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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE CIRCUIT COURT COUNTY OF FAIRFIELD
Court of Common Pleas

Hon, Brian M. Gibbons Magistrate Judge

107686

Circuit Court Appellate Case No. 2025CP2000275

Estate of Robert E. Powers Jr., Jennifer D. Powers, Personal Representative..... Appellant,

v.

The Hon. Bradley Caulder as an individual, Law Office of Barbara E. Brunson, as guardian ad litem for Robert Edward Powers, Jr., Barbara Brunson, individual, Family Services, Inc., d/b/a Origin SC, as Conservator for Robert E. Powers, Jr., Caprice Atterbury, as an individual, Traci Strickland, as an individual, Leslie P. Taylor, as Guardian for Robert E. Powers, Jr., Leslie P. Taylor, individual, Attorney Brian Dumas, individual, and Attorney Brandon Keith Poston, individual.....Respondents.

Submitted: February 6. 2026 Decided: January 30, 2026,

APPELLANT MOTION REQUESTING PERMISSION TO FILE APPELLANT TRANSCRIPT AND INITIAL BRIEF AND RULE 269 FRIVOLOUS APPEALS, PETITIONS, MOTIONS, OR RETURNS BASED ON APPOINTMENTS CLAUSE VIOLATION

COME NOW, Pursuant to Rule 207, 206, 208, Rule 269, SCACR, and U.S. Const. art. III, § 1. U.S. Const. Art. II, § 2, cl. 2 under 28 U.S.C. § 1291, Appellant Jennifer D. Powers hereinafter "The"), Appellants, pro Se ("POWERS"), moves the court in the above captioned proceedings; Respectfully requests the Court allow the filing of the APPELLANT

MOTION REQUESTING PERMISSION TO FILE APPELLANT TRANSCRIPT AND INITIAL BRIEF AND RULE 269 FRIVOLOUS APPEALS, PETITIONS, MOTIONS, OR RETURNS BASED ON APPOINTMENTS CLAUSE VIOLATION. For the reasons that follow, the Respondents' motion should be DENIED. Respondents' also respectfully request on March 9, 2026, March 10, 2026, this Court deny and dismiss The Appellant Motion Requesting Permission to File Amended Notice of Appeal

1. This Rule 15(a) is substantially the same as the Federal Rule, and preserves present State practice under Code §§ 15-13-910 and 15-13-920. The Rule increases the time to amend a pleading without court order from 20 to 30 days, and the time to plead in response to an amended pleading from 10 to 15 days. It also adds the requirement that the court not allow amendment prejudicial to another party, which is a statement of existing case law.

2. Rule 15 **(a) Amendments.** A party may amend his pleading once as a matter of course at any time before or within 30 days' after a responsive pleading is served or, if the pleading is one to which no responsive pleading is required and the action has not been placed upon the trial roster, he may so amend it at any time within 30 days after it is served. Otherwise a party may amend his pleading only by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires and does not prejudice any other party. A party shall plead in response to an amended pleading within the time remaining for response to the original pleading or within fifteen days after service of the named amended pleading, whichever period may be the longer, unless the court

otherwise orders.

3. This ensures that all procedural requirements are met and that the appeal can proceed without unnecessary complications.

4. Appellant asks this Court to exercise its jurisdiction Pursuant U.S. Const. art. III, § 1. U.S. Const. Art. II, § 2, cl. 2 and under 28 U.S.C. § 1291, correct and prevent ongoing and irreparable constitutional harms arising from Respondents' Due process defect, particularly if they we're not given adequate notice, extraordinary abuse of South Carolina statutory provisions Constitutional and Statutory Procedural **See State v. Jeroid J. Price**, 28177 (S.C. 2023), which, Respondents' and all the attorneys of record – use of the statute has Deprived Appellant of her Due Process Clause secured by the Fourteenth Amendment and to the United States Constitution, and incorporated against states and state actors via the South State Constitution requires that Citizens of the United States receive constitutionally Adequate notice, As The South Carolina Supreme Court has held, "The term 'shall' in A statute means that the action is mandatory.

5. U.S. Const. art. II, §2, cl. 2. And employees cannot exercise the Power of officers. **See Lucia v. SEC**, 138 S.Ct. 2044, 2051–2052 (2018).

6. APPELLANT MOTION REQUESTING PERMISSION TO FILE APPELLANT TRANSCRIPT AND INITIAL BRIEF AND RULE 269 FRIVOLOUS APPEALS, PETITIONS, MOTIONS, OR RETURNS BASED ON APPOINTMENTS CLAUSE

VIOLATION, Based on Illegal concealment and the unlawful Appointment of Special Counsel the Hon. Bradley Caulder, and Special Counsel the United States Magistrate Judge Hon, Brian M. Gibbons/ Attorneys S.C. Circuit Court SC bar #: 65091, and dual as S.C. Circuit Court United States Magistrate Judge, Chester County, Due Process Defect Violation: **I MOVE TO DISQUALIFY** Special Counsel the United States Magistrate Judge Hon, Brian M. Gibbons/ Attorneys S.C. Circuit Court SC bar #: 65091, and dual as S.C. Circuit Court United States Magistrate Judge, Chester County, in this Processing, **See: S.C. Constitution Article V, § 16**: Compensation of Justices and Judges. practice of law and dual office holding, "The Court Take Judicial Notice the Supreme Court of South Carolina AMINISTRATIVE ORDER **Exhibit E** The power of the circuit court to appoint a referee is governed by Rule 53 of the South Carolina Rules of Civil Procedure. Subsection (b) of the Rule provides only that "causes of action in a case" may be referred to under the Circumstances listed in the Rule. A discovery dispute is not a "cause of action." Thus, Rule 53(b) provides no authority for the order of reference in this case. In matters brought to our attention, the Special referee appointed by the circuit court is typically a lawyer.

(See Exhibit F, I MOVE TO DISQUALIFY Special Counsel the United States Magistrate Judge Hon, Brian M. Gibbons/ Attorneys S.C. Circuit Court SC bar #: 65091, and dual as S.C. Circuit Court United States Magistrate Judge, Chester County, in this Processing, Judges, /Attorney, lack subject-matter. jurisdiction ("Judge Gibbons") as judge in this Case, **I MOVE TO DISQUALIFY** United States Magistrate Judge Hon, Brian M. Gibbons **28 U.S.C. § 455(a)** Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

a. 28 U.S.C. § 455(b) He shall also disqualify himself in the following circumstances:

b. 28 U.S.C. § 455(1) Where he has a personal bias Or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding.

c. 28 U.S.C. § 455(2) Where in private practice he Served as lawyer in the matter in controversy, or a lawyer with whom he previously practiced law served during such association as a lawyer concerning the matter, or the judge or such lawyer has

been a material witness concerning it;

d. 28 U.S.C. § 455((3) Where he has served in governmental employment and in such capacity participated as counsel, adviser or material witness concerning the proceeding or expressed an opinion concerning the merits of the particular case in controversy.

e. 28 U.S.C. § 455 (i) Is a party to the proceeding, or An officer, director, or trustee of a party.

f. 28 U.S.C. § 455 (ii) Is acting as a lawyer in the proceeding.

g. 28 U.S.C. § 455 (iii) Is known by the judge to have An Interest that could be substantially affected by the outcome of the proceeding.

h. 28 U.S.C. § 455 (d) For the purposes of this section the following words or phrases shall have the meaning indicated:

i. 28 U.S.C. § 455 (d) (1) "proceeding" includes Pretrial, trial, appellate review, or other stages of litigation.

j. 28 U.S.C. § 455 (d) (2) the degree of relationship is calculated according to the civil law system.

k. 28 U.S.C. § 455 (d) (3) "fiduciary" includes such.

relationships as executor, administrator, trustee, and guardian.

