

18 Q. Okay. And, of course, protractors, clippers,
19 metric measuring devices, slope protractor,
20 letter frequency plate, handwriting letter
21 slants, and comparison plate you compared, and
22 that's what this document is?

23 A. I don't use any of those protractors and things
24 like that.

25 Q. You don't?

1 A. No.

2 Q. Okay. High-resolution printer, laser printer,
3 digital scanner.

4 You could not tell by the documents furnished to
5 you because they were all copies, I guess?

6 A. No, sir. They were all originals.

7 Q. They were all originals?

8 MR. McDUFF: He has the original will.

9 EXAMINATION RESUMED

10 BY MR. SIRES:

11 Q. So you have the original will?

12 A. That's correct.

13 Q. Could you tell the depth of the writing? Bared
14 down or light?

15 A. I have a note that it's slow and even pressure.

16 Q. Slow and even pressure?

17 A. Yes, sir.

18 Q. Okay. And the witnesses, you said they were in
19 black ink?

20 A. Yes.

21 Q. But it didn't match the black ink of the initials
22 on the other nine pages?

23 A. That is correct.

24 Q. It didn't?

25 A. Did not.

1 Q. So they were at least three pens involved?

2 A. Four, if you count the will signature. The will
3 signature is in blue. The DEP initials are in
4 one pen. One witness is in a different ink than
5 the other witness.

6 Q. So you had four pens?

7 A. Yes, sir.

8 MR. SIRES: Okay. That's all the questions I have at
9 this time, Your Honor.

10 EXAMINATION RESUMED

11 BY MR. McDUFF:

12 Q. Mr. Jamieson, has anything that was asked by you
13 on cross-examination changed any of your opinions
14 here today?

15 A. No, sir.

16 Q. Are you still of the opinion that the signature
17 on the questioned document on page 10 of Exhibit
18 1, the Last Will and Testament of Doyle E.
19 Pierce, is not that of Mr. Pierce?

20 A. That's correct, sir.

21 EXAMINATION RESUMED

22 BY MR. SIRES:

23 Q. But you were not present when these signatures
24 were made, were you?

25 A. That's correct, sir.

1 Q. That's right.

2 MR. SIRES: Thank you.

3 MR. McDUFF: Unless the Court has any questions, I
4 don't have any other questions.

5 THE COURT: Mr. Sires, anything else for Mr. Jamieson?

6 MR. SIRES: No.

7 THE COURT: Thank you, Mr. Jamieson. Thank you so
8 much.

9 THE WITNESS: May I hang out in the body of the court
10 for a few minutes?

11 THE COURT: Absolutely. Absolutely.

12 THE WITNESS: And would you like a copy of the known
13 documents?

14 THE COURT: Yes, please. My clerks, they make copies.

15 THE WITNESS: Thank you. I will do that at the next
16 recess.

17 THE COURT: Thank you.

18 THE WITNESS: Thank you, Your Honor.

19 THE COURT: Mr. McDuff?

20 MR. McDUFF: Yes, sir. At this point, I'd call Dorothy
21 Pierce.

22 THE COURT: Dorothy Pierce.

23 If you will raise your right hand.

24 (DOROTHY PIERCE, being first duly sworn,
25 testified as follows:)

1 THE COURT: Please have a seat and answer any questions
2 Mr. McDuff might have.

3 EXAMINATION

4 BY MR. McDUFF:

5 Q. Ms. Pierce, you were previously married to
6 William Wells, were you not, in Greenville?

7 A. Yes, I was.

8 Q. And he was an older gentleman as well?

9 A. Yeah.

10 Q. And he predeceased you, correct? He died?

11 A. Yeah.

12 Q. All right. Then you married -- met Mr. Pierce
13 and then married him, correct?

14 A. Yes.

15 Q. And you were married to him --

16 A. I didn't marry him. He asked to marry me.

17 Q. And you were married about 18 months before he
18 passed away, weren't you?

19 A. I was married on the -- actually in this court on
20 the 14th of February 2018.

21 Q. 2018?

22 A. So that was a long time.

23 Q. Well, he died when, September of 2020?

24 A. 2020.

25 Q. So that's a year and a half, isn't it?

1 A. Really? I can't tell. More than a year.

2 Q. About a year and a half you were married to him,
3 correct?

4 A. No, three years.

5 Q. You were married in 2018?

6 A. Yeah.

7 Q. And if I take from that point to 2020, that's two
8 years, and then I add -- so it's about two and a
9 half years, then?

10 A. Yes.

11 Q. Okay. Two and a half years.

12 All right. So you have three children in Uganda,
13 do you not, minor children?

14 A. Yes, I do.

15 Q. And fathered by a man in Uganda?

16 A. Yes.

17 Q. And you had a tribal marriage in Uganda, didn't
18 you?

19 A. No, not a tribal marriage.

20 MR. SIRES: Your Honor, I'm going to object to that
21 line of questioning. That has nothing to do with
22 what we're here for today.

23 THE COURT: Duly noted. I'll allow it. I want to hear
24 the story.

25 THE WITNESS: I wasn't married in Uganda.

1 EXAMINATION RESUMED

2 BY MR. McDUFF:

3 Q. And your three children in Uganda are all minors,
4 aren't they?

5 A. Yes, they are minors.

6 Q. Jethro Judge is one of them?

7 A. Uh-huh.

8 Q. That's a yes?

9 A. Yes.

10 Q. Princess Jemimah?

11 A. Yes.

12 Q. Jethro Judge is a male child?

13 A. Yes.

14 Q. Princess Jemimah, I assume, is a female?

15 A. Yes.

16 Q. How about Apollo Abigail, female?

17 A. Female.

18 Q. And what are the ages of those children?

19 A. My son was born in 2006.

20 Q. So Jethro was born in 2006?

21 A. Yes.

22 Q. So he's 15 years of age, give or take?

23 A. About.

24 Q. How about your youngest, is that Apollo?

25 A. My youngest, yes, is Apollo.

1 Q. How old is Apollo?

2 A. 2011.

3 Q. All right. And they're named in the purported
4 Last Will and Testament of Doyle E. Pierce,
5 aren't they?

6 A. Yes, they are.

7 Q. Okay. And he never laid eyes on them, did he?

8 A. He talked to them a lot of times.

9 Q. He never met them in person, though, did he?

10 A. But he was processing to bring them to the US.

11 Q. If you could answer my question...

12 He never met them, did he?

13 A. Meeting on the phone or meeting in person?

14 Q. In person.

15 A. No.

16 Q. He never met them in person?

17 A. No.

18 Q. He never travelled to Uganda with you?

19 A. We were traveling in December, but he passed
20 away.

21 Q. Before he died, he never traveled with you to
22 Uganda, did he?

23 A. No.

24 Q. I'd appreciate if you could listen to my question
25 and wait for me to finish asking it before you

1 answer. All right?

2 A. Okay.

3 Q. Now, this Exhibit 1, this Last Will and Testament
4 of Doyle Elton Pierce, who typed this document
5 up?

6 A. My husband did.

7 Q. So he typed it up?

8 A. Yep.

9 Q. Okay. And he was trained as what in his
10 professional life?

11 A. Well, he was an engineer, but you can ask me
12 that. He was educated.

13 Q. He was educated, wasn't he?

14 A. Yeah, he was.

15 Q. All right. So he wouldn't do things like
16 misspell the names of his property, would he?

17 A. Do you know how many Americans cannot spell
18 things right even if they are educated?

19 Q. I know you want to argue with me, but --

20 A. I'm telling you the truth.

21 Q. If you look at page 3 --

22 A. If my husband could pronounce an egg as a hegg
23 [phonetic], so that means he could make mistake.

24 Q. He was trained as an engineer, correct?

25 A. Yeah, he was.

1 Q. Take a look at Exhibit Number 1. Let's look at
2 page 3 of the will. All right. Look down there
3 where it says disposition of estate, paragraph
4 11.

5 Do you see 11A?

6 A. Uh-huh.

7 Q. That's a yes?

8 A. Yes.

9 Q. All right. It says, under A, I leave to Jared
10 Adam Pierce of Westminster, South Carolina, if
11 they shall survive me.

12 Jared Adam Pierce is not plural, is he? He's a
13 singular person. He doesn't have multiple
14 persons, does he?

15 A. It's not -- I didn't make this document, so you
16 can't ask me details about this document.

17 Q. It also says, for their own use absolutely the
18 following, the land on Cider Hill Farm.

19 That should be Cedar Hill Farm, shouldn't it?

20 A. I didn't make it. That's my husband.

21 Q. I didn't ask you that.

22 I'm asking you, the land is not Cider Hill Farm,
23 it's Cedar Hill Farm, isn't it?

24 A. I can't answer you that. Google makes their own
25 whatever, so I don't know if I can answer you any

1 questions on the documents I didn't make.

2 Q. Now, look on the next page. He left to Greg
3 Pierce, his son, who is seated behind me, eight
4 acres again on Cider Hill Farm, instead of Cedar
5 Hill Farm, correct?

6 MR. SIRES: Your Honor, the document speaks for itself.

7 THE WITNESS: I didn't make this document.

8 THE COURT: I understand. I want to hear the story. I
9 want to hear the story.

10 Duly noted, Mr. Sires. Duly noted.

11 EXAMINATION RESUMED

12 BY MR. McDUFF:

13 Q. Then he left to his daughter, who is also behind
14 us, Donna Carol Moore, 10,000 dollars?

15 A. Yes, according to the will.

16 Q. All right. According to the will.

17 Then he left to your son, Jethro, 5,000 dollars?

18 A. According to the will.

19 Q. Someone he never met personally, he left him
20 5,000 dollars?

21 A. He talked to my son.

22 Q. He never met him personally, though, did he?

23 A. He was processing to bring my children to the
24 United States.

25 Q. I didn't ask you that.

1 I asked you, he met 5,000 dollars to someone he
2 never met in person?

3 MR. SIRES: Your Honor, she's explained that several
4 times.

5 EXAMINATION RESUMED

6 BY MR. McDUFF:

7 Q. Yes or no?

8 A. He left 5,000 dollars to a son he talked to on
9 the phone a lot that he was preparing to bring to
10 the United States?

11 Q. I didn't ask you whether he was preparing to
12 bring him to the United States. I asked you
13 whether he left 5,000 dollars to a child in
14 Uganda that he never met personally?

15 A. He also left eight acres of land to a son he
16 didn't talk to for 15 years.

17 Q. But you understand the property was the family
18 home place, he was leaving that to his heirs
19 because it had been in the family since his great
20 grandfather?

21 A. Really? His heirs were not there at all.

22 Q. I mean, you can go ahead and be argumentative all
23 you want. All I want you to do is answer
24 questions.

25 A. I don't know because you're asking me questions

1 to things I don't know whether my husband --

2 Q. Let me ask you this. According to this, you were
3 the executor and personal representative of the
4 Estate of Doyle Elton Pierce, correct?

5 A. Yes.

6 Q. So being in that position, you have to know what
7 the will says, don't you?

8 A. And that's what I'm telling you because I know
9 the will is clear. It leaves 5,000 dollars to
10 each of my children that my husband talked to
11 frequently.

12 Q. But never met in person, did he?

13 A. Yes, he did not meet them in person, but his own
14 children even, he had not talked to one of his
15 sons for 15 years, but he still left him eight
16 acres of land.

17 Q. But that's his blood kin, isn't it?

18 A. But you know what? On another note, he wasn't
19 going to leave them anything, too.

20 Q. How do you know that if you had nothing to do
21 with preparing the will?

22 A. Because before I met him, he didn't intend to
23 give anything to his children before I met him.

24 Q. Before you met Doyle Pierce over Craigslist?

25 A. It doesn't matter how I met him, but I loved him.

1. he leaves property located at 708 and 709
2. Mourning Dove Lane in Seneca to Intercontinental
3. Alternative Medicine, LLC, of Seneca, South
4. Carolina?

5. A. Yes. That was already done even before. He had
6. already given my company that piece of property.
7. I was the one financing everything about it,
8. including fixing -- when the storm hit it, I was
9. the one that put 15,000 dollars to fix the roof,
10. so that was already actually given to me even
11. before he put it in the will.

12. Q. And then he left, in paragraph H, to American
13. Pharma Machinery, LLC, of Seneca, South Carolina,
14. and it has the employer identification number, 10
15. acres of land at 745 Mourning Dove Lane?

16. A. We were planning to build a factory, a big
17. warehouse on that building.

18. Q. That wasn't my question, what you were planning
19. to do.

20. A. Yes, he did. He left it for commercial use for
21. his own legacy.

22. Q. According to his will, he left it -- rather than
23. to you, he left it to a company?

24. A. Yes, to a company, because we were putting a
25. space -- we were putting a warehouse in there for

1 commercial business, so he just basically put
2 everything in writing.

3 Q. And then under paragraph I -- Joey Pierce is a
4 grandchild, isn't it?

5 A. Yes.

6 Q. So his own grandchild, he leaves his own
7 grandchild 3,000 dollars and leaves that
8 grandchild less than he left any of your three
9 children, correct?

10 A. And did not give any of his other grandchildren a
11 penny.

12 Q. I didn't ask you that.

13 A. I'm telling you that.

14 Q. Doyle Pierce left Joey Pierce 3,000 dollars,
15 which was less than he gave any of your three
16 children he never met?

17 A. I can't tell. It's not in my position to tell.
18 He didn't give any of his other grandchildren
19 anything.

20 Q. I just ask you to answer my question yes or no.
21 Isn't that true?

22 A. Yes, that is true.

23 Q. Okay. So your testimony is that Doyle Elton
24 Pierce, now deceased, prepared this will, and you
25 had nothing to do with it?

1 A. Of course he did. I just helped him print it.

2 Q. Helped him print it?

3 A. Yep.

4 Q. You also helped him print all 11 pages of it?

5 A. I just printed everything he had, and then the

6 11th page, to the best of my knowledge, my

7 husband thought was unnecessary. Nobody told my

8 husband what to do. He said the only page he

9 needed was the 10th page where witnesses had to

10 sign. My husband was independent. He did what

11 he wanted to do. Nobody told him.

12 Q. Now, your testimony is that this is -- on page 10

13 of 11, if you go to page 10 of 11, the middle of

14 the page, it says, Doyle Elton Pierce, open

15 paren, testator's signature.

16 Do you see that there?

17 A. Yes. This one?

18 Q. Yes.

19 Your testimony is that is the signature of your

20 deceased husband?

21 A. That is his signature. I was on the phone when

22 they were signing it, but that is his signature.

23 Q. Who was on the phone?

24 A. I was on the phone.

25 Q. You were on the phone?

1 A. Yeah, when the witnesses signed it.

2 Q. But you were present when the will was being
3 signed?

4 A. Not just there physically, but I was maybe six
5 feet or eight feet apart. I was on the phone.

6 Q. And this happened where? At some church parking
7 lot in Six Mile, South Carolina?

8 A. Yes.

9 Q. What was the name of that church?

10 A. I don't remember.

11 Q. Where in Six Mile was it?

12 A. I don't come from Oconee County, but when the
13 witnesses left Greenville, we give them the
14 address of 708 Mourning Dove Lane, and then
15 because there was an accident on Highway 123, the
16 GPS diverted them to a different route. So they
17 started coming in, and it was already, like, 5 or
18 6 p.m., and my husband just kept on telling them
19 -- when they got lost, they couldn't find the
20 location either, so my husband just told them, do
21 you see anything on the road, stop there, I will
22 find you.

23 Q. I didn't ask you that.
24 What was the name of the church?

25 A. I don't remember.

1 Q. What did it look like?

2 A. Like a church.

3 Q. Describe it.

4 A. The fact that I wasn't even there -- all I know
5 is that the witnesses had come from the other
6 side. We were coming from this side, and then
7 the church was, I think, on the right hand or --
8 I don't remember.

9 Q. You indicated left hand with your left arm, so --
10 is it your other left or your other right?

11 A. I can't tell you what I don't remember properly.
12 All I can tell you, we found them -- my person
13 instructed them to park that he knew. They
14 talked on the phone.

15 Q. Tell us, then, what the church looked like.

16 A. I can't remember a church I looked at only once.

17 Q. Well, it's a pretty important event if your
18 husband is signing his will.

19 MR. SIRE: Your Honor, she's answered the question. I
20 mean, how many times does she have to --

21 THE WITNESS: These people have bullied me from the
22 beginning. They have been bullying me my -- the
23 last one year, so I will be answering it.

24 EXAMINATION RESUMED

25 BY MR. McDUFF:

1 Q. So you can't tell us the address of the church,
2 correct?

3 A. Because my husband was the one that knew and he
4 was the one that was driving. He said stop at a
5 church. He talked to the witnesses, and then the
6 witnesses describe it, and he went right there
7 and said, I know that place, stop there and I
8 will be there, and we drove to that location.

9 Q. All right. So you -- but you can't describe the
10 church either, correct?

11 A. All I know is that it was on the left.

12 Q. On your left or your right?

13 A. The left.

14 Q. I thought you said the right.

15 A. Because we were coming from here, like that, so
16 it was on the left, this side.

17 Q. Where in Six Mile was it?

18 A. I can't tell. I don't even know Six Mile at the
19 moment if you tell me to go back. I have to use
20 a GPS.

21 MR. SIRE: Enough is enough.

22 THE COURT: I get it. So you can't recall where the
23 church is.

24 THE WITNESS: We went to a church.

25 THE COURT: I got it.

EXAMINATION RESUMED

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BY MR. McDUFF:

Q. Now, the -- so what happened to the will -- what pen did he use to sign the will?

A. I didn't sign the will. My husband -- I know my husband had several pens in his truck.

Q. Several pens.

So he decided to use a blue pen to sign it?

A. It's not -- my husband was a man of his own.

Nobody instructed him on anything that he wanted to do. All I know, he had several pens, and he came out with all the pens, and he handed the pens to the witnesses for whatever they were going to use, and for me, I was not signing the will, so I can't explain anything on behalf of my husband.

Q. Do you know why he used a blue pen to sign his name and a black pen to put his initials on the will?

A. He would answer that if he was alive.

Q. What happened -- who took possession of the original will after he signed it?

A. They were his documents.

Q. Who took possession of it?

A. My husband had the will.

- 1 Q. Did he give it to you?
- 2 A. The will was among the documents, important
3 documents, so when he passed away, I looked for
4 the will, and then I handed it off to Probate.
- 5 Q. Where was it kept in the house?
- 6 A. On his desk on the -- he had a desk in his own
7 office, and, therefore, he had all of his
8 important documents in the drawers.
- 9 Q. So your testimony was -- or is that you printed
10 the will off for him off the computer?
- 11 A. Because he didn't know how to print it.
- 12 Q. That's a yes or no?
- 13 A. Yes.
- 14 Q. You printed the will out. And what website did
15 you obtain the will?
- 16 A. I don't know where he did it.
- 17 Q. All right. And was there any fee that had to be
18 paid for the will?
- 19 A. I don't know. My husband did that.
- 20 Q. All right. Now, the will that we have that was
21 submitted by you to Probate has, at the top
22 right-hand corner, last page, page 10 of 11,
23 correct?
- 24 A. Uh-huh.
- 25 Q. There is a page 11 to the will, isn't there?

1 A. Yes, there is page 11, but this seems to be the
2 end of it because this is the signature page.

3 MR. McDUFF: So we're going to mark this as Exhibit
4 Number 4.

5 I think, Mr. Sires, you produced this. I have a
6 copy for you if you want.

7 MR. SIRES: That's fine. Not necessary.

8 MR. McDUFF: All right.

9 (Petitioner's Exhibit Number 4 marked for
10 identification.)

11 EXAMINATION RESUMED

12 BY MR. McDUFF:

13 Q. Ms. Pierce, I'm going to show you Exhibit Number
14 4.

15 A. I know exactly what he said on this.

16 Q. Well, you can't testify to what he said.

17 A. I know, but it was his will. He made it.

18 Q. Let me ask you this. You printed this out, and
19 there were 11 pages when you printed it out,
20 correct?

21 A. I printed everything for him, so I don't know
22 whether it was this or not, but I printed
23 everything for my husband.

24 Q. But when you produced page 11, it was blank,
25 wasn't it? It doesn't have anything on it?

1 A. I don't know if you have to ask me that question
2 or ask my husband.

3 Q. I can't do that. I'm asking you. The document
4 you produced --

5 A. Every document --

6 Q. Listen to my question, please.

7 A. Yes.

8 Q. The request I sent to your counsel, your former
9 counsel, Ms. Johnson, to produce the page 11,
10 this is what you produced, isn't it?

11 A. Yes.

12 Q. And it's blank, isn't it?

13 A. Yep. It wasn't signed because my husband said
14 that that is not important.

15 Q. You can't testify about what he said. All right?

16 A. Yeah.

17 Q. Now, you're currently under a deportation order
18 with --

19 A. No, I am not.

20 Q. You're not, huh?

21 A. No. I am a legal resident of the United States
22 of America.

23 Q. Do you have a card with you?

24 A. Yes, I can produce that.

25 Q. Let me see.

1 A. You just assume things. From the beginning, you
2 are assuming things. Just because I am black, I
3 am a criminal.

4 Q. It has nothing to do with your race, ma'am.

5 A. It's been like that from the beginning. There
6 are some outstanding black people out there.

7 Q. Yes, there are.

8 A. This is my identification, South Carolina
9 driver's license. It's not given to illegal
10 people.

11 Q. Where is your green card? I'm not talking about
12 your driver's license.

13 A. This shows you that I am legal.

14 Q. I'm asking for your immigration status card.

15 A. My green card is going to be in the mail anytime
16 soon, so call Immigration and ask them.

17 Q. So your testimony is there isn't an outstanding
18 order of deportation --

19 A. No. Produce it.

20 Q. -- as a result of a finding --

21 A. Produce it.

22 Q. I'm asking you a question -- as a result of a
23 finding that your marriage to William Wells was a
24 fraudulent marriage?

25 A. It's a lie. Produce that in court, please. You

1 produce evidence. This is what you've been
2 doing, Counsel.

3 Q. I'm asking you a question. I'm asking you a
4 question.

5 A. No, I am not under any deportation. If you have
6 a document, please produce it, but don't accuse
7 me -- you have ruined my image out there based on
8 your assumptions, and this is the same thing
9 you're doing. If you think I am under any
10 deportation, produce it, but I am telling you I
11 am a legal resident, by the way. And let me
12 produce another document. It's very unfair.
13 Well, I didn't think that that question was going
14 to come in, but just to educate him, you are not
15 allowed to get a driver's license if you are
16 illegal or if you are under any deportation in
17 the United States.

18 Q. Let me ask this. Do you go by any other names
19 like Queen Dorothy Amolo?

20 A. Amolo is my mother's name.

21 Q. Well, do you go by any other names?

22 A. I am a queen.

23 Q. In Uganda, do you go by any other names?

24 A. Queen, yes.

25 Q. Queen, yes.

1 Queen what?

2 A. Dorothy.

3 Q. Queen Dorothy.

4 And did you, last fall or last year, run for
5 parliament in Uganda?

6 A. How is that relevant to the will?

7 Q. Yes or no?

8 A. How is that relevant to the will?

9 Q. Yes or no?

10 THE COURT: It's a yes-or-no question, ma'am.

11 THE WITNESS: Yes.

12 EXAMINATION RESUMED:

13 BY MR. McDUFF:

14 Q. All right. While you were there running for
15 parliament, you would go out in public and try to
16 get people to vote for you, correct?

17 A. So let me explain to you ---

18 Q. Yes or no?

19 A. My husband and I, we wanted to go to Uganda, and
20 that was already planned before my husband passed
21 away.

22 Q. So you're saying that Doyle E. Pierce,
23 74-year-old man from Oconee County, wanted to go
24 live in Uganda?

25 A. He was coming with me. He was pretty much pissed

1 off about whatever was going in America. Not to
2 live there, but for you to run to be a member of
3 parliament doesn't mean you live in Uganda.

4 Q. So you ran for Uganda back in the fall -- ran for
5 parliament in Uganda, and you came in second or
6 third?

7 A. Second.

8 Q. Second.

9 And even though you -- it's a violation of Uganda
10 law, punishable by three years in prison, isn't
11 it?

12 A. To do what?

13 Q. To buy votes.

14 A. No, nobody was buying votes.

15 Q. Well, you were handing out cash, wads of cash --

16 A. Let me educate you about Uganda law.

17 MR. SIRES: Your Honor, I object -- hold on a minute,

18 Ms. Pierce.

19 THE COURT: Let's redirect, Mr. McDuff.

20 MR. McDUFF: Under 608 of the Rules of Evidence, 608B

21 I'm asking about --

22 THE WITNESS: Give me evidence of vote buying, not a
23 picture of holding money, because that day I had
24 just arrived in my country.

25 EXAMINATION RESUMED

1 BY MR. McDUFF:

2 Q. You mean that picture with wads of cash in it?

3 A. Yes. Does that show that I brought? No. I had
4 just arrived in my country. Over 20,000 people
5 had come to welcome me. They needed water, so
6 that was something for water. I wasn't
7 campaigning yet.

8 Q. Are those bottles of water in your hand, or is
9 that wads of cash?

10 A. Because you don't give them bottles of water.

11 Q. Let me see. Here, I'll have you --

12 A. You don't even know. It's just an image.

13 MR. SIRES: Your Honor, this is irrelevant.

14 MR. McDUFF: She opened the door to this, Judge.

15 THE WITNESS: No, you are not --

16 MR. SIRES: This is redirect, sir, this is not --

17 THE WITNESS: He's just --

18 THE COURT: I agree, but --

19 THE WITNESS: Just an image, that's your evidence that
20 somebody was buying votes? Really?

21 EXAMINATION RESUMED

22 BY MR. McDUFF:

23 Q. I'm just looking at a picture of you with a
24 microphone in one hand --

25 A. Why don't you travel to Uganda? The picture of

1 the microphone does not --

2 MR. SIRES: I think enough is enough.

3 THE COURT: It's not relevant to --

4 THE WITNESS: It's not relevant.

5 EXAMINATION RESUMED

6 BY MR. McDUFF:

7 Q. Well, it's a crime in Uganda to buy votes, isn't
8 it?

9 A. Is that a crime? Is holding money ever a crime?

10 Q. If you're handing it out to buy votes, it's --

11 A. Yeah, but how do you know it was to buy votes?

12 You were not there.

13 THE COURT: Ms. Pierce, let's move on. Let's move on.

14 Let's move on.

15 THE WITNESS: These people have just --

16 MR. SIRES: They've ruined you. I know.

17 THE COURT: Mr. McDuff, anything else?

18 MR. McDUFF: I don't have anything further, Judge.

19 THE COURT: All right. Mr. Sires?

20 MR. SIRES: Keep your seat, Ms. Pierce. I'll give you
21 a minute.

22 EXAMINATION

23 BY MR. SIRES:

24 Q. Have you been threatened by anyone in this room?

25 A. Oh, those boys, they threatened to kill my black

1 ass and send my body into the bushes and nobody
2 would discover me.

3 Q. When was that?

4 A. That was on the -- my husband died on the 14th.
5 That was on the 15th, and I just called the law.

6 Q. You called the law?

7 A. Yeah.

8 Q. Was there anyone that witnessed this?

9 A. Yeah. That day, Tammy was around.

10 Q. That lady right there was present?

11 A. Yeah, Tammy was present when they came
12 threatening. They even took guns out of the
13 house, my husband's guns, and the police
14 recovered them.

15 Q. Brought them back?

16 A. Yes. And I was again threatened. I went and put
17 beautiful monument of my husband's grave. They
18 called the police on me for vandalizing a grave
19 that I had spent \$3,600 on beautifying putting
20 the monument. Everybody that comes to see me has
21 been accused of trying to steal something. They
22 went -- my own company, my own employees, they
23 told my employees I was under several criminal
24 investigations. My employees took my stuff and
25 they went away with my things, left my keys, and

1 the police -- I walked away with losses over
2 30,000. These people. And I am still standing
3 firm. I am still here going just for loving my
4 husband and for my husband trusting me. I don't
5 get anything from the will. I get the residue.
6 Everybody else is getting their stuff, but I
7 don't get anything, but you know what? I am the
8 bad person. That really hurts. That's -- that
9 --

10 MR. SIRES: All right. Answer any questions the Court
11 might have.

12 THE COURT: I'm good.

13 Mr. McDuff, anything further for the witness?

14 MR. McDUFF: Yes.

15 EXAMINATION RESUMED

16 BY MR. McDUFF:

17 Q. You had a disagreement with the sons because you
18 took Georgia concrete and poured it over his
19 grave, didn't you?

