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SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM OCONEE COUNTY

Court of Common Pleas

The order of The Honorable R. Lawton McIntosh, Circuit Court Judge

10th Circuit Case No. 2024-CP-37-00080

Appellate Case No. 2024-002189

Dorothy Pierce, Appellant,

v.

Danny Singleton, Respondent.

INITIAL BRIEF OF APPELLANT

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STATEMENT OF THE CASE

This appeal arises from the Court of Common Pleas' order, filed December 5, 2024, granting Respondent Danny Singleton's Motion for Summary Judgment, dismissing all claims of Appellant Dorothy Pierce with prejudice. The case involves judicial misconduct by Singleton, an Oconee County Probate Court Judge, during the probate of the estate of Doyle Elton Pierce. Pierce, proceeding pro se, filed her complaint on February 2, 2024, asserting claims including violation of due process, retaliation, extortion, fraud, harassment, and intentional interference with inheritance. Singleton sentenced Pierce to 180 days in jail to coerce her compliance with probate orders, vacating the sentence only when she agreed to settle the estate dispute and withdraw her appeals, as formalized in a February 2025 Consent Order. Singleton also submitted an inappropriate appeal brief with false statements to defend his rulings and sent ex parte letters to the South Carolina Court of Appeals to influence her appeal. Singleton moved for summary judgment on April 10, 2024, claiming judicial immunity. Pierce opposed, arguing genuine issues of material fact and incomplete discovery. The Honorable R. Lawton McIntosh granted summary judgment, finding all of Singleton's actions protected by judicial immunity. Pierce timely filed her notice of appeal on [insert date, e.g., December 20, 2024], pursuant to SCACR 203(b)(1).

STANDARD OF REVIEW

The appellate court reviews the grant of summary judgment under a de novo standard, applying the same standard as the trial court. *Fleming v. Rose*, 350 S.C. 488, 493, 567 S.E.2d 857, 860 (2002). Summary judgment is appropriate only when there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. *Rule 56(c), SCRCPP; Baughman v. Am. Tel. & Tel. Co.*, 306 S.C. 101, 410 S.E.2d 537 (1991).

In determining whether summary judgment was properly granted, the evidence and all reasonable inferences must be viewed in the light most favorable to the non-moving party. *Tupper v. Dorchester Cnty.*, 326 S.C. 318, 487 S.E.2d 187 (1997). Even if the trial court provides reasons for its decision, the appellate court may affirm or reverse based solely on the record and controlling law. *McClanahan v. Richland Cnty. Council*, 350 S.C. 433, 567 S.E.2d 240 (2002).

STATEMENT OF ISSUES ON APPEAL

1. Whether the Circuit Court erred in granting summary judgment in favor of Respondent Danny Singleton based on absolute judicial immunity, despite Appellant's evidence that Singleton acted outside the scope of his judicial authority and beyond his subject-matter jurisdiction.
2. Whether Defendant Singleton's conduct consisting of coercive threats, extrajudicial enforcement tactics, and administrative interference—was non-judicial in nature and thus not protected by absolute judicial immunity.
3. Whether Appellant Dorothy Pierce presented genuine issues of material fact as to her asserted claims, including, but not limited to, fraud, harassment, extortion, defamation, constitutional violations, interference with inheritance, and other misconduct, such that summary judgment was improperly granted in favor of Respondent Singleton.
4. Whether the Probate Court and Defendant Singleton violated Plaintiff's constitutional due process rights by:
 - a. Holding Plaintiff in contempt based on orders issued without jurisdiction;
 - b. Retaliating against Plaintiff for filing a lawful notice of appeal and
 - c. Issuing ex parte threats to remove her as Personal Representative without notice or hearing;
 - d. Interfering with her access to the appellate courts by obstructing her ability to obtain transcripts and records necessary for appeal.
5. Whether Defendant Singleton's December 3, 2023 Return to the Circuit Court, which included legal arguments, factual misrepresentations, and omitted exculpatory evidence, constituted unlawful judicial advocacy in violation of S.C. Code Ann. § 62-1-308(k), disqualifying him from absolute judicial immunity.
6. Whether the Probate Court's failure to transmit a complete and accurate record on appeal under Rule 75 of the South Carolina Rules of Civil Procedure, and the subsequent requirement that Plaintiff prepare the record herself at great personal cost, constituted structural procedural error justifying reversal of summary judgment.

7. Whether the Circuit Court erred in granting summary judgment before discovery was completed, including prior to Plaintiff receiving responses to interrogatories, depositions, or a full evidentiary record concerning Defendant's post-order conduct.
8. Whether Plaintiff is entitled to proceed to trial on her civil claims for declaratory and injunctive relief, compensatory and punitive damages, and redress for constitutional violations—including emotional distress, coercion, retaliatory contempt, and due process deprivations—where material issues of fact remain regarding Defendant's motive, misuse of judicial authority, and actions taken outside the scope of legitimate judicial function.

STATEMENT OF FACTS

1. On February 2, 2024, Plaintiff Dorothy Pierce filed this civil action in the Oconee County Court of Common Pleas (Case No. 2024-CP-37-00080) against Respondent Danny Singleton, the sitting Probate Judge presiding over the estate of her late husband, Doyle Elton Pierce. The Complaint alleged causes of action including denial of due process, judicial misconduct, abuse of authority, retaliatory contempt, and unlawful imprisonment, all stemming from Respondent's conduct in probate proceedings under Case No. 2020-ES-37-0685.
2. Plaintiff sought declaratory and injunctive relief, restitution of improperly levied fines, compensatory and punitive damages, and judicial recusal, based on misconduct, constitutional violations, coercive settlement tactics, and interference with her appellate rights.
3. This case arises out of the administration of the Estate of Doyle Elton Pierce. Plaintiff Dorothy Pierce is the surviving spouse and was named Executor in the decedent's Last Will and Testament. On August 18, 2021, the Oconee County Probate Court entered an order invalidating the Will and removing Plaintiff as Personal Representative. Plaintiff appealed the order in Case No. 2021-00155, triggering an automatic stay under South Carolina law. That appeal was pending at the time of the events giving rise to this lawsuit.
4. Despite the automatic stay, the probate court proceeded to hold hearings, appoint a Special Administrator, and take further actions that Plaintiff contends were ultra vires. Associate Judge Ashley Rice appointed Adam Lee as Special Administrator in July 2022, even while acknowledging that Plaintiff had preserved estate assets and paid estate taxes. The court restrained Plaintiff from acting as PR solely on grounds of family conflict.
5. In mid-2023, Respondent Singleton assumed his role as Probate Judge and immediately became personally involved in settling the estate. He openly stated that the estate must be settled and that Plaintiff was the reason it remained unresolved. This prejudgment resulted in improper pressure, threats, and retaliation against Plaintiff.
6. After Adam Lee resigned as Special Administrator in October 2023, Respondent Singleton escalated coercive tactics to force settlement. He initiated ex parte settlement

negotiations, made threats to evict Plaintiff and others from estate property, and suggested that distributions would be made regardless of ongoing appeals.

7. When Plaintiff filed appellate notices challenging certain orders, including one entered on October 12, 2023, purporting to affirm a private family agreement, Respondent Singleton retaliated. On October 24, 2023, within minutes of receiving Plaintiff's amended appeal, he sent an email suggesting she should be removed as PR for violating the family agreement.
8. On November 2, 2023, he issued an order removing Plaintiff as Personal Representative.
9. Plaintiff responded by filing a second amended notice of appeal and timely filed her Initial Appellate Brief and Record.
10. Judge Singleton's Return to Appeal, submitted on December 6, 2023, constituted an improper and partisan advocacy brief in violation of S.C. Code Ann. § 62-1-308(k), which prohibits probate judges from participating in appeals as adversarial parties. Judge Singleton's Return to Appeal improperly took the form of an adversarial and argumentative advocacy brief, rather than a neutral transmission of the record as required by S.C. Code Ann. § 62-1-308(k). Instead of limiting his submission to the procedural history and documentary record, Judge Singleton defended his rulings, disparaged the Appellant, and advanced justifications for his conduct in the underlying probate proceedings. His Return included self-serving narratives, conclusory denials, and legal arguments aimed at discrediting Appellant's claims, including personal attacks on her credibility and insinuations about fabricated allegations. He selectively characterized events, omitted material facts, and presented his own recollections of disputed proceedings as objective truth, thereby abandoning the impartiality required of a judicial officer participating in an appellate process. This partisan conduct tainted the integrity of the appeal and undermined the statutory requirement that a judge's return remain factual, neutral, and free of advocacy.
11. Contrary to Rule 75, S.C.R.C.P., the respondent failed to compile and transmit a complete and certified appellate record. Appellant was forced to independently prepare and file the record on appeal, including transcripts and evidence wrongfully excluded by the court.
12. In his incomplete Return on Appeal, Respondent Singleton made multiple knowingly false and misleading statements intended to discredit the Appellant and mislead the

reviewing court. He falsely claimed that “Mrs. Pierce has not requested any transcript from this court nor has she contacted a court reporter to have the proceedings transcribed. As of the date of this Return to Appeal, no court reporter has requested any recordings from this court to transcribe.” This statement is demonstrably false. Appellant formally requested the full record on appeal, including transcripts, on at least three separate occasions—October 11, 2023, November 1, 2023, and November 7, 2023. The Probate Court eventually complied, but only after extended delay, and charged Appellant \$413.50 for the production of the materials, as evidenced by a court-issued invoice dated December 4, 2023.

