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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Case No.: 2024-001241

The matter of Jason Michael Boyle

INITIAL BRIEF OF APPELLANT

Appeal from the July 17, 2024, Release Order and the February 7, 2025, Order Affirming Probate Court's Contempt Finding, Issued by the Tenth Judicial Circuit Court.

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JURISDICTION

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

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

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?
6. Whether the Probate Court and Circuit Court erred by deliberately misclassifying criminal contempt proceedings as civil in posture, thereby enabling Judge Singleton to preside as prosecutor, witness, victim, and judge, while denying Appellant constitutional safeguards mandated in criminal proceedings.
7. Whether the Circuit Court violated the First Amendment and due process by using contempt powers to silence Appellant in the courtroom — effectively coercing him not to defend himself or criticize the court — through a sua sponte finding of contempt announced before any defense could be presented.
8. Whether the Circuit Court’s September 16, 2024 contempt order was tainted by undisclosed ex parte communications between Judge McIntosh’s clerk, Judge Singleton, and Attorney Jim Logan, and whether the unclear scope of those communications—particularly in light of conflicting treatment of the proceeding as “civil” versus “criminal”—violated Appellant’s due process rights.

9. Did the Circuit Court err by prematurely adjudicating the appeal before Respondent had filed a substantive response to Appellant's August 20, 2024 brief, thereby denying Appellant meaningful appellate review?
10. Did the Circuit Court err by failing to sanction Attorney Jim Logan for issuing a subpoena for Appellant's jail phone records during the appeal, constituting impermissible discovery?
11. Did the Circuit Court err by failing to address evidence of judicial vindictiveness by Judge Singleton, including unlawful incarceration for protected speech, demand to delete evidence, and ex parte witness solicitation?
12. Did the Circuit Court err by disregarding Judge Singleton's use of contempt powers to coerce Appellant into deleting video evidence—an ultimatum that constituted both unlawful evidence suppression and an abuse of contempt authority?
13. Did the Circuit Court err by upholding the Probate Court's rulings despite jurisdictional deficiencies—including lack of a proper criminal case number, vague sentencing orders, and lack of specificity?
14. Did the Circuit Court err by retroactively assigning the appellate case number to the June 17 probate contempt proceeding, thereby attempting to cure the jurisdictional defect of the probate court's failure to assign a proper criminal case number?
15. Did the Circuit Court err by enforcing the South Carolina Supreme Court Administrative Order of March 2023 as though it carried criminal penalties, despite no evidence of willful violation, thereby exceeding judicial authority and violating separation of powers?
16. Did the Circuit Court err by affirming a finding of willful contempt where no evidence established Appellant's actual or constructive notice of the recording ban?
17. Did the Circuit Court err by upholding multiple, sequential sentences for the same contemptuous conduct, thereby violating double jeopardy protections?
18. Did the Circuit Court err by upholding a contempt order that selectively enforced the South Carolina Supreme Court Administrative Order on electronic devices, violating the Equal Protection Clause?

19. Whether the Circuit Court erred by upholding the Probate Court’s finding of “direct contempt” despite the alleged conduct occurring outside the judge’s immediate presence, thereby requiring constructive contempt procedures.
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.
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.
22. Whether the cumulative effect of the Probate Court’s and Circuit Court’s misclassification of criminal contempt as “civil” proceedings deprived Appellant of all constitutional safeguards and rendered the judgments void.
23. **Whether the cumulative abundance of legal and procedural errors—ranging from misclassification of contempt, denial of counsel, issuance of orders without case numbers, ex parte communications, coerced evidence suppression, selective enforcement, and unconstitutional restrictions—demonstrates that the lower courts engaged in an orchestrated campaign against Appellant, thereby violating due process and the guarantee of impartial adjudication.**

STATEMENT OF FACTS

Part 1 – Finding of Contempt in Probate Court

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

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

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

- i. Judge Singleton writes, *“Again, the appeal issue was part of the agreement. If it is your intent to appeal, you have every right to do so, however, it violates the agreement and it was stated in court that the appeals were to be removed”* He added that... *“A hearing will be scheduled soon to determine the status of the personal representative.”*
- ii. Regarding the Appellant’s conversation with the gentleman, Judge Singleton writes, *“It also appears that you fiancé may have picked up the wrong documents. Further, your fiancé will no longer be allowed in the probate office or lobby area. He was here with your/his child waiting on documents and he took it upon himself to interrupt a judge in the lobby while she was speaking with someone on a separate estate issue. He was offering that person legal advice on what and what not to do and even encouraged him not to listen and come outside and speak to you, that you knew all about probate and you could help him. This is illegal and giving legal*

advise and acting as a non-licensed attorney. For this reason, he will no longer be able to enter the probate”

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

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

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

ii. Subsequently, the judge permitted the Appellant to file the documents he had come to submit. The Appellant continued to return to the probate office on numerous occasions to file papers on behalf of Mrs. Pierce without incident, until May 24, 2024.

