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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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3. **City of Rockford v. Grayned, 408 U.S. 104 (1972)**
4. **District of Columbia v. Heller, 554 U.S. 570 (2008)**
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25. **Ward v. Rock Against Racism, 491 U.S. 781 (1989)**
26. **Yick Wo v. Hopkins, 118 U.S. 356 (1886)**

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1. **Burdette v. Burdette, 410 S.C. 210, 763 S.E.2d 114 (2014)**
2. **Charleston Cnty. Dep't of Soc. Servs. v. King, 369 S.C. 96, 631 S.E.2d 239 (2006)**
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4. **Curlee v. Howle, 277 S.C. 377, 287 S.E.2d 915 (1982)**
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7. **Ex parte Lipscomb, 398 S.C. 463, 730 S.E.2d 320 (2012)**
8. **Ex parte McLeod, 274 S.C. 240, 263 S.E.2d 57 (1980)**
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10. **Ex parte Stone, 279 S.C. 509, 309 S.E.2d 660 (1983)**
11. **Foggie v. Gen. Am. Life Ins. Co., 271 S.C. 138, 245 S.E.2d 604 (1978)**
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14. **In re Johnson, 321 S.C. 249, 465 S.E.2d 341 (1995)**
15. **In re McLeod, 120 S.C. 240, 113 S.E. 59 (1922)**
16. **Padgett v. Spartanburg Co. DSS, 296 S.C. 79, 370 S.E.2d 872 (1988)**

17. **Passmore v. State**, 363 S.C. 568, 611 S.E.2d 273 (2005)
 18. **State v. Bevilacqua**, 316 S.C. 122, 447 S.E.2d 213 (1994)
 19. **State v. Brown**, 356 S.C. 496, 589 S.E.2d 781 (Ct. App. 2003)
 20. **State v. Dickey**, 394 S.C. 491, 716 S.E.2d 97 (2011)
 21. **State v. Gordon**, 414 S.C. 68, 776 S.E.2d 376 (2015)
 22. **State v. Thomason**, 341 S.C. 524, 534 S.E.2d 708 (Ct. App. 2000)
 23. **Town of Summerville v. City of North Charleston**, 378 S.C. 107, 662 S.E.2d 40 (2008)
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Statutes and Rules

1. S.C. Code Ann. § 14-1-200 (General Court Authority)
2. S.C. Code Ann. § 14-5-320 (Contempt Powers of Circuit Courts)
3. S.C. Code Ann. § 14-5-340 (Contempt Powers of Circuit Courts)
4. S.C. Code Ann. § 15-53-10, et seq. (Uniform Declaratory Judgments Act)
5. S.C. Code Ann. § 16-23-20 (Firearms)
6. S.C. Code Ann. § 17-15-10 (Bail and Recognizances)
7. S.C. Code Ann. § 18-1-50 (General Provisions for Appeals)
8. S.C. Code Ann. § 18-9-130 (Appeals and Stays)
9. S.C. Code Ann. § 62-1-308 (Appeals from Probate Court)
10. Rule 241, SCACR (Automatic Stay on Appeals)
11. 18 U.S.C. § 1519 (Federal Obstruction of Justice Statute)

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**.

STANDARDS OF REVIEW

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

Constitutional issues, statutory interpretation, and court rule interpretation are reviewed *de novo*, with no deference to lower court findings. Strict scrutiny applies when fundamental rights are implicated.

Standard: *De Novo Review, Strict Scrutiny*

- *State v. Dickey*, 394 S.C. 491, 716 S.E.2d 97 (2011) (Constitutional issues reviewed de novo).
- *Bloom v. Illinois*, 391 U.S. 194 (1968) (Constitutional protections apply in criminal contempt proceedings).
- *Mathews v. Eldridge*, 424 U.S. 319 (1976) (Due process requires notice and hearing).
- *Nebraska Press Ass'n v. Stuart*, 427 U.S. 539 (1976) (Prior restraints are presumptively unconstitutional).
- *Ward v. Rock Against Racism*, 491 U.S. 781 (1989) (Restrictions on speech must be narrowly tailored).

2. **Contempt Orders: Abuse of Discretion & De Novo Review**

Contempt orders are reviewed for *abuse of discretion* unless they implicate constitutional or legal issues, which are reviewed *de novo*.

Standard: *Abuse of Discretion, De Novo Review*

- *In re Brown*, 279 S.C. 116, 303 S.E.2d 677 (1983) (Contempt reviewed for abuse of discretion).
- *Ex parte Jackson*, 381 S.C. 253, 672 S.E.2d 585 (2009) (Legal errors in contempt reviewed de novo).
- *Ex parte Stone*, 279 S.C. 509, 309 S.E.2d 660 (1983) (Direct vs. constructive contempt is a legal question).

3. **Statutory and Procedural Interpretation: De Novo Review**

Statutory interpretation and application of procedural rules are reviewed *de novo*.

Standard: *De Novo Review*

- *Creech v. S.C. Pub. Serv. Auth.*, 397 S.C. 198, 723 S.E.2d 798 (2012) (Statutory interpretation is reviewed de novo).

- *Town of Summerville v. City of North Charleston*, 378 S.C. 107, 662 S.E.2d 40 (2008) (Questions of law are reviewed de novo).

4. **Bond and Release Conditions: Abuse of Discretion & De Novo Review**

Bond conditions are generally reviewed for *abuse of discretion* unless they implicate fundamental rights, in which case *de novo review* applies.

Standard: *Abuse of Discretion, De Novo Review*

- *Curlee v. Howle*, 277 S.C. 377, 287 S.E.2d 915 (1982) (Review of conditions affecting constitutional rights).

5. **Mixed Questions of Fact and Law**

Factual findings are reviewed for *clear error*; legal conclusions are reviewed *de novo*.

Standard: *Clear Error, De Novo Review*

- *Ex parte Stone*, 279 S.C. 509, 309 S.E.2d 660 (1983) (Constructive contempt determination is a legal question).

6. **Procedural Compliance and Issue Preservation**

Issues not raised below are generally waived unless jurisdictional defects are involved, which can be raised at any time.

Standard: *Waiver Doctrine, Jurisdictional Issues*

- *Lucas v. Rawl Family Ltd. P'ship*, 359 S.C. 505, 598 S.E.2d 712 (2004) (Issues not raised at trial are waived).