13. When it became evident that the Probate Court was stalling record production to frustrate her appeal, Appellant submitted a formal letter on November 13, 2023, specifically requesting audio files of the appealable hearings so she could compile the transcripts herself. These efforts were ignored until Appellant filed her appellate brief using improvised records already in her possession. Thereafter, on April 15, 2024, Respondent Singleton converted the invoice into a court order and threatened Appellant with incarceration for non-payment. Appellant ultimately paid the coerced fee on May 24, 2024, under duress and threat of jail. The Court's claim that she did not request the transcripts or record is not only materially false, but its repetition in an official Return is a direct attempt to obstruct the appellate process and cast doubt on Appellant's diligence.
14. Further, Respondent Singleton falsely stated that “Mrs. Pierce stated that the court threatened to kick her out of her home. This never happened. She was told the Special Administrator, at the time, has authority over the Estate.” However, the transcripts contradict this. In one proceeding, Respondent Singleton is recorded threatening eviction if the Appellant did not comply with his demands—a statement captured in the court's own audio recordings and transcribed.
15. He also denied ever making prejudicial statements such as “when the Appellant's appeal is denied,” stating instead: “This was never stated. All proceedings were recorded electronically.” Again, the transcript directly captures Respondent Singleton making that very statement, undermining his credibility and revealing a pattern of retaliatory intent.
16. These outright fabrications—denying statements made on the record, misrepresenting Appellant's efforts to obtain the record, and blaming her for delays caused by the court,

reveal an unmistakable bias and constitute improper judicial advocacy in violation of S.C. Code Ann. § 62-1-308(k). Rather than transmit a neutral return, Respondent Singleton used his submission to offer self-serving factual rebuttals, discredit Appellant, and obscure misconduct—all while omitting relevant documents from the official record. His conduct reflects an impermissible entanglement in adversarial litigation and seriously compromised the integrity of the appellate review process.

17. Appellant filed her record on appeal on February 2, 2024. The Circuit Court refused to consider it and instead issued summary judgment based solely on the Probate Court's incomplete and biased return.
18. On April 9, 2024, while the appeal was pending, Respondent Singleton wrote directly to the South Carolina Court of Appeals in an effort to influence its handling of Appellant's consolidated appeals, an act prohibited by S.C. Code Ann. § 62-1-308(k).
19. Respondent Singleton's actions including threats of contempt, exclusion of supporting evidence, partisan appellate filings, and retaliatory removal of Appellant—violated judicial neutrality, denied Appellant due process, and caused substantial emotional, reputational, and financial harm.
20. On May 24, 2024, Judge Danny Singleton verbally ordered the arrest of Appellant's husband, Dr. Jason Boyle, after he recorded a brief video in the probate court lobby while making a \$413 payment on behalf of Appellant. This arrest occurred without a hearing, without written charges, and in the absence of any lawful criminal proceeding—depriving Dr. Boyle of due process protections.
21. Subsequently, on June 17, 2024, Respondent Singleton imposed an additional 60-day jail sentence on Dr. Boyle for the same alleged conduct, again without initiating any formal criminal process or respecting constitutional safeguards.
22. On June 27, 2024, Respondent Singleton conducted a purported criminal trial within the confines of a civil probate case despite the fact that the probate court lacks any criminal jurisdiction under South Carolina law. At the conclusion of this proceeding, he sentenced Appellant to 180 days in jail for direct criminal contempt. The alleged contempt stemmed

from Appellant's email responses objecting to Respondent Singleton's directives and from her perceived advocacy on behalf of an opposing party in the probate matter.

23. This proceeding lacked all hallmarks of due process. Appellant received no prior notice of any criminal charges, no opportunity to retain or be appointed counsel, no right to a jury trial, and no meaningful hearing. On July 1, 2024, Appellant timely appealed the contempt order.
24. Notably, on June 26, 2024, the day before the contempt hearing, Respondent Singleton sent several emails to third parties, including court officials, in which he made statements undermining and investigating Appellant's newly retained counsel, raising serious concerns about impartiality and judicial overreach.
25. Because this so-called criminal contempt proceeding was conducted under the umbrella of a civil probate case, Appellant was denied fundamental protections guaranteed in criminal proceedings, including the right to a public defender or to a jury trial, both of which she had affirmatively requested in advance.
26. While that appeal was pending, on October 3, 2024, Respondent Singleton submitted a Return on Appeal to the Clerk of the Circuit Court of Oconee County, accompanied by a letter addressed to the Honorable Lisa Burton, the presiding Circuit Court judge. In that letter, Singleton:
 - Argued that Appellant's appeal was time-barred,
 - Claimed Appellant had not filed a proper Statement of Issues or Motion for Extension within 45 days,
 - Asserted Appellant knew the probate court did not generate formal transcripts, and
 - Attempted to persuade the Circuit Court to dismiss the appeal.
27. This letter was not a neutral transmission of record but a self-defensive, partisan communication aimed at defeating Appellant's appeal. It contained multiple factual inaccuracies, including the assertion that Appellant failed to request transcripts timely—despite her former counsel, John Chambers, requesting the digital recording on July 9, 2024, only days after filing the notice of appeal.

28. This October 3, 2024, letter—submitted alongside the court’s Return on Appeal—violated principles of judicial neutrality, constituted unauthorized advocacy under South Carolina law, and further illustrates the extrajudicial nature of Respondent Singleton’s conduct during the appellate process.
29. On December 5, 2024, the circuit court granted summary judgment in favor of Respondent. The order relied heavily on judicial immunity, disregarding the factual disputes and constitutional violations alleged, and was entered prior to the completion of discovery, in violation of Rule 56(f), SCRCPP, which disfavors summary judgment before a party has had adequate opportunity to obtain discovery.
30. On January 30, 2025, the Circuit Court issued a remand order in Appellant’s July 1, 2024 criminal contempt appeal, directing the probate court to supplement the record after it failed to produce any evidence supporting the imposition of a 180-day jail sentence on Appellant. The remand emphasized the absence of a proper evidentiary basis or transcript justifying the incarceration. Remarkably, on the very same day, the Circuit Court also conducted a hearing in this civil case and granted summary judgment in favor of Respondent Singleton. The court’s ruling relied substantially on the doctrine of judicial immunity, despite the unresolved appellate issues and lack of evidentiary record in the criminal contempt matter arising from the same judicial conduct.

SUMMARY OF ARGUMENT

The Circuit Court erred in granting summary judgment in favor of Defendant Judge Danny Singleton based on judicial immunity where Plaintiff Dorothy Pierce presented well-pleaded allegations that Singleton acted outside the scope of his judicial duties. The record demonstrates that Defendant engaged in extrajudicial conduct—including threats, administrative coercion, retaliatory contempt sanctions, and interference with appellate rights—which are not shielded by absolute judicial immunity.

Appellant's claims raise material disputes of fact, including allegations of fraud, harassment, defamation, and unconstitutional retaliation, all of which merit a jury's determination. The Probate Court proceedings were tainted by due process violations, including *ex parte* threats, denial of notice and hearing, and obstruction of Appellant's access to transcripts and appellate materials. Singleton's December 3, 2023 Return to Appeal, submitted in his judicial capacity but drafted as an argumentative legal brief, violated S.C. Code Ann. § 62-1-308(k) by advocating for his own decisions, misrepresenting facts, and omitting critical evidence favorable to Appellant.

Moreover, the Probate Court's failure to timely transmit a complete and accurate record on appeal imposed an improper burden on Appellant, constituting structural procedural error. Compounding this, the Circuit Court granted summary judgment prematurely—prior to the close of discovery, and without full deposition or interrogatory responses—contravening Rule 56(f), SCRCF.

Finally, the record contains substantial evidence of Defendant's post-summary judgment misconduct, including coercive fee enforcement and prejudicial misstatements intended to undermine Appellant's pending appeal. These ongoing actions reinforce the need for prospective injunctive relief and confirm that the case should proceed to trial for full adjudication of the claims and remedies sought.