20 A. I am the personal representative of my husband's
21 estate. My husband worked so hard for
22 everything.

23 Q. I didn't ask you --

24 A. He worked so hard. His grave didn't need to be
25 there. Somebody had to beautify it, put a

1. concrete on it.

2 Q. You put tons of concrete over his grave, didn't
3 you?

4 A. Is that a crime? Is it a crime to put a monument
5 on my husband's grave that nobody cared about?

6 Is it a crime? The police came, and you know
7 what they said? There was no crime. They asked
8 Jared to actually appreciate me for beautifying
9 it.

10 MR. McDUFF: I don't have any further questions?

11 THE COURT: Anything else for the witness?

12 MR. SIRES: Come on down, Ms. Pierce.

13 THE COURT: All right. Thank you, Ms. Pierce.

14 Mr. McDuff, any other witnesses?

15 MR. McDUFF: I don't have any other witnesses.

16 THE COURT: Mr. Sires, witnesses?

17 MR. SIRES: Yes, sir.

18 Come on up.

19 THE COURT: Come on up and raise your right hand.

20 (TAMMY GAIL YOUNGBLOOD, being first duly
21 sworn, testified as follows:)

22 THE COURT: Please have a seat and answer any questions
23 Mr. Sires might have.

24 THE WITNESS: Yes, sir.

25 EXAMINATION

1 BY MR. SIRES:

2 Q. Give us your name, please.

3 A. Tammy Gail Youngblood.

4 Q. I'm sorry?

5 A. Tammy Gail Youngblood.

6 Q. Okay. Tammy, I have a document, page 10 of 11,

7 signed by Doyle Pierce and signed by Tammy

8 Youngblood and a Deana Walker.

9 Is that you?

10 A. No. That's my daughter.

11 Q. Right.

12 Tammy Youngblood is you?

13 A. Yes, sir.

14 Q. And you signed this document?

15 A. Yes, sir.

16 Q. How long had you known Mr. Pierce?

17 A. Probably three years, two and a half. As long as
18 he knowed Dorothy.

19 Q. Okay. And had you met with him previous to this?

20 A. Yes. He had been to my house several times.

21 Q. He had been to your house?

22 A. I have a picture of him at my house.

23 Q. Okay. And y'all got along well, then?

24 A. Oh, yeah. Me and Doyle got along great.

25 Q. You considered him a friend?

1 A. Oh, yes.

2 Q. A close friend?

3 A. Close friend.

4 Q. All right. How did you come about signing this
5 document?

6 A. He called and asked if I would witness a will and
7 if I had someone that would come with me to
8 witness the will because he needed two people, so
9 I told him I would ask one of my daughters,
10 either Crystal or Deana, if they were available
11 to come.

12 Q. Okay.

13 A. And I can tell you where the church is at.

14 Q. Whether you can --

15 A. And I can tell you what the church looks like.

16 Q. Why don't you educate these folks?

17 A. It's on 183. It sat up on top of a hill, and we
18 were coming this way, so the church was up on the
19 right, and Doyle said stop to the nearest place
20 because he got aggravated because it was taking
21 us so long to get there. He got real aggravated.
22 So we stopped at this church, and I told him
23 where I was at on 183. He said to stay there.
24 He knowed exactly where I was at.
25 So when we got there, he got out of the truck,

1 and he didn't want her to hear, so he whispers,
2 "This is for my first girlfriend. I met my first
3 girlfriend at that church."

4 Q. Is that right?

5 A. That's what he said to me. Then he come to the
6 back of the truck and he explained a little bit
7 about the will to me and Deana. It was so long,
8 not all of it, just what the main points of it.

9 Q. 10 pages?

10 A. Yeah. And then we stood at the back of my car,
11 and it was facing downhill, so I don't know -- it
12 was parked down like this, but we signed the
13 documents on the back of my car.

14 Q. Okay. And that was -- what kind of car is it?

15 A. It's a Hyundai Sonata.

16 Q. I believe it was gray, wasn't it?

17 A. Yes, sir.

18 Q. All right. And then what happened?

19 A. After we signed the documents, we left, and I
20 went home, and Doyle went home.

21 Q. Okay. Is this the Honda Sonata that you --

22 A. Yeah, that's my car.

23 MR. McDUFF: No objection. It's a Honda or Hyundai?

24 MR. SIRES: Hyundai.

25 THE DEPONENT: Hyundai.

1 MR. McDUFF: Hyundai, and not Honda. Korean-made, not
2 Japanese-made.

3 MR. SIRES: That's right. Okay.

4 EXAMINATION RESUMED

5 BY MR. SIRES:

6 Q. Were you present when threats were made against
7 --

8 A. Oh, yes, I was. They called -- one of them
9 threatened chased her up the driveway and
10 threatened to kill her black ass and throw her
11 out in the woods.

12 Q. You heard all of that?

13 A. The other one called me a bitch because I was on
14 the phone with 911 because he was chasing her up
15 the driveway. I was there when they carried the
16 guns out of the house, and I told her, they're
17 not supposed to take nothing out of this house
18 until you go to Probate.

19 Q. Okay.

20 A. And I was there for all of that, yes.

21 Q. Okay.

22 MR. SIRES: Answer any questions that the Court might
23 have or Mr. McDuff might have.

24 EXAMINATION RESUMED

25 BY MR. McDUFF:

1 Q. So your testimony is that Doyle Pierce called you
2 on the phone and said, can you meet me and sign
3 the will, come to my house, and you got stuck in
4 traffic --

5 A. No, he didn't want us to come to his house. He
6 was going to meet us halfway.

7 Q. So he never said --

8 A. We were actually going to go down 153, but there
9 was a bad accident so the thing renavigated us,
10 my daughter did it, and we went down 183 to Six
11 Mile, and we went past where you turn off to go
12 to Six Mile Mountain, and the church sat up on
13 the right.

14 Q. And the name of that church is?

15 A. I do not remember the name of the church.

16 Q. And I bet you're going to tell me it was a red
17 brick building with a white steeple?

18 A. No, it wasn't. It had a building on the side.

19 It had church vans sitting there. It might have
20 even had a camera, and I wished so bad it did
21 where y'all would see that that's really what
22 happened. Doyle -- I would not come here and lie
23 about this.

24 THE WITNESS: And you can sit there and snicker.

25 He's the one that called me a bitch. He's the

1 one that --

2 THE COURT: No, no, no, we're getting --

3 EXAMINATION RESUMED

4 BY MR. McDUFF:

5 Q. Come back. We're talking. I'm asking the

6 questions. You're going to answer them. Okay?

7 Now, Dorothy Pierce testified a little while ago

8 that he gave you the home address and you were

9 supposed to go there, but you had to meet in Six

10 Mile because of the traffic issue.

11 That's not true, is it?

12 THE WITNESS: Is that --

13 I don't know.

14 EXAMINATION RESUMED

15 BY MR. McDUFF:

16 Q. You can't ask her what your testimony should be.

17 A. All I know is that when we got started, it was

18 taking us so long, he told me -- and there is

19 text messages where they would text back and

20 forth, too, when we got lost, and we went a

21 different route, and he said it was taking too

22 long, that he would just meet us, instead of

23 going to Dove Lane or whatever, he would just

24 meet us.

25 Q. I thought you said a minute ago it was always the

1 intention to meet him halfway. Now you're saying
2 you were supposed to meet at Mourning Dove Lane,
3 which is his house.

4 Which is the truth?

5 A. All I know -- what I'm saying, it might have been
6 at Dove Lane I don't know.

7 Q. Mourning Dove Lane, that would be in Seneca?

8 A. In Seneca.

9 Q. But now your testimony is what? I can't follow
10 it. First, it was you were going to meet
11 halfway. Then it was you were going to meet at
12 Mourning Dove Lane, and then you changed that to
13 meet halfway.

14 Which is the truth?

15 A. Well, I'll tell you this is how it is. We went
16 down -- we got throwed off by the navigator. We
17 was supposed to go to Dove Lane. That's in the
18 text messages. If that's their home, I didn't
19 know. I had never been there. It was taking so
20 long that he said just to stop at the nearest
21 place when we got -- when we were on 183, and we
22 stopped at the church to the right, and he signed
23 -- where we signed the documents.

24 Q. Your testimony initially, when you first took the
25 stand, was you always planned to meet halfway,

1 and now you're saying you were going to meet at
2 Mourning Dove.

3 Which is the truth?

4 A. I -- I -- I just don't see why that makes any --

5 Q. Because the truth --

6 A. I want to tell you something. I had brain
7 surgery. I have bad nerves.

8 Q. So you had brain surgery?

9 A. Yes, In 2004.

10 Q. So your memory is impaired, isn't it?

11 A. My memory is not impaired enough that I don't
12 know I stood up there on that hill and signed
13 documents with Doyle. This has been a solid year
14 of complete nerve-racking. The police department
15 tried to tell me I was telling a lie when I
16 knowed I wasn't telling a lie. You're standing
17 there acting like I'm telling a lie, and I'm not
18 telling a lie. I have nothing to hide. Doyle
19 was my friend, and he asked for us to do this.
20 This is the only reason I done it, but if I had
21 my time to go over, I wouldn't have done it to go
22 through all this nerve-racking stuff.

23 Q. All right. Listen to me.

24 You had brain surgery in 2004?

25 A. Yes.

1 Q. Does that affect your ability to recall exactly
2 what happened?

3 A. It affects my nerves.

4 Q. Your nerves?

5 A. My nerves.

6 Q. Your nerves. Okay.

7 A. Not recall what happened. I can recall when my
8 children were born.

9 Q. Well, you were friends with Dorothy Pierce, or it
10 was then Wells, wasn't it, before you ever met
11 Doyle Elton Pierce?

12 A. Yeah.

13 Q. So you've known her when she was married to
14 William Wells, who's now dead, too?

15 A. Yeah. And he had had 14 heart attacks before she
16 --

17 Q. Before the one when married to Dorothy?

18 A. When she -- I'll tell you what we done. I was a
19 sitter. She was a sitter. He hired her as a
20 full-time live-in help to take care of his wife.

21 Q. Off of Craigslist, right?

22 A. If that's where he hired her from, I don't know.
23 I interviewed every person that came in there
24 that he hired, and I picked Dorothy because she
25 was the most honest. She knowed what she was

1 doing.

2 Q. You're not answering my question. You're going
3 way off-road on us.

4 We know one thing in this will is not true that
5 you said you witnessed. Your testimony is that
6 you witnessed this at a church in Six Mile.

7 A. Uh-huh.

8 Q. But let me read you what the will says.

9 This says, signed and declared by Doyle Elton
10 Pierce on the 7th day of July 2020 to be
11 testator's last will in our presence, Seneca,
12 South Carolina.

13 He did not sign it in your presence in Seneca,
14 South Carolina, did he?

15 Yes or no?

16 A. We were on 183.

17 Q. You were in Six Mile?

18 A. Yes.

19 Q. Which is not Seneca, is it?

20 A. No. And I guess he had them drew up before we
21 were supposed to be going to Seneca, and we got
22 throwed off on 183, so we signed them there at
23 the church on the hill.

24 Q. So you signed something that was not true. You
25 didn't sign this in Seneca, South Carolina. You

1 signed it in Six Mile. And you swore that you
2 signed this in Seneca when you didn't, did you?

3 A. We signed it in the church parking lot.

4 Q. But you didn't sign it in Seneca, did you?

5 A. No, I don't guess so.

6 MR. McDUFF: Let me confer with my client for a second.

7 MR. SIRES: That's just a scrivener's error, Your
8 Honor. I don't see the evidence of it.

9 THE COURT: I have one question. Did you witness Mr.
10 Pierce sign that document?

11 THE WITNESS: Yes, sir, I did. Yes, sir. Me and her.
12 We were standing at the trunk of the car. He was
13 in the middle. I don't know where -- she was
14 doing business. She had some kind of business,
15 and she was on the phone, and Doyle stood there
16 and explained to me and her parts of the will.
17 Not all of it, parts of it. And then he handed
18 us pens, and all we done was we signed, and he
19 initialed. We signed power of attorney, the
20 will. I don't know. Several things we signed
21 right there, right there on the trunk of my car.

22 THE COURT: Okay.

23 EXAMINATION RESUMED

24 BY MR. McDUFF:

25 Q. How many pens did he give you?

1 A. I think we had three different pens. We each had
2 a pen, and then one of the pens run out of ink.

3 Q. Oh, that's happened, huh?

4 A. One of the pens wouldn't write, so it was either
5 my pen or her pen, it stopped writing.

6 Q. So did you use the same pen, then?

7 A. That Doyle had.

8 Q. So you used the same pen that Doyle used?

9 MS. PIERCE: How could she remember that?

10 THE WITNESS: I don't remember all that. That has been
11 a year ago, and all I'm telling you, I know what
12 I done, and I'm not stupid, and I'm not numb. I
13 might have had brain surgery. My nerves are bad,
14 yes, because you are harassed by the Oconee
15 County Sheriff's Department, for one thing --

16 EXAMINATION RESUMED

17 BY MR. McDUFF:

18 Q. Listen to me.

19 THE COURT: Let's redirect.

20 EXAMINATION RESUMED

21 BY MR. McDUFF:

22 Q. You're saying in the middle of signing, one of
23 the pens gave out, and you used the same pen that
24 Doyle Pierce used to sign?

25 A. Me and her used the same pen.

1 Q. That the two of you, that you and your daughter
2 Deana used the same pen to sign the will?

3 A. The same pen. We started out with three
4 different pens. One of them quit writing, and
5 when she was signing it, so we used the same pen,
6 me and her.

7 Q. Okay. So you both used the exact same pen to
8 sign the will?

9 A. Uh-huh.

10 Q. So the ink should be exactly the same on them,
11 then, correct?

12 A. Yeah.

13 MR. McDUFF: All right. I don't have any further
14 questions.

15 THE COURT: Mr. Sires?

16 MR. SIRES: Nothing further of this witness.

17 THE COURT: Thank you, ma'am. Appreciate your
18 testimony.

19 THE WITNESS: Thank you.

20 MR. SIRES: Deana Walker.

21 THE COURT: Ms. Walker, will you raise your right hand.

22 (DEANA WALKER, being first duly sworn,

23 testified as follows:)

24 THE COURT: Please have a seat and answer any questions

25 Mr. Sires might have.

EXAMINATION

1
2 BY MR. SIRES:

3 Q. You're Deana Walker. Do you still live at 78
4 Montague Road --

5 A. It's pronounced Deana.

6 Q. Deana?

7 A. Deana Walker.

8 UNIDENTIFIED SPEAKER: She's not a Walker anymore.

9 She's a Moss.

10 THE WITNESS: Yeah, my last name's different, too, but
11 I still live at that address.

EXAMINATION RESUMED

12
13 BY MR. SIRES:

14 Q. Okay. You still live at 78 Montague Road in
15 Greenville?

16 A. Uh-huh.

17 Q. How long did you know Mr. Pierce?

18 A. I'm sorry?

19 Q. How long did you know Mr. Pierce?

20 A. I met Mr. Pierce whenever he came to my
21 sister-in-law's baby shower with Dorothy. Yes.

22 Q. When was that?

23 A. That was about a year before we went and did the
24 will. Yes, sir.

25 Q. Okay. Any question that that's your signature?

1 A. That's mine.

2 Q. That's it?

3 A. Yeah.

4 Q. Yours is on the will.

5 Tell us how you came about signing this will.

6 A. My mother called me to come with her.

7 Q. Tammy is your mother?

8 A. Yes, Tammy Youngblood is my mother. She called
9 me to come with her because Doyle needed another
10 witness. I went with her. We met at the church
11 because we got lost. She signed it. I signed
12 it. We all signed it together on the back of the
13 car.

14 THE COURT: So you witnessed Mr. Pierce sign this will?

15 THE WITNESS: Yes, I did. He was in between me and my
16 mother.

17 EXAMINATION RESUMED.

18 BY MR. SIRES:

19 Q. He had a blue pen?

20 A. I don't remember. That was a year -- almost two
21 years ago.

22 Q. All right. Anything you can add?

23 A. No, sir.

24 MR. SIRES: That's all the questions we have, Your
25 Honor.

1 MR. McDUFF: Does he have any further questions?

2 MR. SIRES: No.

3 EXAMINATION

4 BY MR. McDUFF:

5 Q. So you can't remember the name of the church?

6 A. No, sir. That's been two years ago.

7 Q. Well, actually, it's been just a little over a
8 year ago.

9 A. Okay. A year and a half.

10 Q. Well, it's just finished being July a couple of
11 days ago. The will was purportedly signed July
12 7th of 2020.

13 A. That was a year ago. Still, I'm not going to
14 remember the name, what color the pens were or --

15 Q. Or where the church was located?

16 A. In Six Mile. I do know that.

17 Q. What was the address?

18 A. I'm not sure.

19 Q. You've known Dorothy Wells the same as your
20 mother, right?

21 A. Uh-huh.

22 Q. You have been friends with her ever since she was
23 married to William Wells, correct?

24 A. I met her a little after she was married to him.

25 Q. And you and your mom used the same pen when you

1 signed the will, didn't you?

2 A. Yes, sir.

3 Q. So that means the ink ought to be identical on
4 them?

5 A. I'm guessing.

6 Q. Okay. All right. Do you know why it's not?

7 A. I'm not a pen expert. I don't know.

8 MR. McDUFF: I don't have any further questions.

9 THE COURT: Mr. Sires?

10 EXAMINATION RESUMED

11 BY MR. SIRES:

12 Q. In regards to the pen, your mother testified that
13 one of them ran out of ink.

14 A. Yeah, one of them reason out of ink. We got a
15 new pen. I mean, there was --

16 MS. PIERCE: My husband had, like, five.

17 THE WITNESS: Yeah, there were several pens on the back
18 of the car.

19 EXAMINATION RESUMED

20 BY MR. McDUFF:

21 Q. You had a handful of them?

22 A. Yes.

23 Q. So you just ran out of ink?

24 A. Uh-huh.

25 Q. Had already signed -- well, they had to sign to

1 find out it ran out of ink, right?

2 MR. McDUFF: Misleading.

3 THE WITNESS: Yes.

4 EXAMINATION RESUMED

5 BY MR. SIRES:

6 Q. Who did that?

7 A. I'm not really sure. That was a year ago.

8 Q. Two years ago. Okay.

9 But that is your signature?

10 A. Oh, yes, sir, that is mine.

11 Q. You knew Doyle Pierce?

12 A. I watched him sign it, and I watched my mother
13 sign it, yes.

14 Q. That was him that signed it?

15 A. Yes, sir.

16 Q. And he explained some of the will --

17 A. Yes, sir.

18 Q. -- to your mother?

19 A. Uh-huh.

20 MR. SIRES: All right.

21 THE COURT: Mr. McDuff, anything further?

22 MR. McDUFF: I don't have any further questions.

23 THE COURT: Thank you, ma'am. Appreciate your
24 testimony.

25 Mr. Sires, any further witnesses?

1 MR. SIRES: None at this time, Your Honor.

2 THE COURT: Mr. McDuff?

3 MR. McDUFF: Could we take a couple-minute recess.

4 THE COURT: Oh, absolutely. Recess for five or ten.

5 (Recess taken.)

6 THE COURT: Mr. McDuff? Mr. Sires?

7 MR. McDUFF: We're just going to have one rebuttal
8 witness.

9 Did you rest?

10 MR. SIRES: I rest.

11 THE COURT: Mr. McDuff?

12 MR. McDUFF: I'm going to call Jared Adam Pierce.

13 THE COURT: Mr. Pierce, if you will raise your right
14 hand.

15 THE WITNESS: Yes, sir.

16 (JARED ADAM PIERCE, being first duly sworn,
17 testified as follows:)

18 THE COURT: Please have a seat and answer any questions
19 Mr. McDuff might have.

20 THE WITNESS: Thank you, sir.

21 EXAMINATION

22 BY MR. McDUFF:

23 Q. Mr. Pierce, state your full name for the record,
24 please.

25 A. Jared Adam Pierce.

- 1 Q. And are you the son of Doyle Elton Pierce?
- 2 A. I am the eldest son, yes.
- 3 Q. How many children are there?
- 4 A. There are three.
- 5 Q. All right. Names? Gregory?
- 6 A. Gregory Alan is my brother and Donna Carol is my
7 sister.
- 8 Q. And you're all three here today?
- 9 A. Yes, sir, we are.
- 10 Q. Tell us about your father, his educational
11 background.
- 12 A. My father was an educated civil engineer and
13 spent 50 years in the construction industry on
14 major corporate commercial properties, multi tens
15 of millions of dollars, was extremely articulate
16 and extremely professional in everything he did.
- 17 Q. How about in terms of doing his things like
18 documents and whatnot? Was there a manner in
19 which he would approach doing documents?
- 20 A. Yes. Again, he was very articulate, very
21 professional. If it was of a business nature and
22 required notary, required witnesses' signatures,
23 that prescription would be followed to the letter
24 of the law, and it was that way my entire life.
25 If we purchased a car, the Bill of Sale, he would

1 take it and have it notarized. Everything -- I
2 don't know how else to describe it. It is an
3 absurd thought to think that this man would have
4 signed such an important document on the trunk of
5 a car in a parking lot. It is completely
6 unfathomable to think he would ever do that.

7 Q. How about in terms of this reference in the will,
8 for instance, on page 3 to Cider Hill Farm?

9 A. He would have never, ever allowed that
10 misspelling to exist.

11 Q. And what was the true name of that property?

12 A. Cedar Hill Farm.

13 Q. Did you ever have a confrontation with Dorothy
14 after your father died?

15 A. Not -- no.

16 Q. All right. Did you ever tell her that you were
17 going to shoot her -- I don't like using --

18 A. No.

19 Q. Okay. Did anybody in your presence ever do that?

20 A. Absolutely not.

21 Q. Were there points of disagreement with Ms. Pierce
22 over things after your father's death?

23 A. Yes.

24 Q. And what would those have been?

25 A. My father had indicated, not only to myself and

1 my other siblings and my wife, but several other
2 members of the family, a particular location on
3 the farm where he wished to be buried. It was
4 known amongst us. It was talked about and was
5 not up for debate. It was a matter of fact.
6 When we made that statement as to that location,
7 Dorothy objected and claimed that he had told her
8 he wanted to be buried outside the house in the
9 field, when the fact of the matter is the very
10 area she was pointing at, because I had her to
11 point to it, was a Greywater drainage ditch that
12 my father installed with his own two hands when
13 he built that house from scratch, so there is no
14 way he ever wanted to be buried in a Greywater
15 ditch. And she further stipulated that as a
16 matter of fact that he had specified specifically
17 where he wished to be buried in his will.
18 I said, that's fine. Please produce the will and
19 we will follow that will to the letter perfectly.
20 No will was forthcoming. She become extremely
21 argumentative.
22 She then proceeded to say, well, I'll go look
23 where you're proposing to bury him, but there is
24 no guarantee that I will agree, and again
25 continued to be argumentative, continued to have

1 words and to call people liars and was extremely
2 aggressive and hostile.

3 Then, ultimately, she called the police and had
4 us put on trespass notice, and we were sitting
5 there and spoke with the police officers. I wish
6 they were here today. They could tell you the
7 conduct and the manner in which we had our
8 interview. I tried to remain as peaceful as
9 possible because my father had just died, and I
10 didn't want to disrespect his memory. And
11 personally I abhor conflict and hard fighting. I
12 don't like it.

13 MR. McDUFF: I don't have any further questions.

14 EXAMINATION

15 BY MR. SIRES:

16 Q. If you don't like it, sir, why did you cuss at
17 her? Why did you say you were going to bury this
18 nigger in the woods?

19 A. I did not say that, sir.

20 Q. Are you denying that you took guns out of the
21 house?

22 A. Absolutely, I deny it.

23 Q. You deny it?

24 A. A hundred percent I deny it.

25 MS. PIERCE: That was his brother.

EXAMINATION RESUMED

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4
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BY MR. SIRES:

Q. How about your brother?

A. I have no idea. I'm not my brother's keeper.

Q. Absolutely not.

Did you take the guns out of the house?

A. I did not.

Q. Did your brother take the guns out of the house?

A. I don't know. I'm not my brother's keeper.

MR. SIRES: All right. Thank you, sir. No questions.

THE COURT: Mr. McDuff?

MR. McDUFF: We don't have anything further.

THE COURT: Thank you, Mr. Pierce. Appreciate your
testimony.

THE WITNESS: Yes, sir.

MR. McDUFF: We rest.

THE COURT: Anything further to come before the Court
from either side?

All right. I'm going to take everything under
advisement and make a decision within a few days
after I review the testimony. Thank you all for
being here. I appreciate it.

(Proceedings concluded.)

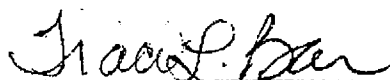
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1 CERTIFICATE

2 I, the undersigned, Traci L. Barr, Court
3 Reporter, Notary Public in and for the State of
4 South Carolina, do hereby certify that the
5 foregoing is an accurate transcription of the
6 testimony taken under oath; that all exhibits
7 entered herein are attached hereto (if requested
8 by counsel) and made a part of this transcript.

9 I further certify that I am neither counsel
10 nor solicitor to any of the parties in said suit,
11 nor interested in the event of the cause.

12 In witness whereof, I have hereunto set my
13 hand and seal this 15th day of November, 2021.

14 
15 _____

16 Traci L. Barr

17 Notary Public for South Carolina

18 My Commission Expires: 4/24/29
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1 STATE OF SOUTH CAROLINA IN THE PROBATE COURT
2 COUNTY OF OCONEE CASE NO. 2020-ES-37-00532
3
4 Jared Pierce,
5 Plaintiff,
6 vs.
7 Dorothy Pierce,
8 Defendant.

11 HEARING BEFORE KENNETH JOHNS, JR.

14 DATE TAKEN: October 1, 2021
15 TRANSCRIBED BY: Traci L. Barr

22 **EXPEDITE COURT REPORTING, LLC**
23 Traci L. Barr & Associates
 Post Office Box 25882
24 Greenville, South Carolina 29616
 (864) 509-0914
25 info@expeditereporting.com

1 APPEARANCES:

2

3 RICHARD McDUFF, ESQUIRE
4 Merrell, Jahn & McDuff
5 119B Professional Park Drive
6 Seneca, South Carolina 29678
7 Rick@mjmlawsc.com
8 (864) 882-2466

6

.....On behalf of the Plaintiff

7

8 (Pro se.)

9

.....On behalf of the Defendant

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1 - - -
2 THE COURT: All right. We're here in the matter of --
3 today is Friday, October 1, 2021. We're here in
4 the matter of Doyle E. Pierce, case number
5 2020-ES-37-00532. The movant is Dorothy Pierce,
6 pro se litigant. Respondent is Jared A. Pierce.
7 He is represented by Mr. Richard McDuff. The
8 issue at hand is a motion for a new trial.
9 Ms. Pierce?

