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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA

In The Supreme Court

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APPEAL FROM LAURENS COUNTY

Court of Common Pleas

Eugene C. Griffith, Jr., Circuit Court Judge

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Case Tracking No. 2010175266

Case No. 2009-CP-30-1098

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David A. Babb,

Appellant,

v.

Jerry Lee Mundy and Carolyn Ford,

Respondents.

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EMERGENCY MOTION FOR STAY OF THE TIME PERIOD PRESCRIBED IN  
THE APPELLATE COURT RULES FOR THE FILING OF THE  
WRIT OF CERTIORARI AND FOR AN ORDER COMPELLING THE LOWER  
COURT(S) TO PROVIDE A TRUE AND COMPLETE TRANSCRIPT OR  
DETERMINE WHETHER COURT TAPE ERASING AND/OR  
TAMPERING HAS OCCURRED

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COMES NOW the Appellant, David A. Babb, Pro se, as above captioned, and hereby moves before this Honorable Court pursuant to Rules 224, 225, and 226 of the South Carolina Rules of Appellate procedure, SCACR, and request for ORDER(S) for an extension of time for good cause for filing the Writ Of Certiorari until the transcripts from the lower courts can be reviewed by the proper authorities and that the transcript be made complete as is required by South Carolina State statutes §§ 14-13-10, 14-13-20, and 14-15-30 for necessary purposes and in support of such the Appellant states as follows:

**INTRODUCTORY**

This case began when two of Mrs. Laura Lula Mae Davis Mundy's (hereinafter Mrs. Mundy) children, the Respondents in the case at hand, began verbally abusing their mother by way of voicing loud commanding threats of abandonment against her should she not adhere to their demands. The barrage of verbal threats against Mrs. Mundy were at a time when she suffered from dementia and was physically unable to bathe and/or cook for herself; approximately 93 yrs. of age. The Respondents acts were in a conspiracy to acquire 28 acres of the remaining 33 acres of land in which Mrs. Mundy possessed. Through their continual acts of adult abuse, Mrs. Mundy conceded and gave them her land for \$10 dollars. Subpoenaed discovery later proved that Mrs. Mundy's

bank account records do not support that she was ever paid any amount; thus, the total received for the 28 acres of land from her power of attorneys, the Respondents, could have been zero as opposed to ten dollars.

The Respondents carried out the sell of the land by carrying Mrs. Mundy into their counsel's office, who was without knowledge of Mrs. Mundy's Last Will And Testament and that it provided a 15 acre tract of this same land to the Appellant in this case at hand. The Respondents on the other hand were fully aware of what Mrs. Mundy's Last Will and Testament contained, since Mrs. Mundy entrusted them when she was not infirm to carry out her wishes; she had made the Respondents her representatives in her estate and power of attorneys years prior to the sell.

The Respondent Jerry Mundy, in an extreme hurriedly fashion, after finally overpowering Mrs. Mundy with his verbal attacks by getting her to consent to the sell her land actually ended up buying the wrong tract of land. No time was wasted in getting Mrs. Mundy to their attorney to acquire the land, which his wife witnessed, once they had her worn down and leaving her without a peace of mind except to concede to their agenda; however, it was later discovered that the deed needed correcting. Nevertheless, all of this was done with the Respondents counsel and without the knowledge of Mrs. Mundy's counsel, Robert

Whitesides, and/or anyone else, and through harassing tactics outside the presence of others. After acquiring the land the Respondents then, by way of force of further verbal threats of abandonment and shouting, accompanied Mrs. Mundy, approximately ten days later, to her counsel to have him destroy her previous Last Will And Testament and prepare another Will; the altered Will removed the Appellant from receiving the 15 acre tract that Jerry Mundy purchased and/or stole while in the position as Mrs. Mundy's power of attorney and representative of her estate.