7. **Challenges to Administrative Orders: De Novo Review**

Challenges to administrative orders imposing criminal sanctions or infringing fundamental rights are reviewed *de novo*.

Standard: *De Novo Review*

- *State v. Gordon*, 408 S.C. 581, 759 S.E.2d 141 (2015) (Constitutional challenges reviewed de novo).
- *Nebraska Press Ass'n v. Stuart*, 427 U.S. 539 (1976) (Prior restraints on speech are presumptively unconstitutional).
- *Bloom v. Illinois*, 391 U.S. 194 (1968) (Constitutional protections required in criminal contempt proceedings).

STATEMENT OF ISSUES ON APPEAL

Release order of July 17

1. Did the court err in issuing an order that ambiguously restricted public speech regarding “this case” without clearly identifying a case number or specifically defining the topics or information prohibited from discussion?
2. Did the court improperly restrict the Appellant’s Second Amendment rights despite his lack of any criminal history and while the underlying criminal finding remained on appeal?
3. Did the court violate the Appellant’s First Amendment rights by imposing a prior restraint on speech that restricted his ability to publicly discuss information that is already publicly available?
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 by imposing a prohibition on alcohol consumption without justification, infringing on the Appellant’s personal freedom and autonomy?

Finding of contempt for violation of July 17 release order

6. 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?
7. Did the Circuit Court err by conditioning potential future sanctions on the Appellant’s behavior, effectively coercing compliance with an unconstitutional order?
8. 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?

Procedural errors in 10th circuit court

9. Did the Circuit Court err by not considering the issues on appeal raised in the appellant’s appeal brief filed on August 20, 2024?
10. Did the Circuit Court err by failing to sanction Attorney Jim Logan for conducting unauthorized discovery by issuing a subpoena during the appeal process, violating appellate procedure and infringing upon Jason Boyle’s constitutional rights?
11. Did the Circuit Court err by not addressing the vindictive nature of Judge Singleton’s actions, as detailed in the Motion for Sanctions, thereby failing to enforce Canon 3D(1) of the South Carolina Code of Judicial Conduct which mandates a judge to report another judge’s misconduct?

12. Did the Circuit Court err by failing to recognize that Judge Singleton's demand for the Appellant to delete video evidence constituted an unlawful attempt to tamper with evidence?

Circuit court upholds probate court finding of direct criminal contempt

13. Whether the Circuit Court erred by upholding the Probate Court's rulings despite procedural deficiencies, including the absence of a proper criminal case number, vague sentencing orders, and lack of specificity regarding the alleged violations, thereby depriving the Appellant of due process and rendering the orders jurisdictionally defective.
14. Did the Circuit Court err by failing to recognize that the South Carolina Supreme Court Administrative Order, dated March 2023, exceeded the judiciary's constitutional authority by functioning as a legislative act, thereby violating the separation of powers doctrine under both the U.S. and South Carolina Constitutions?
15. Whether the Circuit Court erred by affirming the Probate Court's finding of willful violation of a court order despite the lack of evidence establishing the Appellant's actual or constructive notice of the recording prohibition, thereby failing to satisfy the legal standard for contempt.
16. Did the Circuit Court err by upholding multiple, sequential sentences for the same alleged contemptuous conduct, thereby violating the Appellant's constitutional protection against double jeopardy?
17. Whether the Circuit Court erred by affirming the Probate Court's improper conflation of judicial roles, where the judge acted as investigator, prosecutor, witness, and decision-maker, thereby violating the Appellant's due process right to an impartial tribunal.
18. Did the Circuit Court err by upholding findings of contempt where Judge Singleton solicited affidavits and testimony from employees he supervised, engaging in improper ex parte communications?
19. Did the Circuit Court err by upholding a contempt order that violates the Fourteenth Amendment's Equal Protection Clause by selectively enforcing a ban on electronic devices in public courthouse areas?
20. Whether the Circuit Court erred by upholding the Probate Court's finding of "direct contempt" despite the alleged contemptuous conduct occurring outside the judge's immediate presence, thereby requiring constructive contempt procedures.
21. Whether the Circuit Court erred by upholding the Probate Court's reliance on Judge Singleton's testimony from the bench while refusing cross-examination, depriving the Appellant of the right to challenge witnesses.
22. Whether the Circuit Court erred by affirming the Probate Court's denial of the Appellant's right to counsel in a criminal contempt proceeding, resulting in a violation of the Appellant's constitutional rights to due process and effective representation.

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*

that device. There were no signs on the probate court doors restricting access and the doors were not locked. The probate lobby is in a public building and open to the public.

- b.** The Appellant did not go into restricted space.
- c.** At this time, the Appellant had no information about any South Carolina Supreme Court order restricting the use of electronic devices in South Carolina courthouses.
- d.** There were no notices posted on the Probate Court door restricting the use of electronic devices.
- e.** The appellant paid the invoice while recording his interactions with the Probate Court Clerk

- 3.** During his interactions with the Probate Court Clerk, the Appellant recorded a statement in which he expressed his frustration, saying: “If he hadn’t threatened to kick me out of here illegally, I wouldn’t be so annoyed with him as a whole. But when he broke the law so blatantly in my face and then denied it later because he was so ignorant of the law—I mean, he’s got a high school degree. He doesn’t even have a college degree, and he’s a Probate Judge in Oconee County? I mean, that’s wild. Whoever thought that was a good idea? He’s not intelligent enough to understand complex arguments, but he’s managing complex probate cases.”
- 4.** Immediately after recording the interaction, the Appellant posted the video to YouTube while sitting in his car outside the courthouse.
- 5.** The contents of the video recording and its subsequent posting on YouTube enraged Judge Singleton. This incident became the catalyst for the judge’s retaliatory and vindictive actions against the Appellant, eventually resulting in the Appellant’s incarceration on two separate occasions for the same offense. It is important to note that Judge Singleton was not upset about the use of an electronic device itself, as he has previously allowed his family members to use electronic devices in his chambers to take pictures, which were later posted to Facebook, where he was tagged, all without repercussions.