2. On May 24, 2024, the Appellant entered the probate lobby and recorded himself paying an invoice on behalf of Mrs. Pierce. The facts surrounding the debt, and the payment, are relevant to separate litigation.

a. The Supreme Court Administrative Order restricting the use of electronic devices at the clerk’s window makes no distinction between various types of electronic devices or their functions. Under the order, recording a video is treated the same as checking the time on a phone, looking at a digital watch, or even unlocking a smartphone. My punishment was not based on the mere use of an electronic device, but rather on exercising my First Amendment right to free speech by criticizing a judge while using 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. The order described the charge only as "direct contempt." It did not specify whether it was civil or criminal, leaving the classification deliberately ambiguous. Yet, because the punishment imposed was a determinate jail term, the proceeding was criminal in substance.

The court's reliance on a vague label allowed Judge Singleton to treat the case as "civil" in form, avoiding the constitutional safeguards required in a true criminal contempt proceeding.

- f.** The Appellant's incarceration stemmed solely from his refusal to delete video evidence, not from any actual violation.
- g.** At no point during this interaction was I read my Miranda rights. I was not informed of my right to remain silent, my right to an attorney, or that anything I said could be used against me. This failure occurred despite the fact that I was clearly in a custodial setting and being interrogated about my actions related to the video recording. I was detained when Judge Singleton demanded my return to the court lobby. The interaction between Judge Singleton and me meets the criteria for custodial interrogation. I was not free to leave, as evidenced by my immediate arrest and detention following my refusal to delete the video. The judge's demand and subsequent sentencing constituted an interrogation aimed at compelling an incriminating response from me.
- h.** The Appellant was entitled to a hearing or trial before being sentenced to 10 days in jail for refusing to delete his video evidence. However, instead of affording the Appellant this due process, Judge Singleton immediately ordered him to serve 10 days in jail and only then scheduled a hearing for June 5, 2024, after the sentence had already been imposed. This sequence of events highlights a significant violation of the Appellant's rights, as he was punished without the opportunity to defend himself or challenge the charges in a proper legal proceeding.
- i.** Furthermore, by attempting to have the Appellant delete video evidence, the judge was violating the law by tampering with evidence. When the Appellant rightfully declined this illegal request, the judge, instead of upholding the law, sentenced him to jail. This action not only violated the Appellant's rights but also demonstrated a misuse of judicial authority by punishing the Appellant for refusing to comply with an unlawful demand.
- j.** Later that day, on May 29, while incarcerated, the OCSD brought him a summons for RTSC scheduled for June 5th.

- 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. By sentencing the Appellant to a determinate term of incarceration while still insisting the case was “civil,” Judge Singleton engaged in intentional misclassification. This allowed him to deny the Appellant criminal process rights, while simultaneously exercising the power to impose criminal punishment.
 - 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 council.

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 contempt on May 29, 2024, and June 5, 2024.

- a. The Public Defender's approval confirms that the matter was understood to be criminal in nature, since indigent defense attaches only in criminal cases. Yet the Probate Court simultaneously maintained the civil label, a contradiction that underscores the deliberate orchestration of procedure to deprive Appellant of representation.
- 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. This illustrates the intentional orchestration: the trial was criminal in every substantive respect, yet the court continued to style it as civil to prevent the Appellant from accessing a public defender, a jury, or any neutral prosecutor.
 - 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 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 note 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 contempt and resented him to an additional 50 days of incarceration. A punitive, determinate sentence is the hallmark of criminal contempt. Yet, because the Probate Court cloaked the proceeding as “civil,” it stripped away rights that would have attached had the matter been properly classified as criminal.

- 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.

22. These facts show a consistent pattern: the Probate Court intentionally blurred the line between civil and criminal contempt. By calling the case civil, the judge was able to preside over his own cause,

exclude prosecutors and defense counsel, deny a jury, and issue punitive jail sentences. This was not error but deliberate orchestration to deprive Appellant of constitutional rights.

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

23. 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”. The very fact that the order was styled as a “release” shows that the court was treating Appellant as though he had been criminally sentenced, yet it continued to proceed under the civil label. Civil contempt should not involve probation-like conditions; instead, the restrictions imposed were typical of criminal probation or parole, revealing again the court’s deliberate misclassification of the proceedings.

- 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.
- e.** These restrictions are characteristic of criminal sentencing and probation, not civil contempt. Their inclusion underscores that Appellant was being punished as a criminal defendant but stripped of the constitutional protections that should have applied in a criminal proceeding.

24. 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. The orchestration of these proceedings as “civil” enabled judges and opposing counsel to hold ex parte communications and issue orders outside the structure of criminal process. If the case had been properly classified as criminal contempt, such communications and unilateral investigations would have been impermissible.
- c. Email records show that the appellant is completely bewildered as to how the release order could have been violated.