10 MS. PIERCE: Thank you very much, Your Honor, for
11 giving me this opportunity. Just by you wanting
12 to hear me out is very, very important.
13 I asked for a new trial because the judgment of
14 August 18, 2020, was a gross miscarriage of
15 justice because it was procured through fraud,
16 discrimination, prejudice, and racism, and I am
17 going to show this Court that I am actually
18 entitled to a new trial.
19 First of all, we know very well that the last
20 will of Doyle Elton Pierce, dated July 7, 2020,
21 was prepared and executed in full compliance with
22 the law, South Carolina court of laws 62-2-502,
23 and the law is very clear. It demands that for
24 any will to be valid, 1, it has to be in writing.
25 Fact, Doyle Elton's will was in writing. Number

1 2, it requires that for any will to be valid, it
2 has to be signed by the testator himself or by
3 someone the testator directed to sign the will.
4 Fact, Doyle's will was signed by Doyle himself.
5 And 3, which is most important, it states that
6 for any will to be valid, it has to be witnessed
7 and signed by two credible witnesses. Fact,
8 Doyle's will was actually signed by two credible
9 witnesses, and that will was unfairly
10 invalidated, unfairly invalidated, based on
11 signature samples that were reliable -- I mean,
12 based on signature samples that were unreliable
13 and not even relevant, and the witnesses were
14 just impeached on no grounds at all.
15 So I actually ask this Court to fix the legal
16 error by granting me a new trial because I am
17 entitled to it. There was no ground to actually
18 nullify a valid will, a will that was signed in
19 full compliance with the law.
20 Now, issue number 2, which is actually very
21 important, I have already quoted this law, but
22 the law on the validity of the will, I am quoting
23 Dozier versus Smith. We all know that. Issue
24 number 2 is that this Court abused its discretion
25 when it exclusively relied on the testimony and

1 evidence provided by the expert witness.
2 Why do I think this? Under the Daubert standard
3 of admissibility of scientific evidence, the law
4 is very clear. The judge is the gatekeeper of
5 the law, and, therefore, once -- the first thing
6 the judge must do is to determine that the expert
7 or the witness that is going to be brought in as
8 an expert is, one, qualified to be called or to
9 testify as an expert, qualification by means of
10 education, by means of experience, and by means
11 of knowledge, and once a judge has determined
12 that, the expert witness -- the expert is
13 qualified as a witness, then the judge, required
14 by the Daubert law, is required to make an
15 independent assessment and make sure that the
16 testimony or evidence that's going to be
17 submitted by the expert himself is relevant and
18 reliable. Your Honor, we're talking about
19 relevance and reliability.
20 The US Supreme Court has established five basic
21 criteria that any expert testimony must meet,
22 under the Daubert versus Merrell Dow
23 Pharmaceuticals in 1993, 5 basic criteria. All
24 judges that are going to hear any case they must
25 make independent assessment following the Daubert

1 law and they must establish that, one, that the
2 testimony or any evidence that's going to be
3 brought in by the expert, it must be verifiable,
4 refutable, and testable. The expert testimony
5 was not verifiable, it was not refutable, and it
6 wasn't testable.
7 2, it must be valid and reliable. I'm talking
8 about relevant. I'm talking about the dates when
9 those signatures were signed. And 3, it must be
10 subject to published peer review. 4, it has to
11 be held to standards within the field, and 5, his
12 methods must be generally acceptable within the
13 community, scientific community.
14 On the case of reliability, the expert report
15 that was issued is as vague as this. This report
16 cannot be relied upon. Why can this report not
17 be -- it only states 19 standards. Any report
18 that is supposed to be made must have the name of
19 the document that was signed, the place or who
20 signed it, was it Doyle Pierce that signed, which
21 document was he signing? This is all we have,
22 some copied-and-pasted signatures on a piece of
23 paper. Who can rely on this? This is not
24 verifiable. This is not testable. Nobody can
25 actually trust that these signatures actually

1 belonged to my husband because they were only
2 brought here on a piece of paper. What if these
3 signatures were just copied and pasted by the
4 plaintiff himself?

5 First of all, let me tell you, the plaintiff is
6 known. He is a two-time felon, and I have to
7 tell this Court, grand larceny. That is
8 high-profile. If he is capable of committing
9 grand theft, then he's capable of actually
10 forging the signatures because there is no way to
11 verify it.

12 If I can ask this Court, where were these
13 signatures extracted from? From which document
14 did these signatures come? There is no answer.
15 We can't verify it. We cannot trust it. We
16 cannot rely on it because they're just signatures
17 copied and pasted from somewhere. We all know
18 that the only person that is capable of forging
19 signatures, copying and pasting, or doing
20 anything dubious is the plaintiff. No one other
21 than the plaintiff.

22 They brought this manipulating the Court into
23 actually nullifying the last will that was signed
24 credibly by two valid witnesses, and then they
25 want to say is this signature authentic, and the

1 signatures on the will are the ones we cannot
2 verify this, so the moment we cannot verify this,
3 it is upon the responsibility of the Court to not
4 accept it because it cannot be relied upon. This
5 is all we have. No source. No evidence. We
6 can't find anywhere where the signatures were
7 actually extracted, which dates, what document
8 was my husband signing, who are the people that
9 actually witnessed him signing it. It's not
10 verifiable.
11 And 2, on the issue of relevance or validity, the
12 expert testimony was not relevant, it was not
13 reliable, and it was not valid. Why do I say it
14 was not relevant? Your Honor, he is using
15 signatures as old as 1971. That was a time my
16 husband was 25 years old. 25 years old. A man
17 so vibrant. They're using signatures of a man
18 that was 25 years old, 26, 27, 28, to actually
19 compare the signatures of a man that is 74 years
20 old. Signatures of a person progress over time,
21 and if somebody signs something at the age of 25,
22 of course the signature is not going to match
23 because it was signed at a different time frame.
24 And if they brought this signature, you see
25 everything I have here in pink, it looks like it

1 is just one signature copied and pasted in four
2 different locations, one signature copied and
3 pasted. And since we can't verify the source of
4 these signatures, and according to them, the
5 signatures are too old, so, therefore, it does
6 not make the Daubert law that was set -- does not
7 meet the criteria set by the US Supreme Court,
8 which is very specific, and no judge can actually
9 go beyond that. Old and outdated signatures are
10 irrelevant. They do not depict the exact
11 signature of a person at that specific time.
12 My husband was 74. He had every situation going
13 on. By the way, let me tell this Court. My
14 husband did not sign any signature consistently.
15 He signed according to his mood. If I have to
16 show you, yes, the marriage license that my
17 husband signed in this courtroom, the signature
18 is not anywhere similar or even close to the
19 signatures that are here because he signed on the
20 desk, and my husband, if he's sitting on this
21 chair, he's going to sign differently, and if he
22 is standing and signing a signature on the car,
23 of course it's going to be different. My husband
24 was 74, and he signed according to his mood. On
25 that evening, it was late. He was tired because

1 the witnesses delayed, and I'm going to show this
2 Court because those witnesses told every truth,
3 and I will prove everything to this Court. But
4 as we now sit, this Court abused its discretion
5 by accepting this evidence solely relying on this
6 unverifiable, untrustable, insignificant
7 handwriting samples copied and pasted from a
8 source we can't verify to determine something so
9 significant like a man's last will and testament.
10 My husband worked his entire life for his estate,
11 and, therefore, he deserved the right to
12 distribute his estate according to how he wanted
13 it, but that was not granted, and, therefore, the
14 plaintiff did not meet the burden of proof to
15 invalidate the last will and testament based on
16 these signatures, and they did not actually meet
17 the US Supreme Court of admissibility of evidence
18 set under Daubert and Merrell Dow Pharmaceuticals
19 in 1993.

20 On the issue of whether the method corresponds to
21 published peer review, held to standards within
22 the field of generally accepted in the scientific
23 community. Your Honor there is nowhere
24 documented -- first of all, his method of using
25 old signatures is not published anywhere that you

1 can use signatures as old as 30 years old, and,
2 therefore, it's not held into standard at all
3 within the community because the community speaks
4 of something else.

5 And I want to show to this Court this is an
6 article published by Incognito Forensic
7 Foundation, and it states lack of writing samples
8 for comparison is a shortcoming of questioned
9 document analysis. Drawing definite conclusions
10 about a questioned document requires samples of
11 writing prepared in nearly the same time period
12 as that one under examination. This is one
13 document examined. That says every sample should
14 be drawn within the same time period for you to
15 make any definite conclusion.

16 And this is written by Emily J. Will, MA, which
17 says the best standards that most closely
18 emulates the time frame circumstances, material,
19 and content of the questioned document.

20 Therefore, look for collected samples executed
21 close in time to the questioned document. This
22 is especially critical in cases involving
23 illness, death, accident, mental imbalance,
24 substance abuse, anything likely to cause
25 dramatic change in a person's handwriting.

1 And this is another one written by forensics --
2 by Forensic Document Examiners, Inc., and I read.
3 It says, the date of the questioned writing must
4 be taken into consideration when looking for
5 suitable comparable documents. While an adult's
6 handwriting may remain constant for many years,
7 writing habits normally change over time, so that
8 an outdated standard may be unsatisfactory.
9 I am not the one that published this. It is
10 published -- it may be unsatisfactory for
11 comparison purposes. All writing samples are not
12 of equal value, and some may be of no value at
13 all.
14 All of the samples that were brought in this
15 courtroom are insignificant. They are of no
16 value because of the time frame.
17 This is the last one I am reading. And by the
18 way, I just brought a few because I could --
19 everybody that has published anything out there
20 disagrees with the expert that was brought here,
21 and that leads me to the question if that man is
22 actually qualified. That is a question for
23 another day.
24 Now, this is forensicsciencesimplified.org. They
25 say the investigator should also attempt to

1 obtain known samples that is prepared around the
2 time period of the questioned document. This is
3 particularly important in cases involving writing
4 from young people as writings formation may still
5 be at a development stage and, by elderly person,
6 the writing may deteriorate with age.

7 When a person is 25 years old, he's going to be
8 vibrant, so he's going to be consistent, but then
9 when they reach 74 years old, they're tired, and
10 they do not put much importance to anything, and,
11 therefore, they're going to sign. But you know
12 what? My husband signed that last will and
13 testament, and it was invalidated unfairly
14 because, first of all, whatever was submitted
15 were irrelevant.

16 I ask this Court that, based on this fact, there
17 are two things the court can do, either vacate
18 the judgment, nullify it, and grant a new
19 judgment by validating the last will of my
20 husband or grant a new trial because the judgment
21 was based on documents that did not meet the
22 scientific standards set by the US Supreme Court.
23 Now, the plaintiff actually failed to issue this
24 documentation, this vague document, in time. We
25 did not receive a copy of this. When we sent

1 them a notice to request, you know, evidence,
2 production, discovery, they sent everything else,
3 including this document, but left this out.
4 We tried to call the SLED department. They sent
5 me to another man called Jimmy. I called Jimmy.
6 Jimmy did not have any other document that
7 accompanied this, and we only saw this document
8 on the day of the court hearing, Your Honor,
9 because on that day, if we had had this document
10 before, there was not going to be any trial.
11 They made sure they hid even this piece because
12 they knew very well they had nothing to actually
13 invalidate the will, so they manipulated and hid
14 everything, and when we came here, well, they
15 showed this. If we had this, we would have tore
16 their argument apart. We would have had our own
17 expert that would actually make sure that this
18 was not even admitted, as much as the Court so
19 erred, but we didn't have this. But everything
20 rests to the Court because it was supposed to be
21 the Court that should have determined that this
22 was not reliable and relevant.
23 Now, Your Honor, allow me also to say that this
24 Court abused its discretion when it actually
25 impeached the witnesses on absolutely no grounds.

1 I believe the witnesses were impeached by
2 association with a black woman because there was
3 no ground for those witnesses to be impeached.
4 Why do I say this? Witness impeachment is guided
5 by Federal Rule 601, 607, 608, 609, and 613. For
6 any witness to be impeached, there must be
7 grounds, and since we are guided by the law, rule
8 601 talks about competence to testify in general.
9 Every American citizen is competent to testify
10 unless the Court proves otherwise, and, Your
11 Honor, two witnesses that we brought here, one of
12 them, Tammy Youngblood, was actually in the
13 judgment. The judge say -- this Court say she
14 had brain damage and memory -- no, no, she had
15 had brain damage and a nerve problem, and,
16 therefore, maybe she was not fit to testify or
17 she was not fit to recollect. That witness came
18 here. She recollected everything. She told this
19 Court that she had actually seen my husband sign
20 and that she also signed. She recollected
21 everything that happened that day, and yet, that
22 witness was actually impeached on the basis that
23 she has had a memory problem.
24 Allow me to show you something. This is a
25 document from Prisma -- Prisma Health. This

1 document from Dr. Stephen Gardner that has
2 treated Tammy Youngblood for over 16 years has
3 actually put in this document -- can somebody
4 help me push this to the judge?

5 THE COURT: Thank you.

6 MR. McDUFF: Thank you.

7 MS. PIERCE: Dr. Stephens clarifies that Tammy does not
8 have any mental deficit. She is mentally
9 competent and, therefore, she can testify
10 anywhere, and yet, this Court simply assumed that
11 having a prior brain injury or brain
12 [indiscernible] is enough. She only mentioned in
13 this Court she had because she was being badgered
14 and pushed and words put in her mouth by the
15 plaintiff attorney, and she just had enough of
16 it.

17 I already told you I signed the will. Why are
18 you putting words in my mouth? And that was when
19 she made that statement. But you know what?
20 This Court found her to be incompetent, and yet,
21 she is competent, according to her doctor. Her
22 doctor is ready to testify in this Court that
23 Tammy Youngblood is actually competent.
24 Another rule that guides the witness impeachment
25 is rule 608. It's both the federal rule and the

1 South Carolina rule that permits impeachment
2 based on a witness' character for truthfulness
3 and untruthfulness.

4 On that day of the hearing, nobody brought any
5 issue concerning the character of the witnesses.
6 These witnesses do not have anything, any record
7 of bad character, but you know what? Anything
8 was not brought. They were attacked on the
9 stand, but this Court simply did not believe them
10 and, therefore, impeached them based on no reason
11 at all, and yet, they do not have bad character,
12 nothing that could actually lead to their
13 impeachment.

14 Another rule that guides impeachment is rule 609,
15 which allows impeachment by evidence of criminal
16 conviction. Your Honor, the two witnesses,
17 including myself, any other witness on that day
18 -- by the way, I don't have any bad character,
19 but the two witnesses that actually witnessed the
20 will, those witnesses do not have any criminal
21 conviction. Not one. But you know what? The
22 testimony of a man that has several criminal
23 convictions, and that is actually the plaintiff
24 himself, was accepted in this Court with both
25 hands. His testimony. And he even lied under

1 oath lied under oath, and I have evidence here
2 which I am going to prove. And yet, his
3 testimony was accepted in this Court to be
4 really, really important, and yet, the two
5 witnesses that do not have any criminal
6 convictions, their testimonies were discredited
7 and they were impeached and failed based on
8 discretion based on this Court does not like
9 them, does not believe them.

10 The last rule that guides impeachment of a
11 witness based on prior inconsistent statements is
12 rule 613. Rule 613 permits impeachment of a
13 witness based on prior inconsistent statement. I
14 have affidavits -- I'll pull them later. I have
15 affidavits signed by the two women that stated
16 exactly what happened when they actually went and
17 signed that will. They were consistent. They
18 have been consistent with the police. They have
19 been consistent with the affidavits that were
20 brought into this courtroom, and they were
21 consistent on that day. They did not violate --
22 they did not actually violate any rule that would
23 make them be impeached, but you know what, Your
24 Honor? They were impeached anyway just because
25 the Court doesn't believe them. Something as

1 important as a man's last will. Those were two
2 people, two people, that were actually there that
3 saw my husband sign the last will and testament.
4 Those two people. And you know what? If they
5 were not there, Your Honor, you will see that
6 those are text messages. Those text messages
7 were messages that collaborated that coordinated
8 the witnesses coming to sign the will on that
9 day, and up to the time, everything they said,
10 that they were supposed to come to 708 Mourning
11 Dove Lane, but then because Deana had to get off
12 work, Deana was late, and when they arrived, they
13 got lost, and my husband decided to move.
14 In that document, you will see where I said,
15 Doyle has decided to leave the house to meet you
16 somewhere in the middle.
17 I cannot stop him. Of course I cannot stop him.
18 It was his will, and he is the one that decided
19 he was going to meet those witnesses in the
20 middle. And he talked to Tammy. Tammy continued
21 to say, I am on this road. Now we are on 183.
22 Now my husband talked to her on the phone and
23 said, okay, stop there. I know exactly where
24 that place is. But you know what? They were
25 impeached based on the fact they could not

1 remember the location of the church. They don't
2 come from Six Mile. No one comes from Six Mile.
3 They come from Greenville, and they recollected
4 99 percent of everything that happened, and yet,
5 they were impeached based on the fact they could
6 not remember the name of the church. Of course,
7 they could not remember everything. There are so
8 many people that testify under oath, and if they
9 don't remember -- but do they remember the basic,
10 did they really sign?
11 Your Honor, the South Carolina court of law
12 62-2-502 does not actually specify, if somebody
13 is signing a will, they have to know the exact
14 location where the will is going to be signed.
15 They have to have knowledge they are signing the
16 will. They must make sure the will is in
17 writing. They must make sure the testator has
18 signed, and they should also sign knowing exactly
19 what they're signing. That is exactly what
20 happened. But you know what? They were
21 impeached just because they could not remember
22 the location. But you know what? We need a new
23 trial. If the Court cannot validate the last
24 will and testament based on the statements of
25 those witnesses, now we have those text messages,

1 and not only that, if that is not enough, grant
2 us a new trial, but if it is enough, Your Honor,
3 validate the last will and testament of my
4 husband because that is only the right thing to
5 do.

6 Now, the defendant is entitled to a new trial to
7 provide additional testimony. The defendant's
8 handwriting expert examiner, whose report dated
9 July 7 -- July 29, 2021, was not able to attend
10 court. His report was prepared on July 7, and it
11 was mailed out. We did not have his report in
12 hand on the day of the hearing; and, therefore,
13 we could not actually submit the report to this
14 Court. But you know what? This report is here.
15 If this -- and the report validated my husband's
16 last will and testament.

17 As you can see, Your Honor, I need a new trial so
18 that I can actually have the witness testify in
19 this courtroom about his findings, about
20 everything that he knows that validated my
21 husband's last will and testament.

22 Your Honor, this is very important because a
23 man's entire life depends on it. A man's entire
24 life depends on it. I also need a new trial so I
25 can submit additional evidence to another expert

1 to actually offer rebuttal to the report they
2 brought in here, as much as it is -- we already
3 have our own expert, but we also need to offer
4 rebuttal to their own report so that everything
5 is complete.

6 I hope this Court is going to do the right thing
7 because justice will not prevail unless a new
8 evidence or new testimony and the handwriting
9 expert of the defendant testifies in this
10 courtroom.

11 Now, I believe that the communication between the
12 plaintiff's counsel and the judge, which I know
13 included my attorney, violated my due process
14 rights because the communications were false.
15 Each of the statements that were made,
16 allegations made against me, were lies.

17 Why do I say this? Those e-mails were only sent
18 to manipulate the Court to prepare the Court to
19 actually make that judgment because they did not
20 have any grounds, they did not have any truth in
21 it, and I have a feeling that, on that day, when
22 I sat there, the only thing is that I didn't have
23 these e-mails, but every time I think about it, I
24 think that every day when this -- when I was
25 making my own testimony on that day in court, I

1 think the judge was just looking at me and
2 saying, oh, she did this, she did that, she did
3 that, based on these e-mails.

4 Let me read to you these e-mails because I feel
5 like I am entitled to a new trial so I can defend
6 myself. Everything put forward were false, and I
7 know for a fact in America, in America, just a
8 statement, some negative statement anybody makes
9 about you, nobody wants to verify it, it is going
10 to be taken for the truth. A reputation of a
11 person is at stake just for one statement
12 somebody makes even when it is false.

13 I want to read to you some of the e-mails that
14 were sent that were actually false. One of the
15 e-mails says, she is having utilities
16 disconnected for nonpayment and is in default
17 under the payment terms of the lease on that
18 property. We have employee witnesses to testify
19 that she has not paid them wages and are pursuing
20 action with the Department of Labor.

21 Your Honor, this was a complete lie because you
22 know what? I went to Uganda on the 18th of
23 December, and before I left, I had signed a check
24 that I sent to the landlord on that day. My rent
25 was supposed to be due on the 20th of December,

1 but I signed the check and gave it to the
2 landlord on the 18th before I went and jumped on
3 that plane, and that was for the rent of 20th
4 December to 20th January. That was already paid.
5 But you know what? You were told that I didn't
6 pay. How would that look? And yet, I had
7 already paid. By the time he was sending you
8 those e-mails, the rent was fully paid up. And
9 then, Your Honor, they also say that my employees
10 were not paid, but that is a lie because I am
11 going to prove to this Court I have all the pay
12 stubs here. I paid my employees up-to-date.
13 Even the ones that worked 11 hours before the
14 holiday, they were all paid. Even the one that
15 worked at my facility in Anderson, she was paid a
16 mistake. Actually, that one was even paid more
17 money, an additional \$750 by Ms. Tate [phonetic],
18 which she actually refused to give back. So how
19 would I be accused of not paying my employees,
20 and yet, I have paid my employees?
21 Talking about utilities, I always pay my utility
22 bill every month, and I put some amount of money
23 in add months. Before I left, I put in a check
24 of 4,016 dollars. I sent it straight to Seneca
25 city utilities. That was already paid. They had

1 money in their coffers in advance in a check
2 before I left. If they disconnected the power or
3 anything; they just disconnected it maybe because
4 of their own mistake. And I called, and that was
5 clarified on a later date. I have copies of all
6 these checks. So to say that I did not pay this
7 bill, I did not do this, I did not do that, that
8 was actually damaging my reputation, and I can
9 tell you what I know, that on that day, if they
10 had mentioned it, it was the taxes. The taxes is
11 supposed to be paid at the end of every year, and
12 I had already left when the landlord told me, oh,
13 the taxes are supposed to be billed. My landlord
14 does not accept any payment via credit card, did
15 not accept any payment via bank transfer. I was
16 already out of the country. I could not issue a
17 check and put it in DHL; so I told him that is
18 going to wait until I come back. That was tax,
19 which taxes he later say is not necessary. He
20 never needed it. So he was going to pay for it.
21 Now, if somebody lied to me in that way to a
22 judge that's going the determination of my case,
23 I think that was really important. I was
24 supposed to be given time to clear that up.
25 And then another e-mail said, Judge Johns,

1 Sheriff Crenshaw has confirmed through the
2 Department of Homeland Security -- mark this
3 word. The word Sheriff Crenshaw alone makes it
4 criminal. And confirms through the Homeland
5 Security -- remember, Homeland Security of entire
6 America -- confirmed that somebody has fled. The
7 word fled means you have ran away from a crime
8 scene. Therefore, you are running away from
9 something. This e-mail alone made it look like I
10 was this criminal that may have could have forged
11 the will; and, therefore, I am running for my
12 life. But you know what Your Honor? I left on
13 the 18th of December 2020, and you know what? I
14 had a return ticket leaving Uganda on the 18th of
15 January 2021. Whatever I was going to do, I was
16 going to do within the 30 days. If I didn't do
17 it within the 30 days, to hell, I was coming
18 back. But you know what? They said I had fled
19 and there was no return date on file. That was
20 going to let anybody think that I was this
21 monster, a criminal that has fled, so to me, I
22 think -- I think I was wrongly -- this was
23 prejudice. This was terrible on my reputation.
24 And, of course, I don't blame you for not
25 trusting me because a lot has been put in place

1 and I didn't have the time to clear it.

2 Your Honor, this one last communication I want to
3 put forward, and this is very important.

4 He said, Judge Johns, at the request of Sheriff
5 Crenshaw, SLED performed an examination of Mr.
6 Pierce's last will and testament dated July 7,
7 2020. Upon examination, SLED questioned document
8 examiner Jack Jamieson determined the signature
9 on the last will is not that of the defendant,
10 and then gives SLED issues here. Yes, it is
11 true, but he said at the request of Sheriff
12 Crenshaw. It wasn't at the request of sheriff
13 because you know what? Mr. McDuff is the one
14 that reported a case of forgery in the sheriff
15 department, so it could not be the sheriff. The
16 sheriff only did what he was supposed to do. He
17 was requested to have the documents examined, and
18 then he had it examined, but, Your Honor, you
19 know the shame in this is that the sheriff
20 department himself, the one that actually ordered
21 for the documents to be examined, when they
22 submitted their own documents and the report came
23 in, the same sheriff department did not put any
24 credibility to that report. They ignored that
25 report because they knew the report was actually

1 irrelevant. If the report was so important, if
2 that report was so compelling, the sheriff
3 department is the custodian of the law. They
4 would have charged somebody with a crime because
5 they investigated that case for months, and you
6 know what? They didn't even call me to the
7 police to ask me questions. They asked me
8 questions outside and did not officially arrange
9 me to come and ask me any questions to make any
10 formal statement, so how could they make this a
11 big deal and not even inform this Court that, you
12 know that investigation we're talking about, Your
13 Honor, it was anyway closed, and, therefore, it
14 was not important. This report that the
15 handwriting expert make it was found to be
16 useless. That's why the case was closed twice.
17 Despite the facts that the plaintiff actually
18 stated at the police, they wanted to find some
19 crime. They did everything within their means to
20 find me guilty of something. God, I am not going
21 to be guilty of anything because I came to
22 America for my American crime. I am not
23 committing any crime. I did not commit any
24 crime. I have worked my entire life, and,
25 therefore, if somebody tries to put a crime on

1 me, a crime I have not committed, it's not going
2 to stick. So they tried their best, but this did
3 not work.

4 So I believe, Your Honor, these communications
5 influenced the judge's decision to rule in favor
6 of the plaintiff, and they violated my due
7 process rights, and for this reason, I think that
8 I am entitled to a new trial or at least vacate
9 the judgment and enter a new judgment.

10 And I'm almost getting finished.

11 Your Honor, my counsel did not perform his duties
12 as required by the bar association. The American
13 Bar Association gives license -- or their
14 attorneys are actually held to a strict standard
15 that if you claim to be an attorney, then you
16 have to represent your client to the best of your
17 knowledge. You know what? On that day, when I
18 came here in this courtroom on July -- on August
19 2nd, my attorney went into a meeting with him,
20 not anywhere in your courtroom where people are
21 supposed to meet and talk, but inside behind your
22 desk. They got into that tiny room. That's
23 where they talked. For over 10 minutes, the two
24 attorneys were talking. By the time my attorney
25 came back, his attitude had changed. He had

1 started asking questions that these people should
2 have been asking. His attitude changed
3 completely, and I knew that he had actually
4 flipped on me. But you know what? That did not
5 end there.

6 During that day, on that day of the trial, you
7 could see, if there was any video recording, how
8 I struggled to push evidence. Everything that
9 was said, I had every evidence of it. I
10 struggled. I was left alone and defenseless in
11 that courtroom because my attorney was already
12 compromised by the attorney, and, therefore, if I
13 didn't have those witnesses, if the law just --
14 that was injustice. I was left vulnerable and
15 defenseless in a courtroom, and yet, I paid 5,000
16 dollars.

17 And, Your Honor, they're going to say that
18 attorney incompetence is not covered in the Sixth
19 Amendment. You know what? I am claiming both
20 the Sixth Amendment and another law.

21 One, under the Sixth Amendment, if my attorney
22 had actually pushed in all the evidence that I
23 have, no criminal way of me submitting a document
24 that I knew was false was going to come up in
25 your judgment. That judgment make me a criminal

1 by actually stating that I submitted a document I
2 knew was forged, and yet, I knew the document was
3 not forged. It was duly signed, and every
4 evidence that was actually proving everything
5 that was made. But you know what? They said I
6 am a criminal because I knew the document was
7 forged. I didn't know. My attorney was
8 incompetent, and, therefore, I am claiming the
9 Sixth Amendment, which says everybody is entitled
10 to due process and fast hearing and fair trial.
11 Everybody is entitled to attorney effective
12 assistance of counsel. I didn't have one.
13 That's the only reason that judgment put a crime
14 on me.

15 And on another note, as much as the Sixth
16 Amendment only states that the people that --
17 that should -- the Sixth Amendment gives the
18 right to people that cannot afford an attorney,
19 the criminals that cannot afford an attorney, but
20 you know what, Your Honor? I have paid 5,000
21 dollars to that attorney. I paid 5,000, and I
22 gathered every evidence on my own. The only
23 thing he had to do for the 5,000 was come to this
24 court and defend me and put my case forward.
25 So what would happen if someone does not push the

1 case to the Supreme Court? Everything becomes
2 law when it goes to the Supreme Court. If
3 somebody does not push it, who is going to push
4 it? And an injustice has been done, and lawyers
5 are supposed to be held to some standard when
6 they come to a courtroom, they have to represent
7 their clients. And by the way, Your Honor, you
8 see, I would have actually maybe tried any other
9 way, but my attorney was out of town for three
10 days prior to the hearing. He was not reachable
11 on Wednesday. He was not reachable on Thursday.
12 Not reachable on Friday. I sent a series of
13 e-mails. I wanted to ask questions about what we
14 needed to do about the handwriting expert's
15 report and about this and about -- we were left
16 on our own. I only saw my attorney on that
17 Monday morning. And you know what? He claims
18 that the competent [indiscernible]. No, he was
19 not competent because he left me alone. He did
20 not do his job, a job for which he was paid to
21 do. And you know what? He's licensed to
22 practice law. Anybody that practice law must put
23 the interest of their clients first. My interest
24 was not put first, despite the fact that my
25 attorney actually got into cahoots with this

1 other attorney.