6. When the Appellant returned home, Mrs. Pierce informed him that she had received an email from Judge Singleton stating that the Appellant's recording was illegal. The Appellant then requested the Judge's email address and sent him a message asserting that he believed his actions were protected by the First Amendment, and that any order to the contrary would be a violation of his constitutional rights. The Appellant also included a link to the video he had previously posted on YouTube.
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

- 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 testified from the bench as to the facts of the case.
- h. Judge Singleton had ex parte conversations with the witness and requested the witnesses write affidavits which he collected and never provided to the affidavit to the defendant prior to the trial.
- i. Judge Singleton held the Appellant in direct contempt of court and sentenced him to an additional 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 due to ineffective counsel.

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 after serving 9 days.

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 judge is also 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.
 - ii. The conversation and atmosphere were pleasant prior to the arrival of Judge Singleton.
- d. Judge Singleton arrived shortly in the lobby thereafter in an aggravated state.
- e. Judge Singleton was too impatient to answer the Appellant's questions and yet he is the moving party, investigator and the prosecutor in the appellant's contempt case.

- f. Judge Singleton asked the officers to remove me twice, they refused this request because it was not a legal request
- g. .
- h. The Appellant stated that if threatened with arrest, the Appellant would leave.
- i. The Appellant left of his own volition without receiving all the requested documents or making the additional records requests needed.

14. On June 10, 2024, Appellant applied for a public defender to defend him against the criminal contempt charge levied against him by the judge who had already sentenced him to direct criminal contempt on May 29, 2024, and June 5, 2024.

- a. The public defender's office determined that the Appellant met the financial qualifications and that the case met the requirements for assignment of a public defender.
- b. Appellant's application was approved after review, and appellant was advised to wait for a public defender to be assigned to him.
- c. The Public Defenders Office (PDO) advised the Appellant to hand over the approved application form to the judge at the time of the hearing and request a continuance.
- d. As of the morning of June 17, 2024, the Appellant had not heard back from the PDO.

15. On June 17, 2024, at approximately 9:30 a.m., the Appellant filed a Motion to Dismiss, along with a 14-page Memorandum of Law that presented strong legal arguments supported by South Carolina state rules and case laws, as well as an approved application for a public defender.

- a. This memorandum requested a jury trial, a special prosecutor and an impartial judge.

16. During the June 17, 2024, hearing, despite presenting the approved public defender form and not waiving his right to an attorney, the Appellant's request for a continuance pending the appointment of a public defender was denied. The judge proceeded with the trial, forcing the Appellant to represent himself without ensuring that he had adequate legal representation or that he had knowingly and voluntarily waived his right to counsel.

- a. During the first recess of the trial on June 17, 2024, Judge Singleton contacted the Public Defender's Office (PDO) regarding the Appellant's representation, following the Appellant's insistence on legal counsel and his submission of an approved public defender form, which should have warranted a continuance until a public defender was assigned.
- b. Later in the trial, Mr. Abdalla, a public defender, and his paralegal arrived at the probate court. They met with Judge Singleton in the judge's chambers, ex parte, and subsequently testified under oath that the Public Defender's Office would not represent the Appellant because the case was civil in nature, not criminal.
 - 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.
 - iv. On both September 12, 2024, and January 31, 2025, Judge McIntosh confirmed from the bench that the trial in the probate court was indeed a criminal trial.

- c. 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.
- d. 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.
- e. 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. This case has no case number, so if the denial of this motion is on record, where is it?
 - 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. It is important to not that this trial happened only 11 days after my release from jail.
 - iv. The memorandum on the motion to dismiss requested the following:
 - A jury trial.
 - Judge Singleton to recuse himself.
 - A special prosecutor.

- i. Judge Singleton actively participated as a witness by testifying from the bench regarding events related to May 24 and subsequent interactions. Despite acting as a witness, he refused to be cross-examined during the trial, even after providing testimony on disputed facts. Furthermore, he engaged in multiple ex parte communications with witnesses, including court clerks under his supervision, both before and after May 24, gathering affidavits and preparing them for trial. By testifying from the bench while simultaneously acting as the prosecutor, moving party, and judge, Judge Singleton denied the Appellant the fundamental right to cross-examine a key witness and violated principles of judicial impartiality and fairness.

17. During the trial, multiple witnesses confirmed that the Appellant was never advised of the Supreme Court order at the time of the May 24 recording. Moreover, Judge Green testified that the contents of the order were not posted on the courthouse door, as required under the South Carolina Supreme Court Order. No evidence was presented establishing that the Appellant knew of the order or was given any opportunity to become aware of it.

18. After the trial, despite witness testimonies exonerating Appellant, and clear statements showing that the event did not occur in open court or in the presence of a judge, Judge Singleton declared the Appellant guilty beyond a reasonable doubt of direct criminal contempt and resented 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.
 - d.** The release order also prohibited possession of firearms, consumption of alcohol and restrictions on leaving the state of South Carolina.

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 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.
31. On September 3, 2024, Jim Logan issued a subpoena for my jail phone records from a period when I was incarcerated. Significantly, the subpoena specifically identified the exact date and time of the calls he sought, despite the fact that I made calls daily throughout my 40-day incarceration. The precision of his request indicates that Logan had already been investigating the content of my calls prior to obtaining the subpoena. This preemptive investigation is improper and further compounded by the fact that conducting discovery during an appellate proceeding is expressly prohibited under South Carolina law.

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

32. 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.
33. At the outset of the September 12, 2024, hearing, Judge McIntosh—on his own motion (sua sponte)—found the Appellant in contempt of court based on a September 8 publication. The publication contained only publicly available content, specifically excerpts from the Appellant's August 20 brief. Judge McIntosh stated from the bench that the severity of any punishment would depend on the Appellant's behavior during the hearing. In written submissions and

motions, the Appellant had raised allegations of corruption against the courts. It appeared that Judge McIntosh's admonition was aimed at discouraging the Appellant from addressing those concerns verbally in open court.

Part 4 – Finding of 10th circuit court upholding probate court finding of direct criminal contempt.

34. On August 20, 2024, Appellant filed his **Initial Brief of Appellant**, specifically challenging the Probate Court's finding of **direct criminal contempt**.

a. Appellant asserted multiple arguments—lack of notice of the recording ban, denial of counsel, double jeopardy, and alleged procedural irregularities—claiming they rendered the contempt order invalid.

b. Respondent filed a **Motion to Dismiss** and/or **Motion for Summary Judgment**, but, as of January 31, 2025, **no substantive response** had been filed addressing any substantive arguments in Appellant's brief.

