

Isaac Smith, Jr.
2916 1/4th West Vernon Ave.
Los Angeles CA 90008
323-295-9500

RECEIVED
FEB 22 2021
SC Court of Appeals

February 14, 2021

The South Carolina Court of Appeals
1221 Senate Street
Post Office Box 11829
Columbia, South Carolina 29201

Attention: V. Clair Allen, Deputy Clerk

RE:

Re: Judge Amy W. McCulloch
Richland County Probate Court file 2016-ES-40-00077
Isaac Smith, Jr. vs. Johnnie Mae Newton
Appellate Case No.: 2018-002167

Dear Sir/Madame

I am writing this letter in reference to Judge Amy W. McCulloch, Probate Judge for Richland County, 1701 Main Street, Columbia, South Carolina 29201. Richland County Probate Court Judge Amy W. McCulloch office oversaw the probate of the Estate of Johnnie Mae Muller, Richland County Probate Court file 2016-ES-40-00077. I was the personal representative of the Estate of Johnnie Mae Muller.

The case reference above under appeal is not the matter to which I am writing, however the matter under appeal is related to the current issue I am writing about. The above referenced appellate case concern a procedural matter. The matter I am addressing the unavailability of a transcript from a hearing from the same probate estate under appeal. I am seeking direction and assistance in dealing with the matter before me.

I requested a transcript of the hearing held on December 1, 2016 from Creel Reporting Service. The reporting company contacted the Probate Court and they arranged to have the tape of the aforementioned hearing transcribed. In the process, while transcribing the tape, they discovered the tape was compromised and much if not all of the tape was not comprehensible. The tape was worthless and consequently, there was no record of the hearing as is constitutionally required. The tape was compromised and it is our constitutional right and duty to find out why the tape was in the condition it was in.

Subsequently, I requested the tape from the Probate Court so that I could find out why the tape is inaudible. The law requires that the court have an adequate record of a hearing of the level of the hearing of December 1, 2016. The probate court is not a summary court and is held to the same standard of the circuit court as to preservation of the record.

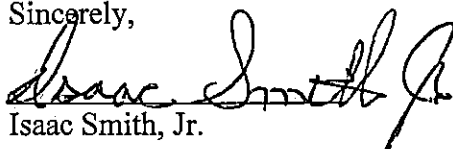
Later, I received a correspondence from the Probate Court that I could not get a copy of the tape because the tape had not been saved. The judge referenced Rule 1 of the South Carolina Rules of Civil Procedure. That put me in an unwinnable situation. I desperately wanted to correct what I considered as an unlawful ruling and I did not have a record that is required for further action. I needed to find out how and why the tape was compromised. I need the tape in order to find out what happened to it.

Subsequently I corresponded with Judge Allison Renee Lee in the above referenced matter. I am enclosing a copy of the previous letter her. Since that correspondence, she was replaced her in this position at the beginning of the new year.

I then corresponded with Robert E. Hood, mistakenly thinking he was the new Chief Administrative Judge. Judge Hood forwarded my letter to Judge L. Casey Manning. I received a response from Judge L. Casey Manning that neither he nor Judge Hood has any jurisdiction to review my matter. Judge Manning further replied that the nor any circuit court judge had any authority to compel the Probate Judge to change their decision.

I hope you understand that the failure of Judge Amy W. McCulloch leaves me in an unwinnable situation I am in now. Her actions or lack thereof has caused considerable hardship to me and my family. I desperately want to appeal what I consider as an unlawful ruling and I do not have a record that is required for appeal. I want to find out how and why the tape was compromised and I need a copy of the tape or whatever is left of it in order to find out what happened to it.

Sincerely,

A handwritten signature in cursive script that reads "Isaac Smith, Jr." The signature is written in black ink and is positioned above the typed name.

Isaac Smith, Jr.

**THE CIRCUIT COURT OF SOUTH CAROLINA
FIFTH JUDICIAL CIRCUIT
1701 Main Street, Richland County Judicial Center
Columbia, South Carolina 29201**

L. Casey Manning
Resident Judge
(803) 576-1773
(803) 576-1744 Fax

Reply to :
P.O. Box 192
Columbia, S.C. 29202

February 4, 2021

VIA U.S. MAIL only

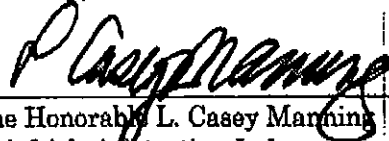
Isaac Smith, Jr.
2916 ½ W. Vernon Avenue
Los Angeles, California
90008

RE: Johnnie Mae Muller Newton Estate
C/A No. 2018-CP-40-00403
Probate C/A No. 2016-ES40-00077

Mr. Smith,

Judge Robert E. Hood's Chambers forwarded your letter to my office. Neither I nor Judge Hood have jurisdiction to resolve your matter. The Probate Court has communicated to you their reasons for denying your request for the hearing tape. I nor any other Circuit Court judge has authority to compel the Probate Court to change their decision.