1. 28 U.S.C. § 455 (d) (4) "financial interest" means.

ownership of a legal or equitable interest, however small, or a relationship as director, adviser, or another active participant in the affairs of a party, excepted that:

7. Judge Gibbons and Judge Caulder committed multiple errors of law and acted outside their authority under Rule 53, Gibbons nor Judge Caulder made any effort to comply with even one of the requirements of Section The power of the circuit court to appoint a referee is governed by Rule 53 of the South Carolina Rules of Civil Procedure. Subsection (b) of the Rule provides only that "causes of action in a case" may be referred under the circumstances listed in the Rule. A discovery dispute is not a "cause of action." Thus, Rule 53(b) provides no authority for the order of reference in this case. In matters brought to our attention, the special referee appointed by the circuit court is typically a lawyer. IT IS SO ORDERED. **Exhibit E**

a. s/Donald W. Beatty C.J.

b. s/John W. Kittredge J.

c. s/Kaye G. Hearn J.

d. s/John Cannon Few J.

e. s/George C. James, Jr. J.

8. APPELLANT MOTION REQUESTING PERMISSION TO FILE APPELLANT

TRANSCRIPT AND INITIAL BRIEF AND RULE 269 FRIVOLOUS APPEALS, PETITIONS, MOTIONS, OR RETURNS BASED ON APPOINTMENTS CLAUSE VIOLATION, should be GRANTED by this Court in accordance with this Order because Special Counsel Caulder, Gibbons appointment violates the Appointments Clause of the United States Constitution. U.S. Const., Art. II, § 2, cl. 2. U.S. Const. art. III, § 1, Special Counsel Caulder, Gibbons use of a permanent indefinite Appropriation also violates the Appropriations Clause, U.S. Const., Art. I, § 9, cl. Thus, Rule 53(b) provides no authority for the order of reference in this case. In matters brought to our attention, the Special referee appointed by the circuit court is typically a lawyer.

9. A judgment is typically void for two main reasons: the court lacked `**subject-matter jurisdiction**` (the power to hear this type of case) or it lacked `**personal jurisdiction**` over the Appellant (usually because the Appellant was never properly notified of the lawsuit, a violation of `**procedural due process**`).

10. The principal grounds for vacatur include:

1. Mistake, inadvertence, surprise, or excusable neglect
Newly discovered evidence
2. Fraud, misrepresentation, or other misconduct
3. Void judgment due to jurisdictional or due process defects
4. Judgment satisfied, released, or reversed
5. Extraordinary circumstances or other justifiable reasons

11. The reason **Fraud upon the Court by Officers of the Court has no statute of limitations** is because it can never be, as a

check on balance of judicial powers, that an officer of the court may use an inherent level of trust and influence upon the system in the hope that an intentional deception need only skate by a time pathway to succeed.

12. Appellant Jennifer D. Powers, Request and Demand That your Honor to inspection of The Fairfield County Case Management System Public Index" [In 2020 and later in 2026,]

13. Appellant requests that her ***Pro se*** status is recognized And treated by the Court as The United States Supreme Court and US District Courts have held such status be recognized and treated. "A pro se litigant's pleadings are to be construed liberally and held to A less stringent standard than formal pleadings drafted by lawyers". ***Haines v. Kerner***, 404 U.S. 519, 520-21, 92 S.Ct. 594, 30 L.Ed.2d 652 (1972); see also ***Estelle v. Gamble***, 429 U.S. 97, 106, 97 S.Ct. 285, 292, 50 L.Ed.2d 251 (1976); ***Gillihan v. Shillinger***, 872 F.2d 935, 938 (10th Cir.1989). "We hold pro se pleadings to a less stringent standard than pleadings drafted by attorneys and construe them liberally". ***Tannenbaum v. United States***, 148 F.3d 1262, 1263 (11th Cir. 1998) (per curium); **Elmore v. McCammon** (1986)

640 F. Supp. 905 "... the right to file a lawsuit pro se is one of the most important rights under the constitution and laws. **"Alexander v. Bothsworth**, 1915. "Party cannot be bound by contract that he has not made or authorized. Free consent is an indispensable element in making valid contracts."

14. This Challenge to the Jurisdiction of the Court is to be. Determined by a Special Jury

15. second, when "Jurisdiction, once challenged, cannot be Assumed and must be decided." **Maine v. Thiboutot,** 100 S. Ct. 250 and the U.S. Supreme Court stated that if a court is "without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void; [...) and all persons concerned in executing such judgments or sentences, are considered, in law, as trespassers." **Elliot v. Piersol,** 1 Pet. 328, 340, 26 U.S. 328, 340 (1828).

16. Third, courts are required to follow the decisions of Higher courts in the same jurisdiction

17. Supreme Court mandatory include the specific Requirements of section See FED. R. Civ. P. 53(b), 28 U.S.C. §§ 636(c)(1) & (c)(3). See 28 U.S.C. § 636(b)(2) 28 U.S.C. § 636(c)(4); 28

U.S.C. §636(c)(5), that must be satisfied before authority to Rule 28 U.S.C. §§ 636(c), the blind consent provision of 28 U.S.C. §636(c)(2), as the South Carolina Supreme Court has held, "The term 'shall' in a statute means that the action is mandatory,

18. see also **Vitols v. Citizens Banking** Co.,984 F.2d 168,169-70 (6th Cir. 1993) (explaining that a "magistrate judge, acting pursuant to A reference under§ 636(b)(1) or (3), has no authority to issue a dispositive ruling on a motion

19. **See Cook v. Mack's Transfer & Storage.** 291 S.C. 84, 352 S.E.2d 296 (Ct.App.1986). The circuit court had no jurisdiction to entertain a common law action for recovery of damages. See id. Accordingly

20. **Elmore v. McCammon** (1986) 640 F. Supp. 905 "...the right Filing a lawsuit Pro Se is one of the most important. rights under The constitution and laws.

21. **Miller v. US,** 230 F 486, 489. "There can be no sanction or penalty imposed upon one because of this exercise of constitutional. rights."

22. If this Court cannot verify Order of Reference AO 85 (Rev. 02/17) Notice, Consent, and Reference of a Civil Action to a

Magistrate Judge, this, as the event is not recorded in the Fairfield County public index. in which Deprived Appellant Jennifer D. Powers due process procedural protections, Due process defect.

23. **I MOVE TO DISQUALIFY** Attorney/ Mr. Brandon Keith Poston SC Bar #: 78397, lack subject-matter jurisdiction.

24. **I MOVE TO DISQUALIFY** Attorney Matthew A. Abee Bar #: 101100, lack subject-matter jurisdiction.

25. **I MOVE TO DISQUALIFY** Attorney. Connor Taylor Jasso Bar #Number: 105190, lack subject-matter jurisdiction.

26. **I MOVE TO DISQUALIFY** Nelson Mullins Riley & Scarborough, LLP, lack subject-matter jurisdiction.

27. **I MOVE TO DISQUALIFY** Attorney. Gray T. Culbreath Bar #Number: 11907, lack subject-matter jurisdiction.

28. **I MOVE TO DISQUALIFY** Gallivan White & Boyd, P.A. lack subject-matter jurisdiction.

29. Pursuant to Rule under 28 U.S.C. § 1291, this Court can Address the proper remedy for violation on Appointments Clause Grounds, the effect of this Order can be confined to this proceeding.

INTRODUCTION

The Motion before the Court challenges the legality of Special Counsel Judge Gibbons and Judge Caulder (hereinafter, "Special Counsel Judge Gibbons and Judge Caulder" or "Special Counsel") in two consequential respects, both of which are matters of first

impression in this Circuit, and both of which must be resolved before this prosecution proceeds further Rule 53. The first is a challenge to his appointment under the Appointments Clause, which provides the exclusive means for appointing "Officers of the United States." Article II, § 2, cl. 2. The Appointments Clause sets as a default rule that all "Officers of the United States"—whether "inferior" or "principal"—must be appointed by the President and Confirmed by the Senate.

1. United States Magistrate Judge Hon, Brian M. Gibbons/ Attorneys S.C. Circuit Court SC bar #: 65091, and dual as S.C. Circuit Court United States Magistrate Judge, Chester County,

2. Hon, Hon, Brian M. Gibbons Judge received a B.A. from Citadel 1989, and a J.D. from the University of South Carolina School of Law, J.D., In 1992, And doesn't understand the Jennifer D. Powers, Complaint and Motion that was filed in her Case James 1:8 KJV: Such a person is double-minded and unstable in all they do.

3. Judge Gibbons was elected by the South Carolina Legislature as a Family Court Judge, Sixth Judicial Circuit, Seat 1, on May 25, 2005. He was elected by the South Carolina Legislature as a Circuit Court Judge, Sixth Judicial Circuit, Seat 1, on May 15, 2013.

