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SC Court of Appeals

**STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Case No.: 2024-001241

Jason M. Boyle, Ph.D., Appellant

v.

Danny Singleton, Probate Judge, Respondent

INITIAL BRIEF OF APPELLANT

Appeal of Release Order of 10th Circuit Court issued on July 17, 2024, and Order of Contempt Issued on September 16, 2024.

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JURISDICTION

This Court has jurisdiction under **S.C. Code Ann. § 14-8-200(a)(2)**, which grants the South Carolina Court of Appeals jurisdiction over appeals from the Court of Common Pleas. The order being appealed was entered on **July 17, 2024**, and the contempt order was entered on **September 16, 2024**. A Notice of Appeal was timely filed on **July 25, 2024**, invoking an automatic stay under **Rule 241, SCACR**.

TABLE OF AUTHORITIES

Cases

- **Charleston Cnty. Dep't of Soc. Servs. v. King**, 369 S.C. 96, 631 S.E.2d 239 (2006)
- **City of Rockford v. Grayned**, 408 U.S. 104 (1972)
- **Creech v. S.C. Pub. Serv. Auth.**, 397 S.C. 640, 726 S.E.2d 759 (2012)
- **Curlee v. Howle**, 277 S.C. 377, 287 S.E.2d 915 (1982)
- **District of Columbia v. Heller**, 554 U.S. 570 (2008)
- **Ex parte Jackson**, 381 S.C. 253, 672 S.E.2d 585 (2009)
- **Foggie v. Gen. Am. Life Ins. Co.**, 271 S.C. 138, 245 S.E.2d 604 (1978)
- **In re Brown**, 279 S.C. 116, 303 S.E.2d 677 (1983)
- **Lucas v. Rawl Family Ltd. P'ship**, 359 S.C. 505, 598 S.E.2d 712 (2004)
- **Mathews v. Eldridge**, 424 U.S. 319 (1976)
- **McDonald v. City of Chicago**, 561 U.S. 742 (2010)
- **Nebraska Press Ass'n v. Stuart**, 427 U.S. 539 (1976)
- **Saenz v. Roe**, 526 U.S. 489 (1999)
- **State v. Bevilacqua**, 316 S.C. 122, 447 S.E.2d 213 (1994)
- **State v. Dickey**, 394 S.C. 491, 716 S.E.2d 97 (2011)
- **Ward v. Rock Against Racism**, 491 U.S. 781 (1989)

Statutes & Constitutional Provisions

- **South Carolina Constitution, Art. I, § 2** (Freedom of Speech)
- **South Carolina Constitution, Art. I, § 3** (Due Process)
- **South Carolina Constitution, Art. I, § 22** (Right to Assemble/Travel)
- **South Carolina Constitution, Art. V, § 5** (Judicial Rulemaking Authority)
- **S.C. Code Ann. § 14-1-200 et seq.** (General Provisions Concerning Courts)
- **S.C. Code Ann. § 14-5-320** (Circuit Court Contempt Powers)
- **S.C. Code Ann. §§ 14-5-340, 14-5-350** (Circuit Court Administration)
- **S.C. Code Ann. § 14-23-1010 et seq.** (Probate Court Powers)
- **S.C. Code Ann. §§ 16-23-20 et seq.** (Firearms Regulations)
- **S.C. Code Ann. §§ 17-15-10 et seq.** (Bail and Recognizances)
- **S.C. Code Ann. § 18-9-130 & § 18-1-50** (Appellate Stays)
- **S.C. Code Ann. § 18-9-170** (Enforcement of Judgments Pending Appeal)
- **S.C. Code Ann. § 15-53-10 et seq.** (Uniform Declaratory Judgments Act)

Court Rules

- **Rule 241, SCACR** (Automatic Stay of Contested Orders)

STANDARDS OF REVIEW

1. **Constitutional and Legal Questions: De Novo Review**

When an appeal raises constitutional issues—such as free speech restrictions under the First Amendment or due process claims—the appellate court reviews those questions **de novo**. See *State v. Dickey*, 394 S.C. 491, 493–94, 716 S.E.2d 97, 98 (2011). Under this standard, the reviewing court affords no deference to the lower court’s ruling and decides the legal issue anew.

2. **Contempt Orders: Abuse of Discretion, Subject to Legal Error Review**

In South Carolina, appellate courts generally review a trial court’s use of contempt powers for an **abuse of discretion**. See *In re Brown*, 279 S.C. 116, 119, 303 S.E.2d 677, 678 (1983). A finding of contempt will not be disturbed absent a clear showing the trial court abused its discretion. However, if the contempt ruling rests upon an error of law—such as misapplying constitutional principles or ignoring the automatic stay under Rule 241, SCACR—the appellate court will correct that legal error **de novo**. See *Ex parte Jackson*, 381 S.C. 253, 258, 672 S.E.2d 585, 588 (2009).

3. **Interpretation of Statutes and Court Rules: De Novo Review**

Questions involving the interpretation or application of statutes (e.g., S.C. Code Ann. § 17-15-10 et seq., § 14-23-1010 et seq.) or appellate court rules (e.g., Rule 241, SCACR) are likewise reviewed **de novo**. See *Creech v. S.C. Pub. Serv. Auth.*, 397 S.C. 640, 653, 726 S.E.2d 759, 766 (2012). Appellate courts construe statutes and court rules in light of their plain language and legislative intent, giving no deference to the lower court’s determinations on purely legal questions.

4. **Bond and Release Conditions: Abuse of Discretion, Informed by Constitutional Standards**

When a lower court imposes bond-like conditions or pretrial restrictions on liberty, the appellate court examines whether those conditions constitute an **abuse of discretion**. However, if the restrictions implicate fundamental rights or exceed statutory authority, the appellate court applies **de novo** review to the underlying constitutional and statutory interpretations. See *Curlee v. Howle*, 277 S.C. 377, 287 S.E.2d 915 (1982).

