

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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**Jul 13 2021**

APPEAL FROM RICHLAND COUNTY  
Court Of Common Pleas

**SC Court of Appeals**

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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Appellate Case No.2018-002229

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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.

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**REPLY OF ATTORNEY GENERAL TO RETURN TO  
MOTION TO BE DISMISSED FROM APPEAL**

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Appellant's Return should be disregarded and the Attorney Generals' Motion to be Dismiss should be granted. In her 26 page Return, Appellant attempts to reargue why the Attorney General should not be dropped from this case, but that issue was the subject of a different appeal, 2017-001899, which has concluded. She has already had the opportunity to argue against his dismissal multiple times, pursued it vigorously and lost in the Circuit Court, including on her Motion to Alter or Amend, in the Court of Appeals, including on her Petition for Rehearing, and in the Supreme Court. *See, infra*. These Orders warrant the Attorney General's dismissal from this appeal. Regardless of the outcome of this appeal or the granting of summary judgment as to her counterclaim, the Attorney General is no longer a party to this case.

Although the above Orders are determinative, we regret that we must further address Appellant's Return as it is filled with outrageous and baseless accusations without asserting any valid legal reason why the Attorney General should remain in this case. The Return should be disregarded because it violates or is inconsistent with prior orders of this Court and the Supreme Court and the Appellate Court rules by including references to matters since the filing of this appeal, by referring to cases not the subject of this appeal, by making unsupported, outrageous allegations against various people, and by attaching documents previously excluded by this Court and the Supreme Court. Appellant's continued disregard of the Rules of Appellate procedure and the rulings of this State's judicial system should not be permitted. To address each and every error in Appellant's brief would result in a voluminous reply and require more time than the current extension of time allows. Instead, this Reply highlights some of the overarching problems with Appellant's Return.

**Appellant Ignores the Effect of the Plain Rulings of The Circuit Court,  
the Court of Appeals and the Supreme Court**

The Court of Appeals affirmed the Order of Judge Doyet A. Early, III, dropping the Attorney General as a party to case 2010CP4004900 from which the instant appeal as to other orders is taken. *Bauknight as Tr. of James Brown 2000 Irrevocable Tr. v. Pope*, No. 2017-001899, 2020 WL 3989494, at \*1 (S.C. Ct. App. July 15, 2020). By Order dated April 21, 2021, the South Carolina Supreme Court unanimously denied Appellant Pope’s petition for writ of certiorari as to appeal 1899. S.C. Sup. Ct. Case No. 2020-001383. This Court issued the remittitur from appeal 1899 on April 23, 2021, over two months ago. Therefore, Judge Early’s Order is operative, and the Attorney General is no longer a party to this case including this appeal. Significantly, in its Order denying certiorari, the Supreme Court said that “[t]he motions currently pending before the Honorable Clifton B. Newman in the circuit court may now be resolved so that the extensive litigation in this matter may be promptly concluded.” Plaintiff’s opposition to the instant motion not only ignores the binding nature of the above orders, it violates the Court’s directive that “the extensive litigation in this matter may be promptly concluded.”

This Court has no authority to grant Appellant’s request to vacate the Circuit Court’s Order dismissing the Attorney General under Rule 60. That request is baseless, is based upon a Circuit Court rule rather than the Rules of Appellate Procedure and conflicts with the above directive of the Supreme Court. As noted above, Appellant has had more than ample opportunity

to argue against the Attorney General's dismissal before the Circuit Court dismissed him in June 2017 (not 2016 as she states)<sup>1</sup>, and in the appellate proceedings that followed.

**The Attorney General Has Only Participated In The Instant Appeal 2229 Subject to His Being Dropped From This Case Pursuant to the Above Order**

Appellant contends that the Attorney General has continued to participate in this case. He has done so only subject to the Order dismissing him and arguments pertaining thereto. *See eg.* Brief of the Attorney General at page 1. Had the Court reversed the Order dropping the Attorney General, then he would have had an interest in remaining a party to the appeal of the order granting summary judgment as to the counterclaim. As for participation in the Circuit Court, that Court granted the Summary Judgment Motion at issue in the instant appeal less than a month after dropping the Attorney General as a party by Order filed June 12, 2017, which was long after the Motion was briefed and argued and without further argument by the Attorney General R. V I, pp. 180 & 181.

**Appellant Cites and Attaches Documents Excluded By This Court In Violation of Its Order**

Appellant cites and attaches an April 24, 2013 letter to the Sweeny Wingate & Barrow law firm and a letter from that firm dated January 20, 2012. Exs. A and C to Return. This Court denied Appellant's November 5, 2020, Motion for this Court to take Judicial Notice of those same documents and others in instant appeal 2229 by Order filed December 22, 2020. She violates that Order in attaching these letters once again. The Supreme Court's Order of December 11, 2020, also denied Appellant's Motion to Supplement the Record with these letters

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<sup>1</sup> Appellant filed a 54 page 247 paragraph July 19, 2017, Motion to Reconsider its decision dropping the Attorney General's Motion to Alter or Amend which the Circuit Court denied. R., V. I, p. 204 and p. V. II, p. 860.

and other documents for her Petition for Certiorari (Case No. 2020-001383) from this Court's ruling in appeal 1899.

