

STATE OF SOUTH CAROLINA
In the Court of Appeals

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OCT 22 2025

APPEAL FROM RICHLAND COUNTY

Court of Common Pleas

The Honorable Courtney Clyburn Pope, Circuit Court Judge

SC Court of Appeals

Appellate Case No. 2026-002236

109684

Russell L. Bauknight, as Trustee of the James Brown 2000 Irrevocable Trust and the James Brown Legacy Trust, as Personal Representative of the Estate of James Brown, and on behalf of Henry Dargan McMaster, in his capacity as Attorney General of the State of South Carolina; Tommie Rae Brown, individually and on behalf of her minor child, James Brown II; Daryl J. Brown, individually and on behalf of his minor child Janise Vanisha Brown; Lindsey Delores Brown; Deanna J. Brown Thomas; Jason Brown-Lewis; Yamma N. Brown, individually and on behalf of her minor children Sydney Lumar and Carrington Lumar; Tonya Brown; Venisha Brown Larry Brown; and Terry Brown and Henry Dargan McMaster, in his capacity as Attorney General of the State of South Carolina, Plaintiffs,

v.

Adele J. Pope and Robert L. Buchanan, Jr., Defendants,

of whom Russell L. Bauknight is the Respondent and Adele J. Pope is the Appellant.

**MOTION TO UNSEAL TRANSCRIPT AND EXHIBITS
AND FOR RELATED RELIEF**

Appellant respectfully moves this Honorable Court for the following:

1. Unsealing the Transcript and exhibits in the hearing on this matter held on November 20, 2025.
2. Granting Appellant sixty (60) days from receipt of the unsealed transcript and filed exhibits to file her initial brief in this matter.

The grounds of this motion include:

1. The transcripts and exhibits were concealed with no proper determination either that they are confidential or that sealing is appropriate.
2. The transcripts confirm 16 ½ years of false statements, concealed documents and *ex parte* communications of David Black, Esq., his clients, plaintiff Tomirae Hynie and their allies in this “Case 4900” in violation of the Due Process, First Amendment, FOIA and other civil rights of replaced trustees Robert Buchanan (Buchanan) and Appellant Adele J. Pope (Pope).
3. The transcripts and exhibits are public information that help confirm that since 2009 David Black, his clients, and Beth Bauknight, CPA and “custodian of records,” have concealed 145 boxes of James Brown documents confirming that James Brown died with no “widow,” a \$100 million estate, a dozen claimed children whose determination as heirs under the U.S. Copyright Act could have been determined by a \$300 DNA test in 2008, but that the 5-year alliance of Attorney General Henry McMaster (AG McMaster) and 10 year alliance of AG Alan Wilson (AG Wilson) led to the dismembering of James Brown’s plan to leave 49/50 of his \$100 million music empire to his “I Feel Good” charity for scholarships for needy students of SC and Georgia.
4. The transcripts and exhibits help confirm that expert witnesses Brad Sharp and Roger Miller were designated in 2016 as experts by Tomirae Hynie, the AG and Black’s clients in both this “Case 4900” and “Case 1337,” the subjects of David Black’s 3-year *ex parte* communications with Judge Newman, to help cover up the fraud of Hynie, and the known false 2010 statements by Black’s client to the IRS that took \$30 million – nearly 1/3 – and \$1 million a year of income from scholarships for needy students, from James Brown’s charity, but their testimony and exhibits 10 years ago refute the claims of Hynie, the AG, Black and Black’s clients. .
5. The transcripts and exhibits show that the testimony and exhibits of Gutierrez, like that of Sharp and Miller helps confirm that Case 4900 was commenced in 2010 and has been continued for 16 ½ years for an unconstitutional purpose – to use the power of the Office of the AG to cover up the massive \$80 million devaluation scheme hatched by Hynie in 2009, approved by the AG, through Sr. Asst. AG Clyde “Sonny” Jones (AG Jones), and carried out by Black’s clients, AG Jones and Hynie in 2010 with the unconstitutional filing of Case 4900, without the permission of AG Henry McMaster, leading directly to *ex parte* filings and biased orders; Black’s 3-year *ex parte* communication with Judge Newman; a 2024 FOIA criminal case in which Black and Mark Gende, Esq. lacked candor with the Supreme Court and the prosecutor concealed exculpatory evidence; a FOIA criminal conviction and the AG’s and Black’s clients’ refusal to return Appellant’s money and Case 4900 and Case 1337 for \$1 and costs,

excluding attorneys' fees; the discovery of Black's 3-year *ex parte* communication with Judge Newman; a Motion for Recusal of Judge Newman; Judge Clyburn Pope's refusal, at the request of Black and Gende, to address remedial action related to Black's 3-year *ex parte* communication; the Motion for Recusal of Judge Clyburn Pope; Her Honor's dismissal of the Motion for Recusal as "frivolous" without a hearing; and this appeal.