5. **Preservation of Issues and Procedural Compliance**

Finally, while standards of review define the lens through which each issue is examined, the appellate court will only consider arguments properly preserved at trial or fitting within recognized exceptions (e.g., subject-matter jurisdiction can be raised at any time). See *Lucas v. Rawl Family Ltd. P’ship*, 359 S.C. 505, 598 S.E.2d 712 (2004).

In summary, the Court reviews constitutional questions and questions of law **de novo**, while deferring to the trial court’s factual findings and discretionary rulings unless there is an **abuse of discretion** or error of law.

STATEMENT OF ISSUES ON APPEAL

1. Did the lower court err in assuming jurisdiction over the contempt order issued against Appellant Jason Boyle on September 16, 2024, despite the matter already being under review by the South Carolina Court of Appeals?
2. Did the court violate the Appellant's First Amendment rights by restricting his ability to publicly discuss information that is already publicly available?
3. Did the court improperly restrict the Appellant's Second Amendment rights despite his lack of any criminal history and while the underlying criminal finding remains on appeal?
4. Did the court err in restricting the Appellant's right to travel by prohibiting him from leaving the state?
5. Did the court err in issuing an order that ambiguously referred to "this case" without specifying a case number or clearly identifying the case at issue?
6. Did the court err by issuing an order that is unconstitutionally overbroad and impermissibly vague?
7. Did the court err in treating the Appellant's release as if it were parole, rather than recognizing that he was released as a free man with no parole conditions?
8. Did the **Oconee County Court of Common Pleas** err in imposing a prohibition on alcohol consumption without justification, infringing on the Appellant's personal freedom and autonomy?
9. Did the **Circuit Court** err in prohibiting the Appellant from possessing weapons, violating his constitutional right to bear arms and jeopardizing his personal and family safety?
10. Did the **Circuit Court** err in imposing a travel restriction that unjustifiably prevents the Appellant from visiting family, fulfilling professional obligations, and exercising his fundamental right to movement?
11. Did the **Circuit Court** err by conditioning potential future sanctions on the Appellant's behavior, effectively coercing compliance with an unconstitutional order?
12. Did the **Circuit Court** err in accepting unverified and potentially manipulated evidence, including screenshots, as a basis for contempt?
13. Did the Oconee County Court of Common Pleas err by violating the Appellant's due process rights when it relied on ex parte communications and evidence in issuing the Rule to Show Cause that led to the contempt order on September 16, 2024?

STATEMENT OF FACTS

Part 1 – Finding of Contempt in Probate Court

1. On or about October 24, 2023, the Appellant visited the Oconee Probate Office to deliver a copy of the Notice of Appeal filed in the Circuit Court. This Notice of Appeal was submitted on behalf of the Appellant's fiancée, Dorothy Pierce, in connection with the ongoing estate case of Doyle Elton Pierce and specifically addressed the highly contested Settlement Order signed by Judge Singleton.

a. While waiting on the court, the Appellant overheard a conversation between Judge Green, the probate assistant Judge, and an older gentleman in the Lobby. Judge Green informed him of his right to get an attorney, and the Appellant interjected to inform him he had the right to act *Pro Se*.

b. Subsequently, Judge Singleton, who was not present for the interaction in the lobby, sent an email to the parties of the Pierce Estate case. The Appellant was not included in the email for the Appellant is not a party to this estate. The email directed to Mrs. Pierce stated:

i. Judge Singleton writes, *“Again, the appeal issue was part of the agreement. If it is your intent to appeal, you have every right to do so, however, it violates the agreement and it was stated in court that the appeals were to be removed”* He added that... *“A hearing will be scheduled soon to determine the status of the personal representative.”*

ii. Regarding the Appellant’s conversation with the gentleman, Judge Singleton writes, *“It also appears that you fiancé may have picked up the wrong documents. Further, your fiancé will no longer be allowed in the probate office or lobby area. He was here with your/his child waiting on documents and he took it upon himself to interrupt a judge in the lobby while she was speaking with someone on a separate estate issue. He was offering that person legal advice on what and what not to do and even encouraged him not to listen and come outside and speak to you, that you knew all about probate and you could help him. This is illegal and giving legal advise and acting as a non-licensed attorney. For this reason, he will no longer be able to enter the probate”*

iii. The Appellant asserts that the email sent to parties involved in the Estate of Doyle Elton Pierce was inappropriate, inaccurate, and defamatory.

c. The Appellant was never formally issued an order banning him from the probate lobby.

i. Shortly after the inappropriate and defamatory email was circulated, the Appellant returned to the lobby to file papers. Although he had heard about the email, he had not yet seen it. During this visit, Judge Singleton confronted the Appellant, stating that he was not allowed to be there and could not return. The Appellant explained his understanding of the law to Judge Singleton, asserting that he was within his rights to be there, and proceeded to file the papers.

7. On May 28, 2024, Officer Honea from the Oconee County Sheriff's Department (OCSD) arrived at the Appellant's residence to serve separate Rules To Show Cause (RTSC) to both the Appellant and Mrs. Pierce. Since the Appellant and his fiancée keep the gate to their residence locked, the officer drove through the woods to bypass the locked driveway gate, which prominently displayed a "No Trespassing" sign, following orders from Judge Singleton. Mrs. Pierce accepted her RTSC but refused to accept service on behalf of the Appellant.
8. On May 29, 2024, the Appellant returned to the probate court to obtain his Rule to Show Cause and requested to speak with Judge Singleton. Before meeting with the Appellant, Judge Singleton had already contacted the Oconee County Sheriff's Office to request the presence of deputies. Shortly thereafter, Officer Stokes and three other OCSD officers arrived. Judge Singleton then emerged from his chambers to speak with the Appellant. The Appellant recorded his interactions with the Judge in the probate court lobby, far from the Clerk's window, as he requested the summons for the RTSC.