2 Therefore, I am entitled to a new trial, Your
3 Honor, because I was left alone. My case was not
4 presented. If I had an attorney -- proper
5 attorney on that day -- we were supposed to ask
6 for continuance. Despite any other factors
7 surrounding this, my attorney did not do his
8 part. Everybody else did not do their part, but
9 my attorney also did not do his part.

10 Now, the defendant is not liable for fraud or
11 forgery. I am not liable. I have proved beyond
12 reasonable doubt, and I have proved that my
13 husband signed the last will and testament, and,
14 therefore, how can this Court say that I am
15 liable for bringing -- carrying a document I knew
16 was fraudulent?

17 I saw my husband prepare that document, and I
18 helped my husband coordinate the witnesses to
19 come together, so then how do I know the document
20 is fraudulent and yet I actually know what really
21 happened?

22 You see, the handwriting expert, when he
23 testified here, they also examined my signatures.
24 My signatures did not match the signature with
25 the last will and testament, so that does not

1 make me liable for anything.

2 And, Your Honor, I also wanted you to know that
3 you see that will, that will that gives me the
4 residue, I don't have a motive to forge a will or
5 even submit a will that I know is fraudulent to
6 this Court. You know why? The will leaves me
7 the residue. You don't know the residue of my
8 husband's estate. My husband was a hoarder. He
9 hoarded everything from 1970's. From the time he
10 started making anything, he hoarded it. The
11 residue of my husband's estate allow me to share
12 with the Court. It is absurd.

13 Everybody else -- the kids, for example, these
14 are children who abandoned their father. These
15 are children who left their father to die. They
16 never showed up when my husband needed them. But
17 you know what? One of them was not there for
18 over 10 years, did not talk to my husband, did
19 not want anything to do with my husband, and only
20 showed up three months before my husband passed,
21 and he asked for a piece of land, and he went
22 down with my husband, and I have every evidence,
23 and my husband left that in his will. They asked
24 their father for land. My husband went and give
25 them the most important part of his estate in

1 front of a river. The most expensive part.
2 Eight acres of that land, because they all don't
3 have houses. They all are renting. The
4 plaintiff is renting, and he also came with his
5 wife. The four of us went down. My husband
6 showed him eight acres of land, and my husband
7 put that land in his will.
8 Now, you know my husband's land, part of the land
9 that is actually in front of the river is given
10 to him on the hill, eight acres the most
11 expensive, and in the middle of that piece of
12 land is a valley. It gets filled up with water.
13 It's as good as useless because every rainy
14 season that is filled up. You can't build
15 anything. That land is as good as dead. On the
16 part that would remain for me, that land is
17 filled with junk, complete junk. And you know
18 what, Your Honor? It's filled with old houses,
19 old houses that actually -- I don't know -- my
20 husband left me the residue for the reason. I am
21 the only person that knew how important every
22 trash on my husband's estate was because all of
23 his kids, they think he has 80 percent junk, but
24 to me, the junk was important to my husband
25 because he worked for it over 30 years, over 40

1 or 50 years. He collected everything. Every
2 dead refrigerator is on that land. Every bicycle
3 is on there. My husband would even stop in the
4 middle of the road, and I would help him or he
5 would help me carry for him a mattress somebody
6 has dumped by the roadside. Everything he
7 collected. But you know what? He left me the
8 residue. The residue of my husband's estate is
9 every trash and a piece of land that is not even
10 worth the value. Five acres of land on my end is
11 worth one acre of land on their end.
12 How -- how would anybody insult me that I would
13 carry a will to court that leaves me with the
14 residue of an estate I know that belongs to a man
15 that hoarded anything? You know what again? To
16 just clean up that estate, the part of the land
17 that I was given, just to clean it up, do you
18 know how much money is needed? There is this
19 house, a house that my husband left. I think you
20 already have it on your [indiscernible]. That
21 house, it was important to my husband because
22 that was where his grandmother had his hunting.
23 It's not livable. It's supposed to be tore down.
24 It's going the cost more than 70,000 dollars just
25 to tear down that house. On that same land,

1 there is a trailer, a trailer that got blown up
2 by the Easter storm. It's completely damaged.
3 That's going to need over 40,000 dollars to tear
4 it down and take it away. And two other small
5 houses that need to be tore up, and you know
6 what? That will was signed actually after, after
7 the Easter storm that damaged everything, damaged
8 everything on my husband's estate.
9 You see everything I listed only that inventory
10 list? You can see most of them are in poor
11 condition. Everything is listed there, poor
12 stuff, poor condition. If an auctioneer came to
13 value any of those things, it is worthless.
14 My husband trusted me with his estate because he
15 knew that I was responsible enough and I could
16 take care of it. And, Your Honor, you know
17 something else? These people actually, they have
18 presented me in this courtroom like this -- this
19 petty immigrant. I am not a petty immigrant,
20 Your Honor. I am a millionaire. I am a
21 millionaire. When my husband passed, I made 50
22 times more money than my husband.
23 How dare they even say I would be entrusted in
24 making a will and giving my children 5,000
25 dollars? How dare they say that? That is an

1 insult to me because 5,000 dollars, I actually --
2 he worked for me, the plaintiff. He worked for
3 me. He worked on my machines. I paid the
4 plaintiff \$3,500 one weekend when he goes out to
5 install my customer's machine. And I make sure
6 he was on a plane. I didn't send him driving. I
7 put him on a plane. And then sometimes during
8 the year of 2020, he was on a first class,
9 business class, because I didn't want COVID to
10 affect him in any way. I put him in a first
11 class flight, and then he went up, and I gave
12 additional money on top of paying the fee. He
13 demanded in cash. I don't know whether he
14 reported it to the IRS. You know what? I gave
15 him additional 200 dollars additional money every
16 other time, his pocket money, in case he wanted
17 to relax within the day he's going to spend, and
18 I paid the air ticket. I paid the hotel bill.
19 He did not sleep in any ordinary hotel.
20 So if I spent 5,000 dollars just to set him up
21 one weekend for two days to fix -- or install my
22 customer's machine, how is 5,000 dollars
23 important me or to any of my children? The three
24 of my children are on all of my titles.
25 Why would my children need 5,000 dollars? If my

1 husband, being a good stepfather, wanted to give
2 those kids 5,000, it was only my husband that
3 could do that because I have much more put aside
4 for those kids. They don't need a petty 5,000.
5 And he knows very well that I am capable and
6 that, financially, I don't have any issue, but
7 they want to portray me as someone that is
8 capable of forging a will and giving my children
9 5,000. I don't benefit from that will. I can
10 categorically tell you in this courtroom that I
11 only benefit when the will is invalidated. But
12 you know what? This is not about me. This is
13 about my husband. This is about what my husband
14 wanted. This is about a man that worked his
15 entire life. This is about a man that has been
16 despised his entire life. Nobody wanted to
17 listen to him. Nobody loved him. Nobody wanted
18 to associate with him including his own children.
19 When I met him, he was a genius. When I met him,
20 I treated him just like he wanted to be treat. I
21 loved him, and he loved me back. And you know
22 what? I am not going to put my own personal
23 interest before his interest. He deserves to
24 distribute his estate the way he wanted it. If
25 he wants to give me residue, let him give me

1 residue because I know I can take care of his
2 residue the way he wants it to be given, but if
3 this Court finds me too black to inherit
4 anything, too black to be anything, it is the
5 Court's discretion, but that would be unfair.
6 Therefore, I ask this Court for a new trial.
7 This Court put a crime on me, and yet, the
8 sheriff department investigated the last will and
9 testament and closed their case twice. That was
10 not told to this Court. And the same document
11 that this Court used to base their decision,
12 those documents were actually used by the sheriff
13 department. One hour is not enough to determine
14 that somebody had committed any kind of offense,
15 and I think even when all the attempts, Your
16 Honor -- they used everything possible within
17 their means to try to put me in jail to the
18 extent that they reported me to police for
19 vandalizing my husband's grave. Vandalizing my
20 husband's grave.
21 Your Honor, allow me to show you this. That
22 grave, that is my husband's grave. I've spent
23 3,490 dollars on it to give my husband a final
24 resting place. You know what? I was reported to
25 police for vandalizing the grave. Vandalism.

1 How do you vandalize a grave when you have
2 actually beautified it, when you have actually
3 given a man a resting place so decent that you --
4 I should have been appreciated, but you know
5 what? I was reported to police, and the police
6 didn't even bother to call me. They just decided
7 that it was not worth it, and when I saw the
8 police, the deputy come here and said, don't
9 worry about it. We advised the person that
10 reported it to thank you instead. They had never
11 seen something so beautiful. You know what?
12 They have tried to actually even report me to the
13 police. They connived with some of my customers,
14 called my customers to make criminal complaints
15 against me. Something that was supposed to be
16 civil, but they talked to my customers. My
17 customers reported a case in police of breach of
18 trust, and the sheriff closed the case. Two
19 investigations. And those were customers to my
20 husband.

21 I am not liable for fraud. I am not liable for
22 bringing any document that is forged into this
23 court because that will was signed by my husband,
24 and I don't stand to gain anything from the
25 estate.

1 Lastly, on the judgment, Your Honor, according to
2 South Carolina code 62-2-102, half of the
3 property in the estate is inherited by the
4 surviving spouse. Half of the estate. In the
5 event that this Court had found my husband's last
6 will to be invalid just because since the will
7 made a provision how the estate should have been
8 divided, this Court should have clearly
9 stipulated in their judgment how my husband's
10 estate was going to be divided. But you know
11 what? That was left out. I do not know if this
12 Court left it out intentionally or this Court
13 just left it out because it was an oversight, but
14 that judgment needed to have guidance on how
15 inheritance was supposed to be carried out under
16 the intestate succession law in the event the
17 will was actually found to be invalid, but that
18 was left out, so what can somebody do?
19 The judgment only says remove the personal
20 representative because she carried that false
21 document she knew to be forged into this court.
22 So then remove and then replace, and then what
23 else happens after that?
24 I have 50 percent stake in the event that the
25 will is found invalid..

1 THE COURT: Right.

2 MS. PIERCE: So that means there was supposed to be
3 some provision that would direct and guide on
4 that. So I would actually ask this Court that in
5 the event that this will is going to be
6 invalidated, provide guidance on how the estate
7 is going to be distributed so that I can make
8 appropriate decisions.

9 Your Honor, I would actually ask you for two
10 things. You can either vacate the judgment and
11 then validate my husband's last will and
12 testament based on arguments I submitted today
13 and the evidence or you can actually grant me a
14 new trial. And I believe in you. I know that
15 the last time you just didn't have enough. Thank
16 you very much.

17 THE COURT: Thank you.

18 Mr. McDuff?

19 MR. McDUFF: Yes, Your Honor.

20 We're here today on a very specific, narrow
21 issue. It's whether or not, under rule 59 of the
22 South Carolina Rules of Civil Procedure, Ms.
23 Pierce is entitled to a new trial on the
24 determination that the Last Will and Testament of
25 Doyle Elton Pierce was deemed to be not genuine

1 and, therefore, invalid.

2 You know, I -- and this issue came up at the

3 trial of this matter. It's no secret Ms. Pierce

4 is a black woman from Uganda, and these fine

5 people back here are of the same -- we're

6 different color skin, but we're the same human

7 race. I'm saddened by the fact that the --

8 everybody in this room, including this Court, is

9 being accused of making a decision in this matter

10 based upon the color of somebody's skin. I

11 thought we had gotten past that in this day and

12 age and in this culture and in this community,

13 but apparently, we haven't, and I'm tremendously

14 saddened by that. This matter has nothing to do

15 with the color of the skin of Ms. Pierce.

16 This matter has to do with whether or not there

17 was evidence presented at the time of the trial

18 of this matter on August 2nd of 2021 to establish

19 the valid execution of the Last Will and

20 Testament of Doyle Pierce.

21 Now, Ms. Pierce, who has been named -- had been

22 named as personal representative, had every

23 opportunity to present whatever evidence was

24 available to her at the time of trial. She was

25 represented by legal counsel. The purpose of a

1 rule 59 motion -- and the Courts have uniformly
2 said -- the South Carolina Supreme Court said the
3 Rules of Civil Procedure apply equally and rule
4 59 applies equally to a probate proceeding as it
5 does to a proceeding in any other court.

6 So rule 59A, ostensibly, that's the rule under
7 which Ms. Pierce seeks her relief, is one that
8 authorizes in a matter tried before a jury, for
9 the Court to grant a new trial, but it's not a
10 do-over. The granting of a motion for a new
11 trial does not grant a second bite at the apple.
12 What the Court is constrained to examine in this
13 case is evidence that was put before it at the
14 time of trial. All the things that Ms. Pierce
15 has brought up are extraneous to that and would
16 constitute -- I'm assuming what her argument is,
17 I've got additional evidence I want to place
18 before the Court that wasn't placed before the
19 Court at the time of the trial. In order to do
20 that, the rules are very clear.

21 Let me back up for a minute. The purpose of a
22 motion for new trial is to do several things.
23 Number 1, it's allows -- if the Court believes,
24 before it gets to the appellate stage, that it
25 misapplied the law to the facts as it is

1 determined or there was some newly discovered
2 evidence that would change -- could have changed
3 the outcome or would change the outcome of the
4 case that was unknown to the party seeking relief
5 at the time of trial.

6 Now, by Ms. Pierce's own admission, if you look
7 at the report of this Travis King from Phoenix,
8 Oregon, it looks like, dated July 29, 2021, it
9 was clear that as of the date of this opinion --
10 or we'll get to that in a second -- that Ms.
11 Pierce had engaged a handwriting examiner prior
12 to the date of the trial on August 2nd, had
13 received a report of opinion. Yet, at no time
14 did they ever seek to offer any opinion of Mr.
15 King, nor did they seek a continuance of the
16 trial. If you fail to offer evidence or seek a
17 continuance of the trial or fail to present
18 evidence, you have waived that. The case law is
19 clear under rule 59 that if you don't preserve it
20 at the time of the trial, don't offer it, don't
21 seek to get a continuance at the time of the
22 trial, you waived it. It's not preserved for
23 review.

24 A motion for rule 59 for a new trial is not to
25 reopen the case unless they can say there was

1 evidence of which we have now become aware that
2 would change the outcome of the case of which we
3 had absolutely no knowledge before the time of
4 trial. That's the standard. That's not the case
5 here. This information predated the date of the
6 trial in this case, and at no time did the
7 respondent or her counsel ever ask this Court,
8 Judge, we need a delay in order to get the
9 testimony -- either secure deposition testimony
10 to present to the Court or obtain the appearance
11 of this witness live at the time of the trial of
12 this matter. That never happened. They have not
13 established this is newly acquired evidence,
14 newly discovered evidence, upon which they're
15 entitled to a new trial.

16 In fact, when you look at this opinion of Mr.
17 King, if you look at the second page, under his
18 conclusion, the third paragraph, all Mr. King is
19 able to do is he says, my expert opinion is there
20 are indications to suggest, quote, unquote, Doyle
21 E. Pierce authored the signature on the
22 questioned document.

23 And in order for this to be relevant and
24 admissible otherwise, even if presented at the
25 time of trial, Mr. King would have had to have

1 testified that based upon reasonable scientific
2 certainty, that he concluded that the signature
3 on the last will and testament was that of Doyle
4 E. Pierce. All he offers here are there are
5 indicates to suggest, which says maybe, maybe
6 not. In any event, this would be incompetent at
7 the time of trial.

8 So in this case, we have a record that was
9 presented to the Court. We have witnesses that
10 testified in this matter. We had the witness
11 called from SLED. We had the two purported
12 eyewitnesses at the time of trial that were
13 presented by the respondent in the case. And the
14 issue was and the burden of proof was upon the
15 respondent because she was the proponent of the
16 will of the case law that there had been valid
17 execution of this will by the decedent. Valid
18 execution. Aside from the eyewitness testimony,
19 there had been valid execution.

20 Now, if you recall, Mr. Jamieson from SLED, the
21 questioned document examiner, there were things
22 to which he testified. Now, what Ms. Pierce has
23 shown you was a demonstrative exhibit he created
24 assimilating the signatures off of 19 different
25 documents. I believe this Court has it in its

1 file.

2 THE COURT: Yes.

3 MR. McDUFF: And which were made a part of the evidence
4 in this case, the 19 exemplars. The exemplars
5 were -- some of which dated, I believe, between
6 1960's and just several months before the death
7 of Mr. Pierce. And Mr. Jamieson testified that
8 Mr. Pierce's signature changed very little over
9 the course of time. It was very consistent.
10 Very little changes in it. And other things,
11 other factors he took into consideration which
12 were noted in this order, the variances in the
13 formation of the various letters on the last will
14 and testament, along with the fact that there
15 were two different pens used with two different
16 color inks to author the signature on the last
17 page of the will and then a different pen, a
18 black pen, used to put the initials of DEP on
19 every page of the will. He also testified that
20 the two witnesses, in spite of -- Tammy
21 Youngblood and her daughter, in spite of their
22 insistence on the witness stand that they used
23 the identical pen, he testified his examination
24 revealed they used two different ink pens to sign
25 their signatures on that will.

1 There was significant evidence presented in this
2 case by clear and convincing evidence that the
3 signature on the will was not that of Doyle E.
4 Pierce. Whereas even if it were the petitioner's
5 burden, the respondent bore the burden of proving
6 valid execution. The burden would have only
7 shifted if Adam Pierce had claimed there had been
8 undue influence, mental incapacitation, things
9 like that. That wasn't the issue. The challenge
10 was that this was not the valid signature of
11 Doyle E. Pierce on the Last Will and Testament
12 dated July 7 of 2020. And that's what this Court
13 concluded based upon the evidence before it.
14 The Court does not have the authority, under rule
15 59, to reopen the case and allow for a second
16 bite at the apple to try to present evidence that
17 was never presented, evidently in existence. We
18 don't have any verification when these things
19 were created, existed, otherwise, to help us to
20 try to establish that, in fact, these two
21 witnesses, purported witnesses, saw Mr. Pierce
22 execute the will.

23 Now, you, as the finder of fact, you were the
24 trier of fact, you sat in place of a jury in this
25 case. You're the one who listens to the evidence

1 and makes findings of fact. You determine what
2 the facts are based upon the evidence. That is
3 solely within your province and that cannot be
4 second-guessed by any court. Even a reviewing
5 court only appeal is going to look at the record
6 in this case based upon the evidence presented at
7 the time of trial and say, was there evidence in
8 the record to support your finding that this will
9 was not executed by Mr. Pierce. And as the Court
10 found in its order, there was significant
11 competent evidence that was presented at the time
12 of trial that this was not his signature.

13 Now, Ms. Pierce goes off and raises something
14 that she did not raise in any of her motions, her
15 first motion or her amended motion, about the
16 Daubert standard, the admissibility of expert
17 evidence, which as been adopted -- the Daubert
18 standard has been adopted by the South Carolina
19 Supreme Court, and it talks about when courts can
20 admit the testimony of an expert on a particular
21 issue.

22 Now, if you recall, at the time of trial, we went
23 through some examination of Mr. Jamieson to
24 establish his qualifications as an expert and
25 about the admissibility and the reliability of

1 handwriting analysis in this case, and if you
2 also recall, when tendered as an expert witness,
3 there was no objection on the part of plaintiff
4 or her counsel to the establishment of Mr.
5 Jamieson as an expert witness. He then relied
6 upon 19 different handwriting exemplars of Mr.
7 Pierce to conclude that that, in fact, not his
8 signature on the Last Will and Testament by -- he
9 concluded -- he affirmatively stated that that's
10 not his signature on the will.
11 The Daubert standard was never raised in any of
12 these motions. It's not even an issue in the
13 case. They've accepted Mr. Jamieson as somebody
14 who is qualified to testify about handwriting and
15 now cannot get a redo or second bite at the apple
16 based upon the fact that they now say his
17 testimony was scientifically unreliable. They
18 haven't established that. They can't raise it.
19 They didn't preserve. They didn't timely make --
20 bring that as an issue before this Court in their
21 motion for a new trial.
22 At the end of the day, Judge, everything that you
23 have seen, all these things were stamped existing
24 before the time of the trial. There is no newly
25 discovered evidence here which would change the

1 outcome of the case. There is just nothing here.
2 That would be the basis upon which this Court
3 would have the authority, the discretion to grant
4 a new trial. What they simply want to do is have
5 a rehearing on this case hoping for a second
6 outcome, a different outcome. Their only avenue
7 now is to pursue an appeal through the Circuit
8 Court.

9 I know we've addressed a lot of issues, the due
10 process, all those things, the incompetence of
11 legal counsel, and we have addressed those in our
12 memorandum of law, and I'm not going to belabor
13 those. I'm providing that to the Court.

14 We believe that the Court is -- this ought to be
15 a deliberative process and not -- and take this
16 issue very seriously because it's serious about
17 the issue of whether or not a will was a forgery,
18 and that's really what the argument is, was this
19 will a forged signature of Doyle E. Pierce.

20 However, I think based upon what the Court was
21 presented at the time of trial, the fact that the
22 -- one thing I do agree with Ms. Pierce on, I
23 absolutely agree with her, is that the two
24 eyewitnesses, purported eyewitnesses, Ms.
25 Youngblood and her daughter, were impeached. I

1 would absolutely agree with that. The Court
2 found them not to be credible. If you remember,
3 it was Ms. Youngblood who volunteered and brought
4 up of her own volition the issue about her having
5 brain surgery in an apparent deflection in an
6 attempt to probably justify why she was giving
7 inconsistent testimony on the witness stand, but
8 that's an inference for the Court to draw.
9 But in any event, the issues raised by Ms. Pierce
10 are of no merit. They're succinctly addressed in
11 our memorandum upon which the Court can rely, but
12 this case boils down to a very simple issue.
13 Is there a basis upon which to reopen the record
14 in this case based upon some evidence that was
15 not heretofore known and allow that to be
16 presented at the time of trial and that she has
17 demonstrated at this hearing, under the newly
18 acquired evident standard, that if it's admitted,
19 it would likely change the outcome of the
20 proceeding. That hasn't been established. As a
21 result, we are going to ask this Court to just
22 summarily -- and that sounds inconsistent with
23 saying that we want the Court to be deliberative,
24 but I think based upon the record as we have it,
25 the evidence that was presented, and what's being

1 presented today, the Court can make a summary
2 decision that the motion ought to be denied and
3 the matter, if she wants to pursue it, it goes to
4 the Circuit Court and the Circuit Court review
5 the record on appeal as it exists, it was created
6 on August 2. That's her avenue of relief, if
7 any. And that argument would be that this Court
8 misapplied the law to the facts. We submit it
9 did not.

10 We also submit this Court, under the probate
11 code, has the authority, if it believes it's in
12 the best interest of the estate, to remove the
13 personal representative and replace that person
14 with a special administrator pending the
15 resolution of this matter on appeal, which we're
16 going to ask the Court to do.

17 The issue that Ms. Pierce has never addressed,
18 was never addressed at the time of trial, was the
19 fact that the law that we cited was that somebody
20 in possession of a forged document that submits
21 it, will benefit by it, the presumption is they
22 either created it or had something to do with it.
23 The other standard under the probate code is if
24 it believes that the personal representative
25 offered a false statement of facts to this Court

1 in seeking appointment as personal
2 representative, that's another basis, best
3 interest and a false statement of facts under the
4 probate code, to be removed as personal
5 representative. This Court has that absolute
6 discretion to control and govern who the personal
7 representative is, and that's what the Court did,
8 removed her as personal representative. Pending
9 appeal and appointment, we believe what's
10 appropriate is a special administrator to get
11 control of the bank accounts, the assets, provide
12 what hasn't been provided heretofore in
13 inventory. There's no inventory even been filed
14 in this matter. None of the duties of the
15 professional -- personal responsibility have been
16 fulfilled. Those need to be fulfilled in order
17 to properly ascertain the assets of the estate
18 and properly account for them and see what's
19 there.

20 In any event, I think the evidence of the case at
21 the trial, as presented, the Court weighed the
22 evidence, determined what the -- what was -- what
23 the outcome was based upon the evidence presented
24 at the time of trial. There is nothing new that
25 was discovered afterwards that wasn't known at

1 the time of trial, and we're just asking the
2 Court to affirm its judgment and deny the motion
3 for a new trial.

4 THE COURT: Thank you, Mr. McDuff.

5 Ms. Pierce?

6 MS. PIERCE: Yes. Your Honor, you see, the expert
7 report. It was produced on the 29th of July.
8 Remember, that expert is in Oregon. That means
9 he had to actually mail it to my address.
10 Despite that we actually -- and I have evidence
11 for that. Despite the fact that we made sure
12 that it was overnight, mailed overnight, on
13 Friday so that we could receive it on Saturday,
14 on Saturday, it wasn't there, and the day that we
15 actually had the tracking that was supposed --
16 the document was supposed to be here was on the
17 day of the hearing. We could not mention that we
18 have this report, which report we still didn't
19 have in our hand, so how would that be possible?
20 It was just made on the 29th, but it had to be
21 mailed. The original copy was supposed to be
22 mailed, and there was no way we could actually --
23 so that is new evidence. That is not evidence
24 that we had in our possession at that time. We
25 had knowledge of it, but we did not have it in

1 our possession to present it to court, and so I
2 still say that we need a new trial so that we can
3 actually have the testimony of the handwriting
4 expert in this courtroom to validate the will.
5 And he goes ahead to say that, oh, that -- the
6 conclusion is weak. My husband was 74 years old.
7 If you look at those conclusions, how could the
8 Court listen to the expert himself? If their
9 expert had anything, he would have never made a
10 strong conclusion made on signatures as old as
11 1971. So yes, of course, the conclusion was
12 indications because you know what? My husband's
13 signatures, if you put my husband's signatures --
14 keep aside the signatures on the will itself, but
15 just put my husband's other signatures, they will
16 also have just similarities because my husband
17 was 74. And the handwriting expert has all of
18 those, and they're very -- there are reasons why
19 he actually said there are indications because a
20 man was 74, and, therefore, he signed according
21 to his mood, according to location, according to
22 where he stood. Anyone that is actually an
23 expert does not make a concrete conclusion that,
24 yes, the signatures belong to this person because
25 the signatures -- somebody does not actually

1 write their signatures the same way if they're
2 not consistent. It is going to be like that. So
3 the expert will explain that, but it's not
4 according to him to determine because he is not a
5 handwriting expert. He has no knowledge, and he
6 cannot actually verify this, but the report can
7 only be presented in this courtroom by the
8 expert, and we did not have that report at the
9 time of the hearing. We didn't have it, so that
10 means we are actually entitled to a new trial
11 under rule 59.

12 He also says that -- there was error in the law
13 in that judgment. Several errors on the law.
14 Witnesses were impeached unfairly under no
15 grounds at all. And you know what? He also says
16 that the Daubert law was only brought later on.
17 This is an appeal. I mean this is a motion for a
18 new trial, and I am arguing it, and in my
19 argument, I am saying that you did not meet the
20 burden of proof to invalidate the will, and
21 saying the Court actually erred in admitting the
22 testimony of a man that was actually irrelevant,
23 and, therefore, of course it is an error of the
24 law. Since rule 59 allows for a new trial based
25 on error of the law, this was a gross error of

1 the law. Therefore, it has to be fixed by a new
2 trial, so he can't say, oh, she's not entitled to
3 a new trial. I am entitled to a new trial in the
4 fact that the Daubert law, Daubert rule was not
5 properly applied by this Court, which abused its
6 discretion. And I am also saying that I need a
7 new trial because the Court unfairly impeached
8 the witnesses. I am entitled to that new trial.
9 And I have proved beyond a reasonable doubt today
10 in this hearing of this motion that the witnesses
11 were unfairly impeached. I have given you those
12 text records, and by the way, these are copies of
13 text records from the police. The police
14 extracted this from my phone, so if the police
15 can extract this from my phone -- you already
16 have a copy of it, and this is just for your own
17 consumption, Your Honor. You see that signature
18 on that? Just the signature on that document,
19 the marriage certificate, is completely
20 different. So if they say, oh, this is not
21 valid, the sheriff department took that right
22 from my phone. When they took it from my phone,
23 that means it is valid. And we all have the
24 details, my phone number, Tammy's phone number.
25 There is no way that he can say that they cannot

1 verify those text messages. I am only saying
2 that as much as Mr. McDuff is actually afraid of
3 the outcome of a new trial -- all I know is that
4 they're afraid of a new trial because they know
5 in the new trial the will is going to be
6 validated.