6. The testimony of Miller and Sharp is not confidential, was sealed in further violation of the First Amendment, FOIA, Due Process and Equal Protection rights violated since attorney David Black began his 3-year *ex parte* communication with Judge Clifton Newman, infusing His Honor with the poisonous, false claim that Appellant – not Hynie, the AG and Black's clients - are responsible for the decision by Black's clients not to distribute more than \$50 million in James Brown "I Feel Good" scholarships, at least \$4 million a year every year since 2012.
7. The testimony of Miller and Sharp helps confirm that Mark Gende, Esq., (Gende) attorney for Hynie and Black's clients since 2011 – and purportedly AG McMaster and AG Wilson until 2017 – has been instrumental since then in FOIA disruption and the coverup of the illegality and impropriety of Case 4900 and the appellate courts of Hynie's public handwritten bigamy admissions, her false filings with the U.S. Copyright Office, and the false statements made by and on behalf of the State/AG and Black's clients to cover up Hynie's inflated, false claims about federal termination rights under the U.S. Copyright act which are part of the scheme hatched by Hynie in 2009 and carried out by Gende's firm, Sweeny Wingate & Barrow, PA (SWB) in Case 4900 since 2010.
8. The unsealing of the improperly sealed testimony and exhibits of the November 20, 2025 hearing will help remediate the damage of Judge Newman's 3-year *ex parte* communication, Judge Clyburn Pope's failure to remediate that damage and continuation with hearings on an order poisoned by Judge Newman's and David Black's 3-year *ex parte* communication, then failure to address Appellant's December 31, 2025, motion for recusal in a hearing.
9. The unsealing of the improperly sealed testimony and exhibits will help confirm that attorneys David Black and Mark Gende have sought and obtained more than 12 years of stays and delays in Case 4900 and spent tens of millions of dollars to "prove" the impossible – that Hynie was "Mrs. James Brown" and that James Brown died with \$6 million total assets, a \$5 million estate, a \$4.7 million music empire and a "widow" who received less than \$2 million from the McMaster settlement deal.
10. The unsealing of the improperly sealed testimony and exhibits of Sharp and Miller will help show that Black, Black's clients, Gende and Hynie, with the consent of the AG, have prevented settlement of Case 4900 with James Brown's Estate and Trust in 2010

(before it was commenced), in 2012, by offers of Appellant of \$2.1 million in 2017, 2018, 2019, 2020, 2021 and for each of the three years in which David Black and Judge Clifton Newman engaged in secret *ex parte* communication known to the AG, and despite Appellant's offer to settle and drop both Case 4900 and Case 1337 with dropping of her FOIA criminal conviction, \$1 PR/Trustee fee for 5 ½ years of service; return of her money taken by Black's clients for Hynie and her allies; and costs – but no attorneys' fees. .

11. The unsealing will confirm that the relief sought by Appellant before Judge Clyburn Pope, including a hearing and her recusal, was appropriate because Mark Gende, while hired by David Black's clients to disrupt appeals and render issues moot, concealed David Black's false claims, then served with Black as one of two witnesses for the prosecution of Appellant in a FOIA criminal trial conducted in the Supreme Court over the \$4.7 Million claimed "appraisal" of James Brown's "estate" that Black had obtained from the AG under FOIA before commencing the FOIA criminal case and attempting to seek similar relief in Judge Newman's court to deprive Appellant Pope of her credibility, her property, her law license and her liberty.
12. A 60-day request to file the initial brief after receiving the complete records hearing is requested because of damage to Appellant at stake in this recusal matter, the complexity of the comparison of the exhibits and testimony of Sharp and Miller since 2016 and in 2026, the comparison of the testimony of Sharp, Miller and Gutierrez with Black's false *ex parte* communications with Judge Newman, known to the AG, and Black's and Gende's false testimony in the FOIA criminal trial conducted during the pendency of Black's 3-year *ex parte* communication with Judge Newman.

This motion is based on the Due Process, First Amendment and Equal Protection clauses and settled law of South Carolina related to *ex parte* communications, the record on appeal (ROA) and the briefs of Appellant in S.C. Ct. of Appeals Case No. 2026-000330 and the full video of Appellant's FOIA Criminal Trial, Supreme Court Case No. 2024-00500, each of which is incorporated herein; the Appendix filed herewith; and the following Memorandum.