 - a. Neither the probate court nor the OCSD were able to produce the RTSC document for the Appellant.
 - b. The Appellant agreed to leave despite his legal right to remain.
 - c. As the Appellant was walking out of the court lobby and halfway down the hall toward the exit, a probate court clerk followed him and informed him that Judge Singleton had instructed the Appellant to return to the probate lobby to speak with him.
 - d. In the lobby, Judge Singleton demanded that the Appellant delete his video evidence or be held in contempt of court. The Appellant declined to destroy his video evidence, leading Judge Singleton to order the OCSD to arrest him and hold him in jail for 10 days for contempt of court. It is important to note that on this day, the Appellant did not violate the alleged Supreme Court order regarding the use of electronic devices, as he did not record at the Clerk's window. Instead, he recorded his interactions with Judge Singleton in the lobby.
 - e. Judge Singleton's actions reveal several significant issues, including his preemptive involvement of law enforcement, which created an intimidating environment and demonstrated his intent to incarcerate the Appellant before establishing any guilt.
 - f. The Appellant's incarceration stemmed solely from his refusal to delete video evidence, not from any actual violation.
 - g. At no point during this interaction was I read my Miranda rights. I was not informed of my right to remain silent, my right to an attorney, or that anything I said could be used against me. This failure occurred despite the fact that I was clearly in a custodial setting and being interrogated about my actions related to the video recording. I was detained when Judge Singleton demanded my return to the court lobby. The interaction between Judge Singleton and me meets the criteria for custodial interrogation. I was not free to

leave, as evidenced by my immediate arrest and detention following my refusal to delete the video. The judge's demand and subsequent sentencing constituted an interrogation aimed at compelling an incriminating response from me.

- h.** The Appellant was entitled to a hearing or trial before being sentenced to 10 days in jail for refusing to delete his video evidence. However, instead of affording the Appellant this due process, Judge Singleton immediately ordered him to serve 10 days in jail and only then scheduled a hearing for June 5, 2024, after the sentence had already been imposed. This sequence of events highlights a significant violation of the Appellant's rights, as he was punished without the opportunity to defend himself or challenge the charges in a proper legal proceeding.
 - i.** Furthermore, by attempting to have the Appellant delete video evidence, the judge was violating the law by tampering with evidence. When the Appellant rightfully declined this illegal request, the judge, instead of upholding the law, sentenced him to jail. This action not only violated the Appellant's rights but also demonstrated a misuse of judicial authority by punishing the Appellant for refusing to comply with an unlawful demand.
 - j.** Later that day, on May 29, while incarcerated, the OCSD brought him a summons for RTSC scheduled for June 5th.
 - k.** The RTSC used the case number for the Doyle Pierce Estate case. It should be noted that appellant's case had nothing to do with the estate of Doyle Pierce and this is confirmed by Judge singleton during the June 17, 2024.
 - l.** The RTSC did not contain any times or dates of the purported violations.
 - m.** In the Rule to show cause, Judge singleton was the Moving Party.
- 9.** Subsequently, a sentencing order was further issued May 29, 2024, after appellant was already in jail.
 - a.** This order did not contain a case number.
 - b.** The order used vague language to describe the activities that occurred.
 - c.** The order referred to both the events of May 24, 2024, and May 29, 2024.
 - d.** The order inaccurately claimed that the Appellant was aware of the South Carolina Supreme Court Administrative Order making rules on the use of electronic devices in the public and restricted space of the courthouse.
 - e.** The order charged appellant with Direct Criminal contempt.
- 10.** On June 5, 2024, after more than a 7-day water-only hunger strike, the Appellant was brought in an orange jumpsuit and shackles to the probate court for a criminal trial. The Appellant was represented by a man he knew as a lawyer. His fiancé had retained him at the last minute.
 - a.** This hearing was video recorded by the probate court.
 - b.** In this hearing, Judge Singleton was the moving party, victim, prosecutor, main witness and the judge.
 - c.** Richard Hunt McDuff, an attorney on the Doyle Pierce Estate case, sat at the prosecutor's bench taking notes and making gestures.

- d. Judge Singleton testified from the bench as to the facts of the case.
 - e. Witnesses included Judge Green and two Oconee probate clerks. All of the witnesses called by Judge Singleton were his subordinates.
 - f. Judge Singleton testified from the bench defending himself against public allegations the Appellant made about his character and competency.
 - g. Judge Singleton held the Appellant in direct contempt of court and sentenced him to 60 days.
 - i. This order did not contain a case number.
 - ii. The order failed to specify the date of the alleged criminal infraction or provide any details regarding the actions deemed criminal or in violation of the South Carolina Supreme Court Administrative Order (SCSC AO).
 - iii. Judge Singleton later declared a mistrial in this matter.
11. On June 6, 2024, Judge Singleton issued an order stating the Appellant was represented by ineffective counsel in the RTSC hearing.
- a. This order had no case number.
 - b. This order immediately released the Appellant from detention.
12. On June 6, prior to appellant's release, the Appellant was issued a new RTSC for a trial date of June 17, 2024. The wording in this RTSC is identical to the one issued on June 5, 2024.
- a. The RTSC, again inappropriately used the Doyle Elton Pierce Estate Case number.
 - b. The RTSC had no date of incident.
 - c. The RTSC had no accusation of direct contempt.
13. A few days prior to June 12, 2024, the Appellant sent an email to the Probate Court Clerk requesting audio files from his hearing for transcription purposes, as required by the South Carolina Rules of Criminal and Civil Procedure, plus additional documents on his file to help him prepare for June 17, 2024, hearing. On or about June 12, 2024, the Clerk of the Probate Court informed the Appellant via email that his requested documents were ready. The Appellant promptly visited the probate court, entered the probate lobby to retrieve the requested records, make additional records requests, and speak with Judge Singleton about the upcoming criminal trial as the prosecutor and the moving party.
- a. Once the Appellant retrieved the records request, the Appellant realized there were many missing documents.
 - b. Once again, Judge Singleton called the Sheriff's Office and requested deputies to come to the probate court. It is important to note that it was the probate court clerk who had informed the Appellant to come and pick up his records. Despite this, the judge immediately called the police as soon as the Appellant arrived at the probate court lobby.
 - c. While waiting for Judge Singleton to arrive, Officer Stokes and another officer arrived to wait with him at the request of the probate court.
 - i. The Appellant was there with his one-year-old child and the child was playing with Officer Stokes.