35. On January 31, 2025, a hearing took place before the Honorable R. Lawton McIntosh in the **Tenth Circuit Court** (transcript pages 1–30).

a. **All appellate deadlines** remained **on hold** pending resolution of Respondent's dismissal motion, and **Appellant's August 20 brief** had not been answered on the merits.

b. During the hearing, Appellant (pro se) argued that:

a. He never received proper notice of the **South Carolina Supreme Court Administrative Order** banning recordings in the courthouse.

b. He was sentenced multiple times for the **same incident**, violating **double jeopardy**.

c. Judge Singleton functioned as **prosecutor, witness, victim, and investigator**, denying Appellant the right to cross-examine the judge on disputed facts.

- d. He was **improperly denied counsel** before being jailed, as the public defender withdrew due to confusion over the probate vs. criminal case number.
- c. Judge McIntosh concluded from the bench that:
 - e. The matter was properly treated as **criminal contempt**, not governed by ordinary probate appellate rules (§ 62-1-308).
 - f. The **other (civil) claims** Appellant sought to raise were **dismissed without prejudice**.
 - g. Appellant had served “enough time,” thus would not return to jail, but the **underlying contempt finding** would remain in force.
- d. The hearing effectively **decided the appeal** before any remaining timeline or briefing obligations were fulfilled.

36. On February 7, 2025, Judge McIntosh issued a **formal written order** upholding the Probate Court’s **direct criminal contempt** ruling.

- This order **finalized** the Circuit Court’s position, affirming that the Probate Court had jurisdiction to punish Appellant’s conduct as direct criminal contempt, and disposing of the appeal despite questions regarding notice, counsel, and procedural irregularities raised in Appellant’s unanswered brief.

STATEMENT OF CASE

I. Violations of SCRCP Rule 501 and Judicial Misconduct

Judge Singleton's conduct violated multiple provisions of SCRCP Rule 501 and the South Carolina Code of Judicial Conduct:

1. **Defamation and Retaliation:** Judge Singleton circulated defamatory statements about Appellant and retaliated against him for exercising free speech, violating his First Amendment rights (*Nebraska Press Ass'n v. Stuart*, 427 U.S. 539 (1976)).
2. **Improper Exercise of Criminal Jurisdiction:** The Probate Court unlawfully assumed criminal jurisdiction, exceeding its statutory authority and violating principles of jurisdictional restraint (*Ex parte Stone*, 279 S.C. 509, 309 S.E.2d 660 (1983)).
3. **Abuse of Judicial Power:** Judge Singleton improperly imposed conditions amounting to parole, outside his authority, violating the separation of powers doctrine. The March 2023 Administrative Order cannot lawfully operate as legislation (*State v. Brown*, 356 S.C. 496, 589 S.E.2d 781 (Ct. App. 2003)).
4. **Denial of Due Process and Counsel:** Appellant was denied his Sixth Amendment right to counsel during contempt proceedings where incarceration was imposed (*Gideon v. Wainwright*, 372 U.S. 335 (1963)).
5. **Improper Role as Prosecutor and Judge:** By acting as prosecutor, witness, and adjudicator, Judge Singleton violated the impartiality requirement essential to due process (*In re Murchison*, 349 U.S. 133 (1955)).
6. **Ex Parte Communications:** Singleton engaged in improper ex parte communications and actively gathered affidavits from court staff under his supervision, violating procedural fairness and impartiality.

7. **Issuance of Orders Without Case Numbers:** Orders issued without valid case numbers are procedurally defective and undermine due process.
8. **Judicial Vindictiveness:** Punishing the Appellant for exercising his constitutional rights, especially free speech, demonstrates judicial vindictiveness (*Tumey v. Ohio*, 273 U.S. 510 (1927)).

II. Constitutional Violations in July 17, 2024, Release Order

The July 17, 2024, release order imposed unconstitutional restrictions on the Appellant's rights:

1. **Unconstitutional Gag Order:** The broad and vague prohibition against “speaking publicly about this case” constitutes a prior restraint on speech, violating the First Amendment (*Nebraska Press Ass'n v. Stuart*, 427 U.S. 539 (1976)).
2. **Unjustified Restrictions on Fundamental Rights:** Conditions restricting firearm possession, alcohol consumption, and travel were imposed without compelling justification, violating the Second Amendment (*District of Columbia v. Heller*, 554 U.S. 570 (2008)) and the Fourteenth Amendment’s right to travel (*Saenz v. Roe*, 526 U.S. 489 (1999)).
3. **Violation of Automatic Stay Under Rule 241, SCACR:** Appellant filed a notice of appeal on July 25, 2024, triggering an automatic stay. Any enforcement of the release order thereafter was unlawful.
4. **Violation of Separation of Powers:** The March 2023 Administrative Order unlawfully imposes criminal sanctions, exceeding the judiciary’s constitutional authority.

III. Unlawful Probate Court Findings of Contempt

The Probate Court's findings of contempt are fundamentally flawed:

1. **Lack of Proper Notice of Administrative Order:** Appellant was not properly notified of the South Carolina Supreme Court Administrative Order allegedly prohibiting recording in the probate lobby. This failure to provide notice violates due process (*Mathews v. Eldridge*, 424 U.S. 319 (1976)).
2. **Invalid Basis for Contempt:** The Probate Court improperly classified the Appellant's conduct as "direct contempt," even though the alleged violations occurred outside the court's immediate presence, requiring constructive contempt procedures (*Ex parte Stone*, 279 S.C. 509, 309 S.E.2d 660 (1983)).
3. **Denial of Right to Counsel:** Despite qualifying for a public defender, Appellant was denied legal representation during criminal contempt proceedings. Under *Bloom v. Illinois*, 391 U.S. 194 (1968), criminal contempt proceedings are subject to constitutional protections, including the right to counsel.
4. **Double Jeopardy:** The Probate Court imposed multiple sentences for the same alleged act of contempt, violating the Double Jeopardy Clause (*United States v. Dixon*, 509 U.S. 688 (1993)).
5. **Judicial Overreach:** Improper issuance of orders without case numbers, premature rulings, and biased proceedings demonstrate a disregard for due process and impartiality.
6. **Selective Enforcement:** The South Carolina Supreme Court Administrative Order was selectively enforced against the Appellant, violating the Equal Protection Clause (*Yick Wo v. Hopkins*, 118 U.S. 356 (1886)).