4. **THE COURT TAKE JUDICIAL NOTICE** On information

And belief, all Article III United States Magistrate judges appointed by President Joe Biden,

5. United States Magistrate Judge Hon, Brian M. Gibbons/ Attorneys S.C. Circuit Court SC bar #: 65091, and dual as S.C. Circuit Court United States Magistrate Judge, Chester County, He was Appointed in on May 25, 2005.and on May 15, 2013.

6. **THE COURT TAKE JUDICIAL NOTICE** On information and belief, all Article III United States Magistrate judges appointed by President Joe Biden,

7. **THE COURT TAKE JUDICIAL NOTICE** On information and belief, all Article III United States Magistrate judges appointed by President Donald Trump,

8. United States Magistrate Judge Hon, Brian M. Gibbons/ Attorneys S.C. Circuit Court SC bar #: 65091, and dual as S.C. Circuit Court United States Magistrate Judge, Chester County, United States Magistrate Judge was not. Appointed by President Joe Biden and she does not Have Article III Court powers.

9. **THE COURT TAKE JUDICIAL NOTICE** Hon, Brian M. Gibbons/ Attorneys S.C. Circuit Court SC bar #: 65091, and dual as S.C. Circuit Court United States Magistrate Judge, Chester

County, United States Magistrate Judge was not. Appointed by President Donald Trump, and he does not Have Article III Court powers.

10. The Hon. Bradley Caulder probate judges, in the United States District Courts, there are two types of federal judges: United States District Judges (confirmed by the Senate with life tenure); and United States Magistrate Judges (Appointed through a merit selection process for renewable, eight year terms).

11. THE COURT TAKE JUDICIAL NOTICE On information and belief, all Article III United States federal judges and Magistrates appointed by President Joe Biden, or Donald Trump

12. THE COURT TAKE JUDICIAL NOTICE The Hon. Bradley Caulder probate judges, United States Magistrate County Of FAIRFIELD was not. Appointed by President Joe Biden or Donald Trump and he does not. Have Article III Court powers. he acted outside his. Authority

13. The Hon. Bradley Caulder probate judges Should a judge Not disqualify himself as required by law, then the judge has given another. example of her "Appearance of partiality" which, possibly, further disqualifies the judge Should another judge not accept disqualification of the judge, then the second judge has evidenced an

"Appearance of partiality" and has possibly disqualified himself /herself. None of the orders issued by any judge who has been disqualified by law would. appear to be valid. They are void as a matter of law, and are of no legal force or effect. *Id.* It then goes on to direct that "Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in Heads of Departments." *Id.* For purposes of this Order, the Court accepts the Special Counsel's contested view that he qualifies as an "inferior Officer," not a "principal" one, although the Court expresses reservations about that proposition and addresses those arguments below. This Motion's second challenge is rooted in the Appropriations Clause, which prohibits The Supreme Court of South Carolina ADMINISTRATIVE ORDER, The power of the circuit court to appoint a referee is governed by Rule 53 of the South Carolina Rules of Civil Procedure. Subsection (b) of the Rule provides only that "causes of action in a case" may be referred under the circumstances listed in the Rule. A discovery dispute is not a "cause of action." Thus, Rule 53(b) provides no authority for the order of reference in this case. Special Counsel as so-called special referees has been appropriated by an act of Congress. Art. I, § 9, cl. but in Consequence of Appropriations made

by Law. . ..").

Both the Appointments and Appropriations challenges as framed in the Motion raise the following threshold question: is there a statute in the United States Code that authorizes the appointment of Special Counsel Smith to conduct this prosecution? After careful study of this seminal issue, the answer is no. None of the statutes cited as legal authority for the appointment— The South Carolina Supreme Court in including the Specific requirements of section See FED. R. Civ. P. 53(b), 28 U.S.C. §§ 636(c)(1) & (c)(3). See 28 U.S.C. § 636(b)(2) 28 U.S.C. § 636(c)(4); 28 U.S.C. §636(c)(5), that must be satisfied before Authority to Rule 28 U.S.C. §§ 636(c) as South Carolina Supreme Court has held, "The term 'shall' in a statute means that the action is mandatory, These statutes, singly or collectively, plainly provide no such authority.

30. **Fraud becomes a crime** when it is a "knowing misrepresentation. Of the truth or concealment of a material fact to induce another to act to his or her detriment" (Black's Law Dictionary). In other words, if you lie in order to deprive a person or organization of their money or property, you're committing fraud. Why Do People Commit Fraud the Undersigned demands this matter is brought inside a Court of Record under the Common Law, and all rights guaranteed must

remain intact

PROCEDURAL HISTORY AND OVERVIEW OF MOTION

31. In 2020 and later in 2026, The Hon. Bradley Caulder the Circuit Court Illegally, "Improperly Appointed United States Magistrate Judge Hon, Brian M. Gibbons in 2020 and later in 2026, Appellant filed two actions from which these appeals arise in the Fairfield County Probate Court (Civil Action No. 2022-GS-2000001 and Civil Action No. 2023 ES-2000136), "The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish." U.S. Const. art. III, § 1. That judicial power—the power to "render dispositive judgments," Plaut v. Spendthrift Farm, Inc., 514 U.S. 211, 219 (1995)—can be exercised only by "judges who have life tenure and protection from decreases in salary," Thomas v. Arn, 474 U.S. 140, 153 (1985). Neither Congress nor Article III judges can assign or delegate that power outside Article III. "When a suit is made of the stuff of the traditional actions at common law tried by the courts at Westminster in 1789, and is brought within the bounds of federal jurisdiction, the responsibility for deciding that suit rests with Article III judges in Article III courts." Stern, 564 U.S. at 484 (citation omitted). **See State v. Jeroid J. Price**, 28177 (S.C. 2023) as we explain in subsections A and B of section IV—the circuit court

committed errors of law and exceeded its authority.6 In these two subsections, we explain the circuit court exceeded its authority by violating two fundamental principles of law. First, all of our courts are bound to follow clear and unambiguous statutory law.

32. The President shall appoint Article III, judges

The brief argues that The Hon. Bradley Caulder the Circuit Court Illegally, "Improperly Appointed United States Magistrate Judge Hon, Brian M. Gibbons "exceeded his statutory and constitutional authority" when they appointed in 2020 and later in 2026, Because Thiers appointment was unconstitutional, "every action that he has taken since his appointment is now null and void, "Improperly appointed, he has no more authority to represent the United States in this court than

33. The South Carolina Governor cannot illegally point a Magistrate Judge due to the established legal framework and ethical considerations. The Governor's appointment authority is limited to ensuring that the magistrate is a practicing lawyer with a clean record, as recommended by the senatorial delegation. The JMSC is composed of non-legislative members who must be members of the South Carolina Bar with at least 10 years' experience. The bill also includes term limits for JMSC members and requires all meetings to

be livestreamed, ensuring transparency and accountability. These measures aim to prevent the appointment of judges as personal favors and to maintain the integrity of the judicial process.

34. **Judicial Appointments**: The governor appoints judges to fill vacancies in the state judiciary, subject to confirmation by the Senate.

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[1]Defendants each of them are join to the Motion filed with this Court.

[2] Defendant Powers stood a Non- Jury trial in S.C. state court from April 15, 2020, through late May 2026].