- i. The reasoning behind this was that the summons used the Doyle Pierce Estate case number, a civil case in which the Appellant had no involvement.
 - ii. As a result, the Appellant was denied representation by the Public Defender's Office about an hour after the trial had already begun.
 - iii. Judge Singleton denied the Appellant's request for a continuance, claiming that the Appellant had been informed of his right to a lawyer and given sufficient time to secure one. However, this was inaccurate, as the Appellant had indeed secured a public defender, but due to the probate court's wrongful annexation of the case to the Estate of Doyle Elton Pierce, the Appellant was denied representation by the Public Defender's Office after the trial had already commenced.
- a. Appellant later learned that the public defender filed a document in the probate court stating they were unable to represent appellant due to the civil nature of the case. This was a reason to grant him a continuance to secure a lawyer, but instead appellant was deprived of legal counsel.
 - b. The appellant could not afford a lawyer, and yet the county Public Defender's office considers the case civil, even though appellant had already served a 10-day jail sentence for direct criminal contempt. The second jail sentence, which was 60 days, was on probate court file but was relieved due to ineffective counsel. The matter was in no way civil, and the judge knew he was treating the case as criminal contempt.
 - c. On June 17, 2024, at the criminal trial, the motion to dismiss was denied verbally from the bench without proper consideration or argument.
 - i. The details of the motion were never discussed in open court as appellant insisted on his right to counsel.
 - ii. The motion was never officially dismissed/denied with the judge's signature or properly recorded as required by law, rendering the order on the Motion to Dismiss null and void, as if no order had been issued.
 - iii. There was insufficient time between the filing of the document and the start of the trial for Judge Singleton to carefully consider the arguments of the motion, or even read the motion in its entirety for that matter.
 - iv. The memorandum on the motion to dismiss requested the following:
 - A jury trial.
 - Judge Singleton to recuse himself.
 - A special prosecutor.

17. During the trial, witnesses testified that the Appellant was not informed of the Supreme Court order during the first recording and that the Appellant did not use an electronic device at the clerks' window during the second recording, thus not violating the order.

18. After the trial, despite witness testimonies exonerating Appellant, Judge Singleton declared the Appellant guilty beyond a reasonable doubt of direct criminal contempt and resentenced him to an additional 50 days of incarceration, following the initial 10-day sentence.
 - i. Once again, this order contained no case number.
 - ii. The order also lacked specific dates of the events in question or any details regarding those events/ crimes.
19. In his oral conclusion and justification for the 50-day sentence, Judge Singleton indicated that since the Appellant had already served 10 days of a previous 60-day sentence, he was adding 50 days to complete the 60-day term. This action was inappropriate, as the original sentence had already been fully served, making the additional 50 days a case of double jeopardy.
20. The judge in this case acted as the moving party, the victim, the prosecutor, the primary witness and the judge, creating a clear conflict of interest and undermining the fairness of the proceedings. Throughout the trial, he continuously testified from the bench, and when the Appellant requested that he be sworn in to be cross examined after testifying from the bench, the judge blatantly refused.
21. The Probate Court issued several orders without creating a case number for the Appellant. As a result, the Appellant was sent to the Oconee County Detention Center without a case number, making it impossible to locate him in the South Carolina Department of Corrections system. This effectively rendered the Appellant an undocumented prisoner, as his name could be found in the Oconee County Department of Corrections, but a case number and the reasons for his incarceration were not listed.

Part 2 – RTSC in Circuit Court arising out of Release Order.

22. On July 17, in an emergency hearing, the Appellant was released from jail after serving 30 days in the Oconee County Detention Center. The release order included a very broad and generic gag order that prohibited “speaking publically about this case”
 - a. The order did not specify if the case being referred to was the probate case number or the appeals case number.
 - b. The language used is generic and does not specify what about the case or cases should not be discussed.
 - c. On July 22, 2024, the appellant sent several follow up questions regarding the restrictions made by the release order to McIntosh’s office. After not hearing a response, the appellate replied on October 30th, 2024, seeking a response. Again, no reply.
23. On July 22 at 1:04 pm, the appellant received an email from the clerk of court, Chase Kinsey. In this email, Mr. Kinsey states “Judge McIntosh has asked that I contact y’all to request that you prepare an order and rule to show cause for Mr. Boyle to appear in Court”.

- a. At this point, the appellant had not been included in any of the Ex Parte conversations between Judge Singleton and his representative Jim Logan and Judge McIntosh and his office.
 - b. Email records show that the appellant is completely bewildered as to how the release order could have been violated.
24. On July 24, the appellant appealed the the release order.
25. On July 17, 2024, an emergency order was issued by the circuit court, granting the appellant a personal recognizance bond.
26. The release order imposed significant restrictions on the appellant's First and Second Amendment rights as well as limitations on freedom of travel, among other conditions.
27. On **July 22, 2024**, the appellant received notice from the law clerk of Judge McIntosh of the 10th circuit that requested Jim Logan, the attorney for Judge Singleton, produce a rule to show cause regarding a violation the appellant made of the gag order that is part of the release order.
- a. The appellant was not involved in the **Ex Parte** conversations that resulted in Judge McIntosh requesting a Rule to Show Cause.
 - b. The contempt accusation is founded on **evidence produced through investigations carried out by Judge Singleton's clerk of court.**
 - c. The evidence submitted by Judge Singleton and his attorney Jim Logan contradicts what appears online regarding the same content.
28. On **July 25, 2024**, the Appellant **filed a notice of appeal** contesting the release order. This appeal triggered an **automatic stay** under **S.C. App. Ct. R. 241**, which remains in effect unless formally lifted.
29. On **August 12, 2024**, the Court of Appeals **denied the appeal** as interlocutory. However, the Appellant did not receive notice of this denial until **August 22, 2024**.
30. On **August 25, 2024**, the Appellant filed a **motion for reconsideration** with this Court, arguing that the restrictions imposed by the release order infringe upon the Appellant's substantial rights. This **motion remains pending** before the South Carolina Court of Appeals.