MEMORANDUM IN SUPPORT OF UNSEALING OF TESTIMONY AND EXHIBITS

Importance of Transcript and Exhibits

On February 4, 2022 David Black, Esq., began a 3-year *ex parte* communication with Judge Clifton Newman to hasten the "day of reckoning" in this "Case 4900" that Black, Black's clients,

Tomirae Hynie and Sr. Asst. AG Clyde “Sonny” Jones (AG Jones) had been working for since 2010. This was the year when, without the knowledge or consent of AG McMaster, they filed Case 4900 against Robert Buchanan and Appellant Adele Pope to try to stop the appeal of a 2008 settlement brokered by AG McMaster, through AG Jones. .[App, 1, 2-14, 71-74]

As the Attached Appendix, a 149-page sample of more than 2 million pages (145 boxes) of public James Brown documents and more than 75 public CDs, shows, David Black, Black’s clients, Hynie, and Hynie’s six attorneys in Mark Gende’s firm, have used *ex parte* court orders, *ex parte* communications and sealed and concealed public documents and evidence for 16 ½ years to cover up a 2-part scheme hatched by Hynie in 2009 [App. 16-20], approved by AG Jones, and carried out by Hynie, Black and Black’s clients to undervalue James Brown’s \$100 million music empire in IRS filings by \$80 million; take \$30 million from the “I Feel Good” charity by the massive devaluation of 2010; overvalue Hynie’s ZERO value claimed federal termination rights by tens of millions of dollars; enable Hynie to collect another \$20 million from James Brown’s “I Feel Good” charity regardless of the outcome of the appeal of the AG’s 2008 settlement; and blame the damage on Robert Buchanan and Adele Pope by use, without legal authority, of the prestige and power of the Office of two AGs in violation of Due Process rights [App. 2-14, 71-74].\

The scheme was concealed from both AG Henry McMaster and AG Alan Wilson, neither of whom authorized the commencement in 2010 of Case 4900 or its continuation on behalf of the AG until at least 2017. [App. 71 – 91].

Judge Newman fell prey to David Black’s false, poisoned, race- and age-baiting, explosive claim that Pope had prevented his client from distributing more than \$40 million in “I

Feel Good” scholarships from what Black and Black’s client claim is James Brown’s \$5 million estate. [App.,1]

Black achieved the intended result – three years of harsh, discriminatory orders and directives from courts at all levels affirming orders of Judge Newman poisoned by Black’s patently false claim that no “I Feel Good” scholarships could be paid until an 83-year-old white woman’s case Black’s clients and purportedly AG McMaster had filed against her 16 ½ years ago was ended and James Brown’s estate closed.

Mark Gende, Hynie’s attorney since 2011, fueled the explosive fires caused by Black in an effort to use Case 4900 and a FOIA criminal trial to deprive Pope of her credibility, \$160,000, her law license and her liberty.

By 2023 Judge Newman had conducted an *ex parte* hearing with a member of Gende’s firm and Black’s clients were paying Gende as much as \$20,000 a motion to try to help the AG, Black’s client plaintiff James Brown Legacy Trust and Hynie escape the jurisdiction of the appellate courts and render moot the constitutional issues preserved on appeal in Case 4900 since 2011.

In 2024 Hynie and Black’s clients, through Gende, tried to consolidate a Case 4900 appeal with a FOIA criminal trial related to the \$4.7 million claimed at-death “appraisal” of James Brown’s “estate” their 17 clients, including AG Jones, had been sharing and concealing for 14 years. [App, 99-133] Even though Black’s clients, Beth Bauknight, CPA, Peter Afterman and Hynie’s attorneys had shared the \$4.7 million claimed “appraisal” since 2010, and Black obtained the \$4.7 million “appraisal” under FOIA from the AG in January 2024.

The AG pursued a FOIA criminal case to prejudice Appellant in Case 4900 and the AG's prosecutor failed to provide exculpatory evidence. Neither the AG nor the witnesses for the prosecution, Black and Gende informed the Supreme Court or Appellant of Black's ongoing, improper, explosive 3-year *ex parte* communication with Judge Newman in FOIA criminal trial. [App.1, 92-144]

Black and Gende both made known false statements under oath in the FOIA criminal trial and the AG's prosecutor sealed public information. The result: the Supreme Court affirmed not only a FOIA conviction, but an order by a Justice unaware of David Black's ongoing improper, explosive 3-year *ex parte* communication.