25. On July 24, the appellant appealed the release order.

26. On July 17, 2024, an emergency order was issued by the circuit court, granting the appellant a personal recognizance bond.

27. 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. These restrictions demonstrate the hybrid nature of the proceeding — punitive and supervisory like a criminal sentence, but mislabeled as civil to justify denying Appellant the rights to counsel, jury, and due process.

28. 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.

29. 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. Even the need to invoke Rule 241 demonstrates that the court was treating the matter as though Appellant was under criminal bond conditions, yet still denying him the protections of criminal law. The civil label was a tool to maintain control without accountability.

30. 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**.
31. 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.
32. 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.

33. 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. It is imperative to note that this contempt proceeding was structured in civil posture, allowing Judge Singleton to be represented by his private attorney, Jim Logan, as though defending a civil judgment. Yet the contempt finding itself carried criminal consequences, meaning the civil framework deprived Appellant of the protections owed in a criminal proceeding.
- 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.
34. 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.

35. This sequence demonstrates how the Circuit Court continued the Probate Court’s practice of cloaking criminal contempt in civil procedure. Instead of assigning a prosecutor or recognizing Appellant’s rights to counsel and jury trial, the court upheld the civil posture of the case while simultaneously threatening criminal sanctions.

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

36. On August 20, 2024, Appellant filed his **Initial Brief of Appellant**, specifically challenging the Probate Court’s finding of **direct 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.

c. By declaring the matter “criminal contempt” but still allowing the case to proceed as if civil — with Judge Singleton defended by private counsel rather than a state prosecutor — the Circuit Court reinforced the misclassification. This posture preserved the probate judge’s contempt finding while withholding the constitutional protections that must accompany criminal proceedings under *Bloom v. Illinois* and *Hicks v. Feiock*.

37. 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.
 - h. The hearing effectively **decided the appeal** before any remaining timeline or briefing obligations were fulfilled.

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

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

39. The February 7, 2025 order thus finalized a contradictory outcome: the Circuit Court affirmed a criminal contempt punishment while endorsing the civil posture under which it had been orchestrated. In practical effect, the order ratified a process where Appellant was punished as a criminal defendant but denied every constitutional safeguard of a criminal trial.

STATEMENT OF CASE

I. Violations of SCRCF Rule 501 and Judicial Misconduct

Judge Singleton's conduct violated multiple provisions of SCRPC 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

- 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?**

Answer:

Yes. The July 17 gag order was unconstitutionally vague and overbroad. By referencing only “this case” without identifying a case number or clarifying its scope, the order failed to give fair notice of what speech was prohibited. Vague restrictions on speech violate the First Amendment and due process because they invite arbitrary enforcement.

- **Grayned v. City of Rockford**, 408 U.S. 104 (1972): laws restricting speech must be clear enough that people “of common intelligence” can understand what conduct is forbidden.
- **Nebraska Press Ass’n v. Stuart**, 427 U.S. 539 (1976): gag orders on public discussion face a heavy presumption against validity.
- **Charleston Cnty. Dep’t of Soc. Servs. v. King**, 369 S.C. 96, 631 S.E.2d 239 (2006): South Carolina requires clarity and precision when restricting constitutional rights.

Here, the ambiguity of “this case” left Appellant to guess whether it referred to the probate matter, the circuit appeal, or both, and what exactly was not to be discussed creating an unconstitutional prior restraint.

Conclusion: The gag order’s vagueness rendered it void under both the First Amendment and South Carolina Constitution, Art. I, § 2.

- 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?**

Answer:

Yes. The release order stripped Appellant of his right to possess firearms even though he had no criminal record and his contempt conviction, that had no case number or record, was on appeal. This was a probation-style restriction imposed in the absence of a valid criminal conviction.

- **District of Columbia v. Heller**, 554 U.S. 570 (2008): the Second Amendment protects an individual right to possess firearms in the home for self-defense.
- **McDonald v. Chicago**, 561 U.S. 742 (2010): this right is incorporated against the states through the Fourteenth Amendment.
- S.C. Code Ann. § 17-15-10: conditions of release must be reasonable and factually supported.

No finding of dangerousness was made, and no statutory basis supported a firearm restriction. Instead, the court imposed probation-like conditions under a civil contempt posture, an unconstitutional infringement on a fundamental right.

Conclusion: Denying Appellant firearm possession without lawful basis violated the Second Amendment and due process.

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?

Answer:

Yes. The gag order prohibited Appellant from discussing information already in the public domain, such as filings and briefs. Preventing someone from repeating publicly available facts is an unconstitutional prior restraint.

- **Nebraska Press Ass’n v. Stuart**, 427 U.S. 539 (1976): prior restraints are “the most serious and least tolerable infringement” of First Amendment rights.
- **Florida Star v. B.J.F.**, 491 U.S. 524 (1989): government cannot punish publication of lawfully obtained, publicly available information.

Because the order swept broadly to cover already public records, it burdened speech far beyond any legitimate interest.