Part 3 – Finding of Contempt in Circuit Court with Order held in The Court of Appeals.

31. Despite the pending motion, on **September 16, 2024**, Judge McIntosh of the 10th Circuit Court held the Appellant **in contempt of the release order** for an alleged violation that occurred on **September 8, 2024** while appellant's appeal is pending.
- a. Document used to support finding was a first amendment protected publication that contained only published publicly available information.
 - b. The Order of July 17 restraining the Appellant "from speaking publicly about this case" is not only not in alignment with the US Constitution, it was on a judicial stay.

STATEMENT OF CASE

Part 1: SCRCR Rule 501 Violations (Background).

In the initial phase, the Appellant alleges multiple acts of misconduct by Judge Singleton, including defamation, retaliation for exercising free speech, improper exercise of criminal jurisdiction, failure to provide notice of an administrative order, abuse of judicial power, denial of counsel and due process, issuance of orders without case numbers, acting as both judge and prosecutor, engaging in ex parte communications, and exhibiting judicial vindictiveness. These collective failures undermined the fairness of the proceedings and violated core procedural safeguards.

Part 2: Appeal of the July 17, 2024 Release Order.

The Appellant challenges the constitutionality of this order on several grounds. First, the gag provision is overbroad, vague, and operates as a prior restraint on speech, infringing the Appellant's First Amendment rights. Second, the order imposes unwarranted restrictions on firearm possession and travel, violating core constitutional protections without any factual basis. Finally, the Appellant argues that once he appealed on July 25, 2024, an automatic stay took effect under Rule 241, SCACR, rendering the order unenforceable and any subsequent contempt charges improper.

Part 3: Appeal of the September 16, 2024 Contempt Order.

The Appellant contends that this contempt order is invalid because it relies on the stayed July 17 directive. Even if the underlying order were enforceable, the contempt proceeding infringed the Appellant's free speech rights by punishing lawful publication of publicly available documents. The Appellant also highlights due process violations, including lack of notice, ex parte communications, and the absence of criminal procedural safeguards—such as the right to counsel and proof beyond a reasonable doubt. He further argues that contempt power was misused to penalize protected speech and lawful criticism rather than address actual disobedience of a valid court directive.

ARGUMENT

PART ONE: BACKGROUND

Specific Violations of SCRPC Rule 501 by Judge Danny Singleton are on appeal heard in the Circuit Court on January 31, 2024.

1. Defamation and Unlawful Banning from Court
2. Retaliation for Exercising Free Speech
3. Improper Jurisdiction and Criminal Prosecution
4. Failure to Provide Notice of Administrative Order
5. Abuse of Judicial Power
6. Denial of Right to Counsel and Due Process
7. Issuance of Orders Without Case Numbers
8. Improper Role as Prosecutor and Judge
9. Ex Parte Communications and Witness Coaching
10. Judicial Vindictiveness and Bias

PART TWO: APPEAL OF THE JULY 17, 2024 RELEASE ORDER

1. The July 17 Order Imposes Unconstitutional Restrictions on Fundamental Rights

a. Overbroad and Vague Gag Provision

The July 17, 2024 release order prohibits the Appellant from “speaking publicly about this case” without clarifying which case (probate or appeals) is implicated or what topics of discussion are barred. This broad language functions as a classic prior restraint on speech, contravening the First Amendment of the U.S. Constitution and Article I, § 2 of the South Carolina Constitution. A gag order must be narrowly tailored to serve a compelling state interest and must provide clear notice of what is prohibited. Here, the language is neither clear nor narrowly drawn, infringing on protected speech and failing constitutional scrutiny.

b. Restrictions on Firearm Possession and Freedom of Travel

Beyond the gag order, the Appellant was subjected to prohibitions on firearm possession, alcohol consumption, and travel outside the state—despite never being placed on formal probation. Such sweeping conditions implicate fundamental constitutional rights under the Second Amendment (firearms) and the right to travel (federal and state constitutional protections). The court provided no findings demonstrating a need for these bond-like restrictions, rendering them an unconstitutional burden on liberty.

c. Unclear Basis for Bond-Like Conditions on a Released “Free Man”

Although styled a “release order,” the July 17 directive imposed punitive constraints that resemble probation without formally placing the Appellant on probation. Pretrial or post-

sentencing conditions must have a clear statutory or factual basis; here, the record lacks any justification. Consequently, the court effectively punished the Appellant without the due process safeguards ordinarily required for criminal or probationary sanctions.

2. The Automatic Stay Under Rule 241, SCACR, Rendered the July 17 Order Unenforceable

a. Filing of the Appeal Triggered Stay

On July 25, 2024, the Appellant appealed the July 17 release order, automatically staying its enforcement under **Rule 241, SCACR**. The Court of Appeals denied the appeal on August 12, 2024, but the Appellant did not receive notice of that denial until August 22. On August 25, 2024, he filed a timely motion for reconsideration based on substantial rights. Under Rule 241, the stay remained in effect unless formally lifted by the court—a step that never occurred.

b. Continued Enforcement Despite the Stay

Despite the pending motion for reconsideration and the resulting stay, the lower court and opposing parties continued treating the July 17 order as operative. They ultimately used it to charge the Appellant with contempt on September 8, 2024—when the order was plainly stayed. This disregard for the Rule 241 stay subverts fundamental principles of appellate jurisdiction. Once a notice of appeal is served (and the stay is triggered), the trial court may not enforce or modify the appealed order without express appellate authorization. Any contempt founded on a stayed order is, by definition, invalid.

3. The July 17 Order Violates Due Process

a. Lack of Notice or Hearing on Conditions

The record shows no meaningful hearing or opportunity for the Appellant to contest the broad gag order or the severe restrictions on his liberty. Due process requires that a litigant receive notice and a fair chance to be heard before being subjected to conditions that substantially curtail constitutional rights.

b. Ambiguous Language and Unanswered Inquiries

The Appellant twice sought clarification from Judge McIntosh's office regarding the scope of the gag provision but never received a response. This ambiguity makes it impossible for the Appellant to conform his conduct to the order, effectively inviting arbitrary or discriminatory enforcement. Such vagueness also offends due process requirements under both the U.S. and South Carolina Constitutions.

