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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Dorothy Pierce, Appellant

v.

Danny Singleton, Respondent

Appellate Case No. 2024-2189

REQUEST FOR SANCTIONS

Appellant Dorothy Pierce, appearing pro se, respectfully submits this Request for Sanctions against Respondent Danny Singleton and his counsel, James W. Logan, Jr., under Rule 268(d)(2), SCACR, and the Court's inherent authority.

I. SUBMISSION OF DESIGNATION AND USE OF DOCUMENTS NOT IN RECORD IS SANCTIONABLE IN THIS APPEAL

Respondent's conduct in this appeal goes beyond procedural error it is sanctionable. On September 8, 2025, Respondent filed a "Designation of Matter to Be Included in the Record on Appeal" that swept in thirty-four (34) documents from collateral probate, appellate, and federal proceedings spanning from 2021 through 2024. None of these were filed, presented, admitted, or considered in Case No. 2024-CP-37-00080. Even more brazenly, Respondent included documents created months after the September 12, 2024 hearing and September 16, 2024 Form 4 order, such as appellate dismissals in February 2025 that could not under any circumstance have been part of the trial-court record.

This was not a mistake. Respondent is a sitting probate judge who knows the boundaries of a record, and his counsel, James W. Logan, has practiced in appellate courts for decades. They cannot credibly claim ignorance of Rule 210(b)(1), SCACR, which confines the record to "only such matters as were presented to the lower court, accepted by it, or filed in the case." By submitting and then citing these extraneous filings in Respondent's Initial Brief, they have deliberately attempted to rewrite the history of the case and mislead this Court.

Such misconduct is sanctionable under Rule 268(d)(2), SCACR, which authorizes the appellate courts to impose costs, fees, or other penalties where a party has "unnecessarily expanded the record" or otherwise undermined the appellate process. The inclusion here was not minor—it was sweeping, intentional, and prejudicial.

Appellant therefore respectfully requests that, in addition to striking Items 1–34 of Respondent's designation, this Court impose sanctions under Rule 268(d)(2), SCACR, against both

Respondent and his counsel. Their calculated misuse of designation has needlessly expanded the record, burdened Appellant, wasted judicial resources, and threatened the integrity of appellate review.

II. RESPONDENT'S WILLFUL RELIANCE ON EXTRA-RECORD MATERIALS IN HIS INITIAL BRIEF CONSTITUTES SANCTIONABLE MISCONDUCT

Respondent Singleton's Initial Brief does not simply stretch the record—it abandons it altogether. Instead of confining his arguments to the filings, evidence, and rulings properly before the Circuit Court in Case No. 2024-CP-37-00080, Respondent has willfully anchored his brief in dozens of documents that were never part of the trial court record. This is not a minor misstep. It is sanctionable misconduct under Rule 268(d)(2), SCACR.

Rule 210(b)(1), SCACR, is explicit: the Record on Appeal consists "only of such matters as were presented to the lower court, accepted by it, or filed in the case." South Carolina appellate courts have repeatedly enforced this mandate. See *State v. Adams*, 354 S.C. 361, 580 S.E.2d 785, 787 (2003) ("An appellate court is bound by the record and cannot consider facts not in the record."); *In re Timmerman*, 331 S.C. 455, 457, 503 S.E.2d 175 (1998) ("Matters not presented to the trial court are outside the record on appeal and will not be considered.").

Yet Respondent's brief cites heavily to collateral probate orders, appellate briefs from other dockets, a federal complaint and docket sheet, and even Appellant's appellate filings—including her own Initial Brief and Designation of Matter. None of these documents were filed, presented, or considered in 2024-CP-37-00080. Worse still, some of the cited filings—such as appellate dismissals dated February 2025—were created months after the September 12, 2024 hearing and September 16, 2024 Form 4 Order in this case. They could not possibly have been part of the record below.

This was not inadvertence. Respondent is a sitting probate judge and is represented by Attorney James Logan, an experienced appellate practitioner. Both know the rules governing the appellate record. Their decision to fill Respondent's Initial Brief with extra-record material reflects a deliberate attempt to mislead this Court by rewriting the history of the case. It is a knowing violation of Rule 210(b)(1) and an abuse of the appellate process.

Courts in South Carolina and beyond have not hesitated to impose sanctions where parties attempt to expand the record in bad faith. See *U.S. v. Gallardo*, 915 F.2d 149, 150 (5th Cir. 1990) (sanctions for including unnecessary and irrelevant documents in appellate record, which "needlessly increased the burden on the court"); *N.L.R.B. v. Trans Ocean Export Packing, Inc.*, 473 F.2d 612, 616 (9th Cir. 1973) (sanctions warranted where designation of extraneous materials served only to "harass or needlessly increase the burden of litigation"). The misconduct here is no less serious.

By relying on materials that were never before Judge McIntosh, Respondent has:

1. Distorted the scope of review;
2. Forced Appellant to rebut documents outside the case file;
3. Invited this Court to rule on the basis of facts never tested below; and
4. Undermined the integrity of the appellate process itself.