[3] The Appointments Clause challenge is now argued on March 27, 2026; the Appropriations Clause Challenge, Appellant Powers on March 27, 2026, The Court of Appeals Court is asked to exercise jurisdiction under 28 U.S.C. § 1291, This Court has appellate jurisdiction pursuant to 28 U.S.C. § 1291-The Transcripts for these hearings is awaiting Approval By this Court.

separately raises an Appropriations Clause challenge because (1) he is drawing on a permanent indefinite appropriation reserved for an "independent counsel" under a statutory appropriation that does not apply to them, *see* Supreme Court of South Carolina ADMINISTRATIVE ORDER June 3, 2021, Rule 53(b) provides no authority for the order of reference in this case. In matters brought to our attention, the Probate Judge appointed by the circuit court is typically a lawyer. -(hereinafter, "Indefinite Appropriation"); and (2) there is no "other Law" authorizing the appropriation as to Them, the two Special

Counsel will oppose both challenges. As to the Appointments Clause issue,

35. **Fraud becomes a crime** when it is a "knowing misrepresentation. Of the truth or concealment of a material fact to induce another to act to his or her detriment" (Black's Law Dictionary). In other words, if you lie in order to deprive a person or organization of their money or property, you're committing fraud. Why Do People Commit Fraud the Undersigned demands this matter is brought inside a Court of Record under the Common Law, and all rights guaranteed must remain intact

36. Pursuant to Rule 207 and 206, SCACR, appellant Jennifer D. Powers hereinafter "The"), Appellants, pro se ("POWERS"), moves the court in the above captioned proceedings; respectfully requests the Court allow the filing of the Appellant, APPELLANT MOTION REQUESTING PERMISSION TO FILE APPELLANT TRANSCRIPT AND NOTICE TO THE COURT, In support of his/her motion, Appellant shows unto the Court:

37. On March 10, 2026, Respondent Brian Dumas Filed Motion – Return - Amend Notice of Appeal

38. On March 9, 2026, Respondent Barbara Brunson Filed

Motion –

Return - Amend Notice of Appeal

39. On March 9, 2026, Respondent Keith Poston Filed Motion –

Return - Amend Notice of Appeals

40. Appellant on February 23, 2026, Received a letter from South Carolina Office of Court Administration stating Dear Ms. Powers: Our records reflect that the time for ordering the transcript has expired. Within ten days of the date of this letter, you must file a copy of the letter showing that you have timely ordered the transcript from the court reporter. If you have not timely ordered the transcript, you must serve and file a motion requesting permission to order the transcript outside of the filing deadlines set by Rule 207 of the CACR, along with a copy of your letter addressed to the court reporter. Be sure to copy the Court, the Office of Court Administration and opposing counsel with all correspondence concerning the transcript. The address for Court Administration is as follows, you must advise the Court of the status of the transcript within ten (10) days of the date of this letter, or your appeal will be dismissed. See: **Exhibit A**

41. Appellant timely filed APPELLANT MOTION REQUESTING PERMISSION TO FILE APPELLANT TRANSCRIPT AND NOTICE TO

THE COURT on March 2, 2026, Appellant Jennifer D. Powers is Advising the Court of the status of Appellant transcript update within ten (10) days of the date of this Letter signed by Jasmine D. Smith, Deputy Clerk of Court of the South Carolina Office of Court Administration.

42. On February 25, 2026 Appellant Jennifer D. Powers requested The court reporter information from Fairfield County Clerk of Court's Office requesting TRANSCRIPT REQUEST FORM. See: **Exhibit B**

43. That we are proceeding in a court of Constitutional Due Process under Article Ill of the Constitution of the United States for America, and the common law

44. Appellants on February 6, 2026, the Appellants Notice of Appeal of Appellant, the Incoming (Notice of Appeal of Appellant) As requested by this Court on February 6, 2026,

45. on February 9, 2026, On February 23, 2026 Appellate received a letter from JENNY ABBOTT KITCHINGS CLERK, CATHERINE S. HARRISON CHIEF DEPUTY CLERK as followed: Re: Estate of Robert E. Powers Jr. v. The Hon. Bradley Caulder Appellate Case No. 2026-000263, Dear Ms. Powers: The Court received multiple notices of appeal in this case. The notices of appeal have been consolidated for

consideration by the Court, and we anticipate receiving one record on appeal. The times for perfecting the appeal will run from the date of service of the last notice of appeal. **Exhibit C**

46. on February 19, 2026, Appellate filed her amended notices of appeal.

47. On February 23, 2026 Appellate received a letter from JENNY ABBOTT KITCHINGS CLERK, CATHERINE S. HARRISON CHIEF DEPUTY CLERK as followed: Re: Estate of Robert E. Powers Jr. v. The Hon. Bradley Caulder Appellate Case No. 2026-000263, Dear Ms. Powers: The Court has received your amended notices of appeal. If you wish to amend your notices of appeal, you must file a motion pursuant to Rule 240, South Carolina Appellate Court Rules. **Exhibit D**

48. The appellant's initial notices of appeal were presently due to· be filed No Later Than February 6, 2026, Notice of Appeal (Civil) -

49. on February 19, 2026, Appellate filed her amended notices of appeal.

50. The Time remaining under South Carolina Court of Appeals for filing the appellant's initial brief is insufficient to ensure an adequate presentation of the appellant's arguments on appeal

51. There is no timeline for filing an amended brief, but

you do need to move the court for permission to file an amended brief

52. Appellant submitted a motion to this court on March 16, 2026

53. Hon, Brian M. Gibbons United States Magistrate Judge, fundamentally failed to follow the law. without satisfying any of the requirements set forth in the statute. The United States Magistrate Judge Hon, Brian M. Gibbons SC bar #: 650917, and dual as Master in Equity United States Magistrate Judge, Richland County, violated The South Carolina Supreme Court in including the Specific requirements of South Carolina subject matter jurisdiction And Amount in controversy, codified as. S.C. Code Ann. §§ 22-3-10 et seq. and S.C. Code Ann. §§ 22-3-20"), Any party may request a Jury pursuant to Rule 38 on any or all issues triable of right by a Jury and, upon the filing of a jury demand S.C. Code §22-3-30, and See FED. R. Civ. P. 53(b), 28 U.S.C. §§ 636(c)(1) & (c)(3). See 28 U.S.C. § 636(b)(2) 28 U.S.C. § 636(c)(4); 28 U.S.C. §636(c)(5), that must be satisfied before Authority to Rule 28 U.S.C. §§ 636(c) as South Carolina Supreme Court has held, "The term 'shall' in a statute means that the action is mandatory,

54. The appellant's deadline was February 23, 2026, See:

Exhibit A

55. Jennifer D. Powers APPELLANT MOTION REQUESTING PERMISSION TO FILE APPELLANT TRANSCRIPT AND NOTICE TO THE COURT on March 2,2026,

56. The appellant does not Request a MOTION FOR A 60-DAY EXTENSION OF TIME TO FILE APPELLANT TRANSCRIPT AND NOTICE TO THE COURT on March 2, 2026.

57. Appellants Jennifer D. Powers Failure to Receive Transcript of the proceedings on time in this "complex case" from the Trial Court Case No. 2025CP2000274, this unprofessional standard in this action requires "exceptional judicial management" to avoid burdens on the court and litigants, On February 6, 2026, The Appellants Notice of Appeal was file with this Court, and On February 9, 2026, The Appellants Amended Notice of Appeal was also filed with this Court, the same order was Entered, Appellants Jennifer D. Powers will file a motion with the court for APPELLANT MOTION REQUESTING PERMISSION TO FILE APPELLANT TRANSCRIPT AND NOTICE TO THE COURT on March 2, 2026, On this complex situation concerning late Failure to Receive Transcript. appellant received the transcript from the court reporter late. Enclosed

herewith please find the original and one copy of the Following:

The Hon, Brian M. Gibbons Civil Case NO. 2025CP2000275,

58. "The Court take judicial notice that In South Carolina, jurisdiction, or the basic authority of a judge to hear and exercise Judgment of a matter is based upon three considerations: territorial jurisdiction, subject matter jurisdiction, and the amount in controversy, **($300,-000.**

Territorial jurisdiction for each magistrate extends throughout the county in which he is appointed in both civil and criminal matters. To understand the latter two determinations of jurisdiction, subject matter jurisdiction and amount in controversy, one must look to S.C. Code Ann. §§ 22-3-10, and 22-3-20. Section 22-3-10, as limited by § 22-3-20, sets out magisterial jurisdiction over fourteen areas of civil subject matter as follows:

59. **Sherer v. Cullen** , 481 F 946. We could go on, quoting court decision after court decision, however, the Constitution itself answers our question ◆ Can a government legally put restrictions on the rights of the American people at any time, for any reason? The answer is found in Article Six of the U.S. Constitution: **Miranda v. Arizona**, 384 U.S. 426, 491; 86 S. Ct. 1603 "Where rights

secured by the Constitution are involved, there can be no 'rule making' or legislation which would abrogate them."

