

The Supreme Court of South Carolina

Ex Parte: Russell L. Bauknight, as Personal
Representative of the Estate of Estate of James Brown
and as Trustee of the James Brown 20000 Irrevocable
Trust, Petitioner,

In re: Adele J. Pope, Esq., Respondent.

Appellate Case Nos. 2024-000176 and 2024-000500

ORDER

Petitioner, as the personal representative of the estate of James Brown (the Estate) and trustee of the James Brown 2000 Irrevocable Trust (the Trust) has filed a petition in this Court's original jurisdiction seeking a rule to show cause as to why Respondent Adele J. Pope (Pope) should not be held in contempt of the Court's prior orders governing her conduct in matters related to the Estate and the Trust.

This Court has repeatedly warned Pope that her continued interference with the affairs of the Estate and Trust could expose her to sanctions and/or contempt proceedings. In 2015, this Court stated:

Pope is hereby prohibited from filing any further motions or appeals in actions involving the Estate and Trust of James Brown, such as the above actions, in which she clearly has no standing. *We caution Pope that continued attempts to involve herself in the resolution of the Estate and Trust may result in contempt charges.*

Ex parte: Adele J. Pope, S.C. Sup. Ct. Order dated June 10, 2015 (emphasis added). In 2020, this Court explicitly put Pope on notice that all of her conduct related to the Estate was subject to scrutiny under the Court's June 2015 order and other orders concerning Pope's interference in Estate matters. Responding to a petition for a rule to show cause filed by counsel in the breach of fiduciary duty

FOIA request with the Attorney General's Office, it appears there is probable cause to believe she has violated the Court's June 10, 2015 order by continuing to involve herself in the resolution of the Estate and Trust and the Court's August 10, 2020 order by taking further actions related to the Estate.

It is, therefore, ordered that Pope shall personally appear in the Supreme Court Courtroom, 1231 Gervais Street, Columbia, South Carolina, on Wednesday, May 29, 2024, at 9:30 a.m., to show cause why she should not be held in criminal contempt for violating the orders of June 10, 2015, and August 10, 2020. In the interest of judicial economy, the hearing will be conducted by a single justice of the Court, and that justice will make findings of fact and conclusions of law regarding the contempt allegations, including imposing any sentence or other sanction as may be appropriate, subject to review by this Court as provided by Rule 240(j), SCACR.² If Pope fails to appear as ordered, she is warned that the trial of these criminal contempt allegations will proceed in her absence, including the imposition of any sentence or sentences.

Because this case will involve the presentation of evidence, the Office of the Attorney General will prosecute this criminal contempt proceeding before this Court.

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

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

² The justice may reschedule or continue the hearing and issue such other orders as may be appropriate in this matter.

case pending against Respondent in Richland County (Richland 4900),¹ the Court stated:

We decline to issue a rule to show cause at this time and hold that request in abeyance pending [Pope's] future compliance with this order and our order dated June 10, 2015. We direct [Pope] to cease all attempts to become involved in the estate of Venisha Brown. In addition to having no standing in appeals or actions involving the Estate and Trust of James Brown, we find [Pope] has no standing in any proceeding related to the estate of Venisha Brown. . . . *If [Pope] fails to conform to these instructions as ordered and takes any further action with respect to any case related to the Estate of James Brown, which includes any proceeding in the estate of Venisha Brown, a rule to show cause will be issued, and any and all violations of the orders of this Court will be considered as grounds for holding her in contempt.*

In re Pope, S.C. Sup. Ct. Order dated Aug. 10, 2020 (emphasis added).

In the instant matter, Pope has attempted to make the date-of-death appraisal of the Estate completed in 2010 by Philpott, Ball & Werner (the Appraisal) available to the public by filing a South Carolina Freedom of Information Act (FOIA) request with the Attorney General's Office in which she requested, among other things, the Appraisal and all correspondence between any members of the Attorney General's Office and Petitioner, "Peter Afterman, or any other person(s) between August 1, 2010[,] and [the date of the FOIA request] related to the value of the assets of the Estate . . . and/or . . . Trust and/or [the Appraisal] at any time between the death of James Brown . . . and May 8, 2013." Pope attached a sealed envelope containing a partial copy of the Appraisal to her FOIA request.

Numerous courts have found the Appraisal to be a private, confidential document, created to value the Estate of James Brown, a private citizen. It is clear that Pope has a copy of the Appraisal. She attached a portion of the same to her FOIA request. It appears Pope believes that by placing the Appraisal into the hands of the Attorney General's Office, the Appraisal will become a "public document" that she can disclose or use however she desires.

Based on Pope's attempts to make the Appraisal public through the filing of her

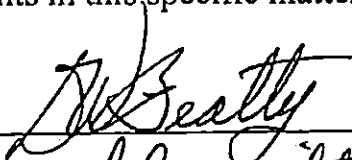
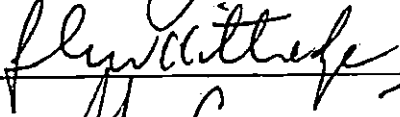
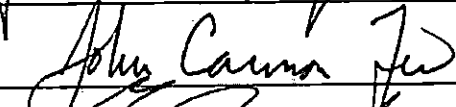
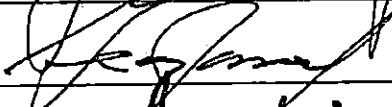

¹ *Bauknight v. Pope*, No. 2020-CP-40-04900 (Richland Cnty., S.C., Ct. Common Pleas).

appear before the Court without counsel.

In addition to the filing methods provided by Rule 262, SCACR, this statement may be submitted by electronic means in accordance with *Re: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules* (As Amended May 6, 2022), S.C. Sup. Ct. Order dated May 6, 2022.

Pope is warned that there are serious dangers and disadvantages to self-representation in a criminal matter and, if she does not obtain counsel and proceeds without counsel in this matter, she will be held to the standards of conduct and adherence to procedures for a licensed attorney. This Court strongly encourages Pope to obtain counsel in this matter.

Finally, when served with this order, Pope shall provide the person making the service with her current contact information, including mailing address, phone number, and email. If any changes are made to this contact information before this matter is concluded, Pope must immediately provide the Clerk of this Court with an update to this contact information. This Court's prior orders restricting Pope's ability to file documents or become involved in the resolution of the Estate shall not affect her ability to file documents in this specific matter.

	C.J.
	J.
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Columbia, South Carolina
March 29, 2024

cc:

J. David Black
Kirsten Elena Small
Adele Jeffords Pope
Don Zelenka