**Appellant's Motion References other cases and contains undocumented passages in violation of this Court's Order**

This Court's Order filed July 26, 2019, granting a motion to strike Appellant's initial brief and designation of matter stated in part as follows:

Specifically, the amended designation of matter shall not include matter which was not presented to the circuit court, and the amended initial brief shall not include references to matter which was not presented to the circuit court. See Rule 209(b), SCACR (providing the designation of matter may only include documents and materials which may properly be included in the record on appeal); Rule 210(c), SCACR (providing the record shall not include matter which was not presented to the lower court or tribunal). Further, the amended initial brief shall include references to the transcript or other documents properly included in the record on appeal to support all salient facts alleged. See Rule 208(b)(4), SCACR ("The brief shall contain references to the transcript, pleadings, orders, exhibits, or other materials which may properly be included in the Record on Appeal [see Rule 210(c)] to support the salient facts alleged. ... In the initial briefs, these references should be ... by the page of the material referenced.").

Appellant violates that Order throughout her filing in referring to matters after she filed this appeal on December, 17, 2018, some of which are not in this case or any other case and are undocumented and irrelevant. *See, eg*, Return at p. 6 ("The AG's actions from 2013 until 2021 are a breach of the Attorney General's 2013 commitment to monitor and protect James Brown's "I Feel Good" Charity"); p. 7 ("continues in 2021 with the AG's FOIA noncompliance and motions to cleanse the public record . . ."); p. 8 (AG's FOIA Noncompliance Supports Denial of the Motion); p. 9, n. 10 ("As of 2021 no accountings have been filed for Brown's estate after 2016."); (pp. 10 & 16 (references to FOIA releases in 2020 including the above 2013 letter); p. 14 ("Between 2016 and 2021 the State/Attorney General has continued its overwhelming support for the Richland 4900 complaint"); p. 19, n. 28 ("Status Report of Appellate Counsel for Pope,

filed June 10, 2021, by the undersigned counsel in Richland 4900.”); p. 20 (“Judge Newman has scheduled a hearing for July 29, 2021”).

Regardless of time frame, numerous passages in Appellant’s Return are undocumented by references to the record or any other document and are baseless. See, eg. Return, pp. 4, 5, 7, 9, 10, 14, 18. Many of the accusations in those passages are outrageous and / or absurd as in the following quote “[t]he Attorney General has helped Hynie and her son escape to London, U.K.” Appellant’s Return at page 24,

### **Appellant Makes Disrespectful Accusations Against the Circuit Court**

Not stopping with the parties to the suit and others, Appellant makes disrespectful accusations against the Circuit Court. See. Appellant’s Return at p. 18 (“[Judge Early’s] commitment to help Hynie, Bauknight and AG Jones blame their second dismembering of Brown's charity on Buchanan and Pope continued until Judge Early's retirement in February 2019;” Return at p. 19 (“Part of the circuit court's commitment to the Hynie plan was the refusal to hear any motion in Richland 4900 or the FOIA cases which the AG, Bauknight or Wingate did not ask to hear.”). These accusations are similar to inappropriate ones Appellant made in her Reply to the Brief of Respondents. See. eg., p. 23 (“the circuit court has aided the AG in retaliation . . . .”); p. 25 (“The January 2019 order was the culmination of six years of retaliation and denial of Due Process by the circuit court.”). As noted above, she has failed to follow orders of this Court.

### **CONCLUSION**

Appellants’ arguments fly in the face of the Circuit Court’s dismissal of the Attorney General, the opinion of this Court and the Order of the Supreme Court. The Attorney General

has been dismissed as a party to the case that is the subject of this appeal. That matter is decided and ended. Therefore, as he is no longer a party to the underlying case, he should be dismissed as a party to this appeal. Appellant's Return's outrageous, baseless accusations, lengthy undocumented passages, references to matters occurring after this appeal was taken, and violations of orders directing her as to what documents may be included in the record and referenced in briefs warrant rejection of her Return. The Attorney General respectfully requests that this Court grant his motion to be dismissed as a party to this appeal. Doing so would be consistent with the above rulings and the Supreme Court's directive that "the extensive litigation in this matter . . . be promptly concluded."

Respectfully submitted,

s/ J. EMORY SMITH, JR.  
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July 13, 2021

ATTORNEYS FOR RESPONDENT  
ATTORNEY GENERAL

THE STATE OF SOUTH CAROLINA  
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APPEAL FROM RICHLAND COUNTY  
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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.; Daryl J. Brown, individually and on behalf of his minor child Janise Vanisha Brown; 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.

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**CERTIFICATE OF SERVICE**

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I hereby certify that I have served the Attorney General's Reply to Return to Motion to be Dismissed as Party to Appeal by emailing it to counsel for the other parties at the email

addresses below this July 13, 2021 (Copy of email attached):

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July 13, 2021

## Emory Smith

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**From:** Emory Smith  
**Sent:** Tuesday, July 13, 2021 11:54 AM  
**To:** Adam Silvernail; Mark V. Gende  
**Cc:** Charles Carpenter; Jeff Smith; Daryl Williams; Ken B. Wingate; Aaron J. Hayes  
**Subject:** RE: Bauknight v. Pope; Appellate Case No. 2018-02229  
**Attachments:** Reply to Return to Motion to Dismiss for efilng (02640921xD2C78).PDF

Attached and served upon you is the AG's Reply to Return to Motion to be Dismissed as a Party to this appeal.

Emory

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