Conclusion: By gagging Appellant from speaking about public filings, the order imposed an impermissible prior restraint.

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

Answer:

Yes. The right to interstate travel is fundamental, protected by the Fourteenth Amendment and the South Carolina Constitution, Art. I, § 3. Any restriction must be narrowly tailored to serve a compelling interest.

- **Saenz v. Roe**, 526 U.S. 489 (1999): the right to travel freely between states is constitutionally protected.
- **Shapiro v. Thompson**, 394 U.S. 618 (1969): restrictions on interstate travel are subject to strict scrutiny.

Here, the court barred Appellant from leaving South Carolina without any showing of necessity, treating him as if he were a probationer after conviction. But he had not been validly convicted of any crime.

Conclusion: The travel restriction was an arbitrary infringement of a fundamental right.

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

Answer:

Yes. The order prohibited alcohol consumption without any evidence or finding that such a condition was necessary. This is a classic probation condition, but probation can only follow a valid criminal conviction.

- **Mathews v. Eldridge**, 424 U.S. 319 (1976): due process requires restrictions on liberty to be justified by specific findings.
- **Curlee v. Howle**, 277 S.C. 377, 287 S.E.2d 915 (1982): South Carolina courts must ensure restrictions on liberty are reasonable and supported by evidence.

Imposing a blanket alcohol ban in a civil contempt proceeding is neither supported by law nor justified by fact.

Conclusion: The alcohol prohibition was arbitrary and violated substantive due process.

6. Whether the Probate Court and Circuit Court erred by deliberately misclassifying criminal contempt proceedings as civil in posture, thereby enabling Judge Singleton to

preside as prosecutor, witness, victim, and judge, while denying Appellant constitutional safeguards mandated in criminal proceedings.

Answer:

Yes. The probate and circuit courts repeatedly imposed **determinate jail sentences**—10 days, 60 days, and 50 days—that are hallmarks of **criminal contempt**. Yet both courts styled the proceedings as “civil,” allowing Judge Singleton to remain prosecutor, witness, and adjudicator while denying Appellant the protections guaranteed in criminal trials.

- **Bloom v. Illinois**, 391 U.S. 194 (1968): serious criminal contempt requires a jury trial and full criminal process.
- **Hicks v. Feiock**, 485 U.S. 624 (1988): contempt is criminal when it imposes a determinate jail term, not coercive confinement with “keys to the cell.”
- **Shillitani v. United States**, 384 U.S. 364 (1966): coercive (civil) contempt ends when compliance occurs; punitive (criminal) contempt requires constitutional safeguards.
- **In re Brown**, 279 S.C. 116, 303 S.E.2d 677 (1983): South Carolina recognizes the same distinction and requires notice and procedural fairness.

By mislabeling criminal punishment as “civil,” the courts denied Appellant the right to counsel, jury trial, cross-examination, and a neutral prosecutor. This deliberate misclassification was the foundation of every constitutional violation in the case.

Conclusion: Both courts unconstitutionally cloaked criminal punishment in civil procedure, stripping Appellant of protections guaranteed by the U.S. and South Carolina Constitutions.

7. **Whether the Circuit Court violated the First Amendment and due process by using contempt powers to silence Appellant in the courtroom — effectively coercing him not to defend himself or criticize the court — through a sua sponte finding of contempt announced before any defense could be presented.**

Answer:

Yes. At the September 12, 2024 hearing, Judge McIntosh opened with a lengthy monologue declaring Appellant already in contempt and warning that punishment would “depend on [his] behavior” during the proceeding. This sua sponte contempt ruling, made before evidence or defense

was heard, had the direct effect of chilling Appellant’s speech — persuading him not to defend himself or criticize the court while his liberty was at stake.

- *Bridges v. California*, 314 U.S. 252 (1941): Criticism of the judiciary, even harsh or accusatory, cannot be punished merely because it offends judges.
- *Gentile v. State Bar of Nevada*, 501 U.S. 1030 (1991): Restrictions on speech must be narrowly tailored to prevent a substantial likelihood of harm; contempt cannot be used as a blunt instrument to silence litigants.
- *Curlee v. Howle*, 277 S.C. 377, 287 S.E.2d 915 (1982): South Carolina courts have held that contempt powers may not be used to suppress lawful criticism or chill free speech.
- *In re Murchison*, 349 U.S. 133 (1955): Due process is violated when a judge assumes conflicting roles that compromise the fairness of the proceeding.

By announcing contempt from the bench sua sponte and conditioning punishment on deference and silence, Judge McIntosh weaponized contempt as a tool of censorship rather than judicial order. This stripped Appellant of the right to defend himself in open court, while simultaneously coercing him not to speak critically of judicial misconduct.

Conclusion: The Circuit Court’s use of contempt to silence defense and criticism was an unconstitutional prior restraint and a denial of due process. This abuse of contempt power invalidates the proceedings and demands reversal.