7 If the judge has discretion to impeach witnesses
8 on no grounds, if the judge has discretion to
9 deny the motion for a new trial, that means the
10 judge also has discretion to grant a motion for a
11 new trial based on every argument presented
12 before him, and I am saying if this Court does
13 not grant us a new trial, Your Honor, justice
14 will not prevail because there was completely an
15 injustice error of the law and additional
16 evidence that we did not have at the time of the
17 hearing that we need to submit at this time.
18 So to fix the error of the law, I have guided the
19 Court with the Daubert law, and the Court needs
20 to fix that error. Thank you very much, Your
21 Honor.

22 THE COURT: Thank you, Ms. Pierce.

23 Mr. McDuff, anything else?

24 MR. McDUFF: I'm just going to provide to the Court a
25 copy of the Court of Appeals case from 2016,

1 South Carolina Department of Social Services
2 versus Walls. I have a copy of it here. It's
3 not a published opinion, but it has persuasive
4 value rather than precedential value. It cites a
5 case we cited in our memorandum, Spreo [phonetic]
6 versus Baker. This is what the Court of Appeals
7 said. We find the Court did not err when it
8 declined to reopen the record pursuant to rule
9 59A to consider additional expert testimony
10 because the evidence the mother sought to
11 introduce could have been discovered before
12 trial, and it says here that in order to obtain
13 relief based upon newly discovered evidence, the
14 moving party -- that's Ms. Pierce -- must show
15 the evidence has only been discovered since the
16 trial and could not have been discovered before
17 the trial.
18 Like I said, they were aware there was a report
19 as of July 29. Even had to have hired this
20 person before July 29, before the trial. At no
21 time did they ever seek a continuance of this
22 Court to say, Judge, we have an expert in Oregon
23 we need to get here. We need a few more days to
24 get him here. That never happened. And you'll
25 see the cases we cited in our memorandum that

1 say, if you don't ask for a continuance to
2 present the testimony of a witness, you've waived
3 it. You haven't preserved it for rule 59.

4 You've got to present it to the Court and say, we
5 either need a continuance or some other method to
6 preserve the testimony of a witness to present
7 who is material to our case. You can't do it
8 after trial. You can't get a second bite at the
9 apple. She had legal counsel. That was just not
10 preserved. The Court needs to summarily deny the
11 motion and let her move on to the court -- the
12 Circuit Court to hear this as an appeal based
13 upon the record before it. All this other stuff
14 is collateral. All the other issues are
15 collateral to the real issue in the case; that
16 is, whether there was evidence to support this
17 Court's finding that Doyle Pierce did not execute
18 his will. The Court made the finding based upon
19 hearing the witnesses, gauging their credibility,
20 the way they testified, what they said, how they
21 said it, and determined by clear and convincing
22 evidence that he didn't sign the will.

23 We just ask the Court to deny the motion and let
24 it be and let it go through the Circuit Court and
25 let them review the record, but that's where this

1 should go.

2 MS. PIERCE: You talk about asking for continuance when
3 you talked to my attorney for 10 minutes and then
4 compromised him, and you talk about continuance
5 in the event of anything.

6 MR. McDUFF: I didn't realize I was that good.

7 MS. PIERCE: Yeah, that is terrible because, if
8 anything, that is supposed to be by an attorney,
9 an attorney that was already compromised. That
10 means I was left alone, and yet, there was
11 someone standing in my way. If the attorney, who
12 is already compromised, he knew already very well
13 he was already converted to your side, and did
14 not -- it is not my fault. Anything that my
15 attorney is supposed to do -- by the way, did I
16 also tell you that when the judge made an order,
17 the judge said, make an order, I think I'm going
18 to deny this -- I'm going to invalidate this
19 will, make an order and get approval from Mr.
20 Gruber. You know what? He said when he make an
21 order he then sent an e-mail and said, I do not
22 approve, but you know what? The judgment was
23 signed anyway. I did not have any say in that
24 judgment. I didn't have anything. I didn't even
25 know the judgment existed.

1 So you connived with my attorney, did everything
2 on your own, but he still tried to say he didn't
3 really, really accept your whatever, but it was
4 signed anyway. I think this is an injustice
5 without granting me a new trial. Let me put my
6 case before the judge myself. Let me not be
7 blocked. I deserve a new trial so I can put my
8 case in front of the judge and let the judge
9 determine.

10 We are talking about a man's last will and
11 testament. We are not going to handle his last
12 will and testament just like we're going to the
13 market to buy something to do shopping. It has
14 to be proven beyond a reasonable doubt whether
15 Doyle signed that document or not, and there is
16 not going to be any rush decisions in making
17 this. So if -- the truth needs to be known. If
18 we really value that, we have to make sure Doyle
19 signed that document and that those were his
20 wishes. Let there be a new trial. Let it be
21 proven, and, Your Honor, grant me this
22 opportunity. I have not been given a chance, not
23 even one chance to present anything. All this
24 time I hired attorneys, paid them money, but I
25 wasn't given a chance to defend my husband's last

1 will and testament. I know I do not have any
2 right, but you know what? That man loved me.
3 That man trusted me with his estate, and I need
4 just one chance to prove to this Court that he
5 signed it. If the Court is going to invalidate
6 his will after I have proved it, it will not be
7 my fault. If you are not going to do it for me,
8 do it for Doyle. Do it for my husband who worked
9 so hard for his estate.
10 I'm sorry. Forgive me. I'm sorry.
11 If you are not going to do this for me, do it for
12 my husband. Do it for a man that trusted me. He
13 never should have trusted me, but he did. He
14 even called his daughter and asked his daughter
15 to help me with the will, with the will, with the
16 estate.
17 Let me prove it before this Court that my husband
18 signed it. If the Court does not believe me, I
19 will rest my soul knowing that I did everything
20 within my power. And I didn't gain anything from
21 that estate. I didn't gain anything. Must I get
22 punished for doing good? Can't I be given one
23 chance, one chance to present my case? Just one.
24 Just one.

25 THE COURT: Anything else to come before the Court?

1 MR. McDUFF: No, we don't have anything further, Judge.

2 THE COURT: All right. I'm going to receive all this
3 information, and I'll make a decision within a
4 few days. We stand adjourned.

5 MR. McDUFF: Thank you, Judge.

6 (Proceedings concluded.)

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CERTIFICATE

I, the undersigned, Traci L. Barr, Court Reporter, Notary Public in and for the State of South Carolina, do hereby certify that the foregoing is an accurate transcription of the hearing.

I further certify that I am neither counsel nor solicitor to any of the parties in said suit, nor interested in the event of the cause.

In witness whereof, I have hereunto set my hand and seal this 15th day of November, 2021.

Traci L. Barr

Notary Public for South Carolina

My Commission Expires: 4/24/29

1 In the Court of Common pleas for the
2 State of South Carolina, County of OCONEE

3

4 Case No.: 2021CP3700560

5 Dorothy Pierce,

6 Plaintiff(s),

7 vs.

Transcript of Record

8 Jared Adam Pierce,

9 Defendant(s).

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15 November 3, 2021

16 Walhalla, South Carolina

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20

21 BEFORE:

22 The Honorable Cordell Maddox

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1 APPEARANCES

2
3 REPRESENTING PLAINTIFF(S) :

4 Dorothy Pierce, Pro Se

5 750 Morning Dove Lane

6 Seneca, SC 29678

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8
9 REPRESENTING DEFENDANT(S) :

10 Richard Hunt McDuff, Esquire

11 MJM Law, LLC

12 119 Professional Park Drive #B

13 Seneca, SC 29678

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PROCEEDINGS

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THE COURT: The first case I have got is Pierce versus Pierce, which is an appeal from probate court. Just so you know, I just got handed this file, so I will -- I want to hear both sides of it briefly. And then I'll take it and read through it. I think I have already dealt with this -- did I deal with a will?

MR. MCDUFF: No, you dealt with a related case, a Firewalker Hot Sauce case.

THE COURT: Okay. Okay. All right. So, just briefly, my understanding is the probate court here has removed Ms. Pierce because they found that the last will and testament -- well, they found that it was invalid. And then they have appointed Jared Pierce. Is that correct?

MR. MCDUFF: No, there's been no appointment yet of successor.

MS. PIERCE: No appointment.

THE COURT: Okay. So right now you appealed the probate court; is that correct?

MS. PIERCE: Yes.

THE COURT: Okay. just briefly. As you may know, in an appeal like this, I really don't get into the facts too much, I just need to find out and make a determination whether there was an error of law in the

1 probate court or whether there was a gross
2 miscalculation of facts. There's just -- I'm limited
3 in what I can do. The only two things that I can do is
4 affirm what they did, what the probate court found, or
5 send it back to them if I find an error.

6 So, all I really need for you to do is tell me
7 briefly how you think they erred or made -- what error
8 they made. And then I'll take this file with me and
9 read it and let you know.

10 And then I'll let you respond. So, and you
11 need -- if you don't mind, stand up when you speak so
12 that the court reporter can hear you. Just tell me how
13 you think they goofed.

14 MR. MCDUFF: Judge, if I may interject at this
15 point in time?

16 THE COURT: Sure.

17 MR. MCDUFF: Ms. Pierce is pro se in this matter.
18 The South Carolina Supreme Court has been very clear
19 that an estate is a separate entity.

20 THE COURT: Right.

21 MR. MCDUFF: And she is not a member of the Bar of
22 this state. She's not a licensed attorney anywhere.
23 She cannot appear and represent anybody in this appeal.
24 She has no standing under the Brown versus Coe case,
25 came out of the Supreme Court in 2005. And so anything

1 that she's filed the Court said should be stricken as
2 though it was never filed.

3 THE COURT: Okay.

4 MR. MCDUFF: So we have a problem with her going
5 forward and presenting on behalf of the estate as
6 personal representative when she doesn't have the legal
7 standing to do so.

8 THE COURT: But she's been removed by the probate
9 court -- wait a minute. She has been removed by the
10 probate court, right?

11 MR. MCDUFF: She's been removed. But the problem
12 is she's seeking an appeal on behalf of the estate to
13 reinstate the last will and testament of Doyle E.
14 Pierce.

15 THE COURT: No, I can't hear that. All I can hear
16 is how you think they erred in removing -- wait a
17 minute. I can only hear the issue of your removal
18 because you are representing yourself in that matter,
19 not the issue of the will. That would be done later.

20 So, tell me why you think they made a mistake in
21 removing you as the personal representative. Then you
22 are representing yourself.

23 MS. PIERCE: I have a question, Your Honor.

24 THE COURT: Yes.

25 MS. PIERCE: It says, Jared Adams Pierce and

1 Dorothy Pierce. Every document that they filed, it is
2 versus Dorothy Pierce, it is not versus the estate of
3 Doyle Elton Pierce. So how then that he say I need to
4 be represented by another attorney, because this matter
5 is actually versus Dorothy Pierce?

6 THE COURT: I think he's saying the estate, you
7 can't represent the estate. You can, as a pro se
8 applicant, represent yourself in asking me to overturn
9 the probate court's decision to remove you. So, I
10 don't need to get into the will or anything, I just
11 need for you to tell me why you think they made a
12 mistake in removing you. And then that -- it is a
13 simple, it is not -- it is more simple than we would
14 have to get into later. So I just need to know why you
15 think they made a mistake in removing you.

16 MS. PIERCE: And then this entire case can still
17 be had later on by an attorney, right? The appeal?

18 THE COURT: Well, it depends on what I do. I
19 mean, you -- it is always better to have an attorney
20 but --

21 MS. PIERCE: Well, I represented myself in the
22 probate court. So that means I was well aware that I
23 can still represent myself here.

24 THE COURT: But you have been removed officially
25 as -- wait a minute -- as representative of the estate.

1 So, that is the only issue I'm dealing with. Tell me
2 why you think they shouldn't have removed you.

3 MS. PIERCE: Okay. Well, my removal, you know,
4 there was actually gross misconduct of the Judge. But
5 if I am not even allowed to talk about the misconduct
6 of the Judge, which is completely independent from the
7 will itself, because a lot happened in that courtroom
8 that later led to my removal.

9 THE COURT: Well, tell me just briefly why you
10 think they made a mistake in removing you. And then
11 that issue is all that is before me today. And I
12 think -- I think the probate court -- didn't SLED come
13 in and have somebody review and basically determine
14 that the will that named you as executor was invalid?

15 MS. PIERCE: No, Your Honor, you see if you
16 allowed me to make a full presentation of this case,
17 they make -- he requested the case of forgery to the
18 Sheriff's Department. The Sheriff's Department
19 investigated that case and closed it. Thoroughly
20 investigated it and closed it. Yes, it is true that
21 SLED actually did their own investigation. But, Your
22 Honor, how do you invalidate a man's will based on
23 signatures of nine compared to one, when my husband was
24 too young, vibrant, 25 years old. They used very
25 outdated signatures that didn't even pass the Douglas

1 (phonetic) test. And then the Sheriff's Department
2 knew all of that, okay, and then they didn't press any
3 charges, they closed the case twice. So, if the
4 Sheriff's Department closed the case based on the fact
5 that even SLED themselves, they had a report, but the
6 report was based on very outdated signatures. So I
7 don't think we can actually use the SLED report in this
8 case, because SLED report was based on very outdated
9 signatures. Anyway let me present the reason why I
10 think that I was unfairly removed.

11 THE COURT: Okay. That is fine.

12 MS. PIERCE: First of all, Judge Johns, in his
13 courtroom, there was gross misconduct on the side of
14 the Judge. I don't know how to put it. You only want
15 me to defend how far it was that I got removed. So I'm
16 going to leave out the most important parts that I came
17 here to present. And then I'll just go straight to the
18 process you want me to make a presentation on. The
19 conduct of the judge actually amounted to judicial
20 misconduct.

21 THE COURT: How so? That is what I need you to
22 tell me.

23 MS. PIERCE: You see, the judge constantly, I mean
24 this, constantly engaged in inappropriate ex parte
25 communication with the plaintiff and his attorney. On

1 the day of the hearing, when we were actually in court,
2 the witnesses made an irrefutable testimony validating
3 the last will and testament of my husband. And that is
4 when there was a recess, and the Judge went out with
5 the plaintiff and their attorney. The three of them
6 had a brief meeting. I was not included in that
7 meeting. My attorney was not included in that meeting.

8 That is when the three of them decided that they
9 were actually going to bring the plaintiff on the stand
10 to testify. Your Honor, the plaintiff was calling the
11 judge "Kenneth." That means they knew each other, they
12 are buddies. But you know what, I wasn't involved in
13 that.

14 And not only that, the day before -- the day of
15 the hearing of my motion for new trial, there is three
16 of them, the plaintiff and his attorneys, they went to
17 the judge's office and sat there for over ten minutes.
18 I was not informed of the content of that discussion,
19 and nobody actually invited me. And then they exited
20 through the back door. That is inappropriate.

21 THE COURT: Okay. So, you are saying that there
22 was inappropriate --

23 MS. PIERCE: Communication, ex parte
24 communication.

25 THE COURT: Okay.

1 MS. PIERCE: And then, Your Honor, in this entire
2 process the judge discriminated against me by means of
3 race, nationality, and everything. In my op -- it was
4 too unfair to the extent that nobody heard me. I went
5 to that courtroom. When I filed a motion for a new
6 trial, the judge didn't even want to set a date for the
7 hearing. He just decided that it was out of
8 jurisdiction, that it was out of his jurisdiction, he
9 could not file -- he could not hear my case. But it
10 was a motion for a new hearing is protected under South
11 Carolina General Rule 59, everybody has a right.

12 It was until -- Judge Sprouse actually refused to
13 hear my appeal until Judge Johns ruled on my motion.
14 That was when someone sent an email to the judge. It
15 took the judge less than two hours for him to respond
16 to me, to myself, when I went to his office over three
17 different times. And he wouldn't listen to me. He
18 wouldn't set up anything, because it was not within his
19 jurisdiction.

20 THE COURT: Which judge, you talking about the
21 probate judge now?

22 MS. PIERCE: Yes, probate judge.

23 THE COURT: Okay.

24 MS. PIERCE: And that was not even announced. I
25 asked the Court, I wanted to make my presentation, if

1 they had any PowerPoints. They told me they didn't
2 have anything. Discrimination. It felt like the
3 1800s, where black was on one side and white was on
4 another side. And they told me, No PowerPoint. And I
5 said, Okay, that is fine. They told me, Call the
6 judge. And the judge said there was no Power Point
7 presentation accepted.

8 On the date of the hearing, I went in there, I had
9 printed all of my paperwork. And you know what? That
10 was when the judge decided to change the venue, and
11 because I had some people in the back room, and then he
12 decided we were going to sit in the boardroom and hear
13 my case because he asked me if I wanted to use the
14 PowerPoint presentation system. But I had already
15 printed my work.

16 And that does not -- that does not tell you
17 everything. When the judge -- I presented a case,
18 significant error of the law. That judgment, when you
19 read that judgment, it is one-sided. These people are
20 put up like they are God and I'm here down, if you read
21 that judgment, all of my witnesses impeached for no
22 reason at all. He is a criminal. He has a felony
23 record, but you know what, his testimony was accepted.
24 The testimony of --

25 THE COURT: Who are you talking about now?

1 MS. PIERCE: The plaintiff himself.

2 THE COURT: Okay.

3 MS. PIERCE: He is a two-time felon. Grand
4 larceny. And yet his testimony was accepted. My
5 witness didn't have any issue with their background,
6 they were consistent, they have been consistent with
7 the Sheriff's Department, consistent under oath. But
8 you know what, they were impeached for no reason.

9 And then so if these people presented signatures,
10 all 19 submitted to 1, and they used the signatures to
11 nullify a man's last will and testament.

12 The day that I presented my case and Judge Johns
13 come back with a ruling, I had ten grounds on which I
14 could be granted a motion, a new trial. But he come
15 back and ruled on one. He ruled on the fact that
16 nobody could present additional evidence. And I asked
17 him, I said, Judge, can you just provide grounds for
18 your denial. Because, this is just one. I had ten
19 grounds. He just didn't even respond to me.

20 I was not quite enough to even receive a response
21 from the judge. And so he just went ahead and signed
22 an order. The judge's order is not valid, I am telling
23 you. Now I'm coming back to the issue of my personal
24 rights were violated. I did not receive any fair trial
25 at all. You see, in that courtroom, on the day of the

1 trial, my honor turned -- I paid \$5,000 to hire an
2 attorney, but Mr. McDuff talked to my attorney for ten
3 minutes before the hearing, and my attorney comes back
4 and he had changed his attitude toward me, even toward
5 the witnesses.

6 THE COURT: You had a lawyer at this hearing?

7 MS. PIERCE: Yes, I had a lawyer, I paid
8 \$5,000.00.

9 THE COURT: Who was your lawyer?

10 MS. PIERCE: Mr. Gruber Sires. \$5,000. And in
11 that courtroom I gathered every evidence. We had text
12 messages, handwriting expert reports validating the
13 will. But I was left alone in that courtroom,
14 helpless, defenseless, because my attorney had already
15 been compromised.

16 Now, if they removed me as a personal
17 representative of the estate, you see, they --
18 Mr. McDuff says I had committed fraud, right. He said
19 that I had knowledge that the will was a forgery. How
20 do you have knowledge that the will is fraudulent yet
21 you have two valid witnesses? For heaven's sake, it
22 feels like Taliban government, two valid witnesses
23 impeached on no grounds at all just because the Judge
24 feels like he doesn't want to trust them. And then my
25 witnesses were impeached, and yet I had valid text

1 messages that the Sheriff's Department proved that
2 there was a communication, my husband knew this. Every
3 communication we have in a text message, but you know
4 what, my witness was impeached the text messages and
5 everything he ignored, because they just had to use the
6 old signatures to nullify my husband's last will and
7 testament.

8 THE COURT: Okay.

9 MS. PIERCE: Your Honor, the case was presided --
10 decided right before, actually, the hearing itself.

11 You see, Mr. McDuff, he sent emails to the Judge.
12 The Judge should have recused himself from my case, but
13 he did not recuse himself. Mr. McDuff sent several
14 emails to the Judge, tainting my reputation falsely,
15 actually.

16 I wish I could just read the portions on three
17 different occasions. On one of them he was telling the
18 Judge that according to the information that he
19 received from the Sheriff's Department that the PR has
20 fled the country. He received the information from the
21 Sheriff's Department and then the Sheriff's Department
22 got information from homeland security saying that I
23 fled the country. If the judge is told that someone,
24 through the sheriff, they fled, a person who flees a
25 country is a criminal. And then we are talking about

1 homeland security. Somebody hears about homeland
2 security. I'm already damned. And yet I told my
3 attorney, I went to Uganda and booked a 30-day trip
4 coming back.

5 And he lied to the judge, that I had not paid
6 rent. I paid rent to the landlord for my factory. He
7 lied that I didn't pay rent. And I had already paid
8 rent \$4,500, the day that I left the country. But he
9 wrote to the Judge that I hadn't. He wrote to the
10 judge and said that I hadn't paid my employees. I had
11 paid my employees for the 11 days before the holiday, I
12 had already paid them. He told the judge that the
13 employees were ready to testify. And then he also told
14 the judge that Sheriff Crenshaw had actually
15 determined -- no, that SLED determined that the will
16 was fraudulent. Of course they were not going to find
17 the signature matching, because the only authentic
18 signature is the signature on the last will and
19 testament.

20 The one day he was -- Your Honor, the signature
21 cannot be verified. Can you imagine, this is a piece
22 of paper they used to nullify the will. This piece of
23 paper. For ten signatures, copied and pasted it on a
24 piece of paper. Nobody could verify where the
25 signatures came from.

1 This is -- this is injustice. This is unfair.

2 THE COURT: Okay. Well --

3 MS. PIERCE: They removed me from being a personal
4 representative. I had every evidence, every evidence,
5 and they didn't say that I committed. Because, bring
6 me the person who forged my husband's will. Bring that
7 person to me. Because if you say I knew, I knew that
8 the will was valid, I knew it was valid. So, how does
9 that make me liable for fraud or anything? Because I
10 had valid witnesses who are ready to stand by me up to
11 the last minute because they didn't sign it for me,
12 they signed it for my husband.

13 THE COURT: Okay. So you think that basically he
14 was just incorrect and he interpreted the law
15 incorrectly and also had some ill intent towards you
16 basically?

17 MS. PIERCE: Yes.

18 THE COURT: Okay.

19 MS. PIERCE: And he -- the case was already
20 decided. Look at all of those nasty emails he received
21 about me. If somebody received such bad information
22 which were not true, do you think they would
23 actually -- the case was already predetermined before I
24 walk in that courtroom. Judge Johns didn't have any
25 interest at all in listening to me because it was

1 already predetermined.

2 THE COURT: Okay.

3 MS. PIERCE: And yet the sheriff's case was
4 closed. The sheriff found no wrongdoing on my part.
5 That handwriting expert report, if the sheriff really
6 gave that report any, any -- they didn't even consider
7 that report because they investigated and knew exactly
8 the report didn't matter. That is why they closed the
9 case.

10 THE COURT: Okay. All right. Well, let me ask
11 you this. I'm looking through this, and obviously I
12 have got to read the whole thing. And I have not
13 because I didn't know that I had it. It looks like
14 early on there were affidavits from two of the
15 witnesses. Do you remember that in the file?

16 MR. MCDUFF: I do. I do.

17 THE COURT: Who say that they met --

18 MR. MCDUFF: In a church parking lot.

19 THE COURT: -- at a church parking lot and watched
20 him sign it.

21 MR. MCDUFF: Correct.

22 THE COURT: Well, tell me what is going on there.

23 MR. MCDUFF: All right. So --

24 THE COURT: And obviously you can refute. I mean,
25 I understand what is going on. I have to read this.

1 MR. MCDUFF: Let me tell you what is going on.
2 I'm not going to engage in any grandiose rebuttal. But
3 the two witnesses, Ms. Youngblood here is I believe one
4 of the witnesses who claimed -- who submitted the
5 affidavit and also testified at the proceedings in
6 front of the probate.

7 THE COURT: Right.

8 MR. MCDUFF: She, along with her daughter, were
9 the purported witnesses. One thing I agree with Ms.
10 Pierce on is they were impeached at the time of the
11 trial. She said those were her witnesses that
12 purportedly witnessed the execution of this will that
13 Judge Johns found to be invalid. And that issue is not
14 before the Court today.

15 THE COURT: No, but I'm curious as to how the
16 judge, probate judge, dealt with it.

17 MR. MCDUFF: The probate judge dealt with that, he
18 heard the testimony of the witnesses, he heard the
19 testimony of the SLED handwriting examiner, and looked
20 at the exemplars that were provided. Nineteen separate
21 exemplars that the handwriting analyst from SLED
22 demonstrated that it was not the last signature on the
23 will of Doyle Elton Pierce. And also the fact that the
24 two eye witnesses were discredited in their testimony.
25 There was a specific finding that he found them not to

1 be credible in terms of their being witnesses to the
2 execution of the last will and testament.

3 THE COURT: Okay. And that would be in this file
4 at some point?

5 MR. MCDUFF: It is in the file. If you look at
6 the -- and we don't have the record on appeal here. We
7 don't have the transcript of the proceedings, which is
8 one of the requirements of the probate appeal statute.

9 THE COURT: Yes, I'm going to need that.

10 MR. MCDUFF: You are going to have that. And that
11 is a timeliness issue that we are going to have to
12 address as well. But in any event, you are liking
13 that, but what you will find in terms of the judge's
14 findings are in his order determining the last will and
15 testament of Doyle E. Pierce to be invalid. And in
16 that same order he then makes the decision to remove
17 Ms. Pierce as the personal representative. It should
18 be in your -- if do you not have it, it is -- I know
19 that it is in the --

20 THE COURT: No, I have got that. I just -- was
21 there no return done, do you know?

22 MR. MCDUFF: Not that I'm aware of. And at the
23 time of the proceedings she was represented at the
24 non-jury proceeding by Gruber Sires, an attorney here
25 in town. Prior to that she had been represented by

1 Carol Johnson, another lawyer in town. Had discharged
2 her. And has now discharged Mr. Sires from this --
3 from his representation. And here she is pro se.

4 MS. PIERCE: No, no, let me correct you on that.
5 Judge, my first lawyer, she has a kidney problem and
6 she was going on dialysis.

7 THE COURT: Okay.

8 MS. PIERCE: She is the one actually that
9 recommended Gruber Sires.

10 THE COURT: Okay.

11 MS. PIERCE: And I had to relieve Gruber Sires
12 because of his gross incompetence. And I had every
13 evidence. And so I have -- he's talking about the
14 witnesses, Your Honor. On that day the witnesses were
15 not impeached on this. You see he has to tell the
16 truth. So the witnesses on the stand, they met
17 irrefutable testimony under oath. Deana Walker, he
18 didn't even question Deana Walker because Deana Walker
19 went there and stated the facts and then she left.

20 And then Tammy Youngblood stated the facts, and
21 you know -- you know why Ms. Tammy Youngblood, because
22 he badgered the witness, he pushed Tammy. He wanted to
23 put words in Tammy's mouth, but Tammy was not going to
24 let him words stick to any part of. Tammy said, you
25 cannot do this, I have had enough, I am done with you

1 pushing me or harassing me on this stand. That is when
2 they impeached Tammy. It is not --

3 THE COURT: Okay. Well, let me ask you this. Why
4 don't -- why isn't there a return? Because both of
5 y'all are making -- I mean, is there a problem
6 completing the return, or what has happened?

7 MR. MCDUFF: You mean in terms of response to the
8 appeal?

9 THE COURT: Yes.

10 MR. MCDUFF: Well, the problem is that the probate
11 code 62-3-108 has a very specific procedure for
12 appellate proceedings before the circuit court. None
13 of those are followed. So, we are not at the point yet
14 where return is required. There is -- within ten days
15 of the notice of appeal, she has to then order the
16 transcript and there has to be a statement of issues of
17 appeal filed and initial brief.