The testimony of Sharp and Roger Miller, experts for the AG, Hynie, and Black's clients since 2016, was sealed for one purpose: it exposes the \$30 million damage done to James Brown's "I Feel Good" charity in 2010 by the known false claim of Black's client to the IRS that James Brown's \$100 million music empire, with a \$15 million debt, was worth only \$4.7 million..

The falsity of Black's client's claims to the IRS has been publicly known since Petet Shahid, Esq., an attorney for Hynie and her now-adult son, revealed its details of the fabricated \$4.7 million "appraisal" of the "estate" to the Supreme Court in 2013. {App. 51 -62]

Gutierrez confirms that Black's claims to Judge Clifton Newman and multiple others courts are false. Black and Black's clients claim that James Brown died with 10,000 items of tangible personal property worth less than \$.5 million. They also claim, impossibly, that a sale by Buchanan and Pope, approved by three courts, of 330 of the 10,000 items for \$850,000 was too low..

The truth which Gutierrez, Roger Miller and Sharp help confirm is that both Judge Clifton Newman and Judge Courtney Clyburn, based on secret, explosive false claims of Black, were

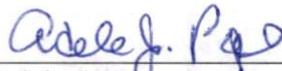
swept into continuing and exacerbating the violation of the Due Process, First Amendment, FOIA, Equal Protection and other civil rights of Appellant Pope and Buchanan that began with the filing of Case 4900 in 2010.

They show that the damage to copyrights and federal termination rights of James Brown's charity is not the fault of Buchanan and Pope, but of the 12-year alliance of AG Jones with Hynie and the use by Black's clients, Black and Gende of the power and prestige of two AGs in Case 4900 and elsewhere to promote Hynie's agenda while concealing her public bigamy admissions..

CONCLUSION

There was no finding of need to seal the testimony and exhibits of November 20, 2025. The documents, having been shared with Hynie, Peter Afterman and others directly adverse to James Brown's "I Feel Good" charity, are public. They are critical to show that both Judge Newman and Judge Clyburn Pope should have conducted hearings and an investigation of David Black's explosive, false 3-year *ex parte* communication; poisoned orders of both judges should be voided; and Judge Clyburn should hold a hearing and recuse herself in Case 4900, Case 1337 and all future cases of Appellant.

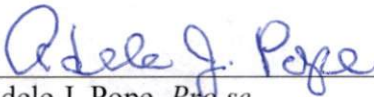
Respectfully submitted,



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October 19, 2026

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SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

The Honorable Courtney Clyburn Pope, Circuit Court Judge

Appellate Case No. 2017-001899

Russell L. Bauknight, as Trustee of the James Brown 2000 Irrevocable Trust and the James Brown Legacy Trust, as Personal Representative of the Estate of James Brown, and on behalf of Henry Dargan McMaster, in his capacity as Attorney General of the State of South Carolina; Tommie Rae Brown, individually and on behalf of her minor child, James Brown II; Daryl J. Brown, individually and on behalf of his minor child Janise Vanisha Brown; Lindsey Delores Brown; Deanna J. Brown Thomas; Jason Brown-Lewis; Yamma N. Brown, individually and on behalf of her minor children Sydney Lumar and Carrington Lumar; Tonya Brown; Venisha Brown Larry Brown; and Terry Brown and Henry Dargan McMaster, in his capacity as Attorney General of the State of South Carolina, Plaintiffs,

v.

Adele J. Pope and Robert L. Buchanan, Jr., Defendants,

of whom Russell L. Bauknight is the Respondent and Adele J. Pope is the Appellant.

CERTIFICATE OF SERVICE

I certify that on October 19, 2026, I served a true and correct copy of the Motion to Unseal Transcript and Exhibits and for Related Relief and Appendix thereto on Respondents and by depositing a copy of the same in the United States Mail, Postage prepaid, addressed as follows

Law Office of Adele J. Pope, P.C.
1228 Walnut Street
Newberry, South Carolina 29108
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October 19, 2026

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

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SC Court of Appeals

Buchanan and Others, v. Pope and Buchanan
Appellate Case No. 2026- 002236

Dear Ms. Kitchings:

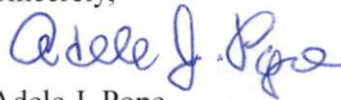
Enclosed please find the following:

1. Motion to Unseal Transcripts and Exhibits and for Related Relief
2. Appendix to Motion
3. Certificate of Service
4. My check in the amount of \$50 to cover the filing fee.

Kindly file this Motion and Appendix.

Thank you for your consideration.

Sincerely,



Adele J. Pope
Adele@popelawfirm.com
S.C. Bar No. 4501

cc:
Counsel of Record as shown on COS

Law Office of Adele J. Pope, P.C.
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