During the course of the Respondents' acts to acquire the land, they also moved in concert to prevent Mrs. Mundy from having any association with the Appellant. Appellant received deposition testimony supportive that the verbal threats were being uttered against Mrs. Mundy and that efforts to restrict visitation were in effect. This testimony came from the sister of the Respondents, Martha Mundy Noffz. **Affixed as Exhibit A, testimony of Martha Mundy Noffz supporting a violation of association and privacy, Pgs. 57 and 62, and pgs. 1 and 2 of a letter dated January 23, 2007 from Appellant to Thompson).**

In December of 2006 the Appellant left Savannah, Ga. where- in he was working on a painting project and traveled to Laurens, S.C., for a scheduled deposition with Mrs. Mundy in Babb vs. Babb, 03-CP-30-107. Mrs. Mundy had already provided an affidavit

years prior in this matter and had willingly made two court appearances on her own.

Respondent Jerry Mundy failed to appear for his deposition in Babb vs. Babb and instead moved in a fraudulent manner before the Laurens County Magistrate disguising his interest for that of Mrs. Mundy's by affixing her name to the form of the eviction motion he filed with the consent and knowledge of his sister; Respondent Carolyn Mundy Ford. As a result, the Appellant, who was taking the deposition in Babb vs. Babb <sup>1</sup> of Martha Mundy Noffz, sister to the Respondents, was served by a Laurens County Sheriff's Deputy with a Notice To Appear for the eviction hearing scheduled for December 18, 2006, at the county magistrate court.

Due to travel expense and an unreliable vehicle, the Appellant had to linger around Laurens for a week awaiting for the eviction hearing which was a disruption to Appellant's economic advantage. The Respondent obstructed justice by way of failing to appear for his own scheduled deposition, of which he was sub-

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<sup>1</sup> The case was about a tractor that had been verbally gifted to two people from Billy Ray Babb, who at the time of gifting was on hospice with one week to live and had an estate plan for his personal property and had a power of attorney and durable power of attorney. Also, William Babb received the communication for the gift but waited over three years after receiving the communication before moving to collect his so called gift. The Plaintiff, this Appellant, held that the Defendant waived his right to the gift by his delay in collecting and that the item was a personal property item of the estate and that it was not to be considered a gift, but if it were to be a gift the plaintiff was to receive it as Billy informed the plaintiff in the presence of Mrs. Mundy that it was his and the plaintiff did receive it and was using it when the Defendant moved and took it.

poenaed to appear, took Mrs. Mundy's car from her to prevent her from attending the deposition all the while conspiring with Respondent Carolyn Mundy Ford in obtaining an order from Dr. Ulmer to prevent Mrs. Mundy from attending the deposition of which she was willing to attend. Then Respondent Jerry Mundy appeared at the courthouse, during the time that he was scheduled to be deposed, and personally handed over the doctor's order to the clerk of court and thereafter walked by the conference room, wherein the deposition of his sister was being taken, and laughed. This act of Respondent Jerry Mundy established his disregard for the judicial process and further frustrated the process by having a court hearing at the Magistrate Court using Mrs. Mundy to achieve their agenda of separation between Mrs. Mundy and the Appellant and from disallowing Mrs. Mundy from disclosing truthful testimony in her deposition.

Despite that the Respondents informed Dr. Ulmer that Mrs. Mundy needed to stay out of the deposition for health reasons, they established an eviction hearing one week later and forced her to attend by bombarding her with verbal threats of abandonment. During the week between the disrupted scheduled deposition of Mrs. Mundy and the Respondents and the eviction merits hearing, the Respondents continued blocking visitation between the Appellant and Mrs. Mundy by putting garbage bags over her

windows, changed her telephone number, which had never been changed since it was installed in the early 1960's, blocked the doorway by standing shoulder to shoulder to disallow the Appellant to enter Mrs. Mundy's residence, built a fence in the yard, and after the eviction merits hearing had the Appellant served with a notice of trespass; despite that Mrs. Mundy testified that she wanted the Appellant to visit with her for up to three weeks at a time which is inadvertently omitted from the transcript and thus a part of the basis for this present motion.