8. Whether the Circuit Court’s September 16, 2024 contempt order was tainted by undisclosed ex parte communications between Judge McIntosh’s clerk, Judge Singleton, and Attorney Jim Logan, and whether the unclear scope of those communications—particularly in light of conflicting treatment of the proceeding as “civil” versus “criminal”—violated Appellant’s due process rights.

Answer:

Yes. The September 16 contempt proceeding originated not from a motion by a party, but from undisclosed ex parte communications involving Judge McIntosh’s clerk, Judge Singleton, and Attorney Jim Logan. The record does not reveal the full extent of those conversations, but the resulting process exposed troubling inconsistencies: while Judge McIntosh declared from the bench

on September 12 that the matter was “criminal contempt,” the procedure was orchestrated as if it were a civil hearing, with no prosecutor and no criminal safeguards.

Such undisclosed ex parte coordination creates both the appearance and reality of bias, violating fundamental due process.

- **In re McLeod, 120 S.C. 240, 113 S.E. 59 (1922):** ex parte contempt proceedings are incompatible with due process.
- **In re Brown, 279 S.C. 116, 303 S.E.2d 677 (1983):** due process in contempt cases requires notice and a fair, impartial hearing.
- **Canon 3(B)(7), S.C. Code of Judicial Conduct:** prohibits judges from initiating or considering ex parte communications about pending matters.
- **Tumey v. Ohio, 273 U.S. 510 (1927):** due process is violated when judicial conduct creates even the appearance of bias.

Here, the ex parte origins of the contempt order, combined with the ambiguity over whether the proceeding was “civil” or “criminal,” deprived Appellant of clarity, notice, and constitutional safeguards.

Conclusion: The September 16 contempt order was irreparably tainted by undisclosed ex parte communications and procedural confusion, rendering it unconstitutional.

9. Did the Circuit Court err by prematurely adjudicating the appeal before Respondent had filed a substantive response to Appellant’s August 20, 2024 brief, thereby denying Appellant meaningful appellate review?

Answer:

Yes. The Circuit Court decided the appeal before Respondent filed a merits brief, leaving Appellant’s constitutional arguments unanswered. This deprived Appellant of meaningful appellate review.

- **Evitts v. Lucey, 469 U.S. 387 (1985):** the right to appeal, once granted, must be more than a formality — it requires meaningful review consistent with due process.
- **Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306 (1950):** due process requires notice and a meaningful opportunity to be heard.

- **S.C. Code Ann. § 62-1-308:** probate appeals are governed by statutory procedures that guarantee briefing and fair consideration.

By collapsing the motion to dismiss and the merits of the appeal into a single hearing — before Respondent filed a substantive response — the Circuit Court prematurely closed the appellate process.

Conclusion: The Circuit Court violated due process by denying Appellant a full and fair appeal, rendering its affirmance void.

10. Did the Circuit Court err by failing to sanction Attorney Jim Logan for issuing a subpoena for Appellant’s jail phone records during the appeal, constituting impermissible discovery?

Answer:

Yes. Attorney Logan issued a subpoena for Appellant’s jail calls while the appeal was pending. This was a blatant violation of appellate procedure, which bars new discovery.

- **S.C. Code Ann. § 62-1-308(i):** discovery is not permitted during appeals from probate court unless expressly authorized.
- **In re Anonymous Member of S.C. Bar**, 709 S.E.2d 633 (S.C. 2011): attorneys who engage in misconduct during litigation may face sanction.
- Unauthorized subpoenas invade privacy, chill communications, and undermine the appellate record by introducing evidence that could never have been considered by the lower court.

Conclusion: The Circuit Court’s failure to sanction Logan for improper discovery not only rewarded misconduct but also allowed continued violation of Appellant’s rights during appellate proceedings.

11. Did the Circuit Court err by failing to address evidence of judicial vindictiveness by Judge Singleton, including unlawful incarceration for protected speech, demand to delete evidence, and ex parte witness solicitation?

Answer:

Yes. Appellant’s Motion for Sanctions detailed vindictive conduct by Judge Singleton that demanded judicial reporting under Canon 3(D)(1) of the S.C. Code of Judicial Conduct.

- **North Carolina v. Pearce**, 395 U.S. 711 (1969): judicial vindictiveness violates due process when punishment is imposed to retaliate against a defendant for exercising legal rights.
- **Canon 3(D)(1), S.C. Code of Judicial Conduct**: a judge must take appropriate action if another judge has committed a violation.
- Judge Singleton incarcerated Appellant for protected speech, directed subordinates to prepare affidavits, and demanded deletion of evidence — conduct inconsistent with impartial judging.

Conclusion: By ignoring clear evidence of judicial vindictiveness, the Circuit Court failed its constitutional duty to protect Appellant’s rights and its ethical duty to enforce judicial standards.

12. Did the Circuit Court err by disregarding Judge Singleton’s use of contempt powers to coerce Appellant into deleting video evidence—an ultimatum that constituted both unlawful evidence suppression and an abuse of contempt authority?