18 THE COURT: Right.

19 MR. MCDUFF: All of those things. None of those
20 have been followed in this case.

21 MS. PIERCE: Well, the probate court told me they
22 had already filed a return. I have that in an email.
23 They told me they had already filed the return. And
24 all of my files were already here. Mr. McDuff, what he
25 don't want to tell the court is that, even on that day

1 of the hearing, your expert only had this document. I
2 went to probate court.

3 THE COURT: Well, listen, y'all are talking. Here
4 is the problem. I mean, there is a very strict
5 procedure required of an appeal. And again, when I got
6 here today I had a list of three cases and this was
7 sitting back there as one of them. This was the first
8 that I had seen of it. So, as I sit here, I have no
9 idea whether the procedure has been followed or not.

10 MR. MCDUFF: And I can represent that it has not,
11 other than the timely filing of the notice of appeal.
12 And I submit to the court that what's in the Brown
13 versus Coe case, the South Carolina Supreme Court said
14 that the remedy is, because she's engaged in the
15 unauthorized practice of law, by filing of that notice
16 of appeal and subsequent memoranda of law, that the
17 result is those are stricken. It is as though they
18 were never filed. That is the remedy.

19 MS. PIERCE: It says versus Dorothy Pierce.

20 THE COURT: Wait a minute.

21 MR. MCDUFF: Excuse me for a second.

22 THE COURT: I mean, you do have to have a lawyer,
23 you can't do this -- I mean, that is the problem you
24 have got.

25 MR. MCDUFF: Now we are in a position where none

1 of the deadlines have been met. My position is going
2 to be, I am going to file a motion to dismiss the
3 appeal because, you know, the appellate court has been
4 very strict on this, when you don't meet the appellate
5 procedural rule deadlines, the circuit court as the
6 appellate court is divested of jurisdiction. And that
7 is where we are now.

8 MS. PIERCE: Well, if I need a lawyer.

9 THE COURT: Let him finish. Let him finish. Let
10 him finish.

11 MR. MCDUFF: And the problem with it is, this is
12 why we have a fundamental problem that people aren't
13 allowed to proceed pro se in these proceedings, to just
14 -- to maintain the integrity of the process, and that
15 is not followed here. The integrity of the process
16 doesn't exist because of that. And so Ms. Pierce
17 cannot be here today advancing any arguments, in my
18 opinion, either on behalf of the estate, because it is
19 a separate entity, or in her capacity as personal
20 representative because that is a separate, distinct
21 person in authority other than herself individually.
22 And we are here at -- it should be back to square one
23 determining whether or not this court even has
24 jurisdiction to entertain this.

25 THE COURT: And I don't know. I will have to look

1 through it. So, here is what I am going to do, because
2 that is the initial issue, whether or not I should even
3 have this case on appeal. I will tell you that the
4 rules are strict. I mean, I don't know anything about
5 this case other than what is in this file. The rules
6 are very strict under the probate court on appeal to
7 the circuit court. Because it is just like my normal
8 cases are appealed to the Supreme Court or Court of
9 Appeals, I act as the appellate court here.

10 MS. PIERCE: Well, maybe in that case I will have
11 to ask for a continuance so I can sort all of that out.
12 Because if I was not able to make this presentation,
13 the appeal court shouldn't have even received my
14 appeal.

15 THE COURT: Well, that is what he's asking me to
16 do is to strike it. The problem there is you may have
17 -- that may cause you to have missed a deadline.

18 MS. PIERCE: I don't think that I have missed any
19 deadlines, I have filed everything in time.

20 THE COURT: But you -- but he's saying that you
21 can't because you have filed individually, not as an
22 attorney.

23 MS. PIERCE: It says versus Dorothy Pierce, not
24 versus the estate. They all, the documents, it says
25 versus Dorothy Pierce.

1 THE COURT: I understand that.

2 MS. PIERCE: So that means I am actually entitled
3 to represent myself if it says Dorothy Pierce. It
4 doesn't say Adam Pierce or anything.

5 THE COURT: Well, you need to understand, earlier
6 this week I had a jury trial that was Mr. X versus
7 Mr. Y. I don't remember the names of the people. They
8 both had lawyers, and so I don't -- I think that you
9 are looking at the caption and not at the body of the
10 document.

11 MS. PIERCE: Your Honor, are people not allowed to
12 represent themselves in this country? Must everybody
13 have a lawyer? I have had a lawyer once, and lawyer
14 didn't really help. And now, is this really not
15 allowed for an individual?

16 THE COURT: There are certain situations that a
17 person cannot represent a corporation. There are
18 certain rules. Generally the answer -- wait a minute.
19 Generally the answer is, you can represent yourself in
20 a criminal matter or a civil matter. But an individual
21 cannot represent a corporation, and he's telling me
22 that an individual cannot represent an estate. I'm
23 going to check.

24 MS. PIERCE: The estate is actually not a
25 corporation.

1 THE COURT: I know. I know. But he's saying that
2 the rules -- and I need you to send me that.

3 MS. PIERCE: He has to --

4 MR. MCDUFF: Let me give the court the citation on
5 this.

6 THE COURT: Yeah.

7 MR. MCDUFF: It is Brown versus Coe. It is at 365
8 S.C. 137. It is a South Carolina Supreme Court case
9 from 2005 in which the court addressed the specific
10 issue whether or not the personal representative could
11 represent herself or the estate in her capacity as
12 personal representative, or on behalf of the estate
13 before the Court of Appeals or the circuit court. And
14 the Court of Appeals and Supreme Court in that case
15 said absolutely not because an estate and personal
16 representative are separate entities different than
17 from the person who may be an heir or beneficiary or
18 designee of an estate. Because her obligations --

19 MS. PIERCE: Read that.

20 THE COURT: Just let him finish.

21 MR. MCDUFF: Because her obligations as personal
22 representative are to all heirs and designees of the
23 estate. That is her official capacity as personal
24 representative, not just her own interest. That is why
25 the court has said she doesn't have standing without a

1 lawyer to appear in the court in an appellate
2 proceeding before the circuit court or any higher
3 court. And the -- I will read. The Court here says,
4 In light of our duty to ensure that the parties are
5 represented by people knowledgeable and trained in the
6 law, we cannot say that the unauthorized practice of
7 law simply results in an amendable defect. Where a
8 party not licensed to practice law in this state
9 attempts to represent the interest of others by
10 submitting himself or herself to jurisdiction of the
11 court, those actions such as the filing of pleadings
12 are rendered a nullity.

13 MS. PIERCE: Okay. The other already waived their
14 rights, they already waived their rights and moved on,
15 the other side. And all along, everything that you
16 have filed it says Dorothy Pierce versus -- it has been
17 Adam Pierce versus Dorothy Pierce. There's no way you
18 cannot say that I cannot represent myself.

19 THE COURT: Okay. Well, I will have to decide
20 that legally. So, you have given me the cite. I am
21 going to take that issue under advisement. Because I
22 don't know. I mean, I am -- this is one of those cases
23 where there's more to read here than I can do while you
24 are sitting here.

25 MR. MCDUFF: Let me say something else for the

1 record, if I may, Judge, and indulge me -- have the
2 Court indulge me for a second. You know, unfortunately
3 this is what I -- I have been doing this now for 35
4 years. My father was a lawyer for 60 something years
5 before he died at the age of 97. You know, it used to
6 be when the facts are against you you argue the law and
7 when the law is against you you argue the facts. When
8 they are both against you, you pound the table.
9 Unfortunately this case is about, instead of pounding
10 the table it is about let's blame it on some immutable
11 characteristic, which is very unfortunate in this case.

12 Let me be specific about this and absolutely clear
13 so there is no mistake for the record. There was no
14 improper communication with Judge Johns ex parte about
15 this case, about any of the issues in the case that
16 caused this judge to be predetermined in his ruling in
17 this case. He heard the evidence, in fact, many times
18 at the trial. He said, I want to hear the story of
19 this matter. There is a complete transcript of what
20 happened. And you will see there was never a recess of
21 the trial at which time anybody had communication with
22 the judge. I want to state that to be absolutely clear
23 and unequivocal for the record.

24 THE COURT: Sure. I understand.

25 MR. MCDUFF: If the judge found that the will

1 didn't contain the signature of Doyle Elton Pierce
2 after hearing the witness testimony that is set forth
3 in a detailed order of the court, and also the same
4 facts and issues were -- all of these collateral issues
5 were raised on a motion for a new trial, except for
6 these new things about these ex parte contacts, these,
7 you know, fabulist stories, before it was that I had
8 somehow had sway over her lawyer. I must be the most
9 powerful lawyer in the state if I can --

10 MS. PIERCE: I --

11 THE COURT: No, no, let him finish. You have got
12 to let him finish. You can't --

13 MR. MCDUFF: And so I am going to submit to you,
14 this is all fable. What we are down to is the fact
15 that there was -- there was two issues if this ever
16 becomes before the court. Number one, is there any
17 evidence to support the judge's decision in the record.
18 Number two, did he make an error in the law. Those are
19 the issues before the court. There's no way for the
20 court to determine either one of those things, because
21 there is no record before this court. There is no
22 transcript of the proceeding to see what the evidence
23 was that was presented before the court at the time of
24 that hearing of August the 2nd of this year.

25 THE COURT: And my question, is, do you know why?

1 I mean, was there a problem at the hearing?

2 MR. MCDUFF: No, there was a -- there was a
3 recorded -- the probate court records it on a tape,
4 some sort of audio monitoring system.

5 THE COURT: Right.

6 MR. MCDUFF: Under the probate appellate rules,
7 under 62-3-108, it is up to the appellate to then have
8 a transcript within ten days of notice of appeal, a
9 transcript, order a transcript to be prepared.

10 THE COURT: Okay. Now I understand what you are
11 saying. You are saying that she didn't request it.

12 MR. MCDUFF: She did not -- has not followed any
13 of the rules that are required to be followed for this
14 appeal.

15 THE COURT: Okay. All right. Well, let me do
16 this, I'll take that issue alone under advisement.
17 I'll let you know. I am in Charleston next week in a
18 very tough week, so you are not going to hear from me
19 next week, it'll be the week after. Okay?

20 MR. MCDUFF: Okay.

21 THE COURT: All right.

22 MR. MCDUFF: Thanks, Judge.

23 THE COURT: Thank you.

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CERTIFICATE

STATE OF SOUTH CAROLINA:

COUNTY OF OCONEE:

I, MONA L. MANLEY, Court Reporter, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

DATED this 13th day of March, 2022.

Mona L. Manley /s/
MONA L. MANLEY
Official South Carolina Court Reporter
Circuit Reporter for the 10th Circuit
(850) 893-6662
mmanley@sccourts.org

has

witnesses, who witnessed and subscribed this Last
Will.
10c
10c
10c
10c

Doyle E. Pierce 11/16/42

United States of America.

Doyle E. Pierce 15

United States of America.
Doyle E. Pierce 11/16/79

Doyle E. Pierce 11/16/81
DOYLE E. PIERCE

Doyle E. Pierce 11/16/82

United States of America.

Doyle E. Pierce 11/16/82

PLAINTIFFS
EXHIBIT
11

signed Doyle E. Pierce 11/16/82

Grantor Doyle E. Pierce 11/16/82

MORTGAGOR:
Doyle E. Pierce 11/16/82

Doyle E. Pierce 11/16/82

Grantor Doyle E. Pierce 11/16/82

SIGNATURE OF PAYEE
Doyle E. Pierce 11/16/82

SIGNATURE (OF PAYEE)
Doyle E. Pierce 11/16/82

Doyle E. Pierce 11/16/82

AFFIDAVIT

STATE OF SOUTH CAROLINA

COUNTY OF _____

I, Doyle Elton Pierce, the Testator, sign my name to this instrument this _____ day of _____, 20_____, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my Last Will and that I sign it willingly (or willingly direct another to sign for me), that I execute it as my free and voluntary act for the purposes expressed in the Last Will, and that I am eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.

Testator

We, _____ and _____, the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the Testator signs and executes this instrument as the Testator's Last Will and that the Testator signs it willingly (or willingly directs another to sign for the Testator), and that each of us, in the presence and hearing of the Testator, hereby signs this Last Will as witness to the Testator's signing, and that to the best of our knowledge the Testator is eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.

Witness #1

Witness #2

Subscribed, sworn to and acknowledged before me by Doyle Elton Pierce, the Testator, and subscribed and sworn to before me by _____ and _____, witnesses, this _____ day of _____, 20_____.

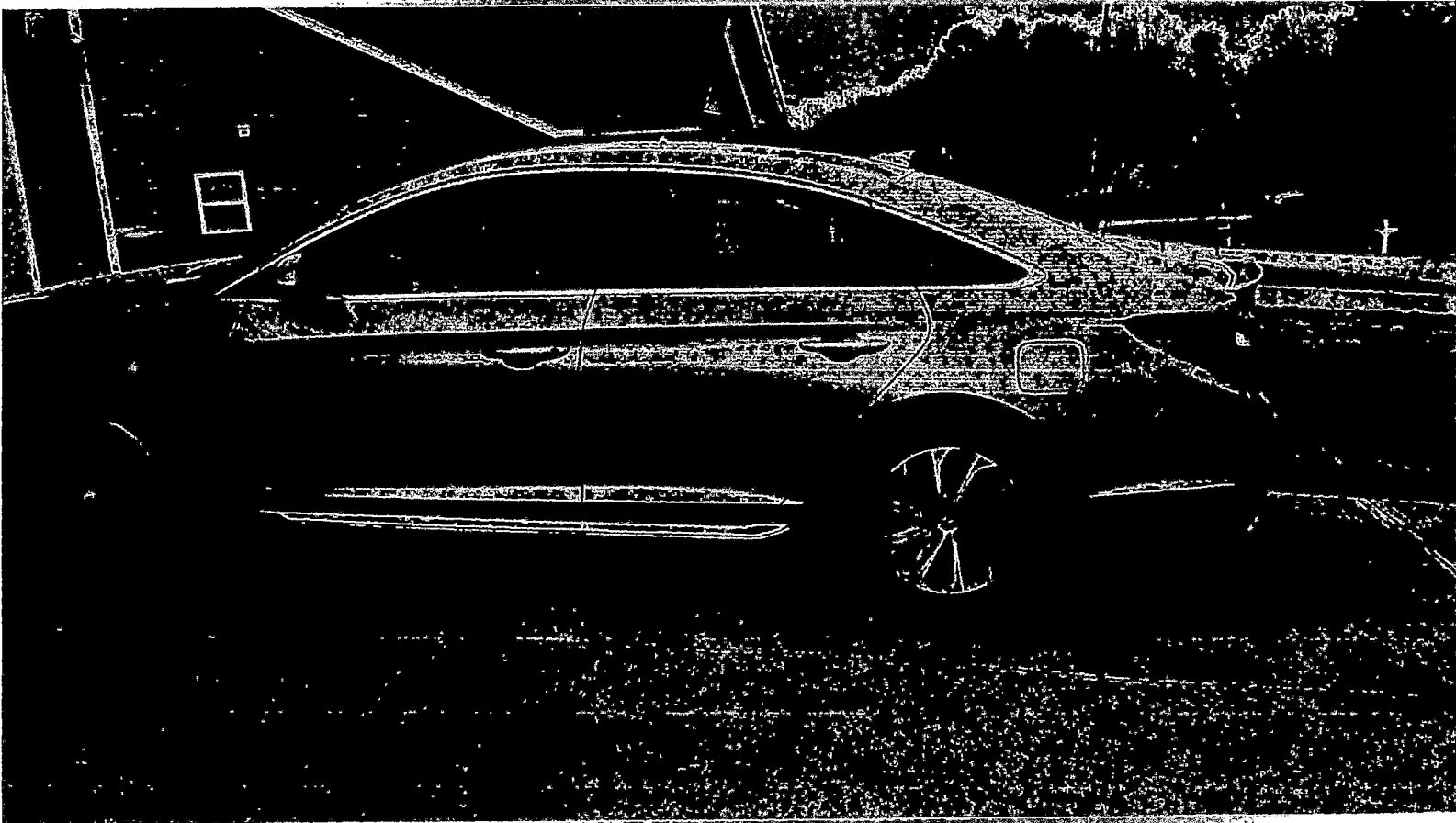
(Seal) _____

(Signed) _____

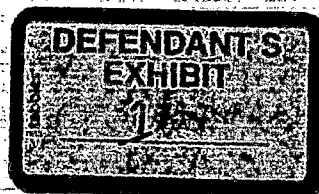
(Official capacity of officer)



#4



Hyundai Sonata



PRISMA HEALTH.

Tammy G Youngblood
3 Dinwiddle Dr
Greenville SC 29617-1012

Date of Birth: **7/9/1963**
Today's Date: **9/28/2021**

To Whom it May Concern:

Tammy G Youngblood was seen in my clinic on 9/15/2021. The above named patient has been under my care for the last 16 years. Despite a history of prior brain surgery, she has maintained her cognitive ability. She is able to manage her life and finances. I understand that she has been perceived to have memory deficits. However, over my entire care of her I have noted her memory to be intact and adequate to maintain a normal life.

In my professional opinion, she shows no significant deficits of memory, cognitive ability, or judgement that would prevent her from serving as a witness for legal proceedings.

If you have any questions or concerns, please don't hesitate to call.

Sincerely,



Stephen Ray Gardner, MD
SOUTHEASTERN NEUROSURGICAL AND SPINE INSTITUTE
109 DOCTORS DRIVE
GREENVILLE SC 29605-5608
864-797-7150

CC: No Recipients

VOLUNTARY STATEMENT 2021 NOV -4 A 11:53

DATE 02/08/2021 PLACE 3 Dinwiddle Dr, Greenville, SC TIME STARTED 11:42A .M.
I, the undersigned, Tammy Youngblood am 57 years of age, my date and place of
birth being the 1963 day of Liberty, SC
I now live at 3 Dinwiddle Dr, Greenville, SC
Before answering any questions or making statements, J. Johnson

a person who identified himself as a deputy of Oconee County, SC
duly warned and advised me, and I know and understand that I have the following rights: That I have a right to remain silent and I do not have to
answer any questions or make any statements at all; that any statement I make can and will be used against me in court or courts of law for the
offense or offenses concerning which the following statement is hereinafter made, that I have the right to counsel with a lawyer of my choice before
or at anytime during any questioning or statements I make; that if I cannot afford to hire a lawyer, I may request and have a lawyer appointed for
me by the proper authority, before or at anytime during any questioning or statements that I make, without cost or expense to me; that I can stop
answering any questions or making any statements at anytime that I choose, and call for the presence of a lawyer to advise me before continuing any
more questioning or make any more statements, whether or not I have already answered some questions or made statements. +T.Y.

I do not want to talk to a lawyer, and I hereby knowingly and purposely waive my right to remain silent, and my right to have a lawyer present while
I make the following statement to the aforesaid person, knowing that I have the right and privilege to terminate any interview at any time hereafter
and have a lawyer present with me before answering any more questions or making any more statements, if I choose to do so. +T.Y.

I declare that the following voluntary statement is made by my own free will without promise of hope or reward, without fear or threat of physical
harm, without coercion, favor or offer of favor, without leniency or offer of leniency, by any persons whatsoever. +T.Y.

Dole asked to meet him to sign his will. We ~~to~~ meet
him on 183 in 1/2 mile at a church on a hill. Dole, Deana, Dorothy
and me sign the will on the trunk of the car. I think it was
early July. End of statement.

~~I certify I have received a copy of this statement Tammy Youngblood
I have read each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, if any, bear my initials,
and I certify that the facts contained herein are true and correct. I further certify that I made no request for the advice or presence of a lawyer before
or during any part of this statement, nor at any time before it was finished did I request that this statement be stopped. I also declare that I was not
told or prompted what to say in this statement.~~

This statement was completed at 11:56A .M. on the 8th day of February, 2021.

Notary Public for S.C.

My Commission Expires 9/15/2030

WITNESS: _____

WITNESS: _____

Tammy Youngblood
Signature of person giving voluntary statement

VOLUNTARY STATEMENT

2021 NOV -4 A 11:53

DATE 02/08/2021 PLACE 3 Dwidle Dr, Greenville TIME STARTED 11:57 AM

I, the undersigned, Deana Walker birth being the 11th day of 1989 at Greenville SC years of age, my date and place of

I now live at Greenville SC - 87 Montague Rd.

Before answering any questions or making statements, J. Jamison

a person who identified himself as a deputy of Oconee County, SC duly warned and advised me, and I know and understand that I have the following rights: That I have a right to remain silent and I do not have to answer any questions or make any statements at all; that any statement I make can and will be used against me in court or courts of law for the offense or offenses concerning which the following statement is hereinafter made, that I have the right to counsel with a lawyer of my choice before or at anytime during any questioning or statements I make; that if I cannot afford to hire a lawyer, I may request and have a lawyer appointed for me by the proper authority, before or at anytime during any questioning or statements that I make, without cost or expense to me; that I can stop answering any questions or making any statements at anytime that I choose, and call for the presence of a lawyer to advise me before continuing any more questioning or make any more statements, whether or not I have already answered some questions or made statements. DW

I do not want to talk to a lawyer, and I hereby knowingly and purposely waive my right to remain silent, and my right to have a lawyer present while I make the following statement to the aforesaid person, knowing that I have the right and privilege to terminate any interview at any time hereafter and have a lawyer present with me before answering any more questions or making any more statements, if I choose to do so. DW

I declare that the following voluntary statement is made by my own free will without promise of hope or reward, without fear or threat of physical harm, without coercion, favor or offer of favor, without leniency or offer of leniency, by any persons whatsoever. DW

DW
On My mother and I met with Dorthy and Doyle early July 2020 to sign a paper. The road we went down was 183 and we got lost so we had pull over for them to meet us. we signed the paper in the parking lot of a church. End of Statement.

DW

DW

DW

DW

I certify I have received a copy of this statement Deana Walker
I have read each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct. I further certify that I made no request for the advice or presence of a lawyer before or during any part of this statement, nor at any time before it was finished did I request that this statement be stopped. I also declare that I was not told or prompted what to say in this statement.

This statement was completed at 12:03 P .M. on the 8th day of February, 20 21

Notary Public for S.C.

My Commission Expires 9/15/2030

WITNESS: _____

WITNESS: _____

Deana Walker
Signature of person giving voluntary statement



Tammy (+18649087632)

I called to tell you she said
we can come today after
she gets off work. Is that
o.k. Love you

Monday, Jul 6, 2020 10:38 AM

**Dorothy Pierce
(8643243247)**

That will be okay

Monday, Jul 6, 2020 10:38 AM

**Dorothy Pierce
(8643243247)**

What time does she get off
work?

Monday, Jul 6, 2020 10:38 AM



Tammy (+18649087632)

I'll call you, she gets off
work at three.

Monday, Jul 6, 2020 10:40 AM

**Dorothy Pierce
(8643243247)**

Okay

Monday, Jul 6, 2020 10:40 AM

Dorothy Pierce
(8643243247)



Call me

Monday, Jul 6, 2020 10:40 AM

Dorothy Pierce
(8643243247)



Power is off at our house, Doyle just called his doctor and they made an appointment at 3:20pm. I needed to print one last paperwork he asked me to print so you can sign together but power is gone

Monday, Jul 6, 2020 12:43 PM



Tammy (+18649087632)

Do you won't us to come it will be about five

Monday, Jul 6, 2020 12:50 PM



Tammy (+18649087632)

Just let me know if your power come back on I'll call Deana and see what day she can come. Love y'all, I hope Doyle good visit.

Monday, Jul 6, 2020 1:46 PM

Dorothy Pierce
(8643243247)



It hasn't come back

Monday, Jul 6, 2020 1:47 PM

Dorothy Pierce
(8643243247)



They arw fixing it i guess

Monday, Jul 6, 2020 1:48 PM



Tammy (+18649087632)

Ok,

Monday, Jul 6, 2020 1:48 PM



Tammy (+18649087632)

Where are we meeting at
today ?

Tuesday, Jul 7, 2020 2:11 PM

Dorothy Pierce
(8643243247)



708 Mourning Dove Lane
Seneca SC, 29678

Tuesday, Jul 7, 2020 2:30 PM

Dorothy Pierce
(8643243247)



5:30 is best.

Tuesday, Jul 7, 2020 3:26 PM



Tammy (+18649087632)

It probably be 6 are a little bit after.

Tuesday, Jul 7, 2020 3:29 PM



Tammy (+18649087632)

She gets off at five

Tuesday, Jul 7, 2020 3:30 PM

Dorothy Pierce

(8643243247)

Oh that's even better

Tuesday, Jul 7, 2020 3:30 PM



Dorothy Pierce

(8643243247)

Doyle got out of the house to meet you somewhere in the middle. I can't stop him

Tuesday, Jul 7, 2020 6:12 PM



Tammy (+18649087632)

We are on 273

Tuesday, Jul 7, 2020 6:13 PM



Tammy (+18649087632)

We are now on 183

Tuesday, Jul 7, 2020 6:14 PM

Dorothy Pierce

(8643243247)

Got it headed there now

Tuesday, Jul 7, 2020 6:19 PM



COMPREHENSIVE REPORT

MR JARED ADAM PIERCE

REPORT CRITERIA

Name: JARED ADAM PIERCE
Person ID: 001976270423
Reference Code:

GLBA: Fraud Prevention or Detection
DPPA: Civil, Criminal, Administrative, or Arbitral Proceeding

REPORT SUMMARY

Subject Information (Best Information for Subject)	Indicators	Report Legend
MR JARED ADAM PIERCE (Male)	Criminal Conviction: Yes	Shared Address
Person ID: 001976270423	Property: Yes	Verified Address
	Deceased: No	Deceased
		High Risk Indicator

Associated Addresses	Record Counts
17 Address Record(s) found: 404 N CHURCH ST, WALHALLA, SC 29691-1943 OCONEE (Jan 2018 - Oct 2020) 258 FRIENDSHIP RD, SENECA, SC 29678-5225 OCONEE (May 2007 - Oct 2020) PO BOX 84, WALHALLA, SC 29691-0084 OCONEE (Apr 2019 - Apr 2019) 709 MOURNING DOVE LN, SENECA, SC 29678-1031 OCONEE (Jun 1994 - Dec 2015) 750 MOURNING DOVE LN, SENECA, SC 29678-1031 OCONEE (Nov 1990 - Jan 2013) 115 MEADOWBROOK DR, SENECA, SC 29678-2929 OCONEE (Nov 2001 - Nov 2012) 450 SAM MOORE RD, WESTMINSTER, SC 29693-4122 OCONEE (Aug 2008 - Aug 2008) 103 PARK PLACE DR, SENECA, SC 29678-5731 OCONEE (Oct 2000 - Feb 2005) 110 BOGGS DR LOT 9, SENECA, SC 29678-3962 OCONEE (May 2001 - Jan 2005) 100 GAIL CT APT 15, SENECA, SC 29672-6732 OCONEE (Nov 2004 - Nov 2004) 692 PLANT RD, WESTMINSTER, SC 29693-3826 OCONEE (Nov 2001 - Nov 2001) RR 6 BOX 527, SENECA, SC 29678 OCONEE (Jun 1990 - Jan 1996) 709 MORNING DOVE, SENECA, SC 29678 OCONEE (Sep 1995 - Sep 1995) 1900 C TOUSA HWY, WESTMINSTER, SC 29693 OCONEE (Jul 1993 - Jul 1993) 8110 W OAK HWY, WESTMINSTER, SC 29693-5535 OCONEE (Oct 1992 - Dec 1992) PO BOX 527, SENECA, SC 29679-0527 OCONEE (Apr 1990 - Apr 1990) 999 NA, SENECA, SC 29678 OCONEE (Apr 1990 - Apr 1990)	Aliases: 7 Impostors: 0 Associates: 5 Relatives: 21 Student Information: 1 Student Records: 1 Addresses: 17 Property Records: 2 Phone Records: 5 Email Addresses: 1 Utilities: 0 Neighbors: 4 Historical Neighbors: 4 Motor Vehicle Registrations: 5 Florida Accidents: 0 Walmart Records: 0 Aircraft Registrations: 0 Bankruptcies: 0 Liens and Judgments: 0 Criminal Records: 14 Sexual Offenses: 0 Foreclosures: 0 Henchmen of Defaults: 0 Civil Court Records: 0 Corporate Affiliations: 0 UCC Filings: 1 People at Work: 4 FAA Certifications: 0 Professional Licenses: 0 DEA Controlled Substance Licenses: 0 Licenses: 0 Voter Registrations: 1 Hunting/Fishing Licenses: 0 Weapon Permits: 0 Firearms/Explosives Licenses: 0

Associated Phone Numbers Summary
5 Phone(s) found: (864) 647-2061 (EST) (Phone Plus) (JARED ADAM PIERCE) (864) 557-3664 (EST) (Phone Plus) (JARED PIERCE) (864) 723-1535 (EST) (Phone Plus) (JARED PIERCE) (864) 985-0389 (EST) (Phone Plus) (JARED PIERCE) (864) 888-4603 (EST) (Old Phone) (08/1996 - 06/2006)

Criminal Records Summary
14 Criminal Record(s) found: 06/16/1999 - OPEN CONTAINER 06/16/1999 - OPEN CONTAINER 10/25/1993 - ASSAULT AND BATTERY OF A HIGH AND AGGRAVATED NATURE (ABHAN) 10/25/1993 - ASSAULT AND BATTERY OF A HIGH AND AGGRAVATED NATURE (ABHAN) 10/22/1993 - ABHAN 10/22/1993 - ABHAN 07/26/1992 - MINOR IN POSSESSION OF ALC 07/26/1992 - MINOR IN POSSESSION OF ALC 04/18/1991 - AGE 04/18/1991 - GRAND LARCENY 04/18/1991 - MALICIOUS INJURY TO PER PR 04/18/1991 - AGE 04/18/1991 - GRAND LARCENY 04/18/1991 - MALICIOUS INJURY TO PER PR

SCONEE PROBATE COURT
21 AUG 19 AM 10:59:31

Vehicle Summary

5 Vehicle(s) found:

1987 Mitsubishi Mighty - JA7FL44E5HP003863 - 329FX

2015 Dodge Challenger - 2C3CDZAT7FH814587 - VT38023 (SC)

2012 Dodge Ram - 1C6RD6LT1C6313448 - IRQ941 (SC)

2001 Ford Ranger - 1FTYR14U71PA31945 - 623LSL (SC)

1995 Mercury Cougar - 1MELM62WXSH634523 - 499BMV

People at Work Summary

4 People at Work Record(s) found:

BEACON MANUFACTURING

CD DUNN CONST - CONSTRUCTION

STEEL HEDDLE - OPERATOR

STEELHEDDLE - OPERATOR

Drivers Licenses

2 Drivers License(s) found:

- SC (02/22/1995 - NA)

- SC

Bankruptcy Record(s) found:

NONE FOUND

Travis King

Expert Document Examiner

P.O. Box 1008
Phoenix, OR 97535
Office: 541.890.4322

Email: travis@handwritingexpertking.com
www.HandwritingExpertKing.com

Questioned Document Examination Letter of Opinion

Date: July 29, 2021
Matter: Doyle E. Pierce

REQUESTED ASSIGNMENT

Examine a copy of Last Will and Testament, Page 10 of 11, Dated 07/07/2020 to determine if the Doyle E. Pierce signature is authentic.

