

THE 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
Trial Court Case 2010CP4004900

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JUN 13 2019
SC Court of Appeals

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 children, 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 children, 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 the Appellant.

**REPLY OF ATTORNEY GENERAL TO APPELLANT’S RETURN
TO MOTION TO STRIKE HER INITIAL BRIEF AND DESIGNATION**

Appellant's Return to the Attorney General's Motion to Strike her Initial Brief and Designation fails to address any of the grounds set forth in his Motion.¹ Instead, she rehashes irrelevant, baseless arguments that are unresponsive to the Motion. The Attorney General's Motion included the following grounds:

1. Appellant's brief fails to document a source for statements in her brief of an alleged factual nature.
2. She repeatedly cites a November 8, 2017, affidavit that apparently was not filed in the Circuit Court and therefore not properly part of the Record on Appeal.
3. Her brief cites a December 17, 2018 affidavit that she did not file in Circuit Court until after the Orders under appeal had been decided and she had filed her notice of appeal.
4. Her brief references letters and emails without showing that they were filed with the Circuit Court.
5. She makes accusations that are unsupported by any reference to the Record.

Because Appellant fails to respond to these grounds, the Attorney General's Motion should be granted and Appellant's Brief and Designation should be struck.

Her objections rehash old arguments without any support. She claims that the Attorney General's filings violate the Constitution without identifying the filings or offering any reason why she believes they are unconstitutional. She complains that the Sweeny Wingate and Barrow (SWB) law firm may not act for the Attorney General, but that meritless issue is the subject of Appeal 2017-1899 and is addressed in the Attorney General's Return to Appellant's Motion to Strike. She jumbles in complaints about SWB with complaints about the Attorney General's role

¹ The Attorney General preserves and does not waive any arguments he made regarding his being dropped as a party to this case. Order dated May 31, 2017, and filed June 12, 2017.

as to the Legacy Trust, but those issues are not relevant to this appeal and appear to be contrary to the Supreme Court's Order of June 15, 2015, admonishing her not to continue to involve herself in the resolution of the Estate and Trust" Without explanation, Appellant contends that the Attorney General is acting in defiance of the Supreme Court referring to the decision of that Court in *Wilson v. Dallas*, 403 S.C. 411, 743 S.E. 2d 746 (2013). The Attorney General's filings in this case are entirely consistent with that Opinion.

Appellant incorporates by reference her Return to the Motion to Strike filed by SWB. To the extent that the Reply to that Return filed by SWB is pertinent to the Attorney General's Motion, he craves reference to it. In particular, the Attorney General objects most strongly to the baseless, vitriolic attacks on his Office and staff by Appellant in her filings.

Appellant also has filed an affidavit with 141 pages of attachments in support of her filings. It should be disregarded or struck because the affidavit consists of 20 pages of her own testimony outside the record on appeal and because the affidavit and attachments are irrelevant to the grounds for the Attorney General's Motion to Strike. Therefore, the attachments and affidavit are not properly before this Court. Rule 210(c) , SCACR (Record shall not include matter not presented to the lower court); Rule 201(h) (Review limited to Record on Appeal).²

The Attorney General's Motion to Strike should be granted because Appellant has violated the Appellate Court rules, because she has failed to address the grounds for that Motion and because she makes irrelevant assertions that are not properly before this Court in this appeal.

Respectfully submitted,

ALAN WILSON
Attorney General
[Signature block continues next page]

² Because the affidavit is not appropriate, the Attorney General does not respond to the statements within that document or its voluminous attachments.

ROBERT D. COOK
Solicitor General
S.C. Bar No. 1373

J. EMORY SMITH, JR.
Deputy Solicitor General
S.C. Bar No. 5262

BY: 

ATTORNEYS FOR RESPONDENT
ATTORNEY GENERAL

June 13, 2019

THE STATE OF SOUTH CAROLINA
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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 children, 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 the Appellant.

CERTIFICATE OF SERVICE

I hereby certify that I have served the Attorney General's Reply to Appellant's Return to

his Motion to Strike Appellant's Initial Brief and Designation, and his Return to Appellant's Motion to Strike his Initial Brief and Motion to Strike on counsel for the other parties by mailing copies to them at the addresses below via the United States Mail this June 13, 2019:

Adam T. Silvernail, Esquire
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P.O. Box 7995
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J. EMORY SMITH, JR.
Deputy Solicitor General
S.C. Bar No. 5262
Counsel for the Attorney General



ALAN WILSON
ATTORNEY GENERAL

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SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
HAND DELIVERY

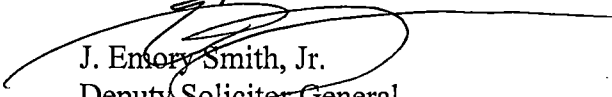
Re: Bauknight v. Pope, Appellate Case No. 2018-002229

Dear Ms. Kitchings:

Enclosed for filing with your Office is the original and six copies of the Attorney General's Reply to Appellant's Return to his Motion to Strike Appellant's Initial Brief and Designation, and his Return to Appellant's Motion to Strike his Initial Brief and Motion to Strike together with a certificate of service.

Thank you for your assistance.

Respectfully submitted,


J. Entory Smith, Jr.
Deputy Solicitor General
Counsel for the Attorney General

cc: Charles E. Carpenter, Jr., Esquire
Adam T. Silvernail, Esquire
William Jeffrey Smith, Esquire
Daryl L. Williams, Esquire
Kenneth B. Wingate, Esquire
Mark V. Gende, Esquire