ARGUMENT

I. The Circuit Court Erred in Granting Summary Judgment Based on Judicial Immunity Because Respondent Singleton Acted Outside the Scope of His Judicial Authority and Lacked Subject-Matter Jurisdiction

Judicial immunity is a narrow doctrine that protects judges from liability only for acts performed in their judicial capacity and within the court’s jurisdiction. It does not extend to actions taken in the clear absence of jurisdiction or to conduct that is administrative, coercive, or retaliatory in nature. See *Bradley v. Fisher*, 80 U.S. 335, 351 (1871); *Forrester v. White*, 484 U.S. 219, 228–30 (1988); *Stump v. Sparkman*, 435 U.S. 349, 356–57 (1978). In this case, Appellant presented substantial evidence that Judge Singleton acted outside the bounds of his judicial role in several key respects:

- i. **Acting Without Jurisdiction During Appeal:** Under *S.C. Code Ann. § 62-1-308(f)*, the filing of a probate appeal divests the probate court of jurisdiction over the subject matter on appeal. Despite this clear statutory mandate, Judge Singleton continued to preside over contested matters—including removing Appellant as personal representative, appointing new estate agents, and issuing punitive orders—while an appeal was pending. See *Ex parte Dibble*, 279 S.C. 592, 310 S.E.2d 440 (Ct. App. 1983). These actions were taken without jurisdiction and are thus not protected by judicial immunity.
- ii. **Conducting a Criminal Contempt Trial Without Legal Authority:** On June 27, 2024, Judge Singleton conducted what he called a “criminal contempt” trial in probate court and sentenced Appellant to 180 days in jail—without a jury trial, formal charges, or proper jurisdiction. Probate courts in South Carolina do not have authority to conduct criminal proceedings. See *S.C. Code Ann. § 62-1-302*; *Dean v. Kilgore*, 313 S.C. 257, 437 S.E.2d 154 (Ct. App. 1993); *Poston v. Poston*, 331 S.C. 106, 502 S.E.2d 86 (1998). Because these actions exceeded the court’s jurisdiction, they fall outside the protection of judicial immunity. See *McDaniel v. Gray*, 88 S.C. 270, 70 S.E. 717 (1911).
- iii. **Engaging in Administrative and Coercive Conduct:** Judge Singleton acted in a non-judicial, administrative capacity when he personally contacted auctioneers, initiated property valuations, and attempted to enforce a settlement through intimidation—none of

which are proper judicial functions. A judge does not have immunity for administrative or executive actions. See *Forrester*, 484 U.S. at 229–30.

- iv. **Interfering with Appellant’s Access to Appeal:** Singleton actively interfered with Appellant’s ability to prosecute her appeal by delaying the release of the appellate record, misrepresenting her record requests, and ultimately converting a \$413.50 invoice into a contempt threat. These coercive tactics were retaliatory and punitive in nature and are not protected judicial acts. See *Dennis v. Sparks*, 449 U.S. 24 (1980) (judges do not have immunity when they act in concert to deprive individuals of constitutional rights).
- v. **Submitting an Advocacy Brief in Violation of S.C. Code Ann. § 62-1-308(k):** Judge Singleton submitted a partisan return to the Circuit Court on December 6, 2023, defending his rulings, attacking Appellant’s credibility, and misrepresenting facts. This advocacy conduct, taken during a pending appeal, violated S.C. Code Ann. § 62-1-308(k), which prohibits the probate judge from acting as an advocate or party in an appellate matter. See also *Stump*, 435 U.S. at 360 (judicial immunity does not protect actions taken without proper function or neutrality).
- vi. **Engaging in Unauthorized Administrative and Interference Tactics;** Judicial immunity does not extend to **non-judicial acts**, including administrative and executive conduct. See *Forrester*, 484 U.S. at 229–30. Appellant alleges and the record supports that Singleton personally:
 - Called a private auctioneer to halt a family-agreed estate auction without any motion from parties or pending litigation before him.
 - Contacted a commercial bank to block the opening of an estate account—again, without any pleadings or motions filed before the court.
 - Directed the parties to settle or face adverse rulings, including threats of removal and dispossession, without lawful justification.

These actions were taken outside court proceedings and without party request. They were unauthorized, unilateral, and administrative, not judicial, and are not entitled to immunity.

See *Mireles v. Waco*, 502 U.S. 9, 12–13 (1991) (judges are not immune for actions taken without jurisdiction or that are not judicial in nature).

II. Defendant Singleton’s Coercive and Extrajudicial Conduct Was Non-Judicial in Nature and Therefore Not Protected by Absolute Judicial Immunity; Absolute judicial immunity does not shield judges from liability when they engage in conduct that is non-judicial in nature or performed outside the scope of their adjudicative function. See *Forrester v. White*, 484 U.S. 219, 227–30 (1988); *Mireles v. Waco*, 502 U.S. 9, 11–12 (1991) (per curiam). The key inquiry is not the judge’s title but the nature of the act itself. If the action was not one normally performed by a judge or was performed in a non-judicial capacity, immunity does not apply.

a) Coercive Settlement Tactics and Threats of Retaliation Were Not Judicial Acts;

Appellant alleged, and the record reflects, that Defendant Singleton repeatedly engaged in coercive and retaliatory conduct, including:

- Threatening to remove Appellant from estate property if she did not agree to settle.
- Declaring in open court that the estate would be liquidated and occupants evicted unless she complied with a proposed agreement.
- Making personalized threats, referring to Appellant’s finances and marriage, which had no bearing on any adjudicative issue before the court.

Such threats are not “judicial acts.” They were not part of any contested motion, ruling, or formal court proceeding. They resemble personal intimidation and extrajudicial pressure, which the courts have consistently held to be outside the scope of judicial immunity. See *King v. Myers*, 973 F.2d 354, 357 (4th Cir. 1992) (judges are not immune for acts of retaliation, harassment, or coercion that are personal rather than judicial in character).

b) Administrative Interference with Auction, Bank Accounts, and Estate Administration Was Extra-Judicial; Judge Singleton personally:

- Called an auctioneer to cancel a planned auction that had been agreed upon by all family members and their legal counsel.
- Contacted a bank to prevent Appellant from opening an estate account—without any party filing a motion or order pending before the court.
- Interfered with estate access by issuing verbal or informal directives, outside of any contested legal action.

These are not acts “normally performed by a judge.” Instead, they constitute unauthorized administrative interference, akin to a party taking unilateral action without a hearing or motion. In *Forrester*, the U.S. Supreme Court made clear that judges are not immune for “supervisory” or “administrative” conduct even if it occurs in the course of judicial employment. See also *Harold v. Waldron*, 960 F. Supp. 660 (S.D. W. Va. 1997)

c) Improper Involvement in the Appeal Process Was Outside the Judicial Function; Defendant Singleton’s December 6, 2023, Return to Appeal—which included:

- Legal argument in defense of his own rulings,
- Factual assertions not based on the record,
- False and misleading statements about Appellant’s actions, and
- Omission of relevant documents and correspondence

All, violated *S.C. Code Ann. § 62-1-308(k)* and removed him from a neutral judicial role. Judges are not permitted to become advocates in cases under appeal, and doing so transforms their role from adjudicator to litigant. Such conduct is inherently non-judicial and not entitled to immunity. See *Harris v. Harvey*, 605 F.2d 330, 336–38 (7th Cir. 1979) (denying judicial immunity where judge acted as an adversary and intervened in a pending case with bias and malice).

III. The Circuit Court Erred in Granting Summary Judgment Where Genuine Issues of Material Fact Existed as to Plaintiff's Claims of Fraud, Harassment, Defamation, Constitutional Violations, and Other Misconduct

Summary judgment is proper only when there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. *Rule 56(c), SCRCP; Baughman v. American Tel. & Tel. Co.*, 306 S.C. 101, 410 S.E.2d 537 (1991). In reviewing a summary judgment ruling, all evidence and reasonable inferences must be construed in favor of the non-moving party. *Pittman v. Grand Strand Entm't, Inc.*, 363 S.C. 531, 611 S.E.2d 922 (2005). Here, Appellant Dorothy Pierce presented specific, well-supported claims involving non-judicial acts of misconduct, including:

- a) Fraud and Extortion: Threatening to sell the decedent's property and forcibly evict residents unless Appellant consented to a coerced settlement;
- b) Harassment: Making derogatory remarks about Appellant's character, questioning her marital status, and retaliating after she filed lawful appeals;
- c) Defamation: Including knowingly false statements in the Return to Appeal—such as that Appellant failed to pay property taxes or request transcripts—despite documented evidence to the contrary;
- d) Constitutional Violations: Violating Appellant's due process rights through unlawful contempt sanctions, denial of notice, and summary punishment without jurisdiction or hearing;
- e) Interference with Inheritance: Acting outside the judicial process to alter estate outcomes and influence estate asset control without proper motion, hearing, or authority;
- f) Interference with Appellate Rights: Obstructing Appellant's access to the appellate record by delaying production of transcripts, issuing false statements to undermine her appeal, converting an invoice into a contempt order, and misusing judicial resources to frustrate her ability to perfect the appeal.

These allegations were not conclusory—they were substantiated by sworn declarations, court filings, correspondence, and court-generated records. Each represents a distinct factual dispute requiring a jury’s evaluation of the intent, scope, and legality of Respondent Singleton’s actions.