IV. Errors in the January 31, 2025, Circuit Court Decision

Judge McIntosh's order affirming the Probate Court's findings of contempt was legally erroneous for the following reasons:

1. **Failure to Address Procedural Errors:** The Circuit Court failed to recognize procedural defects, including lack of notice, improper classification of contempt, and absence of case numbers.
2. **Misclassification of Contempt:** The Circuit Court improperly upheld the Probate Court's finding of direct contempt, failing to acknowledge that the conduct occurred outside the judge's presence.
3. **Denial of Counsel:** The Circuit Court disregarded the Appellant's Sixth Amendment right to counsel during proceedings that resulted in incarceration.
4. **Improper Judicial Roles:** Judge Singleton's dual role as prosecutor and judge violated principles of impartiality and due process.
5. **Premature Disposition Without Full Briefing:** The Circuit Court prematurely ruled on the appeal, denying Appellant an opportunity to present a complete case.
6. **Excessive Punishment:** The Circuit Court affirmed punitive sentences exceeding what is constitutionally permissible under the Eighth Amendment.

APPLICATION OF FACTS AND ARGUMENT

Release order of July 17

- 1. Did the court err in issuing an order that ambiguously restricted public speech regarding “this case” without clearly identifying a case number or specifically defining the topics or information prohibited from discussion?**

Yes. By ambiguously referring to “this case” without specifying a case number or clearly defining the restricted topics, the court’s order imposed a vague prior restraint on speech in violation of the First Amendment and South Carolina Constitution, Art. I, § 2. Under *City of Rockford v. Grayned*, 408 U.S. 104 (1972), any speech restriction must be clear enough to avoid arbitrary enforcement, and *Nebraska Press Ass’n v. Stuart*, 427 U.S. 539 (1976), holds that gag orders carry a heavy presumption against constitutional validity. Additionally, South Carolina law demands clarity in court orders restricting fundamental rights (see *Charleston Cnty. Dep’t of Soc. Servs. v. King*, 369 S.C. 96, 631 S.E.2d 239 (2006)). Because the order failed to identify the case number or precisely limit the scope of prohibited speech, it did not satisfy due process requirements under both the U.S. and South Carolina Constitutions.

- 2. Did the court improperly restrict the Appellant’s Second Amendment rights despite his lack of any criminal history and while the underlying criminal finding remained on appeal?**

Yes. By imposing parole-like conditions that broadly restricted the Appellant’s right to possess firearms—despite his lack of criminal history and while the underlying contempt finding was still on appeal—the court exceeded its authority and infringed on the Appellant’s Second Amendment rights. Under *District of Columbia v. Heller*, 554 U.S. 570 (2008), any restriction on firearm possession must be narrowly tailored to serve a compelling government interest. Here, there was no evidence of dangerousness or necessity justifying such an onerous condition, rendering the restriction arbitrary and violative of due process under the Fourteenth Amendment. See also S.C. Code Ann. § 17-15-10 (requiring bond or release conditions be reasonable and factually supported). Because the Appellant was effectively treated as though he were on parole—even though no valid criminal sentence was in effect—this condition unlawfully encroached on a fundamental constitutional right without the required showing of necessity.

- 3. Did the court violate the Appellant’s First Amendment rights by imposing a prior restraint on speech that restricted his ability to publicly discuss information that is already publicly available?**

Yes. By prohibiting the Appellant from publicly discussing information that was already in the public domain, the court imposed a **prior restraint** on speech, which is presumptively unconstitutional under both the **First Amendment** and the **South Carolina Constitution, Art. I, § 2**. In *Nebraska Press Ass’n v. Stuart*, 427 U.S. 539 (1976), the Supreme Court held that prior

restraints on speech face a heavy presumption against validity and must be narrowly tailored to serve a compelling state interest—an exacting burden not met here. Consequently, the court violated the Appellant’s First Amendment rights by restricting lawful speech about publicly available information.

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

Yes. The court erred by restricting the Appellant’s right to travel without justification, violating the **fundamental right to interstate travel** protected by the **Fourteenth Amendment** and the **South Carolina Constitution, Art. I, § 3**. In **Saenz v. Roe, 526 U.S. 489 (1999)**, the U.S. Supreme Court affirmed that the right to travel is a fundamental right subject to strict scrutiny. The restriction was imposed without a compelling government interest or evidence justifying its necessity, making it unconstitutional.

5. Did the court err by imposing a prohibition on alcohol consumption without justification, infringing on the Appellant’s personal freedom and autonomy?

Yes, the court erred by imposing a prohibition on alcohol consumption without justification, infringing on the Appellant’s personal freedom and autonomy. Restrictions on alcohol consumption must be supported by a compelling government interest and be narrowly tailored to achieve that interest (*Mathews v. Eldridge*, 424 U.S. 319 (1976); *District of Columbia v. Heller*, 554 U.S. 570 (2008)). In South Carolina, restrictions on individual liberties such as alcohol consumption are only valid if they are reasonable, factually supported, and comply with due process (*Curlee v. Howle*, 277 S.C. 377, 287 S.E.2d 915 (1982); S.C. Code Ann. § 17-15-10). The court imposed this restriction without evidentiary support or findings of necessity, violating the Appellant’s substantive due process rights under the Fourteenth Amendment and South Carolina Constitution, Art. I, § 3.

Finding of contempt for violation of July 17 release order

6. 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?

Yes. The lower court lacked jurisdiction to enforce the contempt order issued on September 16, 2024, because the July 17, 2024 release order containing the gag order was under appellate review. Under Rule 241, SCACR, the filing of a notice of appeal automatically stays the enforcement of the order unless expressly lifted. (*Foggie v. Gen. Am. Life Ins. Co.*, 271 S.C. 138, 245 S.E.2d 604 (1978); S.C. Code Ann. § 18-9-130). Any action taken to enforce the gag order while the appeal was pending was void for lack of jurisdiction.

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

Yes. By tying future contempt sanctions to the Appellant’s “behavior” in court—particularly when no misconduct had been alleged—the Circuit Court effectively coerced compliance with an order whose constitutionality was already in question.

At the start of the court proceedings, Judge McIntosh announced that the Appellant, Jason Boyle, was already found in contempt and that the punishment for this alleged contempt would depend on his “behavior” throughout the hearing. This preemptive declaration was not based on any specific misconduct or violation of court orders but was instead designed to control the Appellant’s speech and demeanor during the proceedings. Specifically, it was an attempt to prevent the Appellant from calling the court corrupt or otherwise criticizing its actions during the hearing. Such an approach amounted to judicial coercion, effectively silencing the Appellant’s right to free speech and undermining his ability to meaningfully challenge the court’s actions.