60. **From:** Perry, Diamond <Diamond.Perry@fairfield.sc.gov>

Sent: Wednesday, February 25, 2026 10:05 AM

To: jdpowers1031@yahoo.com

Subject: Court Reporter's Information

61. Good morning Ms. Powers, here is the court reporter's information for January 27, 2026.

62. Keonte Lewis, DCRPE mail: transcripts@sccourts.org Address: 1220 Senate Street Suite 200 Columbia, SC 29201

63. **Diamond Perry,** Office Assistant -Fairfield County Clerk of Court Office **Office:** 803-815-4073 | Diamond.perry@fairfield.sc.gov PO Box 299 | Winnsboro, SC 29180

64. Supreme Court South Carolina Code SECTION 14-3-410.Court of record; public inspection of records.

• The Supreme Court shall be a court of record, and the records thereof shall at all times be subject to the inspection of the citizens of the State or other people interested. The records shall be kept in a manner prescribed by the justices of the court.

65. Appellant Jennifer D Powers Does not request an

Extension of time for purposes of Delay, but rather to ensure that the Transcript statutory rights and procedures are researched, prepared, and followed correctly.

WHEREFORE, Appellants Pray that the Court Move Forward for the APPELLANT MOTION REQUESTING PERMISSION TO FILE APPELLANT TRANSCRIPT AND INITIAL BRIEF AND RULE 269 FRIVOLOUS APPEALS, PETITIONS, MOTIONS, OR RETURNS BASED ON APPOINTMENTS CLAUSE VIOLATION of Appellant in this Case, and for such other and further relief as the Court deems just and Proper.

Respectfully submitted on this 27th day of March 2026

RECEIVED
MAR 27 2026
SC Court of Appeals

Jennifer D. Powers
708 Chester Street
Columbia, South Carolina 29201
(803)381-1031
Jdpowers1031@yahoo.com
Appellent Pro Se litigants

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a copy of my APPELLANT MOTION

REQUESTING PERMISSION TO FILE APPELLANT TRANSCRIPT AND INITIAL BRIEF AND RULE 269 FRIVOLOUS APPEALS, PETITIONS, MOTIONS, OR RETURNS BASED ON APPOINTMENTS CLAUSE VIOLATION will be sent by regular U.S. Mail to The Honorable Jenny Abbott Kitchings Clerk, Catherine S. Harrison, Chief Deputy Clerk of Court Jasmine D. Smith, Deputy Clerk of Court South Carolina Court of Appeals Post Office Box 11629 Columbia, South Carolina 29211, And by regular U.S. Mail to all parties of Record by Hand Delivery

The Hon. Dorothy Boyd Belton
Fairfield County Clerk of Court
PO Drawer 299
Winnsboro, SC 29180-0299

Brian Dumas, Attorney LLC
718 Clemson Road
Columbia, SC 29229
Office: (803) 699-4996
Fax: (803) 699-4995
brian@briandumasattorney.com

RECEIVED
MAR 27 2026
SC Court of Appeals

Mr. Brandon Keith Poston
Bar Number: 78397
County: Richland
U.S. Department of Justice
1835 Assembly Street
Suite 953
Columbia, SC 29201
Office: (803) 765-5218
keith.poston@usdoj.gov

Ms. Barbara Ellen Brunson
Bar Number: 12940
County: Richland
Law Office of Barbara E. Brunson
3614 Landmark Drive, Suite B
Columbia, SC 29204
Office: (803) 799-0425
barbara@brunsonlawsc.com

Family Services, Inc. DBA Origin SC
ATTN: Mrs. Caprice Atterbury, CEO
ATTN: Ms. Tracy Strickland, Director
8084 Rivers Ave. Suite 100
N. Charleston, SC 29410 USA
Phone: 843.628.3000
Fax: 843.574.8598

The Hon. Bradley Caulder
Probate Court Judge, Fairfield County.
260 Bratton St
Winnsboro, SC 29180
Office: (803) 712-6519 Ext: 0000
Fax: (803) 712-6939

Leslie P. Taylor
831 Williams Circle
West Columbia,
South Carolina 29172

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: */s/ Matt Abee*
Matthew A. Abee, SC Bar No. 101100
E-Mail: matt.abee@nelsonmullins.com
Connor T. Jasso, SC Bar No. 105190
E-Mail: connor.jasso@nelsonmullins.com
1320 Main Street / 17th Floor
Post Office Box 11070 (29211-1070)
Columbia, South Carolina 29201
803.799.2000

Attorneys for Keith Poston

GALLIVAN WHITE & BOYD P.A.
John E. Cuttino (SC Bar 1519).
1201 Main Street – Suite 1200
Columbia, SC 29201
(803)724-1714

ATTN: JENNY ABBOTT KITCHINGS
CLERK
ATTN: CATHERINE S. HARRISON
CHIEF DEPUTY CLERK
ATTN: JASMINE D. SMITH, DEPUTY

CLERK OF COURT
South Carolina Office
of Court Administration
1220 Senate Street, Suite 200
Columbia, SC 29201

Respectfully submitted on this 27th day of March 2026

Jennifer D. Powers
708 Chester Street
Columbia, South Carolina 29201
(803)381-1031
Jdpowers1031@yahoo.com
Appellent Pro Se litigants

March 27th 2026

RECEIVED
MAR 27 2026
SC Court of Appeals

Jennifer D. Powers
708 Chester Street
Columbia, South Carolina 29201
(803)381-1031
Jdpowers1031@yahoo.com
Appellant pro se litigants

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Catherine S. Harrison, Chief Deputy Clerk of Court
Jasmine D. Smith, Deputy Clerk of Court
Post Office Box 11629 Columbia,
South Carolina, 29211

RE: Estate of Robert E. Powers Jr. v. The Hon. Bradley Caulder Appellate Case No. 2026-000263
RE: Circuit Court Appellate Case No. 2025CP2000275

Dear Ms. Kitchings:

Appellants Jennifer D. Powers late Failure to Receive Transcript of the proceedings on time in this "complex case" from the Trial Court Case No. 2025CP2000275, these unprofessional standards in this action requires "exceptional judicial management" to avoid burdens on the court and litigants, On February 6, 2026, The Appellants Notice of Appeal was file with this Court, and On February 9, 2026, The Appellants Amended Notice of Appeal was also filed with this Court, the same order was Entered, Appellants Jennifer D. Powers will file a motion with the court for APPELLANT MOTION REQUESTING PERMISSION TO FILE APPELLANT TRANSCRIPT AND NOTICE TO THE COURT on March 2, 2026, on March 27th, 2026 APPELLANT MOTION REQUESTING PERMISSION TO FILE APPELLANT TRANSCRIPT AND INITIAL BRIEF AND RULE 269 FRIVOLOUS APPEALS, PETITIONS, MOTIONS, OR RETURNS BASED ON APPOINTMENTS CLAUSE VIOLATION On this complex situation concerning late Failure to Receive Transcript. appellant received the transcript from the court reporter late.
Enclosed herewith please find the original and one copy of the Following:

1. APPELLANT MOTION REQUESTING PERMISSION TO FILE APPELLANT TRANSCRIPT AND INITIAL BRIEF AND RULE 269 FRIVOLOUS APPEALS, PETITIONS, MOTIONS, OR RETURNS BASED ON APPOINTMENTS CLAUSE VIOLATION
2. APPELLANT MOTION REQUESTING PERMISSION TO FILE APPELLANT TRANSCRIPT AND NOTICE TO THE COURT
3. A clerk is not permitted to refuse filing a document for form as Required by rule 5.(d)(4) of the Federal Rules of Civil Procedures specifically, state.
4. 5.(d)(4) Acceptance by the clerk. A clerk must not refuse to file A paper solely because it is not in the form prescribed by these rules or by a local rule or practice

Kindly return a time stamped copy of all documents to us. A return envelope Has been provided for this purpose.