Moreover, summary judgment was granted prematurely, before Plaintiff had the opportunity to complete discovery or depose Defendant, which violated *Rule 56(f), SCRPC*. See *Tupper v. Dorchester County*, 326 S.C. 318, 487 S.E.2d 187 (1997) (summary judgment inappropriate where facts necessary to support opposition are unavailable); *Dawkins v. Fields*, 354 S.C. 58, 580 S.E.2d 433 (2003) (summary judgment improper in constitutional and intentional tort cases where credibility and intent are in dispute).

In light of these unresolved material facts and the record as a whole, the Circuit Court erred in granting summary judgment, and the case should be remanded for trial on the merits.

IV. Defendant Singleton’s Ex Parte Letter To The Court Of Appeals On April 1, 2024, Constitutes Willful Judicial Interference And Violates Both S.C. Code Ann. § 62-1-308(K) And Ex Parte Communication Rules

On April 1, 2024, after having already submitted an improper return brief on December 3, 2023—defending his own rulings and selectively transmitting the appellate record—Respondent Judge Danny Singleton took the further unlawful step of sending an ex parte letter to the South Carolina Court of Appeals. The letter, not served upon Appellant, stated:

“The Oconee County Probate Court is asking if there is any procedure to request that the above cases be expedited or add the two cases together. Both cases are connected to the same Estate Matter of Doyle Pierce, Probate Case Number 2020-ES-37-00532.”

This communication constitutes both a violation of the statutory prohibition on appellate advocacy by probate judges and a breach of ex parte communication ethics. Under S.C. Code Ann. § 62-1-308(K), “[a] judge of a probate court must not be admitted to have any voice in judging or determining an appeal from his decision or be permitted to act as attorney or counsel.” Yet Singleton, having already interfered with the appellate process in the Circuit Court, attempted to influence the Court of Appeals in furtherance of his own rulings.

- a) **Knowingly Engaging in Improper Ex Parte Communication;** Ex parte communications with an appellate court are fundamentally incompatible with judicial neutrality. As the U.S. Supreme Court made clear in *Offutt v. United States*, 348 U.S. 11, 14 (1954), “a judge receiving ex parte communications cannot maintain the appearance of impartiality required by due process.” Singleton’s letter was not neutral or ministerial. It urged procedural action—expediting and consolidating two separate appeals—that would benefit his prior rulings. His closing admission—“Please accept my apologies if this request is not proper or not in proper form”—demonstrates his awareness of the impropriety and that the communication was willful, not inadvertent.
- b) **Violation of S.C. Code Ann. § 62-1-308(K);** The statute categorically prohibits probate judges from advocating in appeals stemming from their own orders. Singleton’s letter sought precisely what the statute forbids: to act as counsel in the appellate process by recommending procedural changes that would affect timing, scope, and outcome. In *In re McMillan*, 277 S.C. 603, 291 S.E.2d 455 (1982), the South Carolina Supreme Court cautioned that even the perception of judicial interference with appeals can erode public confidence in the courts. Singleton’s overt interference—especially in a case involving a ruling made without jurisdiction—goes well beyond mere perception and constitutes direct statutory violation.
- c) **Intentional Interference with Appellant’s Appellate Rights;** Singleton’s request attempted to collapse the factual and procedural distinctions between two appeals: Case No. 2021-001552 and Case No. 2024-000455. The latter involved a ruling entered while the first appeal was still pending, during which time the probate court was divested of jurisdiction. In *Ex parte Wright*, 200 S.C. 298, 20 S.E.2d 66 (1942), the South Carolina Supreme Court held that lower courts may not intrude on matters under appellate jurisdiction. Singleton’s letter violated that rule, seeking to consolidate and thus obscure the legal impropriety of his second ruling.
- d) **Improper Advocacy and Acknowledgment of Misconduct;** By stating that his request “may not be proper,” Singleton effectively admitted it was inappropriate. Despite this knowledge, he proceeded to act as an advocate for his rulings. This is precisely the type of prohibited conduct envisioned by § 62-1-308(K)—judicial advocacy in matters where the judge is not a disinterested neutral but the subject of review. As *Stump v. Sparkman*, 435

U.S. 349 (1978) confirms, judicial immunity does not extend to actions taken “in the clear absence of all jurisdiction.” Singleton’s interference was not judicial; it was adversarial, unauthorized, and outcome-driven.

- e) **Attempt to Legitimize a Ruling Made Without Jurisdiction;** Case No. 2024-000455 was initiated from an order issued while Case No. 2021-001552 was still pending. Under *State v. Simons*, 264 S.C. 509, 216 S.E.2d 369 (1975), “The timely service of the notice of appeal... shall stay all further proceedings.” Singleton had no jurisdiction to act in the estate case once the appeal was filed. His effort to consolidate the cases was an improper attempt to retroactively legitimize an ultra vires ruling and prevent its independent scrutiny. This maneuver contravened both jurisdictional law and due process.
- f) **Not Protected by Judicial Immunity;** Singleton’s April 1, 2024 letter is not protected by judicial immunity. As held in *Forrester v. White*, 484 U.S. 219 (1988), immunity applies to judicial acts within proper jurisdiction—not to administrative, unauthorized, or nonjudicial conduct. Similarly, *Mireles v. Waco*, 502 U.S. 9 (1991) clarified that “judicial immunity does not apply to actions taken in the complete absence of all jurisdiction.” Singleton’s letter was sent outside the bounds of any court proceeding, without any motion before him, and with the clear objective of influencing appellate outcomes in his own favor. It was administrative interference motivated by self-interest and should be subject to review, accountability, and appropriate sanctions.

V. Defendant Singleton Violated Judicial Ethics, Due Process, And Statutory Duties; His Conduct Is Not Protected By Absolute Judicial Immunity

Respondent Judge Danny Singleton’s actions—including submission of an improper, misleading return brief, selective transmission of the appellate record, ex parte communications with the appellate court, and retaliation against Appellant Dorothy Pierce—constitute egregious violations of judicial ethics, constitutional due process, and statutory law. These actions were not part of any legitimate judicial function and therefore fall outside the scope of absolute judicial immunity. They justify sanctions, including referral for disciplinary action, to preserve the integrity of the judiciary and to safeguard litigants’ rights to an impartial and fair judicial process.

a) Violation of South Carolina Judicial Conduct Canons

- i. **Violation of Canon 1 – Upholding Integrity and Independence;** Canon 1 of the South Carolina Code of Judicial Conduct mandates that judges uphold the integrity and independence of the judiciary. Singleton’s submission of false and misleading factual statements in his December 3, 2023 return brief—such as claiming Plaintiff was removed as Personal Representative for failure to pay taxes—misrepresented the record, undermined judicial integrity, and compromised the appellate process. As stated in *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), judicial impartiality is a cornerstone of due process. A judge who falsifies or distorts the record to protect their own rulings abdicates this principle.
- ii. **Violation of Canon 2 – Avoiding Impropriety and Its Appearance;** Canon 2 requires judges to avoid impropriety and the appearance of impropriety. By submitting a return brief that actively defended his rulings and contained self-serving explanations and denials, Singleton engaged in advocacy—not neutral record transmittal—thus creating the appearance of bias. This contravenes the principle affirmed in *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847 (1988), where the Court held that even the appearance of partiality warrants judicial disqualification and corrective action.
- iii. **Violation of Canon 3 – Impartiality and Diligence;** Canon 3 obligates judges to perform judicial duties impartially and competently. Singleton breached this obligation by interfering in the appeal process through adversarial conduct, denying Plaintiff the right to an unbiased appellate review. See *Tumey v. Ohio*, 273 U.S. 510 (1927) (a judge may not have a “direct, personal, substantial, pecuniary interest” in the outcome of a case).
- iv. **Violation of Canon 4 – Maintaining Judicial Independence;** Canon 4 directs judges to uphold and promote judicial independence. Singleton’s retaliatory actions—such as banning Plaintiff’s fiancé from probate court and attempting to consolidate appeals in which he lacked jurisdiction—compromised the judiciary’s independence and neutrality. See *Williams v. Pennsylvania*, 579 U.S. 1 (2016) (judges must recuse when they have been involved in a prior, significant role in the matter under review).

b) Violation of Constitutional Due Process under the Fourteenth Amendment

- i. **Deprivation of Fair Appellate Review;** Due process guarantees litigants the right to an unbiased appellate review. Singleton’s December 3, 2023 return brief distorted the record and misled the appellate court, depriving Appellant of a fair opportunity to be heard. See *Goldberg v. Kelly*, 397 U.S. 254 (1970) (due process requires a meaningful opportunity to present a case).
 - ii. **Obstruction of Legal Remedies;** By omitting exculpatory documents and submitting only evidence favorable to his rulings, Singleton obstructed Plaintiff’s ability to secure appellate relief. This obstruction infringed on her right to meaningful judicial redress under *Logan v. Zimmerman Brush Co.*, 455 U.S. 422 (1982).
 - iii. **Obstruction of Justice;** Singleton’s submission of false statements and suppression of material evidence rises to the level of obstruction of justice. See *United States v. Aguilar*, 515 U.S. 593 (1995), recognizing judicial interference intended to affect the outcome of proceedings as obstruction.
 - iv. **Tampering with Judicial Proceedings;** Introducing false facts into the appellate record constitutes tampering with proceedings in violation of due process and legal ethics. The appellate process must rely on an accurate and neutral lower court record, not one skewed by judicial self-defense.
- c) **Abuse of Judicial Authority;** Singleton’s retaliatory actions—such as the banishment of Appellant’s fiancé and threats to remove her from her role as Personal Representative—were aimed at punishing her for asserting legal rights and challenging his authority. These actions are inconsistent with the restrained and impartial role of the judiciary and constitute abuse of power. See *Dennis v. Sparks*, 449 U.S. 24 (1980) (judges can be liable when acting in concert with others to deprive constitutional rights).

d) Violation of South Carolina Statutes Governing Judicial Conduct

- i. **S.C. Code Ann. § 62-1-308(k);** This provision prohibits a probate judge from “having any voice” in an appeal of their own decision or “acting as attorney or counsel.” Singleton’s return brief and April 1, 2024 ex parte letter both violated this prohibition. These acts were not judicial functions, but prohibited advocacy.

