

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

SC Court of Appeals

The Honorable Doyet A. Early, III Circuit Court Judge  
The Honorable L. Casey Manning, 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 Alan Wilson, in his capacity as Attorney General of the State of South Carolina; Tommie Rae Brown, individually and on behalf of her minor child, James B. II; Daryl J. Brown, individually and on behalf of his minor child, Janise B.; Lindsey Delores Brown; Deanna J. Brown Thomas; Jason Brown-Lewis; Yamma N. Brown, individually and on behalf of her minor child Sydney L. And Carrington L.; Tonya Brown; Venisha Brown; Larry Brown; and Terry Brown

And

ALAN WILSON, in his capacity as Attorney General of the State of South Carolina; Tommie Rae Brown, individually and on behalf of her minor child, James B. II; Daryl J. Brown, individually and on behalf of his minor child Janise B.; Lindsey Delores Brown; Deanna J. Brown Thomas; Jason Brown-Lewis; Yamma N. Brown, individually and on behalf of her minor child Sydney L. and Carrington L.; Tonya Brown; Venisha Brown; Larry Brown; and Terry Brown, Respondents.

v.

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

Of whom Adele J. Pope is Appellant.

SUPPLEMENTAL RECORD ON APPEAL

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<p>ALAN WILSON Attorney General</p> <p>ROBERT D. COOK Solicitor General</p> <p>J. EMORY SMITH, JR. Deputy Solicitor General S.C. Bar No. 5262 P.O. Box 11549 Columbia, SC 29211 <b>ATTORNEYS FOR RESPONDENT ATTORNEY GENERAL</b></p>	

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### EXHIBITS AND OTHER MATERIALS AND DOCUMENTS

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ALAN WILSON  
ATTORNEY GENERAL

May 25, 2017

The Honorable Doyet A. Early, III  
Judge, Second Judicial Circuit  
P.O. Box 90  
Bamberg, SC 29003

Re: Bauknight v. Pope 2010-CP-40-4900  
Response to Pope's Proposed Order re Motion to be Dropped and  
Reply to Pope's Second Supplemental Return to Motion

Dear Judge Early:

I would appreciate your accepting this letter response to the above documents submitted or referenced by Ms. Pope yesterday. Although I requested additional time to respond due to family events and travel, I have since had time to review these documents and believe that my response may be brief.<sup>1</sup>

Ms. Pope's proposed order and Motion and Memorandum for Partial Summary Judgment recount her allegations and alleged chronology. These allegations and chronology are completely irrelevant to whether the Attorney General should be dropped as a party from case 4900. Therefore, we believe that addressing those allegations point by point is unnecessary and would be unproductive; however, we do not concede the allegations and believe that many are simply her characterizations or incomplete and / or would require proof. For example, Ms. Pope alleges in her 1337 Motion and Memo that "[t]he AG secreted Tomirae's Handwritten Notes" while failing to note that this Court had ordered that they not be disseminated. In the

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<sup>1</sup> Although, so far, I have not received Ms. Pope's Motion for Partial Summary Judgment and Memorandum in case 1337 which she incorporated in her Second Supplemental Return, we were able to retrieve it from the online record search for that case. The Attorney General is not a party to case 1337 so Ms. Pope should have served this Office with the Motion and Memorandum when she relies on it for the case 4900 Motion.

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same document she alleges that the Attorney General's Office failed to seek restitution from David Cannon but fails to note that the Office ultimately sought and obtained a restitution order as to Mr. Cannon.

While Ms. Pope contends that the immunity defense was not properly pleaded and is inapplicable, we maintain that the defense was raised sufficiently and applies for reasons set forth in our proposed order and filings regarding the Motion to be Dropped. Immunity bars the counterclaims and the Attorney General should be dropped from this suit for that reason and the other grounds we have set forth. Granting the motion is not only well supported, doing so would serve judicial economy by narrowing this litigation and to that extent, bringing it closer to conclusion.

Should your Honor prefer that any of these issues be addressed in a more formal or expanding filing, we will be glad to do so. For any additional filings or appearances, I respectfully request protection and the extension for which I asked in earlier correspondence or emails.

Because Sonny Jones argued the Motion to be Dropped and I will be out of the Office until June 5, I would appreciate your notifying him as well as me of any order issued in this matter or any other communication related to it.

Thank you for your consideration of this matter.

Respectfully submitted,

  
J. Emory Smith, Jr.

Deputy Solicitor General

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