Sincerely,



The Honorable L. Casey Manning
Chief Administrative Judge
Fifth Judicial Circuit

cc: (via Email only)
Hon. Alison Renee Lee
Hon. Robert E. Hood
Hon. Amy W. McCulloch
Lori Elrod



RICHLAND COUNTY PROBATE COURT

AMY W. McCULLOCH
Judge of Probate
mcculloch.amy@richlandcountysc.gov

www.richlandcountysc.gov/probate
Richland County Judicial Center
Post Office Box 192
Columbia, S.C. 29202
(803) 576-1961

JACQUELINE D; BELTON
Associate Judge of Probate
belton.jacqueline@richlandcountysc.gov

October 29, 2020

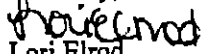
ISAAC SMITH
2916 1/4 W. Vernon Ave.
Los Angeles, CA 90008

RE: The Estate of Johnnie Mae Muller Newton
Estate No.: 2016 ES40 00077

Dear Mr. Smith:

We received your request for the probate recording of a hearing held on December 1, 2016. As the hearing was transcribed by a court reporter who was present for the hearing, the audio recording no longer is saved pursuant to Rule 1 of the South Carolina Rules of Probate Court.

You filed a copy of the transcription so I must assume you have it. If you need another copy, you can sign into the SMS system to view, download or print filings in this estate. Here is the website for SMS with Richland County: https://www6.richlandcountysc.gov/SMS_External/Login.aspx.

Sincerely,

Lori Elrod
Clerk of Court
Richland County Probate Court

Copied to: Attorney Elnora Dean
Attorney Heather Cairns
Attorney Adam Silvermail

RULE 1
SCOPE OF RULES

These rules govern the procedure in all South Carolina courts in all suits of a civil nature whether cognizable as cases at law or in equity, with the exceptions stated in Rule 81. They shall be construed to secure the just, speedy, and inexpensive determination of every action.

RULE 81
APPLICABILITY

These rules, or any of them, shall apply to every trial court of civil jurisdiction within this state, within the limits of the jurisdiction and powers of the court provided by law, and the procedure therein shall conform to these rules insofar as practicable. They shall apply insofar as practicable in magistrate's courts, probate courts, and family courts to the extent they are not inconsistent with the statutes and rules governing those courts. In any case where no provision is made by statute or these Rules, the procedure shall be according to the practice as it has heretofore existed in the courts of this State.

Note:

This Rule 81 covers the same subject as the Federal Rule but is drafted to conform to the State court system, and to make the procedure in all civil courts as uniform as possible.

Isaac Smith, Jr.
2916 1/4 W. Vernon Avenue
Los Angeles, CA 90008
323-295-9500

October 22, 2020

Richland County Probate Court
1701 Main Street
Columbia, SC 29201

Telephone: (803) 734-2038

Attention: Amy McCullough
Probate Judge

Re: Johnnie Mae Muller Newton Estate
Circuit Court Number: 2016-CP-40-00403
Case Number: 2016-ES-40-00077

I requested a transcript of the hearing held on December 1, 2016 from Creel Reporting Service. The reporting company contacted the Probate Court and they arranged to have the tape of the aforementioned hearing transcribed. In the process, while transcribing the tape, they discovered the tape was compromised and much if not all of the tape was not comprehensible. The tape was worthless and consequently, there was no record of the hearing as is constitutionally required. The tape was compromised and it is our constitutional right and duty to find out why the tape was in the condition it was in.

Therefore, I am asking for the tapes so that I can find out why the tape is inaudible. Please call or mail me when the tapes are ready so I can have my son, Broderick Smith pick it up from the Probate Court. The law requires that the court have an adequate record of a hearing of the level of the hearing of December 1, 2016. The probate court is not a summary court and is held to the same standard of the circuit court as to preservation of the record.

I hope you understand the unwinnable situation I am in now. I desperately want to correct what I consider as an unlawful ruling and I do not have a record that is required for action. Let us find out how and why the tape was compromised. I need the tape in order to find out what happened to it.

Sincerely,


Isaac Smith, Jr.