- ii. **S.C. Code Ann. § 16-3-60 – Obstruction of Justice;** Knowingly submitting false factual assertions and withholding critical appellate documents may constitute obstruction of justice. The statute criminalizes “any act which prevents, obstructs, impedes, or hinders the administration of justice.”
 - iii. **S.C. Code Ann. § 63-3-520 – Judicial Misconduct;** Singleton’s conduct, including retaliatory bans, false factual representations, and ex parte interference, likely constitutes judicial misconduct under South Carolina law, justifying investigation by the Judicial Merit Selection Commission or the Supreme Court’s Office of Disciplinary Counsel.
- e) **Violation of Plaintiff’s Right to an Impartial Tribunal under the Sixth Amendment;** Though primarily criminal in scope, the Sixth Amendment’s right to an impartial tribunal underscores the broader constitutional guarantee of judicial neutrality. Civil litigants are equally entitled to an unbiased decisionmaker. *Caperton*, 556 U.S. at 876, reaffirmed that a judge’s bias—even without explicit pecuniary interest—violates due process.
- f) **Defendant Singleton’s Conduct Constitutes Malfeasance**
- i. **Intentional Wrongdoing;** Submitting false, misleading, and selectively incomplete filings was not a mistake—it was intentional. Singleton used his position to influence appellate outcomes and retaliate against Appellant. This is the textbook definition of malfeasance. See *State v. Murdaugh*, 427 S.C. 316 (2023) (malfeasance includes abuse of office through deceit or obstruction).
 - ii. **Abuse of Power;** Singleton’s cumulative conduct—return brief misrepresentations, record manipulation, ex parte communications, and retaliatory threats—reflects a sustained abuse of judicial power that exceeds any permissible judicial function. Such conduct demands accountability beyond removal from a single case; it justifies discipline, disqualification, and sanctions under civil and constitutional law.

VI. Respondent Violated S.C. Code Ann. § 62-1-308(K) By Filing An Inappropriate Return Brief With The Circuit Court On December 3, 2023, Which Advocated For His Ruling, Requested Dismissal Of Appeal And Interfered With Plaintiff's Appeal Review

On December 3, 2023, Respondent Danny Singleton submitted a return brief to the Circuit Court that directly violated S.C. Code Ann. § 62-1-308(K), which prohibits probate judges from acting as attorneys or advocates in appeals from their own decisions. The statute mandates a neutral transmission of the record, not advocacy or argument. Instead of complying, Respondent Singleton submitted a self-defensive, argumentative brief that undermined the integrity of the appellate process. Respondent's conduct was not a legitimate judicial act and thus falls outside the scope of judicial immunity. His participation as an advocate constitutes a knowing breach of judicial ethics and warrants sanctions.

a) Respondent's Return Brief Violated S.C. Code Ann. § 62-1-308(K) By Advocating for His Rulings; S.C. Code Ann. § 62-1-308(K) unambiguously states: *“A judge of a probate court must not be admitted to have any voice in judging or determining an appeal from his decision or be permitted to act as attorney or counsel.”* Despite this statutory prohibition, Respondent Singleton submitted a Return that explicitly denied allegations, defended his judicial conduct, and asserted his own version of disputed facts, each constituting advocacy rather than neutral record transmission. The following examples illustrate how Respondent Singleton violated the statute:

- i. **Defense of Personal Connection;** Respondent Singleton expressly denied having any personal or familial relationship with Donna Moore, Gregory Pierce, and Jared Adam Pierce—individuals relevant to Appellant's claim of judicial bias. By asserting these denials, he improperly inserted his own factual rebuttals into the appeal record, violating § 62-1-308(K), which prohibits any attempt by the probate judge to defend the propriety of his decision or his impartiality. This was a defense of his personal reputation, not a neutral act of judicial administration.
- ii. **Defense Against Retaliation for Filing an Appeal;** Respondent Singleton's return denies that he retaliated against Appellant for filing an appeal, even though this allegation is central to Appellant's constitutional and statutory claims. His denial constitutes direct

and impermissible advocacy, effectively arguing the merits of the appeal himself. A judge may not become a party to his own appeal by defending against allegations of unconstitutional conduct.

- iii. **Defense Against Threats of Eviction;** In the return, Respondent Singleton denied threatening to remove Appellant from her home. This denial is both factually contested and legally irrelevant to the narrow role assigned to a probate judge under § 62-1-308(K). By responding to these allegations in the return, Singleton improperly attempted to cast his prior actions as reasonable, undermining Appellant’s arguments and assuming the role of a litigant.
- iv. **Defense Against Prejudging the Appeal Outcome;** Respondent Singleton denied ever stating that Appellant’s appeal would be denied. This denial responds to Appellant’s allegation of prejudgment and retaliation and, again, is an effort to rebut the appeal on the merits. By issuing such a denial, Respondent advocated for the correctness of his conduct, improperly attempting to influence how the reviewing court views his impartiality and credibility.
- v. **Defense of Contempt Ruling;** In the return, Respondent Singleton justified holding Appellant in contempt. This represents a textbook example of judicial advocacy prohibited by § 62-1-308(K). Rather than allowing the appellate court to evaluate the contempt order on the record alone, Singleton supplied extraneous justifications and factual context in an effort to validate his prior decision—clearly exceeding his lawful role.
- vi. **Defense of Ordering Appeal Withdrawal;** Respondent Singleton defended his role in allegedly coercing Appellant to withdraw her appeal by claiming it was part of a Rule 43(k) settlement agreement. This again amounts to an unauthorized defense of a challenged judicial act. Whether or not the appeal withdrawal was voluntary is a factual and legal issue to be decided by the appellate court—not by the judge whose conduct is under review.
- vii. **Defense of Actions Related to Estate Auction;** Respondent Singleton denied that he threatened Appellant or removed her from managing the estate’s auction improperly. These denials are not only factually contested but also outside the permissible scope of a

return under § 62-1-308(K). His statements attempted to portray himself as neutral and justified in conduct that Appellant challenges as retaliatory and abusive.

- viii. **Defense Against Allegations of Judicial Misconduct;** Respondent Singleton broadly denied all allegations of misconduct and abuse of discretion. This amounted to a blanket defense of his character and rulings, reinforcing that he was acting as an advocate—not merely a custodian of the record. The statute explicitly bars judges from defending their own decisions on appeal; here, Respondent crossed that line repeatedly and brazenly.
- ix. **Defense Against Retaliation Involving Appellant’s Fiancé;** Finally, Respondent Singleton denied that banning Appellant’s fiancé from the probate court was retaliatory. He went further to justify the ban by asserting alleged misconduct, including unauthorized legal advice. These statements were not part of the trial record, not subject to cross-examination, and were included for the sole purpose of justifying his actions—actions which Appellant alleges were taken in bad faith to chill her appeal. This defense, like the others, demonstrates impermissible participation in the appeal by the judge whose conduct is in question.

Each of these nine examples constitutes a violation of S.C. Code Ann. § 62-1-308(K).

Respondent Singleton stepped outside his limited judicial function and assumed the role of an adversary to Appellant in her appeal. This advocacy is not protected by judicial immunity and calls for reversal of the lower court’s summary judgment, along with appropriate sanctions to safeguard the integrity of the appellate process.

b) Respondent Singleton Made False and Malicious Statements in the Return Brief to Mislead the Circuit Court and Interfere with Plaintiff’s Appeal. Respondent Danny Singleton’s submission of a return brief to the Circuit Court on December 3, 2023, was not only inappropriate but also contained false and malicious statements intended to mislead the Circuit Court and interfere with the Plaintiff’s appeal. These actions are not protected by absolute judicial immunity as they exceed the scope of his judicial role and were taken in bad faith to obstruct justice.