PART THREE: APPEAL OF THE SEPTEMBER 16, 2024 CONTEMPT ORDER

1. The Contempt Order Is Invalid Because the Underlying July 17 Order Was Stayed

a. No Valid Underlying Order to Violate

The July 17 order had no legal force at the time of the alleged contempt (September 8, 2024) because it was stayed under Rule 241. An invalid or stayed order cannot provide the basis for a contempt finding; courts cannot punish a party for disobedience of an unenforceable directive.

b. Improper Basis for Contempt

Even if the lower court believed the July 17 order to be in effect, it was wrong as a matter of law. A contempt ruling predicated on a stayed and unconstitutional order is inherently void. The lower court acted without jurisdiction to enforce a directive that had been suspended by the pending appeal and motion for reconsideration.

2. The September 16 Contempt Finding Violates Free Speech Protections

a. Protected Speech, Public Records

The Appellant’s alleged contempt stems from a September 8 publication referencing publicly available court documents. Punishing the truthful dissemination of public information contravenes First Amendment principles and Article I, § 2 of the South Carolina Constitution, which protect the right to speak and publish freely.

b. Prior Restraint and Overbreadth

Even if the July 17 order were somehow valid, it amounts to a prior restraint—a judicial command that prohibits speech before it occurs. Courts presume such restraints unconstitutional unless narrowly tailored and supported by compelling evidence of immediate harm. Here, neither requirement was met. Restricting the publication of already public documents is the epitome of overbroad censorship.

3. Due Process Violations in the Contempt Proceeding

a. Lack of Meaningful Opportunity to Defend

During the September 16 hearing, Judge McIntosh announced that sentencing would occur at the conclusion and warned the Appellant against “misbehavior,” effectively chilling any defense. The Appellant was given no genuine chance to present evidence, question witnesses, or refute the alleged violation. Such a summary approach fails the procedural safeguards required in criminal contempt proceedings (notice, right to counsel, opportunity to prepare a defense).

b. Ex Parte Communications and Investigations

The record indicates ex parte consultations took place between Judge McIntosh’s office, counsel for Judge Singleton, and the probate clerk. These communications formed the basis of the contempt charge without the Appellant’s knowledge or participation, undermining neutrality and fairness. Due process bars judicial officers from investigating or prosecuting the very contempt issue they adjudicate.

4. Judicial Misuse of Contempt Powers

a. Contempt as Punishment for Protected Conduct

Contempt proceedings may not be weaponized to punish lawful criticism of a judge or dissemination of publicly available information. The record strongly suggests the Appellant’s speech criticizing the probate court became the actual target of these contempt charges—a constitutionally impermissible use of judicial power.

b. No Evidentiary Hearing Compliant with Criminal Contempt Standards

Criminal contempt carries the possibility of incarceration, and thus procedural safeguards akin to criminal prosecutions (e.g., notice, proof beyond a reasonable doubt, right to counsel) must apply. The September 16 order was issued in summary fashion, without adhering to these safeguards, rendering the contempt finding unenforceable.

LEGAL AUTHORITY

PART TWO: APPEAL OF THE JULY 17, 2024 RELEASE ORDER

I. Unconstitutional Restrictions on Fundamental Rights

1. Overbreadth and Vagueness (Gag Provision / Prior Restraint)

▪ Case Law

- *Nebraska Press Ass'n v. Stuart*, 427 U.S. 539, 558–59 (1976)
 - Gag orders imposing prior restraints on speech carry a heavy presumption against constitutional validity.
- *Ward v. Rock Against Racism*, 491 U.S. 781 (1989)
 - The three-prong test holds that a time, place, and manner restriction on speech is constitutional if it is **content-neutral, narrowly tailored** to serve a significant government interest, and **leaves open ample alternative channels for communication**.
- *City of Rockford v. Grayned*, 408 U.S. 104 (1972)
 - Orders must not be so vague that a person of ordinary intelligence must guess at their meaning.

▪ Rules & Statutes

- **South Carolina Constitution, Art. I, § 2**
 - Explicitly protects freedom of speech, potentially more broadly than the federal constitution.
- **S.C. Code Ann. § 15-53-10, et seq. (Uniform Declaratory Judgments Act)**
 - Permits courts to declare rights and address the constitutionality/scope of an order.

2. Restrictions on Firearm Possession, Alcohol Use, and Travel

▪ Case Law

- *District of Columbia v. Heller*, 554 U.S. 570 (2008)
 - Recognizes an individual right to bear arms; any restriction requires a clear, lawful basis.
- *Saenz v. Roe*, 526 U.S. 489 (1999)
 - Protects the fundamental right to travel; restrictions must meet heightened scrutiny if they impinge on that right.

▪ Rules & Statutes

- **S.C. Code Ann. § 16-23-20, et seq. (Firearms)**
 - Outlines lawful/unlawful firearm possession; any judicial limit must have a solid legal basis.
- **S.C. Code Ann. § 17-15-10, et seq. (Bail and Recognizances)**
 - Governs conditions on release; imposing “probation-like” terms without due process may be improper.

- **South Carolina Constitution, Art. I, § 3 (Due Process) and Art. I, § 22 (Right to Assemble/Travel)**
 - Generally require a legitimate basis and procedural safeguards for restricting travel and liberty.

3. Unclear Basis for “Bond-Like” Conditions on a Released Individual

- **Case Law**
 - *Curlee v. Howle*, 277 S.C. 377, 287 S.E.2d 915 (1982)
 - Due process requires notice and a fair hearing whenever an individual’s liberty is significantly restricted.
- **Rules & Statutes**
 - **S.C. Code Ann. §§ 17-15-10, 17-15-20**
 - A court must articulate a basis for imposing bail/bond conditions, ensuring they comply with due process.