Isaac Smith, Jr.
2916 1/4 W. Vernon Avenue
Los Angeles, CA 90008

January 22, 2021

The Honorable Robert E. Hood
P.O. Box 192
1701 Main Street, Ste. 222
Columbia, SC 29202

Office: (803) 576-1770
Fax: (803)576-1772
rhoosdc@sccourts.org

Attention: **Robert E. Hood**
Chief Administrative Judge

Re: Johnnie Mae Muller Newton Estate
Circuit Court Number: 2018-CP-40-00403
Case Number: 2016-ES-40-00077

I previously corresponded with Judge Allison Renee Lee in the above referenced matter. I am enclosing a copy of the previous letter her. Since the previous correspondence, I understand that you replaced her in this position at the beginning of the year.

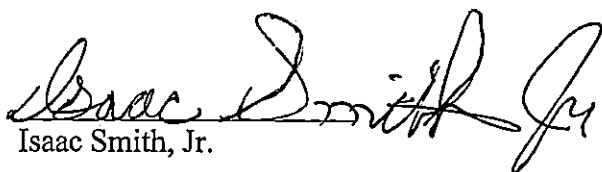
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Later, I received a correspondence from the Probate Court that I could not get a copy of the tape because the tape had not been saved. The judge referenced Rule 1 of the South Carolina Rules of Civil Procedure. That put me in an unwinnable situation. I desperately want to correct what I consider as an unlawful ruling and I do not have a record that is required for further action. Let us find out how and why the tape was compromised. I need the tape in order to find out what happened to it.

I am asking you in your position as chief administrative court judge that you advise me as to why the tape is unavailable and if the tape is available, please compel the probate judge to release the tape to me. The United States Constitution mandates the process. I am seeking further action on the ruling and need an available record in order to do so. Without such available record the hearing and the ruling from the hearing is invalid. Please assist me in this matter.

Sincerely,

A handwritten signature in black ink that reads "Isaac Smith, Jr." in a cursive style. The signature is written over a horizontal line.

Isaac Smith, Jr.

Isaac Smith, Jr.
2916 1/4 W. Vernon Avenue
Los Angeles, CA 90008

323-295-9500

December 11, 2020

The Honorable Alison Renee Lee
P O Box 192
1701 Main St., Room 324
Columbia, SC 29202-0192
Office: (803) 576-1765
Fax: (803)576-1768

Attention: Judge Lee
Chief Administrative Court Judge

Re: Johnnie Mae Muller Newton Estate
Circuit Court Number: 2018-CP-40-00403
Case Number: 2016-ES-40-00077

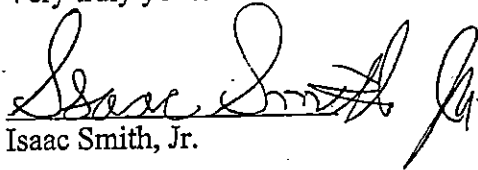
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I am asking you in your position as chief administrative court judge that you advise me as to why the tape is unavailable and if the tape is available please compel the probate judge to release the tape to me. The United States Constitution mandates due process. I am seeking further action on the ruling and I need an audible record in order to do so. Without such available the hearing and the ruling from the hearing is invalid. Please assist me on this matter.

Very truly yours

A handwritten signature in cursive script that reads "Isaac Smith, Jr." with a stylized flourish at the end.

Isaac Smith, Jr.

Isaac Smith, Jr.
2916¼ W. Vernon Avenue
Los Angeles, CA 90008

323-295-9500

January 11, 2021

Fulton County Probate Court
136 Pryor St SW # C230,
Atlanta, GA 30303

Re: Estate of Carrie Bell Muller Lewis, Adult Ward
Fulton County, GA Estate Case Number PC-2019-0393
Richland County, SC Circuit Court Number: 2018-CP-40-00403
Richland County, SC Probate Case Number: 2016-ES-40-00077
Lexington County SC Probate Case Number 2019-CP-32-01270

Attention: Pinkie Toomer

Dear Judge Toomer:

I am writing to update as to the status of the original probate action in Richland County, South Carolina. The Richland County, South Carolina Probate Court decisions were cited in Fulton County Georgia Probate Court decision. Circumstances have changed and I need your court to understand that your court may need to revisit your decision in this case.

Additionally, Attorney Elnora Dean is listed as the Attorney for Ms. Carrie bell Muller Lewis. Attorney Dean has engaged in several unethical legal practices as it related to my mother. She testified under oath that she represented my mother while at the same admitting that she did not know whether Mrs. Carrie Muller Lewis was competent and had the capacity to make decisions. She has never been authorized to represent Mrs. Carrie Muller Lewis in the above referenced Richland Court Cases. Attorney Elnora Dean has exercised unethical behavior throughout her proposed representation of my mother. She oversaw a transaction were my mother conveyed her property when she acknowledged my mother lacked capacity.