Very truly yours

Jennifer D. Powers

JDP,

EXHIBIT-A

The South Carolina Court of Appeals

South Carolina Office of Court Administration

February 23rd 2026

RECEIVED
MAR 27 2026
SC Court of Appeals

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211

1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201

TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

February 23, 2026

Jennifer D. Powers
708 Chester St.
Columbia SC 29201

Re: Estate of Robert E. Powers Jr. v. The Hon. Bradley Caulder
Appellate Case No. 2026-000263

Dear Ms. Powers:

Our records reflect that the time for ordering the transcript has expired. Within ten days of the date of this letter, you must file a copy of the letter showing that you have timely ordered the transcript from the court reporter. If you have not timely ordered the transcript, you must serve and file a motion requesting permission to order the transcript outside of the filing deadlines set by Rule 207 of the SCACR, along with a copy of your letter addressed to the court reporter.

Be sure to copy the Court, the Office of Court Administration and opposing counsel with all correspondence concerning the transcript. The address for Court Administration is as follows:

South Carolina Office of Court Administration
1220 Senate Street, Suite 200
Columbia, SC 29201

You must advise the Court of the status of the transcript within ten (10) days of the date of this letter, or your appeal will be dismissed.

EXHIBIT-B

RECEIVED
MAR 27 2026
SC Court of Appeals

SOUTH CAROLINA
JUDICIAL BRANCH

TRANSCRIPT REQUEST FORM

Pursuant to Rule 207 and 607 of the South Carolina Appellate Court Rules, the transcribed paper copy is the official record of court proceedings. You may request a transcript by completing this form and emailing it to the Court Reporter/Transcriptionist and to South Carolina Court Administration at transcripts@sccourts.org. If WebEx or DCRP were used to capture the record, please indicate below and send the form to transcripts@sccourts.org.

Requestor's Information		
Full Name **Jennifer D. Powers**	**Law Firm/Agency** Pro Se	**Phone Number** 803.381.1031
Email Address **Jdpowers1031@yahoo.com**	**Mailing Address** 708 Chester Street, Columbia, SC 29201	
Is the requestor a party in the case? ☒ Yes ☐ No **If no, does the requestor represent a party?** ☐ Yes ☐ No If yes, name of party		

Transcript Information		
Docket No. **2025CP2000274 and 275**	**Full Case Caption** (i.e. State v. John Doe or John Smith v. Jane Smith) Estate of Robert E. Powers Jr., Jennifer D. Powers, Personal Representative v. The Hon. Bradley Caulder as an individual, Law Office of Barbara E. Brunson, as guardian ad litem for Robert Edward Powers Jr., Barbara E. Brunson, individual, Family Services, Inc. d/b/a Origin SC, as Conservator for Robert E. Powers, Jr., Caprice Atterbury, as an individual, Traci Strickland, as an individual, Leslie P. Taylor, as Guardian for Robert E. Powers, Jr., Leslie P. Taylor, individual, Attorney Brian Dumas, individual, and Attorney Brandon Keith Poston, individual	**Circuit** ☒ **Family** ☐

Date(s) of Proceeding **January 27, 2026**	**County Fairfield**	**Appeal pending** ☒Yes ☐No	**Death Penalty** ☐Yes ☒No

Presiding Judge Brian M. Gibbons	**Special Circumstances** Is the hearing to be transcribed one of the following: ☐ Termination of parental rights ☐ Adoption ☐ Any actions involving child custody/visitation.
Opposing Counsel(s) (name and email address) **Brian Dumas, Attorney** **718 Clemson Road, Columbia, SC 29229** brian@briandumasattorney.com **Brandon Keith Poston, Attorney** **1835 Assembly Street, Ste 953** **Columbia, SC 29201** Keith.poston@usdoj.gov **Barbara E. Brunson, Attorney** **3614 Landmark Drive, Ste B** **Columbia, SC 29204** barbara@brunsonlawsc.com **Gallivan White & Boyd** **ATTN: John E. Cuttino** **1201 Main Street, Ste 1200** **Columbia, SC 29201** **(no email address)** **Nelson Mullins Riley & Scarborough** **Matthew A. Abee** **Connor T. Jasso** **1320 Main Street, 17th Floor** **Columbia, SC 29201** Matt.abee@nelsonmullins.com Connor.jasso@nelsonmullins.com	

SCCA 800 (03.2023)

SOUTH CAROLINA
JUDICIAL BRANCH

Family Services, Inc. dba Origin SC
ATTN: Caprice Atterbury and Traci Strickland
8084 Rivers Ave., Ste 100
N. Charleston, SC 29410
(No email address)

Hon. Bradley Caulder
Fairfield County Probate Court
260 Bratton Street
Winnsboro, SC 29180
(no email address)

Leslie P. Taylor
831 Williams Circle
West Columbia, SC 29172
(No Email Address)

Court Reporter(s)
Keonte Lewis

☐ **WebEx**
☒ **DCRP**

Portion of proceeding to be transcribed

X ☐ Entire hearing
☐ Voir dire by juror
☐ Jury selection
☐ Plaintiff's opening statement
☐ Defendant's opening statement
☐ Plaintiff's closing arguments
☐ Defendant's closing arguments
☐ Entire direct examination
☐ Entire cross examination
☐ Entire redirect
☐ Examination of witness (W) by attorney (A)
W:
A:
☐ Ruling of the court

Delivery Timeframe
(check Rule 607 for current page rates)

☐ Quote
☐ Rough Draft
☐ Overnight delivery
x Daily delivery
☐ Expedited delivery (7 days) **Due on/before:**
☐ Regular delivery (60 days)

Delivery Method *(additional fees may apply)*

☐ PDF / Email
x Hard Copy/Priority Mail **($50 + shipping)**
☐ PDF & Hard Copy/Priority Mail **($50 + shipping)**

Responsible Payor

x Private / Self
☐ Court Appointed Counsel
Appeals Attorney
Email
☐ Other

Next Hearing Date

Requestor's Signature: Jennifer D. Powers **Date:** February 25, 2026
(Typed name will serve as signature)

NOTE: Requests will be processed pursuant to Rule 207 and 607 of the SCACR. Rule 607(h) governs the fees for transcripts, which are not provided for free or at reduced rates to **any** party, regardless of indigent status. Please promptly submit your payment in the method of payment requested, in order for the transcript to be produced. In some cases, a deposit may be required before the transcript can be placed in the production queue. You may also request a quote before deciding to order. ***If you need to cancel the transcript request for any reason, you are responsible for paying for the pages of the transcript that have already been completed at the time of the cancellation.***

If you are ordering a transcript pursuant to Rule 207(a)(1), SCACR, you must contemporaneously furnish all parties, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter or transcriptionist.

SCCA 800 (03.2023)

EXHIBIT-C

(The South Carolina Court of Appeals)
February 9, 2026

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211

1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201

TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

February 9, 2026

Jennifer D. Powers
708 Chester St.
Columbia SC 29201

Re: Estate of Robert E. Powers Jr. v. The Hon. Bradley Caulder
Appellate Case No. 2026-000263

Dear Ms. Powers:

The Court received multiple notices of appeal in this case. The notices of appeal have been consolidated for consideration by the Court, and we anticipate receiving one record on appeal. The times for perfecting the appeal will run from the date of service of the last notice of appeal.

The title in this matter has been changed to read as follows:

Estate of Robert E. Powers Jr., Jennifer D. Powers, Personal Representative, Appellant,

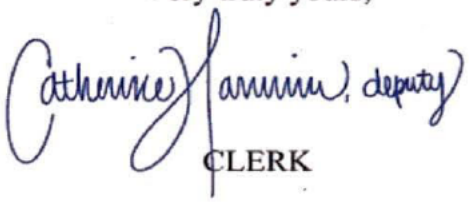
v.

The Hon. Bradley Caulder as an individual, Law Office of Barbara E. Brunson, as guardian ad litem for Robert Edward Powers, Jr., Barbara Brunson, individual, Family Services, Inc., d/b/a Origin SC, as Conservator for Robert E. Powers, Jr., Caprice Atterbury, as an individual, Traci Strickland, as an individual, Leslie P. Taylor, as Guardian for Robert E. Powers, Jr., Leslie P. Taylor, individual, Attorney Brian Dumas, individual,

and Attorney Brandon Keith Poston, individual, Respondents.

All future filings should be changed to reflect this title. If you have any questions, please do not hesitate to contact the Clerk's office.