II. The Automatic Stay Under Rule 241, SCACR, Rendered the July 17 Order Unenforceable

- **Case Law**
 - *Foggie v. Gen. Am. Life Ins. Co.*, 271 S.C. 138, 245 S.E.2d 604 (1978)
 - Upon notice of appeal, the lower court generally loses jurisdiction unless the stay is lifted.
- **Rules & Statutes**
 - **Rule 241, SCACR**
 - Filing an appeal triggers an automatic stay of the contested order unless explicitly lifted.
 - **S.C. Code Ann. §§ 18-9-130 & 18-1-50**
 - Provide general provisions for appeals and stays, read in tandem with Rule 241.
 - **South Carolina Constitution, Art. V, § 5**
 - Confers rulemaking authority on the Supreme Court, giving SCACR binding force.

III. The July 17 Order Violates Due Process

1. Lack of Notice or Hearing on Conditions

- **Case Law**
 - *Mathews v. Eldridge*, 424 U.S. 319 (1976)
 - Individuals must receive notice and a fair hearing before significant deprivations of liberty/property.
 - *In re Brown*, 279 S.C. 116, 303 S.E.2d 677 (1983)
 - Emphasizes due process requirements in contempt or quasi-criminal proceedings.
- **Rules & Statutes**
 - **South Carolina Constitution, Art. I, § 3**
 - Guarantees due process in civil and criminal contexts.

- **S.C. Code Ann. § 14-23-1010, et seq. (Probate Court Powers)**
 - Implies notice/hearing requirements for actions affecting significant rights; any quasi-criminal imposition must conform to due process.
- **S.C. Code Ann. § 14-1-200, et seq. (General Provisions Concerning Courts)**
 - Courts must adhere to procedural rules when exercising their inherent powers.

2. Ambiguity and Failure to Respond to Clarification Requests

- **Case Law**

- *City of Rockford v. Grayned*, 408 U.S. 104 (1972)
 - A vague directive violates due process by failing to provide fair notice of prohibited conduct.
- *Charleston Cnty. Dep't of Soc. Servs. v. King*, 369 S.C. 96, 631 S.E.2d 239 (2006)
 - Underscores the necessity of clarity and fundamental fairness.

PART THREE: APPEAL OF THE SEPTEMBER 16, 2024 CONTEMPT ORDER

1. The Contempt Order Is Invalid Because the Underlying July 17 Order Was Stayed

- **Case Law**

- *Foggie v. Gen. Am. Life Ins. Co.*, 271 S.C. 138, 245 S.E.2d 604 (1978)
 - The lower court is divested of jurisdiction once an appeal is perfected, absent a formal lift of the stay.

- **Rules & Statutes**

- **S.C. Code Ann. § 18-9-170**
 - Contemplates halting enforcement of judgments once an appeal is taken, unless specifically authorized.
- **Rule 241, SCACR**
 - Directly controls automatic stays; no contempt should be based on an appealed order that remains stayed.

2. The September 16 Contempt Finding Violates Free Speech Protections

- **Case Law**

- *Nebraska Press Ass'n v. Stuart*, 427 U.S. 539 (1976)
 - Gag orders/ prior restraints are presumptively unconstitutional.
- *Ward v. Rock Against Racism*, 491 U.S. 781 (1989)
 - The three-prong test holds that a time, place, and manner restriction on speech is constitutional if it is **content-neutral**, **narrowly tailored** to serve a significant government interest, and **leaves open ample alternative channels for communication**.

- **Rules & Statutes**

- **South Carolina Constitution, Art. I, § 2**
 - Protects free speech at the state level; strict scrutiny applies to prior restraints.
- **S.C. Code Ann. § 15-53-10, et seq. (Uniform Declaratory Judgments Act)**
 - Could be used to declare the gag provision void for overbreadth or vagueness.

3. Due Process Violations in the Contempt Proceeding

▪ Case Law

- *In re Brown*, 279 S.C. 116, 303 S.E.2d 677 (1983)
 - Criminal contempt proceedings must include notice, an opportunity to defend, and other safeguards.
- *Curlee v. Howle*, 277 S.C. 377, 287 S.E.2d 915 (1982)
 - Even in contempt cases, respondents are entitled to present evidence and be heard.

▪ Rules & Statutes

- **S.C. Code Ann. § 14-5-320**
 - Grants circuit judges contempt powers but mandates they be exercised consistent with due process.
- **S.C. Code Ann. § 14-23-1010, et seq.**
 - Limits probate court powers; if a probate judge's criminal contempt proceeding transfers to circuit court, compliance with due process is still mandatory.

4. Judicial Misuse of Contempt Powers

▪ Case Law

- *State v. Bevilacqua*, 316 S.C. 122, 447 S.E.2d 213 (1994)
 - Distinguishes civil from criminal contempt; criminal contempt demands procedural safeguards.
- *Ex parte Jackson*, 381 S.C. 253, 672 S.E.2d 585 (2009)
 - Cautions that contempt power must be used sparingly and within due process parameters.

▪ Rules & Statutes

- **S.C. Code Ann. § 14-1-200, et seq.**
 - Provides general court administration authority; even so, due process is non-negotiable in contempt.
- **S.C. Code Ann. §§ 14-5-340, 14-5-350**
 - Discuss administrative and procedural powers of circuit courts; any contempt order must follow procedural norms.

APPLICATION TO FACTS

1. Did the Oconee County Court of Common Pleas err in assuming jurisdiction over the contempt order issued against Appellant Jason Boyle on September 16, 2024, despite the matter already being under review by the South Carolina Court of Appeals?

Yes. Under Rule 241, SCACR, the filing of an appeal automatically stays the enforcement of the contested order unless the appellate court lifts the stay. The July 17, 2024, release order was under appeal, with a motion for reconsideration pending, thus rendering the lower court's enforcement and subsequent contempt ruling void. The trial court lacked jurisdiction to proceed with contempt while the appeal was active.

2. Did the court violate the Appellant's First Amendment rights by restricting his ability to publicly discuss information that is already publicly available?

