

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY

Court of Common Pleas

The Honorable Doyet A. Early, III Circuit Court Judge
The Honorable L. Casey Manning, Circuit Court Judge

Appellate Case No. 2018-002229

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.

**RETURN AND OPPOSITION OF APPELLANT (SUBJECT TO
MOTION TO DISMISS) TO MOTION OF ATTORNEY GENERAL
TO STRIKE APPELLANT'S INITIAL BRIEF AND DESIGNATION
OF MATTER FOR THE RECORD**

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SC Court of Appeals

For each reason set out herein, and in the Return and Opposition to Motion of Respondents filed by Sweeny, Wingate & Barrow, P.A. (collectively, "Wingate") on May 24, 2019 on behalf of the Attorney General of South Carolina (Attorney General), which is incorporated by reference, the Motion to Strike served by the Attorney General should be denied.

1. The Attorney General's filings violate the South Carolina Constitution and

Due Process rights of Appellant.

2. Wingate may not act for the Attorney General and Bauknight may not act on behalf of the Attorney General;

3. Wingate may not act for the James Brown Legacy Trust because it is currently claiming in this Court that it does not exist and is controlled by the Attorney General with no oversight and in violation of his public duty.

4. The Attorney General's attempt to make a general appearance after he has allowed a private law firm to speak for the State for nine year and has been dismissed as a party for nonjoinder does not correct the Constitutional violations.

5. The Attorney General is carrying out direct defiance of the Supreme Court which was begun by the Office of the Attorney General on May 10, 2013, just two days after the decision in *Wilson v. Dallas*.

6. The Attorney General is not protecting the public of South Carolina, but his own private interest, including the interest he holds in Respondent James Brown Legacy Trust, with others, as follows:

- a. **47.5% to the Attorney General's (New) Charity** which has never been formed or qualified by the IRS; which claims it is private; for which a \$2.8 million estate tax charitable deduction was claimed by Legacy Trust trustee Russell Bauknight (Bauknight) in IRS filings in the Estate of James Brown; but which has never made required IRS filings; and has never accounted either to the Court or to the taxpayers of South Carolina.
- b. **23.75% to Tommie Rae**
- c. **4.79% to Venisha Brown (Venisha), Deceased**
- d. **4.79% to Terry Brown (Terry)**
- e. **4.79% to Deanna Brown Thomas (Deanna)**
- f. **4.79% to Daryl Brown (Brown)**
- g. **4.79% to Larry Brown (Larry)**

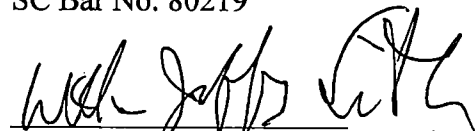
h. 4.79% to Yamma Brown(Yamma)

7. For each reason stated in the Motion to Strike and Return to Motion to Strike of Wingate and Affidavit of Adele J. Pope served herewith.

Respectfully Submitted,

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Attorneys for the Appellant

May 31, 2019

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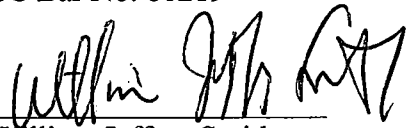
**CERTIFICATE OF SERVICE OF RETURN AND OPPOSITION OF
APPELLANT (SUBJECT TO MOTION TO DISMISS) TO MOTION
OF ATTORNEY GENERAL TO STRIKE APPELLANT'S INITIAL
BRIEF AND DESIGNATION OF MATTER FOR THE RECORD**

I certify that on May 31, 2019 I have served RETURN AND OPPOSITION OF APPELLANT (SUBJECT TO MOTION TO DISMISS) TO MOTION OF ATTORNEY GENERAL TO STRIKE APPELLANT'S INITIAL BRIEF AND DESIGNATION OF MATTER FOR THE RECORD by hand delivery on counsel listed below:

Alan Wilson Attorney General Robert D. Cook Solicitor General J. Emory Smith, Jr., Esquire Deputy Solicitor General Office of the Attorney General 1000 Assembly Street Columbia, South Carolina 29201	Kenneth B. Wingate, Esquire Mark V. Gende, Esquire Sweeny, Wingate, and Barrow, P.A. 1515 Lady Street Columbia, SC 29201
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