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MAR 30 2021

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

\_\_\_\_\_  
RICHLAND COUNTY PROBATE COURT

Amy W. McCulloch, Probate Court Judge

Court of Common Pleas

\_\_\_\_\_  
**Case No. 2018-002167**

Isaac Smith, Jr., ..... Appellant

v.

Johnnie Mae Muller Newton, ..... Respondent

\_\_\_\_\_  
**Petition to compel Probate Court to produce Probate Court Transcript**

Petitioner, Isaac Smith, Jr., hereby respectfully request this court compel the above name probate judge to produce the transcript dated December 1, 2016. This petition is 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.

1, Petitioner 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.

2. Subsequently, Petitioner 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.

3. Later, Petitioner 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.

4, Subsequently Petitioner 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.


5. 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 re-

ceived 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.

6. The case reference above under appeal is not the matter to which the petitioner is writing, however the matter under appeal is related to the current issue PETITIONER am writing about. The above referenced appellate case concern a procedural matter. The matter PETITIONER am addressing the unavailability of a transcript from a hearing from the same probate estate under appeal.

7. Petitioner contends that the failure of Judge Amy W. McCulloch leaves petitioner in an unwinnable situation. The Probate Court's actions or lack thereof has caused considerable hardship the petitioner. Petitioner desperately want to appeal an unlawful ruling and does not have a record that is required for appeal.

Petitioner respectfully request the court to compel the Probate Court to produce the tape so that the petitioner can determine why the tape was compromised. Petitioner needs a copy of the tape or whatever is left of it in order to find out what happed to it.



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March 25, 2021

THE STATE OF SOUTH CAROLINA  
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SC Court of Appeals

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**PROOF OF SERVICE**

\_\_\_\_\_  
I certify that I have served a copy of the Petition to compel Probate Court to produce Probate Court Transcript 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:

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2537 Gervais Street, Columbia, SC 29204

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Fifth Circuit Court  
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Elnora J. Dean  
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Columbia, SC 29201

Sonja Lewis  
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College Park, GA 30349

Lexington County Probate Court  
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Ann Herrera  
201 Swanton Way  
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Fulton County Probate Court  
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March 25, 2021

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