

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

February 23, 2021

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MAR 01 2021
SC Court of Appeals

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.

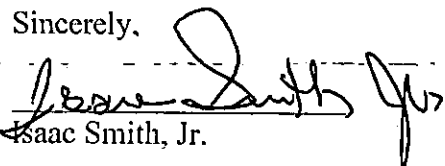
Later, I received a correspondence from the Probate Court that I could not get a copy of the tape because the tape had not been saved. The judge referenced Rule 1 of the South Carolina Rules of Civil Procedure. That put me in an unwinnable situation. I desperately wanted to correct what I considered 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 here. Since that correspondence, she was replaced here in this position at the beginning of the new year.

I then corresponded with Robert E. Hood, mistakenly thanking 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 he 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. The actions or lack thereof of Judge Amy W. McCulloch 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,


Isaac Smith, Jr.

THE STATE OF SOUTH CAROLINA
Richland County Probate Court

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SC Court of Appeals

Request from RICHLAND COUNTY
Probate Court
Amy McColough, Probate Court Judge

Case No. 2016-ES-40-00077

Estate of Johnnie Mae Muller Newton,Respondent

v.

Isaac Smith, Jr.,Appellant

PROOF OF SERVICE

I certify that I have served a copy of the letter to the Court of Appeals as to the denial of the Probate Court of the requesting of original tape recording of hearing dated December 1, 2016, by depositing a copy of it in the United States Mail, by depositing a copy of the same into the United States Mail, first-class postage prepaid, addressed as follows:

Heather Cairns,
Cairns Law Firm, LLC,
2537 Gervais Street, Columbia, SC 29204

Adam T. Silvernail
Law Office of Adam T. Silvernail
Post Office Box 7995
Columbia, South Carolina 29202

Richland County Probate Court
1701 Main Street
Columbia, SC 29201

CONVICTION
Fifth Circuit Court
1701 Main Street
Columbia, SC 29201
alsoqqA to nubU Je

Elnora J. Dean
1401 Calhoun St,
Columbia, SC 29201

February 23, 2021



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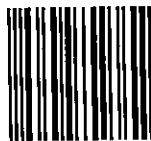
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