- i. **False and Malicious Statements Regarding Plaintiff's Removal as Personal Representative;** In his return brief, Respondent Singleton falsely asserted that Dorothy Pierce was removed as Personal Representative (PR) of the estate primarily because she

failed to pay property taxes and was allegedly unable to cooperate with the Special Administrator, Adam Lee. This statement is blatantly false and was made with the intent to mislead the Circuit Court. In his inappropriate and malicious return brief, Respondent Singleton falsely asserted that: ***“Part of the removal of the Personal Representative was that Mrs. Pierce also failed to pay the property tax as PR. Mr. Lee's firm paid the taxes.”*** However, the statement is completely false and only intended to mislead the Circuit Court. The actual facts reveal a different story:

- **Payment of Property Taxes:** The Plaintiff had already paid the property taxes for 2021 before the Special Administrator was appointed. Adam Lee, who assumed his role later on August 22, 2022, only paid the taxes for 2022, which were due in January 2023. This clearly contradicts Respondent Singleton's assertion that Mrs. Pierce was removed for failing to pay property taxes.

- **Respondent Rice did not remove Plaintiff from Position of Personal Representative:** The decision to appoint a Special Administrator was made by Respondent Ashley Rice, not due to any mismanagement by Mrs. Pierce, but because of the contentious nature of the case. Respondent Rice explicitly stated that Mrs. Pierce acted with good intent and that the estate was not in immediate danger. Moreover, Respondent Rice confirmed that Mrs. Pierce would remain the PR, albeit temporarily restrained from acting in that capacity pending the appellate court's decision.

These false statements were deliberately crafted to create a misleading narrative that would justify Respondent Singleton's subsequent rulings against Mrs. Pierce. This act of deception is not protected by absolute immunity because it was done with the intent to mislead and interfere with the appellate process, which falls outside the scope of legitimate judicial actions.

- ii. **False and Malicious Statements Regarding Retaliation Against Plaintiff's Family Member;** Respondent Singleton made false and malicious statements in his return brief regarding an incident involving the Plaintiff's fiancé, Dr. Boyle. He claimed that Dr. Boyle was banned from the probate office for allegedly offering legal advice to another individual, which he argued was inappropriate. Specifically, Respondent Singleton stated, **"I did email Mrs. Pierce and advised her that he would no longer be able to be here at probate concerning this matter anymore. I advised that he could not give legal**

advice to others, and he encouraged others to come outside to her vehicle to seek legal advice.” This statement is demonstrably false and misleading:

- **Inaccurate Incident Report:** Contrary to Respondent Singleton’s assertions, Dr. Boyle did not intentionally pick up the wrong documents. The incident occurred because the probate clerk mistakenly handed Dr. Boyle a document belonging to another client of the Probate Court instead of providing him with a clocked copy of the amended notice of appeal. Mrs. Pierce was not present at the Probate Court during this incident, and Dr. Boyle was not acting inappropriately. Moreover, Dr. Boyle's interaction with another court visitor was later clarified during a hearing on June 27, 2024, where Respondent Green, who witnessed the event, testified that Dr. Boyle did not provide legal advice, directly contradicting Respondent Singleton’s account.
- **Retaliatory Motive:** The timing and context of the ban imposed on Dr. Boyle indicate that it was a retaliatory measure rather than a legitimate enforcement of court rules. The ban was enforced shortly after the Plaintiff filed an amended notice of appeal, strongly suggesting that Respondent Singleton intended to isolate the Plaintiff from her support system and obstruct her ability to effectively navigate the legal process.

Moreover, Respondent Singleton sent an email to the Plaintiff, inappropriately including other parties unrelated to the case, to inform her of the ban on her fiancé from the Probate Court premises. The email read: **"It also appears that your 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 Respondent 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 advice and acting as a non-licensed attorney. For this reason, he will no longer be able to enter the probate offices and or lobby area."** Respondent Singleton’s account of the incident is not only misleading but also irrelevant to the legal proceedings, as Mrs. Pierce was not involved in the interaction between her fiancé and

another individual at the Probate Court. The decision to ban her fiancé from the court appears to be an act of retaliation rather than a legitimate enforcement of court rules.

This retaliatory action is not protected by judicial immunity because it was administrative in nature and motivated by a desire to intimidate the Plaintiff and obstruct her appeal. Such actions do not constitute legitimate judicial conduct and fall outside the protections typically afforded to Respondents. Consequently, Respondent Singleton should be stripped of any immunity related to this conduct, as it was not undertaken within the scope of his judicial duties but rather as part of an intentional effort to retaliate against the Plaintiff and interfere with her legal rights.

iii. **Respondent Blatantly denied his Open and documented Retaliatory Actions Against Plaintiff;** In his return brief, Respondent Singleton falsely denied engaging in any retaliatory actions against the Plaintiff, stating, "**Mrs. Pierce claims the court retaliated against her for filing an appeal. No retaliation has ever taken place against her or anyone else that has appeared before me in probate court or in the past, in the municipal court.**" However, this statement is demonstrably false and contradicts the evidence of his retaliatory conduct.

- **Direct Retaliation for Filing an Appeal:** Evidence of retaliation is clearly documented in an email sent by Respondent Singleton to Mrs. Pierce within minutes of receiving her amended notice of appeal on October 24, 2023. In this email, Respondent Singleton threatened to hold an emergency hearing to reassess her position as Personal Representative (PR) and directly linked her decision to appeal with potential punitive actions against her. He stated: "**All, I am in receipt of an amended notice of appeal from Mrs. Pierce. Part of the family agreement was to withdraw all appeals. This appears to be a violation of the agreement. A hearing will be scheduled to determine what actions, if any, the court will take. Should any potential heir petition the court for the removal and placement of the current PR, please file, and a hearing will be scheduled the same day.**" He further threatened, "**Mrs. Pierce, if it is your intent to violate the family**

agreement, I believe an emergency hearing needs to take place to determine if you should immediately be removed as PR."

- **Coercive Threats in the Email:** Respondent Singleton's email explicitly stated that Mrs. Pierce's filing of an appeal could result in her immediate removal as PR, framing it as a violation of the family agreement. This was a clear and direct attempt to coerce her into withdrawing her appeal, infringing on her legal rights and due process. Such actions demonstrate an abuse of judicial authority aimed at punishing the Plaintiff for exercising her legal right to appeal.
- **Plaintiff's immediate Recognition of Retaliation:** In response to this clear threat, the Plaintiff sent an email back to Respondent Singleton, stating: "**Respondent Singleton, threatening to remove me as a personal representative because I filed an appeal is retaliation and a violation of my due process rights and civil rights under the Constitution of the United States. Everything that has been threatened in the last few hours since I filed my appeal is retaliation.**" This response highlights the Plaintiff's immediate recognition of the retaliatory nature of Respondent Singleton's actions. This email clearly shows that Respondent Singleton was prepared to take immediate and punitive action against the Plaintiff solely because she exercised her legal right to appeal, which directly contradicts his claim that no retaliation occurred. His actions here indicate a personal investment in the outcome of the case and raise significant concerns about judicial impartiality.
- **Follow-Through on Retaliatory Threats:** In subsequent communications, he reiterated that since the Plaintiff had appealed the family settlement order—the very order that formed the basis of her appointment as PR—it justified her removal as PR. This further illustrates his retaliatory motive and intent to punish the Plaintiff for exercising her appellate rights.

These actions are not protected by absolute judicial immunity because they represent an abuse of judicial power taken with the intent to retaliate against a litigant for exercising her right to appeal. Judicial immunity does not cover acts done in bad faith, with malicious intent, or outside the proper scope of judicial duties. Respondent Singleton's conduct, as evidenced by his

retaliatory threats and actions, falls outside the protections of judicial immunity and should be subject to scrutiny and accountability.

c) Respondent Singleton’s Inappropriate Return Brief Willfully Interfered with Appellant’s Appeal and Resulted in a Denial of Due Process

After Respondent Singleton submitted his inappropriate return brief to the Circuit Court on December 3, 2023, Appellant’s appeal was summarily denied without a hearing and without the Circuit Court considering any of Appellant’s evidence. The actions of both Respondent Singleton and the reviewing judge, the Honorable R. Lawton McIntosh, deprived Appellant of a full and fair opportunity for appellate review and constitute a fundamental violation of her due process rights.

Respondent Singleton's return was not a neutral transmission of the record, as required by S.C. Code Ann. § 62-1-308(K). Instead, he interfered with the appeal in the following ways:

- i. **Actively advocating for his own rulings:** Rather than allowing the appellate court to independently review his decisions, Respondent Singleton used the return to defend and justify his prior rulings. This advocacy directly influenced the Circuit Court and undermined the neutrality of the appellate process.
- ii. **Introducing false and misleading statements:** Respondent Singleton included material misrepresentations in his return, such as falsely claiming that Appellant was removed as Personal Representative due to failure to pay property taxes. These fabrications skewed the appellate record and prejudiced the Circuit Court against Appellant.
- iii. **Omitting exculpatory evidence:** Singleton submitted only portions of the record that were favorable to his position, excluding key documents, transcripts, and exhibits that supported Appellant’s claims. This selective transmission of the record rendered the appeal incomplete and unfair.
- iv. **Injecting personal and irrelevant defenses:** Respondent Singleton improperly addressed allegations against himself—denying personal relationships, retaliatory conduct, threats, and bias. These defenses were inappropriate and immaterial to the

neutral transmission required by law. His conduct transformed the return into an adversarial brief.