Very truly yours,



CLERK

cc: Gray Thomas Culbreath, Esquire
John Edward Cuttino, Esquire
Matthew A. Abee, Esquire
Connor Taylor Jasso, Esquire
Family Services, Inc.
Caprice Atterbury
Traci Strickland
Leslie P. Taylor
Brian Dumas, Esquire
The Honorable Bradley Caulder

EXHIBIT-D

(The South Carolina Court of Appeals)
February 19, 2026

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211

1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201

TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

February 19, 2026

Jennifer D. Powers
708 Chester St.
Columbia SC 29201

Re: Estate of Robert E. Powers Jr. v. The Hon. Bradley Caulder
Appellate Case No. 2026-000263

Dear Ms. Powers:

The Court has received your amended notices of appeal. If you wish to amend your notices of appeal, you must file a motion pursuant to Rule 240, South Carolina Appellate Court Rules.

Very truly yours,

Jasmine D. Smith, Deputy
CLERK

cc: Gray Thomas Culbreath, Esquire
John Edward Cuttino, Esquire
Matthew A. Abee, Esquire
Connor Taylor Jasso, Esquire
Family Services, Inc.
Caprice Atterbury

Traci Strickland
Leslie P. Taylor
Brian Dumas, Esquire
The Honorable Bradley Caulder

EXHIBIT-E

(The Supreme Court of South Carolina)

ADMINISTRATIVE ORDER

Columbia, South Carolina

June 3, 2021

The Supreme Court of South Carolina

ADMINISTRATIVE ORDER

We issue this administrative order to enjoin the practice in some circuit courts of referring discovery disputes to so-called special referees for resolution.

The power of the circuit court to appoint a referee is governed by Rule 53 of the South Carolina Rules of Civil Procedure. Subsection (b) of the Rule provides only that "causes of action in a case" may be referred under the circumstances listed in the Rule. A discovery dispute is not a "cause of action." Thus, Rule 53(b) provides no authority for the order of reference in this case.

In matters brought to our attention, the special referee appointed by the circuit court is typically a lawyer. The lawyer assigned to resolve the discovery dispute generally charges his or her customary hourly rate, a fee not contemplated by the parties when they elected to file the action in circuit court. We are mindful of the burden imposed on our circuit judges in resolving discovery disputes. However, while we recognize that discovery disputes can be complicated and time-consuming, it is the duty of the circuit court to address and resolve discovery disputes. We remind the circuit court judges that the seldom-utilized rule for awarding fees and imposing sanctions, SCRCP 37, is available to deter discovery abuses.

The circuit court shall discharge its duty by addressing and resolving discovery disputes. To the extent some circuit courts have utilized the practice of referring discovery disputes to special referees, that practice is enjoined, effectively immediately.

IT IS SO ORDERED.

s/Donald W. Beatty C.J.

s/John W. Kittredge J.

s/Kaye G. Hearn J.

s/John Cannon Few J.

s/George C. James, Jr. J.

Columbia, South Carolina
June 3, 2021

EXHIBIT-F

The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

7610 Library

The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

HENRY MCMASTER
ATTORNEY GENERAL

September 11, 2003

Brian M. Gibbons, Esquire
Fort Lawn Town Attorney
Post Office Drawer 808
Chester, South Carolina 29706-0808

Dear Mr. Gibbons:

You state in your letter that you represent the Town of Fort Lawn as its Town Attorney. You seek an opinion "concerning an issue involving an employee of the Town who also happens to be the Municipal Judge." A job description of this individual's duties on behalf of the Town has been enclosed. By way of background, you state the following:

> [the employee] ... is employed by the Town of Fort Lawn as the "Clerk of Court" or police clerk. Her job duties in this position normally require her to do all the record keeping for the police department, including filing, processing the ticket, incident report, etc. In addition, she accepts the payments of the fines associated with traffic tickets issued by the Town of Fort Lawn.
>
> Ms. Revels was also appointed by the Town of Fort Lawn last year as the Municipal Judge. At that time, I raised an opinion that it would be a conflict of interest for an employee of the Town to [be] the Municipal Judge as well ... . The Town is seeking an Attorney General's opinion concerning the practice of having an employee who is the police clerk and also the "Clerk of Court" serving as municipal judge. In my opinion, I believe it is a conflict of interest and the Town needs to appoint another judge ... .

We note also that Judge Revels has asked for an opinion as to this question as well. We are consolidating both requests for opinions into a single request.

Law / Analysis

The situation which you raise presents a number of separate issues, all of which are problematical in terms of the person continuing to serve in both capacities. We thus agree with your assessment that there would be a conflict of interest for an employee of the Town to serve as Municipal Judge as well. Our analysis is set forth more fully below.

REMBERT C. DENNIS BUILDING • POST OFFICE BOX 11549 • COLUMBIA, S.C. 29211-1549 • TELEPHONE: 803-734-3970 • FACSIMILE: 803-253-6283

The first issue which must be addressed is dual office holding. Article XVII, Section 1A of the State Constitution provides that "no person may hold two offices of honor or profit at the same time ..." with exceptions specified for an officer in the militia, member of a lawfully and regularly organized fire department, constable, or notary public. For this provision to be contravened, a person concurrently must hold two offices which have duties involving an exercise of some portion of the sovereign power of the State. Sanders v. Belue, 78 S.C. 171, 58 S.E. 762 (1907). Other relevant considerations are whether statutes, or other such authority, establish the position, prescribe its duties or salary, or require qualifications or an oath for the position. State v. Crenshaw, 274 S.C. 475, 266 S.E.2d 61 (1980).

This Office has advised on numerous occasions that both clerks of court and municipal judges are office holders for purposes of dual office holding. See, as representative of those numerous opinions, Ops. S.C. Atty. Gen., July 25, 2002 (Town of Westminister Clerk of Court); August 5, 1992 (City of Pamplico Clerk of Court); March 14, 1983 (City of Cayce Clerk of Court); October 11, 2000 (part-time municipal judges are office holders); August 5, 2000 (Johnsonville City Judge; June 22, 1998 (Town of Hilton Head Associate Judge). More importantly, we specifically advised the Town of Summerville, in an opinion dated August 18, 1981, that a person who simultaneously serves as part-time municipal judge and clerk of the municipal court would clearly violate the dual office holding prohibition of the South Carolina Constitution. We are aware of no recently enacted law that would alter the August 18, 1981 opinion and, therefore, advise that an individual who holds both offices would be in violation of the state constitution.

It is not clear from your letter or the job descriptions which you have enclosed whether the positions of municipal judge and clerk of court and/or "police clerk" are separate positions in the Town of Fort Lawn or whether all of the various job duties have been assigned to one position. See, § 14-25-35 [municipal clerk or other municipal employee may be appointed to serve as clerk of the court]. If these are separate positions, as it appears they are, see, § 14-25-15, then, a dual office holding situation has occurred by simultaneously holding these positions. On the other hand, additional duties may be assigned to a single position. See, Op. S.C. Atty. Gen., August 27, 2003; Op. S.C. Atty. Gen., June 2, 2000; Op. S.C. Atty. Gen., November 10, 1998. [The mere assignment of additional duties to an already-existing office would not create a second office."]

It is clear, however, that state law in § 14-25-15 and 14-25-35 has designated the positions of municipal judge and municipal clerk as separate positions. Thus, in our view, a dual office holding situation has been created here. No where does state law appear to allow the duties of municipal judge to be assigned to the municipal clerk or vice versa. Thus, even though the municipal clerk is authorized also to serve as clerk of court for the municipal court, § 14-25-35 does not allow the duties of a municipal judge – who is an officer not an "employee" – to be assigned to the town clerk. Accordingly, it is likely that a court would conclude that a municipal judge who also serves as municipal clerk or clerk of the municipal court is dual office holding.

However, we must also examine the question of whether a conflict of interest, or the appearance thereof, is created by the individual's service simultaneously as municipal judge and clerk of court for the Municipal Court as well as "police clerk." You have forwarded to us a general job description of Judge Revels' duties in this dual capacity. Such description states:

> [s]erves as judge and clerk of court for the Municipal Court. Performs various routine and moderately complex administrative clerical duties, processing court dockets, collecting fines and bonds, completing fingerprint cards, hears and presides over criminal, city ordinance and traffic cases and determines judgments that are fair, impartial and just, and performs related functions.