This tactic of predetermining guilt and conditioning punishment on compliant behavior is a clear violation of due process and constitutes a prior restraint on speech. It runs afoul of **Curlee v. Howle**, 277 S.C. 377, 287 S.E.2d 915 (1982), which holds that judicial orders must comport with due process and cannot be used to chill lawful conduct or free speech. Conditioning punishment on the Appellant’s willingness to remain silent or refrain from challenging the court’s actions violates the Due Process Clause of the **Fourteenth Amendment** and exceeds the permissible bounds of contempt authority under **S.C. Code Ann. §§ 14-5-320, 14-5-340**.

8. 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. By relying on undisclosed evidence and ex parte communications to issue the Rule to Show Cause, the Oconee County Court of Common Pleas violated the Appellant’s due process rights under the Fourteenth Amendment and the South Carolina Constitution, Art. I, § 3. Courts must remain impartial and refrain from private contacts with only one party before ruling on matters (In re Brown, 279 S.C. 116, 303 S.E.2d 677 (1983)). Such ex parte communications deprive the opposing party of notice and the opportunity to respond, contravening fundamental fairness and established contempt procedures (In re McLeod, 120 S.C. 240, 113 S.E. 59 (1922)).

Procedural errors in 10th circuit court

9. Did the Circuit Court err by not considering the issues on appeal raised in the appellant’s appeal brief filed on August 20, 2024?

Yes, the Circuit Court erred by failing to consider the issues raised in the appellant’s appeal brief filed on August 20, 2024, violating the appellant’s constitutional right to meaningful appellate

review under *Evitts v. Lucey*, 469 U.S. 387 (1985), and due process rights as established in *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950). South Carolina Code § 62-1-308 provides the procedural framework for appeals from probate court; however, Judge McIntosh incorrectly ordered that the appeal was not an appeal from the probate court but instead an appeal of a probate court order, so § 62-1-308 does not apply. The respondent then filed a motion to dismiss, freezing all deadlines. By scheduling the appeal and motion to dismiss for the same day, before respondents filed a reply brief, the court improperly denied appellant a meaningful opportunity to be heard. The appeal was prematurely heard.

10. Did the Circuit Court err by failing to sanction Attorney Jim Logan for conducting unauthorized discovery by issuing a subpoena during the appeal process, violating appellate procedure and infringing upon Jason Boyle’s constitutional rights?

Yes. Under **South Carolina Code § 62-1-308(i)**, discovery is generally prohibited once an appeal from the probate court is underway unless specifically authorized by court order. By issuing a subpoena for jail phone records during the pendency of the appeal—particularly with the exact dates and times of the calls already identified—Attorney Jim Logan engaged in impermissible discovery and preemptive investigation. This conduct not only violates South Carolina appellate procedure but also raises constitutional concerns.

11. Did the Circuit Court err by not addressing the vindictive nature of Judge Singleton’s actions, as detailed in the Motion for Sanctions, thereby failing to enforce Canon 3D(1) of the South Carolina Code of Judicial Conduct which mandates a judge to report another judge’s misconduct?

Yes. The Circuit Court erred by ignoring Judge Singleton’s vindictive conduct, which constitutes blatant judicial misconduct and abuse of power. The Motion for Sanctions presents overwhelming evidence of judicial retaliation, obstruction of justice, and gross violations of due process—each of which demands immediate corrective action under Canon 3D(1) of the South Carolina Code of Judicial Conduct.

Judge Singleton unlawfully incarcerated the Appellant for exercising First Amendment rights, acted as judge, prosecutor, witness, and moving party, and tampered with evidence by demanding its destruction. His actions violated Canons 2A, 3B(2), 3E(1), and 3D(1), demonstrating a pattern of personal vindictiveness unfit for judicial office.

The Circuit Court’s failure to address or report this egregious misconduct is a dereliction of duty, allowing judicial abuse to continue unchecked. This Court must act decisively to restore the integrity of the judiciary.

12. Did the Circuit Court err by failing to recognize that Judge Singleton’s demand for the Appellant to delete video evidence constituted an unlawful attempt to tamper with evidence?

Yes. The Circuit Court erred by ignoring Judge Singleton's unlawful attempt to tamper with evidence. Demanding the Appellant delete video evidence constitutes obstruction of justice and violates due process. Under 18 U.S.C. § 1519, the destruction or attempted destruction of evidence is a federal crime, particularly when intended to interfere with an investigation or proceeding. Canon 2A of the South Carolina Code of Judicial Conduct mandates that judges act with integrity and impartiality, which Singleton blatantly disregarded. His demand also violates South Carolina's obstruction of justice statutes, including S.C. Code Ann. § 16-9-10, which criminalizes interference with the administration of justice. The Circuit Court's failure to address this egregious misconduct is a fundamental denial of justice.

Circuit court upholds probate court finding of direct criminal contempt

13. Whether the Circuit Court erred by upholding the Probate Court's rulings despite procedural deficiencies, including the absence of a proper criminal case number, vague sentencing orders, and lack of specificity regarding the alleged violations, thereby depriving the Appellant of due process and rendering the orders jurisdictionally defective.

Yes. The Circuit Court erred by upholding the Probate Court's rulings despite procedural deficiencies, including the absence of a proper criminal case number, vague sentencing orders, and lack of specificity regarding the alleged violations, thereby depriving the Appellant of due process and rendering the orders jurisdictionally defective.

Under **SCRCP Rule 58(a)**, all judgments must be entered on a separate document properly identified by a case number. Failure to assign a case number or to clearly specify the factual basis for contempt renders orders void. Additionally, **State v. Thomason, 341 S.C. 524, 534 S.E.2d 708 (Ct. App. 2000)** holds that due process requires orders to be clear and sufficiently detailed to afford proper appellate review. Vague orders lacking dates or specific allegations violate due process under **Grayned v. City of Rockford, 408 U.S. 104 (1972)**.

Furthermore, the court's failure to provide adequate notice and a meaningful opportunity to be heard violates **Mathews v. Eldridge, 424 U.S. 319 (1976)**, which establishes due process requirements including notice and a fair hearing. The absence of a valid case number, use of the unrelated Doyle Pierce Estate case number, and vague descriptions of alleged violations constitute jurisdictional defects under **South Carolina Constitution, Art. I, § 3**, depriving the lower courts of authority to proceed.