Yes. The gag order imposed in the July 17, 2024, release order was an unconstitutional prior restraint, prohibiting the Appellant from discussing a case of public concern. Under *Nebraska Press Ass'n v. Stuart*, 427 U.S. 539 (1976), prior restraints on speech are presumptively unconstitutional. The court imposed a blanket restriction on the Appellant's speech without a compelling state interest or narrow tailoring.

3. Did the court improperly restrict the Appellant's Second Amendment rights despite his lack of any criminal history and while the underlying criminal finding remains on appeal?

Yes. The release order's prohibition on weapon possession violates the Appellant's Second Amendment rights under *District of Columbia v. Heller*, 554 U.S. 570 (2008). The order was imposed without findings of necessity, making it an arbitrary restriction on a fundamental constitutional right.

4. Did the court err in restricting the Appellant's right to travel by prohibiting him from leaving the state?

Yes. The right to interstate travel is fundamental under *Saenz v. Roe*, 526 U.S. 489 (1999). The trial court failed to justify why a travel restriction was necessary, imposing an unreasonable and unconstitutional limitation on the Appellant's freedom of movement.

5. Did the court err in issuing an order that ambiguously referred to "this case" without specifying a case number or clearly identifying the case at issue?

Yes. The release order's vague reference to "this case" lacked specificity, making it unenforceable under *City of Rockford v. Grayned*, 408 U.S. 104 (1972). A legally valid court order must provide clear notice of its scope to prevent arbitrary enforcement.

6. Did the court err by issuing an order that is unconstitutionally overbroad and impermissibly vague?

Yes. The gag order's prohibition on discussing "this case" was overly broad and vague, failing to meet the *Ward v. Rock Against Racism*, 491 U.S. 781 (1989) test for narrowly tailored speech restrictions. The order chilled lawful speech and created an impermissible restraint on expression.

7. Did the court err in treating the Appellant's release as if it were parole, rather than recognizing that he was released as a free man with no parole conditions?

Yes. The release order imposed probation-like conditions (e.g., restrictions on travel, firearm possession, and speech) without a statutory basis. The Appellant was not on parole or probation, making these restrictions improper under *Curlee v. Howle*, 277 S.C. 377, 287 S.E.2d 915 (1982).

8. Did the Oconee County Court of Common Pleas err in imposing a prohibition on alcohol consumption without justification, infringing on the Appellant's personal freedom and autonomy?

Yes. The court's restriction on alcohol consumption lacked any legal or factual basis. Such a condition cannot be arbitrarily imposed on an individual who is not on probation or parole. This unjustified restriction violated the Appellant's substantive due process rights.

9. Did the Circuit Court err in prohibiting the Appellant from possessing weapons, violating his constitutional right to bear arms and jeopardizing his personal and family safety?

Yes. The restriction on firearm possession lacked any justification or legal foundation. Under *District of Columbia v. Heller*, firearm restrictions must be narrowly tailored to a legitimate government interest, which was absent here.

10. Did the Circuit Court err in imposing a travel restriction that unjustifiably prevents the Appellant from visiting family, fulfilling professional obligations, and exercising his fundamental right to movement?

Yes. The restriction on interstate travel was not supported by any legal rationale and violated *Saenz v. Roe*, which protects the right to travel freely between states.

11. Did the Circuit Court err by conditioning potential future sanctions on the Appellant's behavior, effectively coercing compliance with an unconstitutional order?

Yes. The court's warning that further violations could result in additional sanctions improperly pressured the Appellant into compliance with an unconstitutional order. Judicial coercion of this nature violates *Curlee v. Howle*, which mandates that judicial orders must comply with due process.

12. Did the Circuit Court err in accepting unverified and potentially manipulated evidence, including screenshots, as a basis for contempt?

Yes. The contempt ruling relied on screenshots of alleged online postings without authentication. Courts must ensure evidence meets admissibility standards under Rule 901, SCRE, and the failure to verify the authenticity of this evidence rendered the ruling improper.

13. Did the Oconee County Court of Common Pleas err by violating the Appellant's due process rights when it relied on ex parte communications and evidence in issuing the Rule to Show Cause that led to the contempt order on September 16, 2024?

Yes. The contempt proceeding was tainted by ex parte communications between the trial judge and opposing counsel, violating due process. Under *In re Brown*, 279 S.C. 116 (1983), contempt proceedings must be fair, neutral, and free from improper judicial influence.

REQUEST FOR RELIEF

WHEREFORE, the Appellant respectfully requests that this Honorable Court:

1. **Reverse the July 17, 2024 Order** in its entirety, finding that it unlawfully restricts the Appellant's fundamental rights without due process, is impermissibly vague and overbroad, and was improperly enforced despite the automatic stay under Rule 241, SCACR;
2. **Vacate the September 16, 2024 Contempt Order**, holding it void for lack of jurisdiction, unconstitutional restrictions on protected speech, and failure to observe due process safeguards;
3. **Remand** this matter to the lower court, if necessary, with specific instructions to conform any further proceedings to the constitutional and statutory requirements detailed herein; and
4. **Grant such other and further relief** as this Court deems just and proper under the circumstances.

Respectfully submitted,

Respectfully Submitted, this February 3, 2025.

A handwritten signature in blue ink that reads "Jason Boyle". The signature is written in a cursive style and is positioned above a horizontal line.

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Feb 03 2025

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA,

IN THE COURTS OF APPEALS

APPEAL FROM THE OCONEE COUNTY COURT OF COMMON PLEAS

TENTH JUDICIAL CIRCUIT

Order of Honorable Judge Lewton McIntosh

APPELLATE CASE NO: 2024-001241

JASON MICHAEL BOYLE----- Appellant,

V.

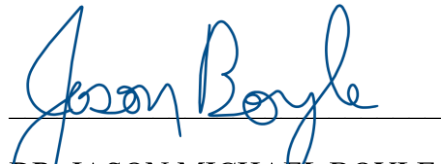
DANNY SINGLETON, "et al" -----Respondents

PROOF OF SERVICE

I hereby certify that on this February 3, 2025, a copy of the Initial Brief of Appellant and Designation of Matter was delivered to the following parties:

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Respectfully Submitted, this February 3, 2025.



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