Answer:

Yes. Judge Singleton presented Appellant with a coercive ultimatum: delete the video evidence or face contempt charges. This was not a lawful order but an abuse of contempt powers in the classic “civil” fashion, compelling behavior under threat of incarceration. Appellant refused, preserving the evidence, but the court’s attempt to force destruction of material evidence was unconstitutional.

- *Shillitani v. United States*, 384 U.S. 364 (1966): civil contempt is coercive, but it cannot be used to compel unlawful acts.
- *Hicks v. Feiock*, 485 U.S. 624 (1988): the line between civil and criminal contempt depends on purpose; here, the coercion was punitive because it sought suppression of evidence, not compliance with a valid court order.
- 18 U.S.C. § 1519: destruction or attempted destruction of evidence with intent to obstruct is a federal crime.
- S.C. Code Ann. § 16-9-10: obstruction of justice includes any interference with the presentation or preservation of evidence.
- Canon 2A, S.C. Code of Judicial Conduct: judges must act with integrity and avoid impropriety.

By forcing Appellant to choose between deleting evidence or facing contempt, Judge Singleton weaponized civil contempt to obstruct justice and suppress the record. The Circuit Court's refusal to address this abuse ratified a fundamental violation of due process and the rule of law.

Conclusion: Using contempt powers to compel destruction of evidence was unlawful, coercive, and unconstitutional. The Circuit Court erred by overlooking this abuse, which independently requires reversal.

13. Did the Circuit Court err by upholding the Probate Court's rulings despite jurisdictional deficiencies—including lack of a proper criminal case number, vague sentencing orders, and lack of specificity?

Answer:

Yes. The orders lacked the essential hallmarks of a valid judgment: a proper criminal case number, clear findings, and specificity of charges. These defects deprived Appellant of due process and rendered the contempt orders void.

- **SCRCP Rule 58(a):** requires judgments to be entered on a separate document and identified by a case number.
- **State v. Thomason**, 341 S.C. 524, 534 S.E.2d 708 (Ct. App. 2000): contempt orders must be clear and definite to permit review.
- **Grayned v. City of Rockford**, 408 U.S. 104 (1972): vague restrictions are unconstitutional for lack of fair notice.

Using the unrelated *Doyle Pierce Estate* case number and entering vague, nonspecific contempt sentences deprived the lower courts of jurisdiction.

Conclusion: The Circuit Court erred by affirming void and jurisdictionally defective orders.

14. Did the Circuit Court err by retroactively assigning the appellate case number to the June 17 probate contempt proceeding, thereby attempting to cure the jurisdictional defect of the probate court's failure to assign a proper criminal case number?

Answer:

Yes. The probate court issued multiple contempt sentences without ever assigning a proper criminal case number. This was a jurisdictional defect rendering the contempt orders void. Instead of

recognizing this defect, Judge McIntosh ordered that the appellate case number be retroactively used for the probate court transcript of the June 17, 2024 hearing. This action improperly blurred the distinction between trial and appellate jurisdiction and attempted to rewrite history to cure a fatal jurisdictional flaw.

- *SCRCP Rule 58(a)*: requires judgments to be entered on a separate document identified by a case number.
- *State v. Thomason*, 341 S.C. 524, 534 S.E.2d 708 (Ct. App. 2000): contempt orders must be definite and reviewable; jurisdictional defects are fatal.
- *Foggie v. Gen. Am. Life Ins. Co.*, 271 S.C. 138, 245 S.E.2d 604 (1978): appellate courts cannot retroactively create jurisdiction where none existed.
- South Carolina Constitution, Art. I, § 3: due process requires proceedings to be initiated in a lawful court of record.

By assigning the appellate case number to probate proceedings, the Circuit Court effectively **fabricated jurisdiction after the fact**. This not only concealed the probate court's violation of procedural law but also deprived Appellant of due process by allowing void orders to masquerade as valid.

Conclusion: The Circuit Court's retroactive assignment of the appellate case number was an unlawful attempt to cure a jurisdictional defect. The contempt orders remain void ab initio and cannot be enforced.

15. Did the Circuit Court err by enforcing the South Carolina Supreme Court Administrative Order of March 2023 as though it carried criminal penalties, despite no evidence of willful violation, thereby exceeding judicial authority and violating separation of powers?

Answer:

Yes. The Probate Court treated a Supreme Court administrative order banning electronic devices as though it created a criminal statute, incarcerating Appellant despite the complete absence of proof that he willfully violated any lawful directive. Contempt is punitive only when a party knowingly and intentionally disobeys a clear order. Here, the administrative directive was never entered under

a case number, never personally directed to Appellant, and was not even posted on the courthouse door as required. Without notice, there can be no willful violation.