14. Did the Circuit Court err by failing to recognize that the South Carolina Supreme Court Administrative Order, dated March 2023, exceeded the judiciary's constitutional authority by functioning as a legislative act, thereby violating the separation of powers doctrine under both the U.S. and South Carolina Constitutions?

Yes, the Circuit Court erred by failing to recognize that the South Carolina Supreme Court Administrative Order, dated March 2023, exceeded the judiciary's constitutional authority and violated the separation of powers doctrine under both the U.S. and South Carolina Constitutions.

The South Carolina Supreme Court has authority over procedural rules governing court administration under Article V, Section 5 of the South Carolina Constitution. However, enforcement of administrative orders is generally within the purview of the Supreme Court itself unless explicitly delegated to lower courts by statute or express delegation.

In *Ex parte Stone*, 279 S.C. 509, 309 S.E.2d 660 (1983), the South Carolina Supreme Court distinguished between administrative authority and judicial authority, emphasizing that lower courts do not have inherent authority to enforce Supreme Court directives unless empowered by statute or express delegation. Additionally, *State v. Brown*, 356 S.C. 496, 589 S.E.2d 781 (Ct. App. 2003), establishes that administrative orders cannot be used to create substantive laws or impose criminal penalties. Enforcement of such orders involving punitive measures exceeds the jurisdiction of probate courts, particularly when the enforcement results in contempt proceedings where due process rights are at stake.

The probate court improperly attempted to enforce the Supreme Court's administrative order by imposing criminal penalties for its violation. This exceeded the probate court's jurisdiction, as enforcement authority rests exclusively with the South Carolina Supreme Court unless explicitly delegated. By enforcing the administrative order as though it carried legislative authority, the probate court violated the separation of powers doctrine.

15. Whether the Circuit Court erred by affirming the Probate Court's finding of willful violation of a court order despite the lack of evidence establishing the Appellant's actual or constructive notice of the recording prohibition, thereby failing to satisfy the legal standard for contempt.

Yes. To hold someone in contempt, South Carolina law requires a **willful, knowing** violation of a valid court order.

See *Ex parte Lipscomb*, 398 S.C. 463, 473, 730 S.E.2d 320, 325 (2012) ("A finding of contempt requires evidence of a willful violation of a court directive.").

Here, no evidence showed the Appellant had **actual or constructive notice** of the recording ban: Judge Green testified the order was **not posted** on the courthouse door as mandated, and no other proof established the Appellant learned of the restriction. Without showing the Appellant knowingly violated a **clear and valid** order, the Probate Court did not satisfy the statutory requirement for contempt under S.C. Code Ann. §§ 14-5-320, 14-5-340. The Circuit Court thus erred in affirming a finding of willful contempt when the lack of notice and opportunity for compliance fell short of fundamental due process.

See *In re Brown*, 279 S.C. 116, 303 S.E.2d 677 (1983) (emphasizing due process safeguards in contempt proceedings). Consequently, upholding contempt under these circumstances violated the Fourteenth Amendment's due process guarantee and the South Carolina Constitution, Art. I, §

3. Did the Circuit Court err by upholding multiple, sequential sentences for the same alleged contemptuous conduct, thereby violating the Appellant's constitutional protection against double jeopardy?

Yes. The Circuit Court erred by upholding multiple, sequential sentences for the same alleged contemptuous conduct, violating the Appellant's protection against double jeopardy. Under **United States v. Dixon, 509 U.S. 688 (1993)**, the Double Jeopardy Clause bars multiple punishments for the same offense. Here, the Appellant was punished with 10 days, 60 days (later voided for ineffective counsel), and 50 days for what was deemed the same contemptuous act. South Carolina law similarly prohibits multiple punishments for a single contempt offense (**State v. Thomason, 341 S.C. 524, 534 S.E.2d 708 (Ct. App. 2000)**). Moreover, the Appellant's conduct was punished as a continuous action, not separate acts, making the cumulative sentences a clear violation of double jeopardy principles.

16. Whether the Circuit Court erred by affirming the Probate Court's improper conflation of judicial roles, where the judge acted as investigator, prosecutor, witness, and decision-maker, thereby violating the Appellant's due process right to an impartial tribunal.

Yes. By acting as investigator, prosecutor, principal witness, and decision-maker, the probate judge violated the Appellant's right to an impartial tribunal under **Tumey v. Ohio, 273 U.S. 510 (1927)** and **In re Murchison, 349 U.S. 133 (1955)**. Both cases emphasize that due process is undermined when a judge assumes conflicting roles in the same proceeding. South Carolina law also requires neutrality in contempt cases (**In re Brown, 279 S.C. 116, 303 S.E.2d 677 (1983)**). Because the judge directed investigations, elicited affidavits from subordinates, and testified to contested facts from the bench, he effectively deprived the Appellant of a fair hearing in violation of due process guarantees codified in **S.C. Const. art. I, § 3**.

17. Did the Circuit Court err by upholding findings of contempt where Judge Singleton solicited affidavits and testimony from employees he supervised, engaging in improper ex parte communications?

Yes. Ex parte communications with witnesses are forbidden under **Canon 3(B)(7) of the South Carolina Code of Judicial Conduct**, and a judge's role must remain neutral and unbiased to satisfy due process. By soliciting affidavits and testimony from court employees he directly supervised, Judge Singleton effectively acted as both investigator and adjudicator, undermining the fairness of the proceeding. In **In re Murchison, 349 U.S. 133 (1955)**, the U.S. Supreme Court emphasized that due process requires a neutral tribunal, which is compromised when the judge engages in investigative or prosecutorial conduct. Accordingly, the Circuit Court erred by upholding these contempt findings without addressing this improper ex parte communication.

18. Did the Circuit Court err by upholding a contempt order that violates the Fourteenth Amendment’s Equal Protection Clause by selectively enforcing a ban on electronic devices in public courthouse areas?