DESCRIPTION OF THE QUESTIONED DOCUMENT(S)

Q1 Copy of Last Will and Testament, Page 10 of 11, Dated 07/07/2020

DESCRIPTION OF THE PURPORTED KNOWN DOCUMENTS OF DOYLE E. PIERCE

- K1 Copy of Signature Page of Commercial Lease Agreement, Page 10, Dated 07/15/20
- K2 Copy of Medical Power of Attorney, Page 6 of 9, Witnessed 07/07/2020
- K3 Copy of Signature Page, Seneca, SC, Page 10 of 11, Dated 07/05/2020
- K4 Copy of Affidavit, Form I-864, Page 8 of 10, Dated 07/05/2020
- K5 Copy of Petitioner's Statement, Form I-129F, Page 10 of 13, Dated 06/20/2020
- K6 Copy of Petitioner's Statement, Form I-130, Page 9 of 12, Dated 06/20/2020
- K7 Copy of Bill of Sale, Dated 08/28/2019
- K8 Copy of The Sullivans Note 5050, Dated 12/13/2018
- K9 Copy of Marriage License, Dated 01/05/2018
- K10 Copy of Signature Page of Lease Agreement, Dated 09/24/2017
- K11 Copy of Check 1735 to Affordable Dentures, Dated 04/07/2015

OBSERVATIONS

Similarities to Known Signatures:

- Spacing
- Letter combinations
- Connecting strokes
- Pressure patterns and ink pooling

CONCLUSION

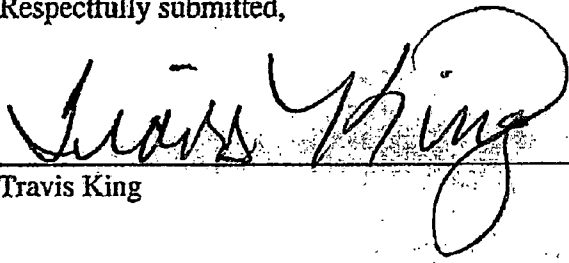
In order to establish that a questioned signature was written by a particular person, an examination with known genuine signatures must show substantial agreement in sufficient handwriting characteristics to identify the maker and eliminate the possibility of any other writer.

The handwriting characteristics that are evaluated include line quality, pressure patterns, rhythm, slant, size and proportions, utilization of space, initial and terminal strokes, writing speed, legibility, skill level, letter forms, types of connectors, method of construction, and pattern formations.

After a thorough analysis of these items, from an application of accepted forensic document examination tools, principles and techniques, and based on the documents examined, my professional expert opinion is there are "indications to suggest" Doyle E. Pierce authored the signature on the Questioned document, Q1.

I am willing to testify as to my findings in a Court of Law.

Respectfully submitted,


Travis King

ATTACHMENTS

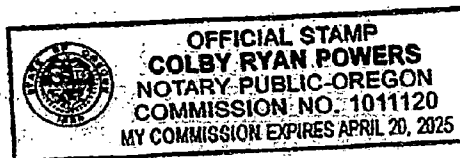
- Copy of Last Will and Testament, Page 10 of 11, Dated 07/07/2020, Labeled Q1
- Eleven (11) documents with the purported known signatures of Doyle E. Pierce, Labeled K1-K11
- CV of Travis King
- The relevant Scientific Working Group for Forensic Document Examination (SWGDOC) standards and guidelines for the field of forensic document examination. See www.swgdoc.org

State of Oregon

County of Sackson

Subscribed and sworn to before me, this 24, day of July, 2021.


NOTARY PUBLIC – State of Oregon



Travis King
Forensic Document Examiner

P.O. Box 1008

Phoenix, OR 97535

Phone: (541) 890-4322

E-mail: travis@handwritingexpertking.com

www.HandWritingExpertKing.com

CURRICULUM VITAE

I am, Travis King, a Forensic Document Examiner. I apprenticed under the leading court-qualified Forensic Document Expert in the country, Bart Baggett, California
Forensic Examination Provided For:

Disputed documents or signatures, including wills, checks, contracts, deeds, account ledgers, medical records, and autograph authentication. Investigation and analysis including: questioned signatures, suspect documents, forgeries, identity theft, anonymous letters, alterations, obliterations, erasures, typewritten documents, altered medical records, graffiti, handwritten numbers, and computerized and handwritten documents.

Education

- International School of Forensic Document Examination, Dallas, TX: Forensic Document Examination
- Certification from American Institute of Applied Science
- Wyotech, Laramie, WY, ASM Business and Marketing Program
- Southern Oregon University select classes in Communications
- Associate of Handwriting Services International
- Former Faculty Member of Handwriting University
- Former School Moderator for International School of Forensic Document Examination
- Continuing education: International School of Forensic Document Examination 2019-Present

Further Qualifications:

I have reviewed numerous signatures, examined case documents and rendered an opinion on cases in Alaska, California, Colorado, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nevada, New Jersey, New York, North Carolina, Ohio,

Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, and Wisconsin. I attended over 200 class hours and over 200 cases with The International School of Forensic Document Examination.

Laboratory Equipment used for examination:

Numerous magnifying devices including 30x, 20x, and 10x loupes, Vision Binocular Stereo Microscope, ALVIN Satin-glow light box, protractor, calipers, metric measuring devices, slope protractor and letter frequency plate, handwriting letter slant and comparison plate, typewriter measurement plate, type angle plate, digital photography equipment including Sony Cyber-shot 7.2 mega-pixels camera and Wide Conversion Lens, HP dv9000PC, 2 high resolution printers, HP color LaserJet 2550n printer, 2 digital scanners, 1 high resolution facsimile machine, and a copy machine.

Specific Areas of Training:

Handwriting Identification and Discrimination
Signature Comparison
Techniques for Distinguishing Forged Signatures
Disguised Handwriting
Altered Numbers
Anonymous Writing
Laboratory Procedures
Forensic Microscopy and Forensic Photography
Identifying Printing Methods
Papers and Watermarks
Factors that Affect Writing
Demonstrative Evidence Training
Demonstrative Evidence in the High-Tech World
Forgery Detection Techniques
Detection of Forged Checks
Document Image Enhancement
Graphic Basis for handwriting Comparison
Ethics in Business and the Legal System
Mock Courtroom Trials

Library

Numerous forensic document examination titles and other handwriting reference materials, including but not limited to: "Handwriting Identification: Facts and Fundamentals" by Roy A. Huber and A.M. Headrick; "Fundamentals of Document Examination" by Ray Walker; and "How To Be A Credible Witness," "Attorney's Guide to Document Examination," and "A Selection of International Penmanship Systems" by Katherine Koppenhaver, and "Forensic handwriting Examination: A Definitive Guide" by Reed Hayes; "Document Examiner Textbook" by Jess E. Dines

Conferences Attended

- 20 hours: School of Forensic Document Examination Training Conference, Dallas, TX
- 20 Hours: Advanced Handwriting Training Conference, Dallas, TX
- 20 hours: Handwriting Training Conference, Dallas, TX

Professional Affiliations

I choose to not join any fee-based document examiner organizations at this time.

witnesses, who witnessed and subscribed this last

Doyle E. Pierce (10c)
witness

Doyle E. Pierce (10c) 10c

United States of America.

Doyle E. Pierce (S)

United States of America.
(M) *Doyle E. Pierce* (10c) 10c

Doyle E. Pierce (10c) 10c
DOYLE E. PIERCE

Witnessed this 10 day of June (10c) 10c
Doyle E. Pierce

United States of America.

Doyle E. Pierce (SE)

igned:

Doyle E. Pierce (10c) 10c

Doyle E. Pierce

Doyle E. Pierce (10c) 10c
Grantor

MORTGAGOR:

Doyle E. Pierce (10c) 10c
Doyle E. Pierce

Doyle E. Pierce (10c) 10c
Doyle E. Pierce

Doyle E. Pierce (10c) 10c
Grantor

SIGNATURE OF PAYEE
Doyle E. Pierce (10c) 10c

SIGNATURE OF PAYEE
Doyle E. Pierce (10c) 10c

Doyle E. Pierce (10c) 10c

Forensic Document Examiners

Questioned Documents Research,
Consulting, Expert Testimony



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CONTACT PAGE TOP

Collecting Exemplars

Excerpt from *Attorney's Guide to Document Examination*

By Katherine M. Koppenhaver

Exemplars

To help the document examiner support her opinion satisfactorily to the court, provide her with as many valid exemplars as possible at the beginning of the case. Exemplars, also called standards, are legally admissible authentic samples of handwriting used for comparison with questioned writing. They are used by the document examiner to enable her to form an opinion concerning the authenticity of handwriting in dispute. There are two kinds of exemplars (informal which are documents previously executed and known to be genuine) and formal (which are request writing samples). Exemplars are also called known handwriting samples.

Handwriting identification depends on the quality of the known writing. One of the most important steps in the investigation of suspected or disputed writing is the procurement of sufficient genuine writing samples. Legal advisers and investigating

Learn more about The Guide —

Review the table of contents from [Attorney's Guide to Document Examination](#)

Handwriting Samples

A list of places to locate handwriting samples can be found at www.richardorsini.com

officers must be able to anticipate the document examiner's needs in the way of comparative material. Sufficient suitable material facilitates the work of the expert in establishing the master pattern or habits of the writer in order to avoid errors and inconclusions. A document examiner who must work with insufficient writing has a more difficult task and may not be able to draw adequate conclusions from the limited material.

Informal handwriting exemplars are more reliable for comparison purposes than request writing. Since informal writing was written in the normal course of business, it more accurately reflects the subconscious habits of the writer. Self-consciousness or conscious-awareness enters into the request writing process. Even when there is no attempt to disguise request writing, it may not represent the normal subconscious habits of the writer.

If informal exemplars are not sufficient or suitable for comparison purposes, request writing should be taken from the victim as well as any suspects. Often the only way to obtain comparable handwriting samples is through request writing. There are some disadvantages to request writing that must be taken into consideration.

Disadvantages of Request Writing Samples

Request writing taken after the incident may not be as close to the date of the questioned writing as informal documents executed in the normal course of business. Courts consider request writing taken after the fact as self-serving and may not allow it. Some writers will deliberately disguise their request handwriting. The person taking the request writing needs to take this into consideration. Suggestions for taking request writing are covered later in this chapter.

It may be difficult or impossible to duplicate the writing environment of the suspect document in order to obtain comparable documents. The writer may not be available for

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we can help you
with your case.



request writing or circumstances may have caused changes that make it impossible to obtain similar request writing samples.

Collecting Informal Exemplars

Exemplars must be suitable for comparison with the questioned writing. Since handwriting can be found on many different types of surfaces, comparison materials should, when possible, duplicate the conditions under which the questioned document was executed. While this is usually done with request writing, it may be harder to locate informal writing samples that meet this criteria. Locating material to be used as evidence may require considerable effort on the part of the investigator. Comparison materials should, when possible, be written under the same conditions under which the questioned documents were executed. While this is the standard method of taking request writing, it is impossible to control the writing environment of informal writing samples.

Try to obtain signatures that are similar to the questioned signature. If the questioned signature is in ink, get signatures in ink, if it is in pencil, get documents written in pencil for comparison. If the questioned document is on lined paper, find documents written on lined paper. If the questioned document contains handprinting, collect documents that are handprinted.

Where no similar documents are available, try to locate documents whose authenticity can be verified such as canceled checks that have been accepted by a bank. Other documents executed in the regular course of business are also suitable.

The date of the questioned writing must be taken into consideration when looking for suitable comparable documents. While an adult's handwriting may remain constant for many years, writing habits normally change over time so that an outdated standard may be unsatisfactory for

comparison purposes. All writing samples are not of equal value and some may be of no value at all.

When gathering handwriting for comparison purposes, it is necessary to keep in mind that various factors cause changes in handwriting. Age and illness may lead to the deterioration of writing skills, which can be an important consideration in a disputed will case. A teenager's handwriting may change drastically in as short a time frame as a year. A drug addict may undergo a radical change in handwriting as his addiction takes over. Handwriting samples taken prior to the addiction are not going to accurately reflect later writing.

Handwriting changes gradually over a person's lifetime but some factors can cause drastic changes in handwriting in a short period of time, therefore it is essential to compare handwriting from a similar time frame and under similar conditions. Trauma such as stroke, illness, or loss of a spouse, or medication, or substance abuse can affect handwriting. If a person's writing has changed drastically around the time the questioned document was executed, there may not be comparable material available.

Ideally, writing executed around the date of the questioned material should be used for comparison purposes, some dated, shortly before and after the date of the questioned material. What time frame is considered suitable? Documents executed within two to three years are most suitable. If these are not available, documents dating further from the questioned material may be used. Do not rely on present-day writing exclusively, if possible.

Make sure the handwriting exemplars are not in dispute and that they can be authenticated. Any uncontradicted testimony of competent eye witnesses who saw the execution of the writing can be used to verify its authenticity. Courts accept the testimony of the author admitting genuineness or someone to whom the author has admitted genuineness. The testimony of a person who received writing from the author and acted on it

is also valid, though not necessarily accurate. Documents executed in the normal course of business are frequently used for comparison purposes which includes negotiable instruments such as checks, contracts, and other business documents.

Document examiners have given erroneous conclusions based on forged exemplars. When the exemplars have been fabricated by the same writer as the forged material, an opinion of authenticity based on false information will occur. Document examiners mistakenly identified Adolph Hitler as the author of the Hitler Diaries because they used forged exemplars of Hitler for comparison.

How Many Samples of Handwriting are Needed?

The type of case determines the number of exemplars that the document examiner needs for comparison with the questioned documents. Always try to collect as many samples as possible because it is more important to have suitable undisputed samples than a large quantity of little comparable value. Cases have been won in court using a single known signature to support the authenticity of a questioned document. One signature is sufficient when all the characteristics of handwriting match. When proving that an individual did not write a questioned document, it is necessary to obtain a larger range of writing and one hundred signatures may not be enough. An average would be twenty to twenty-five signatures and four to five pages of normal handwriting and/or handprinting preferably written at different times.

More known documents are needed if the writer has a wide range of variation or an oversimplified signature, while only a few signatures would suffice if the writer is consistent. An oversimplified signature is one that contains few changes of direction and is usually an illegible scrawl. Oversimplified signatures are easier to imitate than more complex signatures

that contain more changes of direction and more stylized letter forms.

When a questioned signature shows obvious signs of forgery not present in the known signature, one known signature should be enough to prove nongenuineness. Forged writing often contains tremor or has a drawn look.

A single signature would be sufficient to determine the facts when the questioned signatures are written with a higher skill level than the suspected writer could execute. However, it is better to have more exemplars whenever possible. The document examiner must evaluate the exemplars to determine if she has sufficient suitable material to render an accurate opinion.

Suitable Exemplars

Canceled checks, contracts, applications, and business letters make suitable exemplars or standards. The writing can be properly identified, the date can be verified, and the habits of the writer can be studied. Additional standards may be needed if the words on the disputed writing do not match the exemplars.

Ideally, original writing should be available for the scrutiny of the document examiner. Original writing is always better than a photocopy or a facsimile. If it is impossible to obtain original documents, a first generation photocopy should be supplied. The original documents should be requested whenever a photocopy is supplied by the adverse party. Intermediate tones are almost always lost in a photocopy because it aims to secure the greatest possible contrast. Subsequent generations of photocopies may drop sufficient detail, rendering them worthless to a competent document examiner.

According to the FBI Law Enforcement Bulletin published in September, 1970, handwriting identification depends on the quality of the known writing. "A's cannot be compared with G's

— 'John Jones' cannot be compared with 'Samuel Hansen' —
The J's must be compared with J's and the 'ohn's' with 'ohn's'.
Handwriting cannot be compared with handprinting."

Documents similar in nature will make the best exemplars. Contracts should be compared with contracts, and canceled checks with canceled checks. Try to procure like signatures. An "A" should be compared with "A," an "Al" with "Al," and handprinting with handprinting. Documents written with ink should be compared with other documents written in ink. Try to find writing on similar documents. People often have more than one style signature depending on the document being executed. Checks may be executed in a more careless manner than wills and contracts. Do not use signatures written while the writer was intoxicated unless the questioned documents were written under similar circumstances.

Some handprinting can be compared with handwriting and vice versa. Some writers use handprinted letters and handwritten ones interchangeably. Most common is the use of handprinted capital letters in place of cursive. Other writers use the same letter form for both handprinted and cursive writing.

There are many characteristics of handwriting that can be compared besides letter forms and connecting strokes. Document examiners compare line quality, pressure patterns, size and proportions, spacing, slant, baseline, and utilization of space. Document examiners can compare similar letters such as "N" and "M," and "P" and "R"; circle letters and loops can be compared. Therefore, all available handwriting samples should be given to a document examiner.

While it may be possible to make a match with only a few exemplars, the more exemplars available the better. Collect as many samples of handwriting, including signatures, as possible. It is necessary to collect enough handwriting samples to enable the expert to render a professional opinion.

How much is enough? Enough would be sufficient exemplars to eliminate any other writer as the author of a document.

Cases in Which No Exemplars are Needed

There are some cases in which no exemplars are needed to prove spuriousness. Since no one can write his signature exactly the same way twice, identical signatures are generally evidence of nongenuineness. This would include traced forgeries, scanned signatures, or even freehand simulations, as well as cut and paste signatures.

Some writers use signature stamps and autopens as legitimate signatures making it is necessary to determine the nature of the signatures before an opinion of nongenuineness is given.

Signs of forgery are indicative of nongenuineness. Documents that contain indications of tracing can be identified without known signatures. Evidence of tracing the signature would be a groove or guide line along the signature line or residue of pencil or carbon.

When a questioned signature matches the handwriting of another writer, an identification can be made that the writing was penned by that individual. In this case, no known signatures of the victim are needed for comparison.

Writing of the impaired or illiterate can be identified as spurious if the questioned writing exceeds the ability of the known writer. A high skill level signature of an impaired individual can be rejected without comparison documents.

Request Writing

Request writing exemplars are handwriting samples made at the request and under the supervision of the police, document examiners, or attorneys for comparison with questioned writing. The writer is asked to complete forms containing all

the uppercase and lowercase letters plus numbers and punctuation marks.

Care must be taken to insure that request writing is suitable for comparison purposes since the writer may attempt to disguise his writing. Normal writing is a result of subconscious habit. The quality of writing is recognized by repeated significant characteristics executed with ordinary attention to the writing act. Certain precautions can insure that the exemplars are suitable. For instructions go to How to Take Request Writing.

The document examiner should take the request writing exemplars whenever possible. The examiner is then in a position to determine if the writing is normal writing or if the writer is trying to disguise his handwriting. Lawyers frequently have their clients write their name ten times on a sheet of paper. This is not an appropriate handwriting sample. When taking the request writing samples, follow established procedures. Use a dictation (MS Word doc) that contains all of the letters of the alphabet as well as the numerals.

DOs and DON'Ts for Collecting Exemplars and Standards

- DON'T rely on too little writing. How much is enough? Enough to show the range of handwriting characteristics of the writer.
- DO obtain sufficient handwriting exemplars, at least twenty to twenty-five signatures or four to five pages of handwriting or handprinting.
- DON'T rely exclusively on writing that differs significantly from the questioned.
- DO collect similar samples: handprinting with handprinting, ink signatures with ink signatures, lined paper with lined paper, same size with same size.
- DON'T rely on documents recently written if the comparison documents were written many years ago.

- DO collect standards dated at approximately the same time as the questioned.
- DON'T compare writing written under abnormal conditions (for example, when the writer was intoxicated) with normal writing.
- DO collect documents that duplicate the writing environment: checks with checks, contracts with contracts.
- DO instruct the writer in order to obtain similar exemplars. For example, print with all uppercase letters.

Summary

Exemplars are known handwriting samples used for comparison with questioned documents. There are two types of exemplars, formal and informal. Formal exemplars are request writing samples. Informal exemplars consist of documents executed in the normal course of business. Proper procedures should be followed when taking request writing.

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PO Box 324, Joppa, MD 21085

MD: 410-679-8257 • VA: 703-671-7347 • Fax: 410-538-8548

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**Writing an Effective Expert Report:
The Nuts and Bolts of Complying with Rule 53.03**

**Adam R. Little
Partner
Oatley Vigmond**

Introduction

Most lawsuits settle. It is therefore quite infrequent that an expert is actually called as a witness at trial, and examined and cross-examined in front of a judge and jury. Because most lawsuits settle, the written reports prepared by the expert witnesses are of utmost importance in the litigation process.

A clear, concise, factually sound, edited and well-written report prepared by a qualified expert can change the tide of litigation. A poorly-written and confusing report, riddled with typos, factual errors and opinions beyond the expert's scope does not help anyone. This paper will set out the technical requirements for an expert report from a legal perspective, and also provide some tips and guidelines for writing the types of expert reports that win cases.

General Principles

The Purpose of an Expert Report

The purpose of an expert report is to give notice to the opposing parties of the opinion evidence of an expert that will be tendered through oral testimony at trial. In essence, expert reports are designed to avoid trial by ambush, which is heavily frowned upon in modern litigation. The report should include not only the opinion of the expert, but importantly the facts upon which the opinion is based.

Ultimately, an expert report should be a standalone document, from which the reader can understand the factual assumptions, the available evidence, the results of any independent testing, and the expert's opinion, without needing to look at any other documents.

Basic Formatting and Drafting Issues

First and foremost, every expert report should include the following:

- (i) Date of the report;
- (ii) Identity of the parties in the action;
- (iii) Page numbers;
- (iv) Use of headings;
- (v) Date of the assessment or inspection (if applicable);
- (vi) A clear and concise conclusion or set of conclusions;
- (vii) A carefully reviewed and edited final draft; and

(viii) Signature of the expert.

Most of the other general requirements for drafting an effective expert report are now helpfully set out in Rule 53.03 of the *Rules of Civil Procedure*.¹

Meeting the Requirements of Rule 53.03 – A Framework for Expert Reports

As a result of amendments to Ontario's *Rules of Civil Procedure* in January of 2010, there is now a common structure or framework of requirements for all expert reports. Rule 53.03 requires that every expert report contain the following information:

1. The expert's name, address and area of expertise;
2. The expert's qualifications and employment and educational experiences in his or her area of expertise;
3. The instructions provided to the expert in relation to the proceeding;
4. The nature of the opinion being sought and each issue in the proceeding to which the opinion relates;
5. The expert's opinion respecting each issue and, where there is a range of opinions given, a summary of the range and the reasons for the expert's own opinion within that range;
6. The expert's reasons for his or her opinion, including,
 - i. a description of the factual assumptions on which the opinion is based,
 - ii. a description of any research conducted by the expert that led him or her to form the opinion, and
 - iii. a list of every document, if any, relied on by the expert in forming the opinion; and
7. An acknowledgement of expert's duty (Form 53) signed by the expert.

These requirements are intended to make the expert's role more transparent, and to ensure that experts fully explain the basis for their opinions within their reports.

Each of the requirements of Rule 53.03 must be met in order for an expert's report to comply with the Rule, regardless of whether the expert is retained by the plaintiff or the defence. As such, the requirements themselves have created a convenient template for drafting an expert report.

¹ R.R.O. 1990, Reg. 194.

1: The Expert's Name, Address and Area of Expertise

This is (hopefully!) the simplest part of the report. However, keep in mind that one of the requirements of Rule 53.03 is that the expert's report sets out his or her "area of expertise". It is always best if the expert can set out his or her particular area of expertise clearly and concisely, at the outset of the report. The expert's area of expertise should be specific, and should explain why the expert is qualified to address the issues in the litigation with the opinions in his or her report.

2: The Expert's Qualifications and Employment / Educational Experiences

A summary of the expert's qualifications and employment/educational experiences is all that is necessary for the purposes of the expert report. Be sure to set out any particularly impressive credentials, such as positions with academic journals or areas of research relevant to the opinion being given. However, an exhaustive review of the expert's career and credentials should be saved for his or her *curriculum vitae*.

3: The Instructions Provided to the Expert in Relation to the Proceeding

A brief review of the instructions provided to the expert should be included in the report. This section does not need to be exhaustive. For example, some experts start their reports in a manner similar to the following:

Further to your request, I have prepared a report that describes the future care requirements and their associated costs for John Smith.

This achieves the general requirement to set out the instructions provided.

Another acceptable method is to establish a separate section for instructions, as in the following example:

Instructions

We were asked to review the materials listed in Appendix A to technically assess the incident premises for its compliance with relevant codes and by-laws.

It is also helpful in this section for the expert to set out whether or not he or she had the opportunity to personally assess the patient/property at issue. If such an assessment has taken place, the date of the examination and the identity of the assessor (if different from the author of the report) should be noted.

4: The Nature of the Opinion Being Sought and the Issues in the Proceeding to Which the Opinion Relates

This segment of information required by Rule 53.03 is quite straightforward and does not necessarily require its own section of the report. If the expert's report has answered the following questions overall, it is likely in compliance with the Rule:

- (i) What type of opinion is being sought by the instructing party? In other words, what aspect of the expert's area of expertise is being utilized?
- (ii) Where does the opinion fit into the case generally? Is it about liability or fault, or an aspect of the injuries or damages of the plaintiff?

There is usually no need for an expert to refer back to the statement of claim or the statement of defence in an attempt to distil the broader issues of the litigation into the report. Rather, a simple statement of the issue or issues being directly addressed by the expert will suffice.

5: The Expert's Opinion Respecting Each Issue and Summary of Range of Opinions

The expert's opinion is the most important aspect of the report – and the reason the expert was retained. Accordingly, it is important that the expert's opinions are set out in a clear and concise manner, using common language and with as little jargon or terminology from the expert's field as possible. Where technical terms are required, definitions and explanations should be given.