- **Ex parte Lipscomb, 398 S.C. 463, 730 S.E.2d 320 (2012):** contempt requires proof of a *willful* violation of a clear directive.
- **In re Brown, 279 S.C. 116, 303 S.E.2d 677 (1983):** due process requires clarity, notice, and opportunity before contempt sanctions may issue.
- **Ex parte Stone, 279 S.C. 509, 309 S.E.2d 660 (1983):** lower courts lack inherent authority to enforce Supreme Court administrative directives unless expressly delegated.
- **State v. Brown, 356 S.C. 496, 589 S.E.2d 781 (Ct. App. 2003):** administrative orders cannot be enforced as substantive criminal law.
- **U.S. Const. art. I & III; S.C. Const. art. I, § 8:** separation of powers prohibits courts from converting administrative directives into criminal penalties.

By punishing Appellant under a general administrative directive, without proof of willfulness, the Probate Court acted outside its authority. The Circuit Court, by affirming, ignored the absence of a key element of contempt and sanctioned punishment where no valid violation occurred.

Conclusion:

Because Appellant never willfully violated any valid order, the contempt finding cannot stand. Enforcement of the March 2023 Administrative Order as a criminal statute was jurisdictionally void, constitutionally unsound, and fundamentally unfair.

16. Did the Circuit Court err by affirming a finding of willful contempt where no evidence established Appellant’s actual or constructive notice of the recording ban?

Answer:

Yes. Willful contempt requires proof that the accused knew of the order and deliberately violated it. No such evidence existed.

- **Ex parte Lipscomb, 398 S.C. 463, 730 S.E.2d 320 (2012):** contempt requires evidence of willful violation of a clear directive.
- **In re Brown, 279 S.C. 116, 303 S.E.2d 677 (1983):** due process requires actual notice of the order.

- Testimony confirmed that contents of the order were not posted on the courthouse door as required in the order itself. **Video evidence shows the order is not posted.** Without notice, there could be no willful violation.

Conclusion: The Circuit Court erred in affirming contempt without proof of notice, violating both South Carolina law and fundamental due process.

17. Did the Circuit Court err by upholding multiple, sequential sentences for the same contemptuous conduct, thereby violating double jeopardy protections?

Answer:

Yes. Appellant was punished with multiple jail terms—10 days, and 50 days—for the same alleged act of recording on May 24. This constituted multiple punishments for the same offense.

- **United States v. Dixon**, 509 U.S. 688 (1993): the Double Jeopardy Clause prohibits multiple punishments for the same offense.
- **State v. Thomason**, 341 S.C. 524, 534 S.E.2d 708 (Ct. App. 2000): South Carolina law bars multiple contempt punishments for one course of conduct.
- The record shows the one continuous action on May 24 treated as multiple contempt's.

Conclusion: Imposing cumulative jail terms for the same conduct violated the Double Jeopardy Clause of the U.S. and South Carolina Constitutions.

18. Did the Circuit Court err by upholding a contempt order that selectively enforced the South Carolina Supreme Court Administrative Order on electronic devices, violating the Equal Protection Clause?

Answer:

Yes. The contempt order was enforced selectively, targeting Appellant for video recording while ignoring other, identical uses of electronic devices (such as checking the time on a phone) at the courthouse clerk's window. Such discriminatory enforcement violates equal protection.

- **Yick Wo v. Hopkins**, 118 U.S. 356 (1886): a law applied unequally, even if neutral on its face, violates the Equal Protection Clause.
- **Village of Willowbrook v. Olech**, 528 U.S. 562 (2000): irrational or vindictive selective enforcement violates equal protection.

- Enforcement here was not neutral — others using phones faced no sanction. The order was weaponized against Appellant because of his protected speech and criticism of the court.

Conclusion: The selective enforcement was unconstitutional, and the Circuit Court erred in affirming contempt based on discriminatory application of the rule.

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

Answer:

Yes. The alleged conduct occurred in the courthouse lobby, away from the judge’s presence. South Carolina law is clear: contempt outside the courtroom is **constructive contempt**, requiring formal procedures like notice and a Rule to Show Cause.

- **Ex parte Stone**, 279 S.C. 509, 309 S.E.2d 660 (1983): distinguishes direct from constructive contempt; direct requires presence before the judge.
- **In re Brown**, 279 S.C. 116, 303 S.E.2d 677 (1983): constructive contempt requires due process safeguards, including notice and a hearing.

Here, the Probate Court bypassed required procedures by labeling out-of-court conduct as “direct contempt,” stripping Appellant of protections.

Conclusion: The Circuit Court’s affirmance of a misclassified contempt order violated due process.

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.

Answer:

Yes. Judge Singleton acted as both a witness and adjudicator. He made factual assertions from the bench but shielded himself from cross-examination. This is incompatible with due process.

- **Bloom v. Illinois**, 391 U.S. 194 (1968): criminal contempt requires full criminal due process protections, including confrontation rights.
- **In re Murchison**, 349 U.S. 133 (1955): due process is denied when a judge plays conflicting roles in a proceeding.