Yes, the Circuit Court erred by upholding a contempt order that violates the Fourteenth Amendment’s Equal Protection Clause through selective enforcement of the South Carolina Supreme Court Administrative Order. Under *Yick Wo v. Hopkins*, 118 U.S. 356 (1886), discriminatory enforcement of a facially neutral law violates equal protection. The administrative order does not distinguish between types of electronic device use; recording a video is treated the same as checking the time on a phone or unlocking a smartphone. Despite this, Jason Boyle was prosecuted and sentenced to 60 days in jail, while individuals checking the time on their phones or using other electronic devices were not held in criminal contempt or punished. Such selective enforcement aimed at punishing Boyle for his speech violates the Equal Protection Clause. See *Village of Willowbrook v. Olech*, 528 U.S. 562 (2000) (unequal treatment of similarly situated individuals without rational basis is unconstitutional).

19. Whether the Circuit Court erred by upholding the Probate Court’s finding of “direct contempt” despite the alleged contemptuous conduct occurring outside the judge’s immediate presence, thereby requiring constructive contempt procedures.

Yes, the Circuit Court erred by upholding the Probate Court’s finding of “direct contempt.” The alleged contemptuous conduct occurred in the courthouse lobby, not in open court, and the judge was not present. Under South Carolina law, direct contempt occurs when the conduct is committed in the presence of the court and disturbs the proceedings (*Ex parte Stone*, 279 S.C. 509, 309 S.E.2d 660 (1983)).

In contrast, constructive contempt occurs outside the judge’s immediate presence and requires formal procedures, such as a Rule to Show Cause and notice, to satisfy due process requirements (*In re Brown*, 279 S.C. 116, 303 S.E.2d 677 (1983)). The Probate Court relied on hearsay testimony from subordinates who later testified in court, which is insufficient for direct contempt. The Circuit Court’s affirmation of direct contempt without adhering to these safeguards was erroneous.

20. Whether the Circuit Court erred by upholding the Probate Court’s reliance on Judge Singleton’s testimony from the bench while refusing cross-examination, depriving the Appellant of the right to challenge witnesses.

Yes, the Circuit Court erred by upholding the Probate Court’s reliance on Judge Singleton’s testimony from the bench while refusing cross-examination, depriving the Appellant of the right to challenge witnesses.

Under *Bloom v. Illinois*, 391 U.S. 194 (1968), criminal contempt proceedings require due process protections, including the right to cross-examine witnesses. Additionally, *In re Murchison*, 349

U.S. 133 (1955), establishes that due process mandates an impartial tribunal, which is compromised when the judge acts as a witness and refuses to be cross-examined.

Further, South Carolina law supports the right to cross-examine adverse witnesses as a fundamental component of due process (see *Curlee v. Howle*, 277 S.C. 377, 287 S.E.2d 915 (1982)). When Judge Singleton testified from the bench and then denied cross-examination, he violated Appellant's right to due process and impartial adjudication, rendering the proceedings fundamentally unfair.

21. Whether the Circuit Court erred by affirming the Probate Court's denial of the Appellant's right to counsel in a criminal contempt proceeding, resulting in a violation of the Appellant's constitutional rights to due process and effective representation.

Yes, the Circuit Court erred by affirming the Probate Court's denial of the Appellant's right to counsel in a criminal contempt proceeding, violating the Appellant's constitutional rights to due process and effective representation.

Under *Powell v. Alabama*, 287 U.S. 45 (1932), and *Gideon v. Wainwright*, 372 U.S. 335 (1963), the right to counsel is fundamental in criminal proceedings where incarceration is imposed. Criminal contempt proceedings requiring imprisonment are subject to the same protections, including the right to counsel, as affirmed in *Bloom v. Illinois*, 391 U.S. 194 (1968).

Additionally, the South Carolina Constitution, Art. I, § 14, and case law (*In re Brown*, 279 S.C. 116, 303 S.E.2d 677 (1983)) confirm the requirement for effective representation in criminal proceedings. The Appellant was improperly denied counsel despite qualifying for a public defender and requesting a continuance to secure legal representation. This denial violated the Sixth and Fourteenth Amendments, rendering the proceedings fundamentally unfair.

REQUEST FOR RELIEF

WHEREFORE, the Appellant respectfully requests that this Honorable Court:

1. **Reverse** the July 17, 2024 Order, finding it unlawfully restricts the Appellant's fundamental rights to free speech, travel, and firearm possession without due process, is impermissibly vague and overbroad, was improperly enforced despite the automatic stay under Rule 241, SCACR, and suffers from a jurisdictional defect due to the absence of a properly assigned case number.
2. **Vacate** the September 16, 2024 Contempt Order, holding it void for lack of jurisdiction, unconstitutional restrictions on protected speech, violations of the Second Amendment, unlawful restrictions on travel, denial of due process, double jeopardy violations, and the absence of a valid case number.
3. **Reverse** the January 31, 2025 Decision of the Circuit Court, which improperly upheld the Probate Court's findings of contempt and dismissed the Appellant's claims without addressing significant constitutional and procedural defects.
4. **Declare** that the lower court's actions, including issuing vague and overbroad orders, imposing unconstitutional restrictions, engaging in ex parte communications, and failing to observe procedural safeguards, violated the Appellant's constitutional rights under the First, Second, Fifth, Sixth, and Fourteenth Amendments to the U.S. Constitution and corresponding provisions of the South Carolina Constitution.
5. **Remand** this matter, if necessary, with instructions to ensure compliance with constitutional and statutory requirements, including proper assignment of a case number to establish jurisdictional validity.
6. **Refer** the matter of judicial misconduct by **Judge Danny Singleton** and unethical conduct by **Attorney Jim Logan** to the appropriate disciplinary authorities for investigation and corrective action, including but not limited to violations of SCRCRCP Rule

501, abuse of judicial authority, engaging in ex parte communications, and conducting unauthorized discovery.

7. **Grant** such other and further relief as this Court deems just and proper, including declaratory relief, injunctive relief, sanctions, and any appropriate costs or fees.

Respectfully submitted,

Respectfully Submitted, this April 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.

DR. JASON MICHAEL BOYLE, Ph.D., Appellant

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Apr 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.

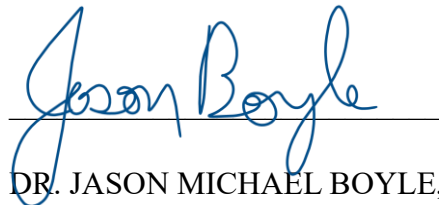
DANNY SINGLETON, “et al” ----- Respondents

PROOF OF SERVICE

I hereby certify that on this April 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,



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