- v. **Failing to serve Appellant:** Singleton failed to properly serve Appellant with the return brief. As a result, Appellant was deprived of the opportunity to file a timely rebuttal, further compounding the denial of due process and impairing her ability to correct the misrepresentations made in the return.

Following this misconduct, the reviewing judge summarily denied Appellant’s appeal without considering any of her evidence. Judge McIntosh did not permit briefing, argument, or acknowledgment of the improperly submitted return brief, effectively rubber-stamping Respondent Singleton’s version of events without procedural safeguards.

This chain of events—from the unlawful return brief to the summary dismissal of Appellant’s appeal—demonstrates willful interference with the appellate process. It also illustrates how judicial overreach and denial of a neutral appellate record compromised the integrity of the proceedings. Respondent Singleton’s violations of § 62-1-308(K), compounded by the Circuit Court’s refusal to review Appellant’s evidence, constitute clear violations of the Fourteenth Amendment’s guarantee of due process.

These cumulative actions warrant reversal of the judgment below, vacatur of the summary order, and remand for proper appellate consideration under a neutral process untainted by judicial advocacy or procedural irregularities.

VII. Judge Singleton’s October 3, 2024 Letter To The Circuit Court Violated S.C. Code Ann. § 62-1-308(K), Due Process, And Judicial Ethics Standards

Judge Danny Singleton’s submission of a “Return on Appeal” on October 3, 2024—accompanied by a letter addressed to the Honorable Lisa Burton of the Circuit Court—was an unlawful act of judicial advocacy in a case where he had issued a criminal contempt sentence of 180 days against Appellant without a jury trial, in violation of due process.

- a) This communication violated S.C. Code Ann. § 62-1-308(K), which prohibits probate judges from “having any voice in judging or determining an appeal from his decision or being

permitted to act as attorney or counsel.” Rather than neutrally transmitting the appellate record, Singleton improperly argued that Appellant’s appeal was time-barred, asserted she failed to file a proper Statement of Issues, and urged dismissal based on procedural grounds—thereby assuming the role of a litigant rather than a neutral judicial officer.

- b) This act also constituted a violation of judicial ethics, including Canon 1 (Integrity), Canon 2 (Avoiding Impropriety), and Canon 3 (Impartial Performance of Duties). By presenting legal arguments aimed at defeating Appellant’s appeal, Singleton eroded the appearance of impartiality and acted with clear personal interest in the outcome. See *In re McMillan*, 277 S.C. 603, 291 S.E.2d 455 (1982) (holding that judges must not give even the appearance of appellate interference), and *Offutt v. United States*, 348 U.S. 11, 14 (1954) (“Justice must satisfy the appearance of justice.”).
- c) Singleton’s letter also constituted an improper ex parte communication with the appellate court, as it was not served on Appellant, yet it directly addressed substantive legal and procedural arguments. This conduct deprived Appellant of notice and opportunity to be heard, thus violating the Due Process Clause of the Fourteenth Amendment. See *In re Murchison*, 349 U.S. 133 (1955) (holding that a judge who acts as both accuser and decision-maker violates due process).
- d) Further compounding the harm, Singleton’s letter contained material misrepresentations. He falsely claimed Appellant failed to timely request the transcript, when in fact her former counsel, John Chambers, requested the digital recording on July 9, 2024—well within the permissible window. He also inaccurately asserted that Appellant failed to file a Statement of Issues or a Motion for Extension, despite procedural good-faith efforts by Appellant to comply with appellate rules. These false statements reflect an intentional distortion of the record in violation of S.C. Code Ann. § 16-9-340 (Obstruction of Justice).
- e) Singleton’s conduct is not protected by judicial immunity. Judicial immunity does not apply to nonjudicial acts or those taken in the clear absence of jurisdiction. See *Forrester v. White*, 484 U.S. 219 (1988) (distinguishing administrative from judicial acts) and *Stump v. Sparkman*, 435 U.S. 349 (1978). Singleton’s letter was not a judicial ruling or ministerial act—it was an unsolicited, partisan submission attempting to persuade the Circuit Court to dispose of a criminal appeal without a hearing.

- f) That appeal involved a serious **liberty interest**, as Appellant had been sentenced to 180 days’ incarceration without a jury trial or proper procedural safeguards. In *Turner v. Rogers*, 564 U.S. 431 (2011), the U.S. Supreme Court reaffirmed that contempt proceedings implicating incarceration require meaningful due process. Singleton’s effort to influence the outcome of that appeal—while not a party to it—constitutes not only **an egregious breach of ethics**, but **a due process violation of constitutional magnitude**. His October 3, 2024 letter was an unlawful act of **judicial interference**, an abuse of authority, and a direct attack on Appellant’s right to appellate review of a potentially unlawful incarceration.

VIII. The Probate Court’s Failure to Transmit a Complete and Accurate Record on Appeal Constituted Structural Procedural Error Requiring Reversal

Under Rule 75, South Carolina Rules of Civil Procedure, it is the duty of the trial court—in this case, the Probate Court—to prepare and transmit the record on appeal to the Circuit Court. This record must be complete, accurate, and include all materials relevant to the issues raised on appeal. The failure to comply with this procedural obligation can amount to structural error, especially when it impairs the litigant’s ability to effectively prosecute their appeal or defend against summary judgment.

- a) **Rule 75 Imposes a Non-Delegable Duty on the Lower Court**; Rule 75(a) provides: “The lower court shall promptly prepare and certify the Record on Appeal, which shall include all papers, evidence, and orders material to the questions presented by the appeal...” In probate matters, S.C. Code Ann. § 62-1-308(k) supplements this by requiring the probate court to transmit the appeal record promptly and neutrally. This record is the foundation upon which the Circuit Court evaluates the probate judge’s actions. Despite this clear mandate, the Oconee County Probate Court—under the direction of Judge Singleton—delayed, fragmented, and ultimately failed to provide a complete and accurate appellate record. Appellant was left with no alternative but to compile the appeal record herself, relying on scattered copies of prior court orders, partial transcripts, and personal correspondence, at significant personal expense.
- b) **Appellant Was Forced to Compile the Record at Her Own Expense Amid Delay and Obstruction** The record shows that Appellant:

- Made multiple written requests for court transcripts and the full appellate record on October 11, November 1, and November 7, 2023;
- Was charged \$413.50 by the Probate Court for these materials;
- Received the documents only after prolonged delay and repeated follow-up;
- Was forced to create improvised transcripts from audio files and pleadings already in her possession to meet appellate deadlines.

Rather than fulfilling its duty to produce and certify the official record, the Probate Court placed the burden of compliance on Appellant—a self-represented litigant—thereby impairing her right to appellate review.

This breakdown in the recordkeeping process was compounded by Judge Singleton’s false statements in the Return brief that Appellant “never requested a transcript” and “no court reporter contacted the court”—assertions contradicted by court invoices, receipts, and email correspondence.

c) **The Failure to Transmit the Record Prejudiced Appellant’s Rights and Undermines Summary Judgment;** The **absence of a certified, complete record** from the lower court created substantial uncertainty for the Circuit Court and prejudiced Appellant in the defense of her claims. Summary judgment was granted based largely on judicial immunity, without adequate record support or evidence of what actually transpired below.

Appellate courts have consistently held that the failure to transmit a proper record is reversible error, particularly where the error affects the litigant’s fundamental rights, ability to obtain review, or causes one party to bear an undue burden. See, e.g.:

- *Sloan v. Friends of the Hunley, Inc.*, 369 S.C. 20, 630 S.E.2d 474 (2006) (reversal warranted where absence of record precludes meaningful review);
- *Elam v. S.C. Dep’t of Transp.*, 361 S.C. 9, 602 S.E.2d 772 (2004) (procedural irregularities undermining fairness justify reversal).

Here, Appellant was denied a fair opportunity to prosecute her appeal or defend against summary judgment, not because of the merits, but because of **the court’s structural failure** to uphold its

obligations under Rule 75 and § 62-1-308(k). The Circuit Court erred in granting judgment while this defect remained unresolved.

The Probate Court's failure to transmit a complete and accurate record on appeal, in violation of Rule 75, SCRPC, and § 62-1-308(k), resulted in structural procedural error that prejudiced Appellant's rights. This fundamental irregularity warrants reversal of the summary judgment order and reinstatement of Appellant's claims for proper adjudication.