- **Curlee v. Howle**, 277 S.C. 377, 287 S.E.2d 915 (1982): cross-examination is a basic component of fairness in South Carolina contempt proceedings.

By refusing cross-examination, the Probate Court denied Appellant the ability to test the credibility of the very person who testified against him.

Conclusion: The Circuit Court erred by affirming proceedings tainted by a judge acting as witness and adjudicator.

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.

Answer:

Yes. Appellant was sentenced to incarceration without being afforded counsel, despite qualifying for a public defender. This was a clear constitutional violation.

- **Gideon v. Wainwright**, 372 U.S. 335 (1963): right to counsel is fundamental in criminal cases.
- **Argersinger v. Hamlin**, 407 U.S. 25 (1972): no person may be imprisoned without the benefit of counsel.
- **Bloom v. Illinois**, 391 U.S. 194 (1968): contempt proceedings that result in jail time are criminal in nature, requiring all constitutional protections.
- **In re Brown**, 279 S.C. 116, 303 S.E.2d 677 (1983): South Carolina law requires notice, opportunity, and effective representation in contempt cases.

Despite approval of Appellant’s public defender application, the court denied him counsel by misclassifying the case as “civil.”

Conclusion: The Circuit Court erred by affirming a criminal contempt conviction obtained in direct violation of the Sixth and Fourteenth Amendments.

22. Whether the cumulative effect of the Probate Court’s and Circuit Court’s misclassification of criminal contempt as “civil” proceedings deprived Appellant of all constitutional safeguards and rendered the judgments void.

Answer:

Yes. Across all contempt proceedings, the courts mislabeled criminal contempt as “civil,” enabling

them to impose jail sentences without counsel, without a jury, without cross-examination, and while the judge acted as prosecutor and witness. This pattern was not a one-off mistake but a structural denial of due process.

- **Bloom v. Illinois**, 391 U.S. 194 (1968): criminal contempt carrying imprisonment requires full criminal trial protections.
- **Hicks v. Feiock**, 485 U.S. 624 (1988): contempt is criminal when punishment is determinate, not coercive.
- **Shillitani v. United States**, 384 U.S. 364 (1966): coercive civil contempt ends with compliance; criminal contempt does not.
- **Mathews v. Eldridge**, 424 U.S. 319 (1976): due process analysis requires balancing individual rights against government interest; here, every balance weighs in Appellant's favor.

By cloaking punitive criminal sentences in the guise of “civil” contempt, both courts systematically stripped Appellant of constitutional rights and denied a fair trial.

Conclusion: The contempt proceedings were void for lack of due process and must be reversed.

23. Whether the cumulative abundance of legal and procedural errors—ranging from misclassification of contempt, denial of counsel, issuance of orders without case numbers, ex parte communications, coerced evidence suppression, selective enforcement, and unconstitutional restrictions—demonstrates that the lower courts engaged in an orchestrated campaign against Appellant, thereby violating due process and the guarantee of impartial adjudication.

Answer:

Yes. The sheer volume and consistency of errors across both the Probate and Circuit Courts cannot reasonably be attributed to accident or oversight. Taken together, these actions reflect a coordinated effort to deprive Appellant of fundamental rights, silence protected speech, and preserve judicial authority at the expense of justice.

- *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009): Due process is violated when the risk of bias is so great that it renders fair judgment impossible.

- *Tumey v. Ohio*, 273 U.S. 510 (1927): Even the appearance of bias undermines due process.
- *In re Murchison*, 349 U.S. 133 (1955): No one should be both accuser and judge in the same matter.
- *Yick Wo v. Hopkins*, 118 U.S. 356 (1886): Unequal and arbitrary application of the law is unconstitutional.
- SCRPC Rule 501 & Canon 2A, S.C. Code of Judicial Conduct: Require judges to uphold integrity, impartiality, and fairness.

When viewed in isolation, each error—lack of case numbers, denial of counsel, vague orders, improper ex parte communications—might be described as procedural irregularity. But in aggregate, the pattern shows bias and retaliation against Appellant for exercising constitutional rights. Due process requires not merely the absence of technical error, but the presence of fundamental fairness.

Conclusion: The courts below engaged in a pattern of orchestrated judicial misconduct that denied Appellant a fair hearing. The cumulative bias and repeated departures from law and procedure render all contempt findings void.

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 August 25, 2025.

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

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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

The Matter of Jason M. Boyle

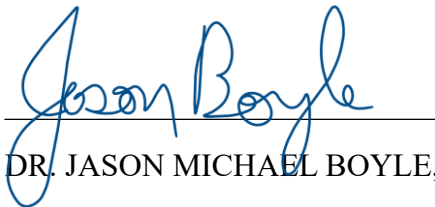
PROOF OF SERVICE

Initial Brief

I hereby certify that a copy of this reply was delivered to the following parties:

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Respectfully Submitted, this August 25, 2025,



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