An expert should not comment on matters which are outside his or her area of expertise. This is a common mistake, and one that often raises concerns with opposing counsel about the validity of the expert's opinions in light of their willingness to opine on matters outside their field. Experts should stick to opinions that fall squarely within their area of expertise.

6: The Expert's Reasons for the Opinion

In this section, the expert report should:

- (i) Describe the factual assumptions on which the report is based;
- (ii) Describe any research conducted by the expert which led to the opinion; and
- (iii) List every document relied on by the expert in forming the opinion.

An appropriate review of the factual assumptions on which the opinion is based is vital. This usually forms a substantial portion of the overall report. The relevant evidence should be summarized and, where applicable, a chronology given, in order to provide some context to the expert opinion. References to key pieces of evidence should be quoted verbatim, particularly if there is any controversy in the facts.

However, an exhaustive review of every document or medical record in the litigation is not required. Reports that contain page after page after page of summaries of every record only serve to detract from the strength of the expert's ultimate opinion. A succinct summary of the key facts relevant to the expert's field and opinion is all that is required.

In terms of factual assumptions, it is critical that an expert be provided with all of the necessary foundational facts to support his or her opinion. If an expert feels that important information is missing, it is best to contact the lawyer who retained the expert, rather than wind up looking careless at trial. A lawyer should not keep anything relevant from the expert, even if it is potentially unhelpful, because this will obviously undermine the expert's opinion and will rarely go unnoticed by the other side.

Furthermore, the expert should review the available facts and evidence with a critical and careful eye, rather than just accepting them at face value. Where the expert must take a side in an area of factual dispute, he or she should set out the apparent contradiction and explain the reason for favouring one explanation over another.

Where there is evidence which potentially undermines the expert's opinion, it should not be disregarded in the expert's report. Rather, it should be summarized, with an explanation as to why it was not persuasive or relevant to the expert.

Any research conducted by the expert should be described, with references where possible. Additionally, any testing or other investigation undertaken should be set out in the report, including the identity of the person who conducted the test (if not the expert personally), their qualifications, and whether it was carried out under the expert's supervision. The results of the testing should also be set out, along with any relevant findings from the testing process.

Lastly, the expert's report must include a list of every document relied upon in reaching the opinion. Most experts simply attach such a list as an appendix to their report. It can also be done in the body of the report, if the number of documents is relatively small.

7: An Acknowledgement of Expert's Duty Form Signed by the Expert

There is a clear trend in the *Rules of Civil Procedure* to move away from the concept of the expert as a "hired gun", and move towards the expert as an impartial and objective specialist. In November of 2007, years of research by the Honourable Justice Coulter Osborne culminated in the following findings:

The issue of "hired guns" and "opinions for sale" was repeatedly identified as a problem during consultations. To help curb expert bias, there does not appear to be any sound policy reason why the *Rules of Civil Procedure* should not expressly impose on experts an overriding duty to the court, rather than to the parties who pay or instruct them. The primary criticism of such an approach is that, without a clear enforcement mechanism, it may have no significant impact on experts unduly swayed by the parties who retain them.

An expressly prescribed overriding duty to provide the court with a true and complete professional opinion will, at minimum, cause experts to pause and consider the content

of their reports and the extent to which their opinions may have been subjected to subtle or overt pressures. Matched with a certification requirement in the expert's report, it will reinforce the fact that expert evidence is intended to assist the court with its neutral evaluation of issues. At the end of the day, such a reform cannot hurt the process and will hopefully help limit the extent of expert bias.

The Form 53 which must now be signed by all experts requires an acknowledgement of their duty to provide evidence in relation to the proceeding as follows:

- a. To provide opinion evidence that is fair, objective and non-partisan;
- b. To provide opinion evidence that is related only to matters that are within my area of expertise; and
- c. To provide such additional assistance as the court may reasonably require, to determine a matter in issue.

Lastly, the expert must acknowledge that the duties referred to above prevail over any obligation owed to any party by whom or on whose behalf the expert was engaged.

The Form 53 must be signed by the expert and attached to the expert report. It is not optional.

In light of these significant acknowledgements in Form 53, an expert should be careful never to give the appearance of being an advocate for the party who retained him or her. For medical doctors, the College of Physicians and Surgeons of Ontario's Policy Statement *Medical Expert: Reports and Testimony*³ states:

When acting as medical experts, the College expects that physicians will provide objective and impartial opinions on matters that fall within their scope of expertise.

...

When physicians provide expert opinions, their duty to the adjudicative body prevails over any obligation to the person who is instructing or paying them. Physicians acting as medical experts must assist the adjudicative body by providing objective and impartial opinions; physicians must

² C. Osborne, *Civil Justice Reform Project: Summary of Findings & Recommendations*, 2007 (Ontario Min. of the Attorney General) at 75-76.

³ Available at: <http://www.cpso.on.ca/CPSO/media/uploadedfiles/policies/policies/policyitems/Medical-Records.pdf?ext=.pdf>

not advocate for any party involved in the legal proceeding. Physicians must be honest, objective and impartial. They must ensure that the opinions they provide are reasonable, fair, balanced, and substantiated by fact, scientific evidence, or experience, and sound clinical judgment. Physicians must not allow personal bias to prejudice the expert opinions they give.

Comments that are unrelated to the expert opinion are inappropriate and must not be provided. In addition, physicians must not make any unprofessional comments or criticisms regarding the other experts or individuals involved in the legal proceeding.

[footnotes omitted]

In light of all the above considerations, the style and content of the expert report are important. If the report contains excessively strong language, hyperbole, argument or speculation, it may be seen as presenting an appearance of bias. The expert must be, and equally importantly must be seen to be, independent of the party who retained him or her.

The Responding or Rebuttal Expert Report

Frequently, experts will be asked to review and provide their opinion regarding an opposing expert's report. There are some additional considerations relevant to these responding or rebuttal expert reports.

As noted above, any unprofessional comments or criticisms of the other expert should be avoided. Rather, a responding report should summarize the opinion of the other expert and set out any areas of agreement or disagreement. The responding report should also point to any evidence which either supports or undermines the opinions set out by the opposing expert.

As with all expert reports, responding reports should not stray outside the expert's area of expertise, regardless of the temptation to do so when the opposing expert has so strayed. A clear statement that the opposing expert has gone beyond his or her expertise is much more helpful than an opinion which cannot be supported by the expert's field of study.

When analysing the opposing expert's opinion, it is often helpful for a responding report to clearly explain any differences between the facts upon which their respective opinions are based. If the opposing expert is relying on assumptions rather than documents or factual evidence, it is very helpful to clearly delineate the differences.

Likewise, if an opposing expert has put too much emphasis on a particular fact or document, this can be explained and the opinion potentially undermined.

Ultimately, a responding or rebuttal report should follow the same framework as any expert report.

Conclusion

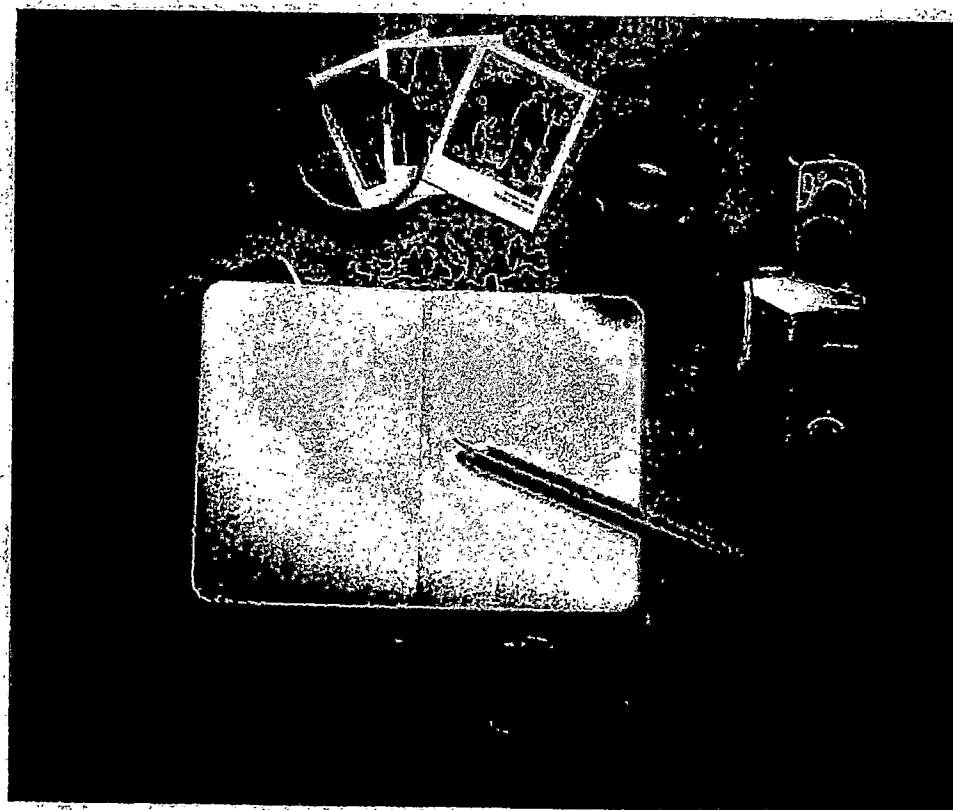
Expert reports are critical to the civil litigation process. A well-written expert report can make a significant difference to the outcome of the case. Likewise, a confusing and poorly-written report can hinder a party's chances of success.



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Methods of Questioned Document Analysis Used by Questioned Document Examiners

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discussed Questioned Documents and its types. The following sections shall enlighten you on the methods of questioned document analysis and handwriting analysis.

Defining a Questioned Document

A Questioned Document is any handwritten/typewritten document having a questionable authenticity and subjected to a forensic document examination. Questioned document examiners define a 'questioned document' as any piece of evidence that bears symbols, marks or signs meant for a communication.

Handwritten Questioned Document

Questioned document analysis of handwritten documents (wills, suicide notes, checks etc.) involves a careful handwriting analysis by questioned document examiners. Forensic handwriting analysis experts can draw crucial conclusions about the document's source and authenticity by examining the handwriting and indentation on the document.

Typewritten Questioned Document

A typewritten questioned document can include anything from bank drafts to stamp papers and passports. Forensic document examiners who analyze typewritten documents are adept at examining the ink, and even printers, fax and photocopy machines, and typewriters. This helps them detect any alternations, obliterations or erasures in the questioned document.

availability and interface of photo editing software have made editing/altering typewritten documents an effortless task for unscrupulous agents. Document examiners examine 3 basic components of a dubious document – **signature, handwriting, and typewriting.**

Some of the common cases of documents subjected to questioned document analysis are bank drafts, checks, wills, suicide notes, agreements, contracts, ID cards, passports, currency, stamp papers and any other laminated, typewritten or photocopied documents having a questionable source or authenticity.

The Work of Questioned Document Examiners

Questioned Document Examiners conduct questioned document analysis on various documents such as wills, ID cards, bank documents and much more. The methods of questioned document analysis involve **handwriting examination, and analysis of ink, paper, printing, typewriters etc.** to determine if the questioned document is authentic or not.

Forensic Document Examiners need to precisely record every step of the forensic document examination. They prepare a detailed report about the methods and process of the document examination. Document examiners are often also required to testify in the court if the case involves a documentary evidence.

Collecting Questioned Document from a Crime Scene

The presence of any document bearing a handwritten/typewritten text needs to be carefully checked at a crime scene. Investigators need to collect and preserve any such document that may be relevant to the crime. **This could include different types of questioned documents such as ransom notes, signed contracts, or suicide notes.**

to avoid tampering of the evidence.

An Overview of the Different Methods of Questioned Document Analysis

Questioned Document Examiners either work for public/government laboratories or as private examiners in their own laboratories. Forensic labs lacking questioned document analysis facilities either send the evidence to another laboratory or engage a private document examiner.

A Typical Questioned Document Analysis Lab

Even the simplest questioned document analysis lab contains basic video analysis tools, microscopes, digital imaging instruments, and UV and IR light sources. Other specialized equipment include electrostatic detection device and other tools for the application of analytical chemistry. The methods of questioned document analysis are broadly classified into destructive and non-destructive techniques.

Non-destructive & Destructive Methods of Questioned Document Analysis

Most questioned document examiners use the non-destructive methods of questioned document analysis. These involve the use of electrostatics and/or light for examining documents. It helps in determining any ink differentiations or indented impressions on the documentary evidence.

Liquid chromatography is one of the commonly used destructive methods of questioned document analysis. This technique involves the reaction of a small piece of the document containing the ink with a special solvent. The ink is then

refer various databases for comparison. When conducting handwriting analysis, questioned document examiners compare multiple samples of handwriting from particular populations.

Methods of Questioned Document Analysis

Examination of Indented Impressions

A questioned document may sometimes contain indented impressions. The **Electrostatic Detection Device** helps identify such impressions that are not visible to the naked eye. This makes use of electric charges and toner to highlight the areas having indented writing. It works on a basic scientific principle that indented areas carry lesser negative charges than nearby areas. This causes the toner to get attracted to these areas, thus revealing the indentation on the document.

This technique has helped to recover indented impressions from nearly seven layers of paper underneath the actual document. In fact, up to 60-year-old well-preserved documents when subjected to this technique can reveal indented impressions.

Detection of Page Substitutions, Erasures, Alternations and Obliterations

Questioned Document Examiners use a special form of photography combined with ultraviolet and infrared light to detect erasures, alternations, and obliteration that are hard to detect with naked eyes.

subjecting it to a particular wavelength of radiation.

Determination of Dye Components of Ink

Questioned document examiners use **liquid chromatography** to determine the individual components of the ink used on a document. This is one of the destructive methods of questioned document analysis.

In this technique, a small piece of the questioned document containing the ink is dissolved in a special solvent. It is then analyzed and the components of the ink compared with an International database. This helps questioned document examiners deduce the source of the ink and other vital information about the document.

Examination of Machine Printed or Typewritten Documents

Questioned Document Examiners are capable of determining the exact model or make of typewritten documents or those printed with photocopiers, laser or inkjet printers, or fax machines. This enables them to zero down on the exact device used to produce the document and hence gives them significant leads during an investigation.

Questioned document analysis of typewritten or printed documents also enables document experts to identify the exact printing process involved. They are adept at examining the printing machine and its parts to draw crucial insights into the documentary evidence.

Examination of Seals & Stamps

Handwriting Analysis of Questioned Documents

The examination of the handwriting on a questioned document throws a critical light on its source and authenticity. Handwriting analysis experts are adept at identifying obstructions in the normal flow of writing, as well as unusual tremors or alterations. This helps to deduce the involvement of an unnatural writing process (disguise, simulation etc.) in the questioned document under analysis.

Experts of handwriting analysis can make out the natural variations in an individual's handwriting from major differences denoting a malpractice. It is important for the investigator to collect all possible samples of writing for the purpose of comparison. Investigators are ideally required to collect 20-30 samples of signatures, 15-20 samples of checks and 3-4 samples of written letters.

Laws in the Indian Penal Code for Different Types of Questioned Documents

Several sections of the Indian Penal Code (IPC) deal with a forged or questioned document. Following are the relevant sections:

- **Section 466 (IPC):** Imitation of a record of a Court of Justice or of a Registrar of Births, etc., held by a public servant.
- **Section 471 (IPC):** Using a forged document as genuine.
- **Section 472 (IPC):** Developing or counterfeiting a seal, plate, etc., with the intent of committing a forgery punishable under section 467 of the IPC, or possessing with like intent any such seal, plate, etc., knowing the same to be forged.

Non-original Evidence

Document analysis is challenging for evidence such as faxes or photocopies that are not the original form of the document. The original document loses its original characteristics with every reproduction. Such non-original evidence is often of poor quality and does not qualify for a proper examination.

Inadequate Quantity and Quality

Insufficient quantity of the evidence or sample documents limits the chances of the document examiner to draw conclusive facts. Similarly, poor quality of questioned documents also poses a challenge to a questioned document examiner. Examples include multiple-reproduced copies, burnt or shredded documents, or documents bearing completely disguised/distorted writing.

Lack of Concurrent Writing Samples

The lack of contemporaneous writing samples for comparison is a shortcoming of questioned document analysis.

Drawing definitive conclusions about a questioned document require samples of writing prepared in nearly the same time period as the one under examination.

Incognito Forensic Foundation – A Private Forensics Lab for Questioned Document Analysis in India

qualified questioned document experts is adept at analyzing different types of forged documents.



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Collecting Exemplars

Excerpt from *Attorney's Guide to Document Examination*

By Katherine M. Koppenhaver

Exemplars

To help the document examiner support her opinion satisfactorily to the court, provide her with as many valid exemplars as possible at the beginning of the case. Exemplars, also called standards, are legally admissible authentic samples of handwriting used for comparison with questioned writing. They are used by the document examiner to enable her to form an opinion concerning the authenticity of handwriting in dispute. There are two kinds of exemplars (informal which are documents previously executed and known to be genuine) and formal (which are request writing samples). Exemplars are also called known handwriting samples.

Handwriting identification depends on the quality of the known writing. One of the most important steps in the investigation of suspected or disputed writing is the procurement of sufficient genuine writing samples. Legal advisers and investigating

Learn more about The Guide —

Review the [table of contents from Attorney's Guide to Document Examination](#)

Handwriting Samples

A list of places to locate handwriting samples can be found at

www.richardorsini.com

officers must be able to anticipate the document examiner's needs in the way of comparative material. Sufficient suitable material facilitates the work of the expert in establishing the master pattern or habits of the writer in order to avoid errors and inconclusions. A document examiner who must work with insufficient writing has a more difficult task and may not be able to draw adequate conclusions from the limited material.

Informal handwriting exemplars are more reliable for comparison purposes than request writing. Since informal writing was written in the normal course of business, it more accurately reflects the subconscious habits of the writer. Self-consciousness or conscious-awareness enters into the request writing process. Even when there is no attempt to disguise request writing, it may not represent the normal subconscious habits of the writer.

If informal exemplars are not sufficient or suitable for comparison purposes, request writing should be taken from the victim as well as any suspects. Often the only way to obtain comparable handwriting samples is through request writing. There are some disadvantages to request writing that must be taken into consideration.

Disadvantages of Request Writing Samples

Request writing taken after the incident may not be as close to the date of the questioned writing as informal documents executed in the normal course of business. Courts consider request writing taken after the fact as self-serving and may not allow it. Some writers will deliberately disguise their request handwriting. The person taking the request writing needs to take this into consideration. Suggestions for taking request writing are covered later in this chapter.

It may be difficult or impossible to duplicate the writing environment of the suspect document in order to obtain comparable documents. The writer may not be available for

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request writing or circumstances may have caused changes that make it impossible to obtain similar request writing samples.

Collecting Informal Exemplars

Exemplars must be suitable for comparison with the questioned writing. Since handwriting can be found on many different types of surfaces, comparison materials should, when possible, duplicate the conditions under which the questioned document was executed. While this is usually done with request writing, it may be harder to locate informal writing samples that meet this criteria. Locating material to be used as evidence may require considerable effort on the part of the investigator. Comparison materials should, when possible, be written under the same conditions under which the questioned documents were executed. While this is the standard method of taking request writing, it is impossible to control the writing environment of informal writing samples.

Try to obtain signatures that are similar to the questioned signature. If the questioned signature is in ink, get signatures in ink, if it is in pencil, get documents written in pencil for comparison. If the questioned document is on lined paper, find documents written on lined paper. If the questioned document contains handprinting, collect documents that are handprinted.

Where no similar documents are available, try to locate documents whose authenticity can be verified such as canceled checks that have been accepted by a bank. Other documents executed in the regular course of business are also suitable.

The date of the questioned writing must be taken into consideration when looking for suitable comparable documents. While an adult's handwriting may remain constant for many years, writing habits normally change over time so that an outdated standard may be unsatisfactory for

comparison purposes. All writing samples are not of equal value and some may be of no value at all.

When gathering handwriting for comparison purposes, it is necessary to keep in mind that various factors cause changes in handwriting. Age and illness may lead to the deterioration of writing skills, which can be an important consideration in a disputed will case. A teenager's handwriting may change drastically in as short a time frame as a year. A drug addict may undergo a radical change in handwriting as his addiction takes over. Handwriting samples taken prior to the addiction are not going to accurately reflect later writing.

Handwriting changes gradually over a person's lifetime but some factors can cause drastic changes in handwriting in a short period of time, therefore it is essential to compare handwriting from a similar time frame and under similar conditions. Trauma such as stroke, illness, or loss of a spouse, or medication, or substance abuse can affect handwriting. If a person's writing has changed drastically around the time the questioned document was executed, there may not be comparable material available.

Ideally, writing executed around the date of the questioned material should be used for comparison purposes, some dated shortly before and after the date of the questioned material. What time frame is considered suitable? Documents executed within two to three years are most suitable. If these are not available, documents dating further from the questioned material may be used. Do not rely on present-day writing exclusively, if possible.

Make sure the handwriting exemplars are not in dispute and that they can be authenticated. Any uncontradicted testimony of competent eye witnesses who saw the execution of the writing can be used to verify its authenticity. Courts accept the testimony of the author admitting genuineness or someone to whom the author has admitted genuineness. The testimony of a person who received writing from the author and acted on it

is also valid, though not necessarily accurate. Documents executed in the normal course of business are frequently used for comparison purposes which includes negotiable instruments such as checks, contracts, and other business documents.

Document examiners have given erroneous conclusions based on forged exemplars. When the exemplars have been fabricated by the same writer as the forged material, an opinion of authenticity based on false information will occur. Document examiners mistakenly identified Adolph Hitler as the author of the Hitler Diaries because they used forged exemplars of Hitler for comparison.

How Many Samples of Handwriting are Needed?

The type of case determines the number of exemplars that the document examiner needs for comparison with the questioned documents. Always try to collect as many samples as possible because it is more important to have suitable undisputed samples than a large quantity of little comparable value. Cases have been won in court using a single known signature to support the authenticity of a questioned document. One signature is sufficient when all the characteristics of handwriting match. When proving that an individual did not write a questioned document, it is necessary to obtain a larger range of writing and one hundred signatures may not be enough. An average would be twenty to twenty-five signatures and four to five pages of normal handwriting and/or handprinting preferably written at different times.

More known documents are needed if the writer has a wide range of variation or an oversimplified signature, while only a few signatures would suffice if the writer is consistent. An oversimplified signature is one that contains few changes of direction and is usually an illegible scrawl. Oversimplified signatures are easier to imitate than more complex signatures

that contain more changes of direction and more stylized letter forms.

When a questioned signature shows obvious signs of forgery not present in the known signature, one known signature should be enough to prove nongenuineness. Forged writing often contains tremor or has a drawn look.

A single signature would be sufficient to determine the facts when the questioned signatures are written with a higher skill level than the suspected writer could execute. However, it is better to have more exemplars whenever possible. The document examiner must evaluate the exemplars to determine if she has sufficient suitable material to render an accurate opinion.

Suitable Exemplars

Canceled checks, contracts, applications, and business letters make suitable exemplars or standards. The writing can be properly identified, the date can be verified, and the habits of the writer can be studied. Additional standards may be needed if the words on the disputed writing do not match the exemplars.

Ideally, original writing should be available for the scrutiny of the document examiner. Original writing is always better than a photocopy or a facsimile. If it is impossible to obtain original documents, a first generation photocopy should be supplied. The original documents should be requested whenever a photocopy is supplied by the adverse party. Intermediate tones are almost always lost in a photocopy because it aims to secure the greatest possible contrast. Subsequent generations of photocopies may drop sufficient detail, rendering them worthless to a competent document examiner.

According to the FBI Law Enforcement Bulletin published in September, 1970, handwriting identification depends on the quality of the known writing. "A's cannot be compared with G's

— 'John Jones' cannot be compared with 'Samuel Hansen' —

The J's must be compared with J's and the 'ohn's' with 'ohn's'.

Handwriting cannot be compared with handprinting."

Documents similar in nature will make the best exemplars.

Contracts should be compared with contracts, and canceled checks with canceled checks. Try to procure like signatures.

An "A" should be compared with "A," an "Al" with "Al," and handprinting with handprinting. Documents written with ink should be compared with other documents written in ink. Try to find writing on similar documents. People often have more than one style signature depending on the document being executed. Checks may be executed in a more careless manner than wills and contracts. Do not use signatures written while the writer was intoxicated unless the questioned documents were written under similar circumstances.

Some handprinting can be compared with handwriting and vice versa. Some writers use handprinted letters and handwritten ones interchangeably. Most common is the use of handprinted capital letters in place of cursive. Other writers use the same letter form for both handprinted and cursive writing.

There are many characteristics of handwriting that can be compared besides letter forms and connecting strokes. Document examiners compare line quality, pressure patterns, size and proportions, spacing, slant, baseline, and utilization of space. Document examiners can compare similar letters such as "N" and "M," and "P" and "R"; circle letters and loops can be compared. Therefore, all available handwriting samples should be given to a document examiner.

While it may be possible to make a match with only a few exemplars, the more exemplars available the better. Collect as many samples of handwriting, including signatures, as possible. It is necessary to collect enough handwriting samples to enable the expert to render a professional opinion.

How much is enough? Enough would be sufficient exemplars to eliminate any other writer as the author of a document.

Cases in Which No Exemplars are Needed

There are some cases in which no exemplars are needed to prove spuriousness. Since no one can write his signature exactly the same way twice, identical signatures are generally evidence of nongenuineness. This would include traced forgeries, scanned signatures, or even freehand simulations, as well as cut and paste signatures.

Some writers use signature stamps and autopens as legitimate signatures making it is necessary to determine the nature of the signatures before an opinion of nongenuineness is given.

Signs of forgery are indicative of nongenuineness. Documents that contain indications of tracing can be identified without known signatures. Evidence of tracing the signature would be a groove or guide line along the signature line or residue of pencil or carbon.

When a questioned signature matches the handwriting of another writer, an identification can be made that the writing was penned by that individual. In this case, no known signatures of the victim are needed for comparison.

Writing of the impaired or illiterate can be identified as spurious if the questioned writing exceeds the ability of the known writer. A high skill level signature of an impaired individual can be rejected without comparison documents.

Request Writing

Request writing exemplars are handwriting samples made at the request and under the supervision of the police, document examiners, or attorneys for comparison with questioned writing. The writer is asked to complete forms containing all

the uppercase and lowercase letters plus numbers and punctuation marks.

Care must be taken to insure that request writing is suitable for comparison purposes since the writer may attempt to disguise his writing. Normal writing is a result of subconscious habit. The quality of writing is recognized by repeated significant characteristics executed with ordinary attention to the writing act. Certain precautions can insure that the exemplars are suitable. For instructions go to How to Take Request Writing.

The document examiner should take the request writing exemplars whenever possible. The examiner is then in a position to determine if the writing is normal writing or if the writer is trying to disguise his handwriting. Lawyers frequently have their clients write their name ten times on a sheet of paper. This is not an appropriate handwriting sample. When taking the request writing samples, follow established procedures. Use a dictation (MS Word doc) that contains all of the letters of the alphabet as well as the numerals.

DOs and DON'Ts for Collecting Exemplars and Standards

- DON'T rely on too little writing. How much is enough? Enough to show the range of handwriting characteristics of the writer.
- DO obtain sufficient handwriting exemplars, at least twenty to twenty-five signatures or four to five pages of handwriting or handprinting.
- DON'T rely exclusively on writing that differs significantly from the questioned.
- DO collect similar samples: handprinting with handprinting, ink signatures with ink signatures, lined paper with lined paper, same size with same size.
- DON'T rely on documents recently written if the comparison documents were written many years ago.

- DO collect standards dated at approximately the same time as the questioned.
- DON'T compare writing written under abnormal conditions (for example, when the writer was intoxicated) with normal writing.
- DO collect documents that duplicate the writing environment: checks with checks, contracts with contracts.
- DO instruct the writer in order to obtain similar exemplars. For example, print with all uppercase letters.

Summary

Exemplars are known handwriting samples used for comparison with questioned documents. There are two types of exemplars, formal and informal. Formal exemplars are request writing samples. Informal exemplars consist of documents executed in the normal course of business. Proper procedures should be followed when taking request writing.

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PO Box 324, Joppa, MD 21085

MD: 410-679-8257 • VA: 703-671-7347 • Fax: 410-538-8548

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