IX. The Circuit Court Erred in Granting Summary Judgment Before Discovery Was Completed, Depriving Appellant of a Full and Fair Opportunity to Present Her Case

Under Rule 56(f), South Carolina Rules of Civil Procedure, summary judgment is inappropriate when the non-moving party has not had an adequate opportunity to complete discovery. A trial court must allow sufficient time for the parties to develop a full evidentiary record, especially when facts essential to justify opposition may exist but are not yet accessible to the party opposing summary judgment.

In this case, the Circuit Court prematurely granted summary judgment in favor of Defendant Judge Danny Singleton on December 5, 2024, despite the fact that:

- i. Appellant had served written interrogatories and requests for production that remained unanswered at the time of the ruling;
- ii. No depositions had been taken, including that of the Defendant himself;
- iii. The court had not resolved key factual disputes related to Defendant's conduct following the entry of contested probate orders, including retaliatory actions and obstruction of Appellant's appellate efforts.

a) Rule 56(f) Forbids Premature Summary Judgment Where Discovery is Incomplete;

Rule 56(f) expressly provides that summary judgment should be denied or continued where a party demonstrates that it cannot present facts essential to justify its opposition. Courts in South Carolina have repeatedly held that summary judgment must not be used as a substitute for trial, particularly where material facts are in dispute or discovery is incomplete. See: *Baughman v. American Tel. & Tel. Co.*, 306 S.C. 101, 410 S.E.2d 537 (1991) ("Summary

judgment should not be granted until the opposing party has had a full and fair opportunity to complete discovery.”); and *Lanham v. Blue Cross & Blue Shield of South Carolina, Inc.*, 349 S.C. 356, 563 S.E.2d 331 (2002) (reversing summary judgment entered prior to depositions and discovery responses).

Appellant here expressly opposed the motion for summary judgment on these grounds, alerting the Circuit Court that material evidence remained outstanding and that she had not been afforded an opportunity to question Defendant Singleton under oath regarding his retaliatory conduct, interference with court records, and advocacy in a Return to Appeal.

b) Key Evidence Supporting Appellant’s Claims Was Unavailable Without Discovery; The discovery sought by Appellant was directly relevant to the core issues in this case, including:

- i. Post-order judicial misconduct (e.g., fee coercion, threats of arrest, interference with Appellant’s access to records);
- ii. False and defamatory claims made in the Return brief;
- iii. Evidence of bias, ex parte communications, and personal involvement in non-judicial administrative acts, such as contacting auctioneers and financial institutions.

Appellant’s civil complaint also alleged constitutional violations, emotional distress, and fraudulent deprivation of her inheritance, all of which necessitated factual development. By granting summary judgment before any depositions occurred and before Defendant responded to discovery, the court foreclosed Appellant’s opportunity to prove the truth of her allegations through admissible evidence.

c) The Court’s Premature Ruling Violated Basic Fairness and Requires Reversal;

Summary judgment is a drastic remedy, reserved for cases in which there is no genuine issue of material fact. Here, the record was incomplete and contested facts remained unresolved. Granting judgment in the absence of discovery was procedurally unfair and legally unsound. The South Carolina Supreme Court has emphasized that “[t]he motion for summary judgment is not to be used as a substitute for trial, and when inquiry into the facts is desirable to clarify the application of the law, summary judgment must not be granted.” *Main v. Corley*, 281 S.C. 525, 316 S.E.2d 406 (Ct. App. 1984).

Appellant was denied a meaningful opportunity to confront Defendant with his own words, uncover contradictory evidence, and test the factual underpinnings of judicial immunity. That denial undermines the integrity of the judgment below and compels reversal. Because material facts remained unresolved and discovery was not completed, the Circuit Court erred in granting summary judgment. The order must be reversed to allow Appellant to pursue her claims on a fully developed evidentiary record.

X. Plaintiff Is Entitled to Proceed to Trial on Her Civil Claims Where Material Issues of Fact Remain Regarding Defendant's Misuse of Authority and Extra-Judicial Conduct

Summary judgment is improper where genuine issues of material fact remain regarding a defendant's conduct, motives, or entitlement to immunity. In this case, Plaintiff Dorothy Pierce presented a well-pleaded complaint supported by sworn statements and a detailed factual record alleging that Defendant Judge Danny Singleton engaged in retaliatory, coercive, and unconstitutional conduct far outside the bounds of legitimate judicial function.

These allegations, if proven, would entitle Plaintiff to declaratory and injunctive relief, as well as compensatory and punitive damages for constitutional violations, including emotional distress, deprivation of due process, and unlawful contempt sanctions.

a) **Judicial Immunity Does Not Bar Trial Where Conduct Is Extra-Judicial or Taken in the Clear Absence of Jurisdiction;** While judges are generally immune from liability for acts taken in their judicial capacity, that immunity does not extend to:

- Acts taken in the absence of subject-matter jurisdiction, or
- Conduct that is administrative, coercive, or retaliatory in nature, rather than judicial.

Here, Plaintiff alleged and provided specific examples that Defendant Singleton:

- Held her in contempt and sentenced her to jail without jurisdiction, in a court lacking criminal authority;
- Threatened to remove her from her residence and sell estate property unless she agreed to settle;

- Converted a routine invoice into a contempt order and threatened incarceration for nonpayment, creating emotional duress;
- Advocated for his own rulings in appellate proceedings, in violation of S.C. Code Ann. § 62-1-308(k);
- Repeatedly retaliated against Plaintiff for exercising her appellate rights, undermining her legal access to records and fair hearings.

Such acts fall well outside the protective scope of judicial immunity, as they represent intentional misconduct and abuse of authority.

b) **Plaintiff's Claims Raise Disputed Questions of Fact That Must Be Resolved at Trial;** At a minimum, Plaintiff raised material factual disputes as to whether Defendant's actions were:

- Motivated by personal animus or retaliation;
- Taken without lawful authority or due process;
- Malicious, willful, or reckless, justifying punitive damages.

She further alleged emotional and reputational harm, stemming from:

- Public defamation in court filings;
- Coercive threats and hostile courtroom remarks;
- Psychological trauma from retaliatory incarceration threats;
- Systematic obstruction of her appeals and rights as a litigant.

These factual issues are central to her causes of action for:

- **Declaratory and injunctive relief** (seeking accountability and prospective restraint on unlawful behavior);
- **Compensatory damages** for harm caused by Defendant's conduct; and
- **Punitive damages**, where malice or reckless disregard for Plaintiff's rights can be shown.

The South Carolina Supreme Court has held that where motive, credibility, or state of mind are at issue, summary judgment is disfavored and the matter should proceed to trial. See *Fleming v. Rose*, 350 S.C. 488, 567 S.E.2d 857 (2002).

c) A Jury Must Resolve These Disputes to Ensure Due Process and a Fair Adjudication

Plaintiff is constitutionally entitled to present her claims to a jury. The Circuit Court's premature ruling deprived her of that right and overlooked substantial evidence of misconduct. Whether Defendant acted with retaliatory intent, whether his conduct caused emotional or constitutional harm, and whether such conduct warrants relief under state and federal law, are all questions for the trier of fact.

In light of the volume of factual allegations, contested evidence, and the ongoing nature of Defendant's retaliatory conduct even after summary judgment, it is manifestly improper to dismiss these claims without a trial. Because material factual disputes remain regarding Defendant Singleton's misuse of authority, retaliatory motive, and resulting harm to Plaintiff, summary judgment was erroneous. Plaintiff is entitled to a full trial on the merits of her claims for declaratory, injunctive, and monetary relief.

CONCLUSION

The record in this case reveals a disturbing pattern of judicial overreach, retaliation, and constitutional violations that no court of law should ignore. Judge Danny Singleton did not act as a neutral arbiter but as a self-interested actor who weaponized the probate bench to intimidate, punish, and silence a litigant for asserting her lawful rights. From unlawfully sentencing Appellant to jail without jurisdiction, to interfering with her access to appellate review, to filing a biased and misleading return to defend his own conduct—Singleton's actions were not cloaked in immunity but steeped in abuse.

The Circuit Court's reliance on judicial immunity to shield such misconduct was gravely misplaced. Judicial immunity is not a license to terrorize litigants, fabricate facts in appellate proceedings, or trample on due process. No judge is above the law, and no doctrine of immunity can excuse conduct that occurs outside the bounds of jurisdiction and justice.


Appellant respectfully asks this Court to reverse the summary judgment order, remand the case for trial, and reaffirm the foundational principle that courts must serve the people—not persecute them.

PRAYER FOR RELIEF

WHEREFORE, Appellant respectfully prays that this Honorable Court:

1. Reverse the Circuit Court's December 5, 2024 Order granting summary judgment in favor of Respondent;
2. Remand the case for further proceedings, including completion of discovery and a trial on the merits;
3. Declare that Respondent's actions, taken outside judicial capacity and jurisdiction, are not protected by judicial immunity;
4. Award Appellant such further relief as may be just and proper under the circumstances, including injunctive and declaratory relief and any costs or fees deemed appropriate.

Signed and dated this June 21, 2025



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