Attorney Dean's Actions beginning in 2016 have aided my sister to take total control of my mother and all of her business. In 2010 my mother hired Attorney Dean to complete a Medical power of attorney for my sister. My sister lived 3 hours away. I live 3,000 mile away. Any claim that it was given for any other reason is a profound lie. With Attorney Dean's help my sister has perverted my mother's trust and intentions. My mother would never give me or my sister the right or authority to exclude either one of us from her. Instead, I have had to sue my sister to see my mother and after giving plenty of notice since the court hearing. Flying into

Atlanta from Los Angeles, I was allowed to spend one hour at the community hospital with my mother and sister.

As you already know, at the hearing in your court, the only bank mentioned was the \$2,000.00 left in First Citizen's Bank. More than \$20,000.00 was missing from that one account. However in your ruling, you determined that there was only \$2,000.00 in all of my mother's six accounts. That only means that my sister plundered additional thousands and thousands of Dollars of my mother money. This is after she clearly stated at the hearing that she made \$70,000.00 a year as a teacher in Georgia and took care of all of my mother's needs and costs. She repeated this bold statement. This proves her to be a liar and a thief.

Furthermore, at the hearing my sister, Sonja Lewis told the court that her attorney, Elnora Dean, told her that she did not have to keep any records as to how she spent my mother's money. It is very clear that Attorney Dean's character is beneath lack of integrity.

In September 2016, I visited my mother at Atlanta Medical Center. Dr. Samuel O. Teniola informed me that my mother could never live alone and that my sister and her daughter had an over powering effect in her presence. Their influential presence was beyond my mother's ability to control or restrain her true wishes and feelings.

In September of 2016, my sister hired Attorney Dean to petition the Lexington County, South Carolina, Probate Court to become guardian and conservator of my mother. In October of 2016 Attorney Dean presented documents to Lexington County Court giving a durable power of attorney to my sister. With that document my sister has plundered my mother's life savings. In December, 2016 and August, 2017, Attorney Dean went before Richland County, South Carolina Probate Court stating that she represented Mrs. Carrie Lewis. Attorney Elnora Dean is a legal degenerate.

My mother became father, grandfather as well as grandmother to my sister's two children. My sister is and angry and bitter unwed mother by two separate men. Disagreeing with my sister would mean that my sister and her children would leave my mother. They would have abandoned her. That pain was deep in her thinking and actions. My sister's insecurities would have forced her to act just that way. That pain was deep in my mother. It broke my heart.

As we age, my sister has directed her failures and life insecurities toward me and my son. That is not acceptable. With the help of professionals in authority and Attorney Dean her true character shows. She is a selfish greedy and destructive Black woman.

Your court appointed a conservator, Ann Herrera, has not followed your court ruling. To my knowledge, she has not collected any of my mother's assets. She has ignored your order. She has been derelict with the responsibilities your order gave her. Her actions have emboldened my sister to continue on her way.

I requested a transcript of the hearing held on December 1, 2016 from Creel Reporting Service. The reporting company contacted the Probate Court and they arranged to have the tape of the aforementioned hearing transcribed. In the process, while transcribing


the tape, they discovered the tape was compromised and much if not all of the tape was not comprehensible. The tape was worthless and consequently, there was no record of the hearing as is constitutionally required. The tape was compromised, and it is our constitutional right and duty to find out why the tape was in the condition it was in.

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Later, I received a correspondence from the Probate Court that I could not get a copy of the tape because the tape had not been saved. The judge referenced Rule 1 of the South Carolina Rule of Civil Procedure. That put me in an unwinnable situation. I desperately want to correct what I consider as an unlawful ruling and I do not have a record that is required for further action. It is especially vital in that the Richland County Probate Court ruling was the basis for the Fulton County Georgia ruling. I am continuing all efforts to find out how and why the tape was compromised.

The United States Constitution mandates due process. I am seeking further action on the ruling and I need an audible record in order to do so. Without such available the hearing and the ruling from the hearing is invalid. Please assist me on this matter. Therefore, I am asking you in your position as probate judge that you revisit your decision in the Fulton County case listed above revisit your initial ruling the above referenced case and make an equitable decision considering the lack of an available record in the Richland County case that was cited in your decision as to why you ruled against me.

Very truly yours


Isaac Smith, Jr., Pro Se

Isaac Smith
2916 W West Vernon Ave.
Los Angeles, CA 90008

CERTIFIED MAIL



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2221

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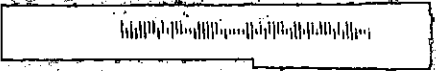
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FEB 22 2021

SC Court of Appeals

The South Carolina Court of Appeals
Post Office Box 11825
Columbia, SC 29202-11825
2/22

RETURN RECEIPT
REQUESTED



2/22