This conduct is sanctionable. Under Rule 268(d)(2), SCACR, this Court may award costs, fees, or other relief where a party "unnecessarily expanded the record" or otherwise abused the appellate process. Respondent has done both.

Accordingly, Appellant respectfully requests that this Court strike Respondent's Initial Brief in its entirety, or at minimum preclude all reliance on the extra-record citations identified herein, and further impose sanctions against Respondent and his counsel. Sanctions are necessary not only to remedy the prejudice inflicted on Appellant but to deter future violations by a litigant who, as a sitting judge, has no excuse for flouting the very rules he is sworn to uphold.

III. RESPONDENT SINGLETON'S DOCUMENTED VIOLATIONS OF LAW AND ETHICS REQUIRE SANCTIONS

Respondent Singleton is not only a litigant but a sitting probate judge. He is held to the highest standards of impartiality and legal compliance. Yet his conduct in related matters has been repeatedly abusive, retaliatory, and outside the bounds of judicial propriety. As documented in Appellant's prior motion for sanctions filed September 5, 2024, in Case No. 2024-CP-37-00080, Singleton: The following is a summary of the motion for sanctions filed on September 5, 2024, in Case No. 2024-CP-37-00080.

- **Advocated in his own appeal.** On December 3, 2023, Singleton filed a "return brief" in Circuit Court that defended his rulings and himself instead of neutrally transmitting the record, **violating S.C. Code § 62-1-308(k)**.
- **Made false and misleading statements.** His brief misstated core facts to shape appellate review, including the reason for Dorothy's removal as PR, the property-tax history, the basis for contempt, threats/retaliation, directions to withdraw an appeal, and actions tied to the estate auction.
- **Retaliated for exercising appellate rights.** Minutes after the October 24, 2023 amended notice of appeal, he emailed threats of immediate action—including removal as PR—explicitly linking the threats to the filing, and then followed through. This conduct is coercive, retaliatory, and outside judicial immunity.

- **Targeted a family member with administrative retaliation.** He banned Dorothy's fiancé from the probate office over a disputed incident to isolate and intimidate the appellant during ongoing appeals.
- **Manipulated the record and denied due process.** He selectively submitted favorable material, omitted exculpatory items, injected personal defenses, and failed to properly serve the return brief—obstructing a fair appellate process.
- **Engaged in improper ex parte contact with the Court of Appeals.** On April 1, 2024, he sent an unserved letter asking to expedite or merge appeals arising from his own rulings, again acting as an advocate in contravention of **§ 62-1-308(k)** and attempting to shape the appellate posture without notice.
- **Exceeded his jurisdiction.** While an earlier appeal and automatic stay were pending, he sought to legitimize further actions by pressing the Court of Appeals to consolidate matters, an attempt to paper over his lack of jurisdiction.
- **Violated judicial canons and constitutional guarantees.** His conduct breaches core canons (integrity, avoiding impropriety, impartiality, and judicial independence) and violates due process (biased tribunal, obstruction of legal remedies), amounting to **abuse of authority and malfeasance**.

IV. NO EXCUSE FOR RESPONDENT OR HIS COUNSEL

Respondent Singleton is a probate judge who knows, or must know, the strict boundaries of the record and his duty not to act as an advocate in his own proceedings. His actions are a willful abuse of office.

Attorney Logan is an experienced appellate practitioner with decades of practice before this Court. He has no excuse for submitting an improper designation or relying on extra-record materials in briefing. This Court should view their joint conduct as deliberate and in bad faith.

V. PREJUDICE TO APPELLANT AND THE COURT

By attempting to smuggle collateral filings into the record, Respondent:

1. **Prejudices Appellant**, forcing her—appearing pro se—to waste time and resources policing the record.
2. **Burdens this Court**, requiring needless review of irrelevant, extra-record material.
3. **Undermines due process**, threatening a merits decision based on documents the trial court never considered.

South Carolina precedent is clear: appellate courts are bound strictly by the record. *State v. Adams*, 354 S.C. 361, 580 S.E.2d 785, 787 (2003); *In re Timmerman*, 331 S.C. 455, 457, 503 S.E.2d 175 (1998). Other courts have imposed sanctions for the same conduct. *U.S. v. Gallardo*, 915 F.2d 149, 150 (5th Cir. 1990); *N.L.R.B. v. Trans Ocean Export Packing, Inc.*, 473 F.2d 612, 616 (9th Cir. 1973).

VI. REQUESTED RELIEF

Appellant respectfully requests that this Court:

1. Strike Respondent's improper Designation and any arguments in his Initial Brief based on extra-record material;
2. Award sanctions under Rule 268(d)(2), SCACR, including costs and attorney-fee equivalents, for unnecessarily expanding the record;
3. Consider monetary sanctions against both Respondent and Attorney Logan to deter future misconduct; and
4. Grant such further relief, including referral to the Office of Disciplinary Counsel, as the Court deems just and proper.

Dated: September 16, 2025

/s/ Dorothy Pierce
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