Also included are specific job functions. Among these are to "[m]aintain ongoing relationship with SC Department of Public Safety," "[m]aintain log for community service designees," "[c]ollect all fines and bonds for Municipal Court system," "[r]eceives, review, prepares and processes various forms, phone messages, fingerprint cards, court dockets, payments, record checks, rap sheet requests, etc." Your letter describes part of the Judge's duties as not only "clerk of court" but "police clerk" or serving as record keeper for the police department.

In O'Shields v. Caldwell, 207 S.C. 194, 35 S.E.2d 184 (1945), our Supreme Court observed that "every public officer is bound to perform the duties of his office honestly, faithfully and to the best of his ability, in a manner so as to be above suspicion or irregularity, and to act primarily for the benefit of the public."

A municipal judge, whether full-time or part-time is, of course, a judicial officer. Municipal judges are appointed by the City Council and their terms, not to exceed four years, are set by Council. See, § 14-25-15 of the S.C. Code Ann. The compensation of such judges is established by the Council.

At the same time, it must be remembered that Article V of the South Carolina Constitution places the Municipal Courts, including the Municipal Judges thereof under the auspices and control of the Supreme Court of South Carolina as part of the unified judicial system. Pursuant to Article V authority, the Supreme Court disciplines municipal judges for violations of the Code of Judicial Conduct. See, e.g., In the Matter of Martin, 315 S.C. 370, 434 S.E.2d 262 (1993); In the Matter of Derrick, 301 S.C. 367, 352 S.E.2d 180 (1990). And the Supreme Court maintains oversight over the Municipal Court and its judges as it does any other court in the unified judicial system. The municipal courts possess jurisdiction to try all cases arising under the ordinances of the municipality as well as "all such powers, duties and jurisdiction in criminal cases made under state law and conferred upon magistrates."

In an opinion dated July 25, 2002, we addressed the question of whether the Clerk of Court for the City of Westminster could also serve as the Victim's Advocate for the Town. Therein, we noted that "[p]ublic employees must be above reproach and avoid even the appearance of a conflict

of interest in carrying out their duties." Applying that standard, we concluded that the individual should not serve in such dual capacity. We concluded as follows:

> [i]n this case, there would be least the appearance of a conflict of interest in acting as Municipal Court Clerk and also serving as Victims' Advocate for the Town of Westminster. A clerk of court, when performing the duties of clerk, is an arm of the court itself. See, Thornton v. Atlantic Coast Line R. Co., 196 S.C. 316, 13 S.E.2d 442, 446 (1941), quoting Chafee and Co. v. Rainey, 21 S.C. 11, 18 ["The clerk is the officer of the court, and any mere ministerial act he does by the order of the court is the act of the court itself."] The municipal court is part of the unified judicial system created by Article V of the State Constitution. See Op. Atty. Gen., August 13, 1996 and Op. Atty. Gen., August 27, 1996. The court is constitutionally required to remain "neutral and detached" in the performance of its exclusively criminal functions, such as the issuance of warrants. See, Shadwick v. City of Tampa, 407 U.S. 345, 92 S.Ct. 2119, 32 L.Ed.2d 738 (1972). While the Clerk of the Municipal Court may not be a "judicial officer" in the technical sense inasmuch as the Clerk is answerable to the City Administrator, see Op. Atty. Gen., August 27, 1996, still the Clerk, as an arm of the Municipal Court, must maintain the appearance of neutrality. Where the Clerk of Court of Westminster, whose duties relate almost exclusively to the administration of the municipal court, also performs the duties of the Victims' Advocate, it could be alleged that an inherent conflict of interest exists in such a relationship. A municipal court possesses only criminal jurisdiction. Clearly, the Victims' Advocate for the Town would serve victims of crime in cases coming before a municipal court whose clerk is one and the same individual. In such instance, even if there is not an actual conflict, there is the appearance of a conflict Accordingly, I would advise against the same individual performing both functions.

The same reasoning would apply with greater force to the municipal judge than even the Clerk of the Municipal Court. This is the case particularly where the municipal judge is performing other duties as a town employee related to law enforcement – particularly police clerk – which may well present the situation of an actual conflict with her duties as a municipal judge.

Indeed, we have recognized that a municipal judge also holding the position of town administrator could present a conflict of interest situation. In Op. S.C. Atty. Gen., October 18, 1988, we advised that

> [a] municipal judge would be subject to the code of Judicial Conduct, as found in Rule 33 of the Supreme Court Rules. Due to the possible appearance of a conflict of interest by having a town employee also serve as municipal judge, it might be prudent to obtain an advisory opinion on the ramifications of the Code of Judicial Conduct from the Advisory Committee on standards of Judicial Conduct.

It follows from both of these opinions that an employee of the Town who is also serving as Municipal Judge could be deemed to be in a conflict of interest situation.

Conclusion

We agree with your conclusion that it presents a conflict of interest or, at the very least, the appearance of a conflict, for a town employee also to serve as a Municipal Judge. This is particularly true where, as here, at least some of the duties involved as a Town employee touch upon or relate to law enforcement. Serving as clerk for the police department could well present a clear conflict of interest to one's duties as a municipal judge. A municipal judge must maintain the appearance of being neutral and detached. Such neutrality may well be compromised (in appearance or fact) when a town employee is also municipal judge and certain of the employee's duties involve serving as a clerk for the police department.

Very truly yours,

Robert D. Cook
Assistant Deputy Attorney General

RDC/an

cc: The Honorable Lisa G. Revels

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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE CIRCUIT COURT COUNTY OF FAIRFIELD
Court of Common Pleas

Hon, Brian M. Gibbons Magistrate Judge

Circuit Court Appellate Case No. 2025CP2000275

Estate of Robert E. Powers Jr., Jennifer D. Powers, Personal Representative..... Appellant,

v.

The Hon. Bradley Caulder as an individual, Law Office of Barbara E. Brunson, as guardian ad litem for Robert Edward Powers, Jr., Barbara Brunson, individual, Family Services, Inc., d/b/a Origin SC, as Conservator for Robert E. Powers, Jr., Caprice Atterbury, as an individual, Traci Strickland, as an individual, Leslie P. Taylor, as Guardian for Robert E. Powers, Jr., Leslie P. Taylor, individual, Attorney Brian Dumas, individual, and Attorney Brandon Keith Poston, individual.....Respondents.

Submitted: February 6. 2026 Decided: January 30, 2026,

PROOF OF SERVICE

I certify that I have served the APPELLANT MOTION REQUESTING PERMISSION TO FILE APPELLANT TRANSCRIPT AND INITIAL BRIEF AND RULE 269 FRIVOLOUS APPEALS, PETITIONS, MOTIONS, OR RETURNS BASED ON APPOINTMENTS CLAUSE VIOLATION AND NOTICE TO THE COURT, on Brian Dumas, Attorney LLC 718 Clemson Road Columbia, SC 29229 by depositing a copy of it in the United States Mail, postage prepaid, on March 2nd, 2026, address Brian Dumas, Attorney LLC 718 Clemson Road Columbia, SC 29229 by delivering a copy of it to his, at his 718 Clemson Road Columbia, SC 29229

•Respectfully submitted on this 2nd day of March 2026

Jennifer D. Powers
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Appellent Pro Se litigants

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Submitted: February 6. 2026 Decided: January 30, 2026,

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•Respectfully submitted on this 27th day of March 2026

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- Respectfully submitted on this 27th day of March 2026

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•Respectfully submitted on this 27th day of March 2026

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- Respectfully submitted on this 27th day of March 2026

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- Respectfully submitted on this 27th day of March 2026

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•Respectfully su[illegible] 26

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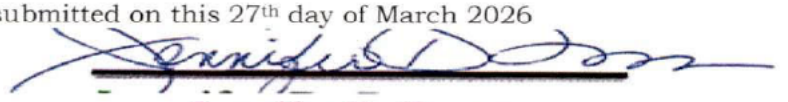
•Respectfully submitted on this 27th day of March 2026



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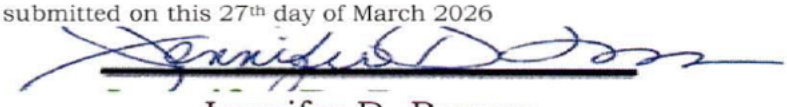
- Respectfully submitted on this 27th day of March 2026



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