During the merits hearing for the eviction from Mrs. Mundy's residence she testified that she wanted the Appellant to be allowed to visit and that she wanted him to stay there with her for up to three weeks at a time. After the Magistrate heard testimony from Respondent Jerry Mundy and Mrs. Mundy, and witnessed Respondent Carolyn Mundy Ford and Jerry's wife lean over and whisper the answers into Mrs. Mundy's ears as she was questioned by the Magistrate, that the position of eviction was contrary to Mrs. Mundy's position; moreover, since the Appellant didn't reside there in Laurens but resided instead in Charleston the Magistrate held that the position of eviction didn't apply. The affixed excerpt of the transcript of Magistrate Copeland's comment is the only evidence to support that the above mentioned comments existed concerning Mrs. Mundy wanting the Appellant to

visit and stay at her residence, as all else was erased and/or omitted which is incidentally in direct violation of the above mentioned state statutes. **(Affixed as Ex. B, Magistrate Copeland's comment pg. 26, line 20-22)**.

#### **FACTS**

1. Court Reporter Sandra K. Brown's, CVR, Affidavit supports that she received the Official Court Tape from the Respondents attorney, Thomas Thompson, and not from the Magistrate Court. **(Affixed as Ex. C, Sandra K. Brown's Affidavit 01-23-2007)**.
2. Testimony supports that the Respondents left the eviction hearing and immediately went and retained counsel Thompson for services of preparing a Notice of Trespass. **(Affixed as Ex. D, Deposition testimony of Respondent Carolyn Mundy Ford pg. 35, line 1-pg. 36, line 3, and Martha Mundy Noffz (Ex. A pg. 57))**.
3. Counsel Thompson wrote to the Appellant apprising Appellant that he represented Mrs. Mundy and/or her attorney in fact; to wit: Respondent Carolyn Mundy Ford. **(Affixed as Ex. E, Thompson's letter dated December 18, 2006)**.
4. Appellant returned written correspondence regarding **(Ex. E)** informing Thompson of Mrs. Mundy's testimony that contradicted Thompson's position wherein she testified that she wanted the Appellant there at her home for up to three weeks at a time and

that it was Appellant's choice as to whether or not he leave his personal property items at her residence to include his paintings; as she testified she enjoyed looking at the paintings.

(Affixed as Ex. F, Appellant's letter to Thompson, dated December 26, 2006).

5. The eviction merits hearing transcript was held for a considerable amount of time in the Respondents counsel's possession before it was ever released to the Court Reporter and the transcript, once prepared, omitted most every favorable comment that Mrs. Mundy made concerning this Appellant; furthermore, counsel Thompson prepared the order as opposed to the misrepresentations of his letter dated February 19, 2007, wherein he stated that the Magistrate was preparing it.

The written request and motion filed for correcting the transcript of the eviction hearing are too voluminous to affix to this motion but can be provided if necessary.

#### OMISSIONS FROM THE FIRST COURT HEARING

Whether the transcript omissions of Mrs. Mundy's testimony was purposeful or for other reasons the Appellant is uncertain, however it is troublesome that the Respondents counsel can hold the Official Court Tape for any amount of time. The releasing of court tapes over from an official court reporter should

warrant new guidelines to merit sanctions by the State of South Carolina. **It is also very suspicious that all of the favorable testimony from Mrs. Mundy towards this Appellant has been omitted from the eviction transcript.** When the Appellant wrote to counsel Thompson explaining some of the supportive comments Mrs. Mundy made, **(Ex. F)**, he was unaware that Thompson was in possession of the court tape at that time.

**OMISSIONS FROM THE SECOND COURT HEARING**

During the July 15, 2010, 12(b)(6) merits hearing the Respondents counsel, Donald B. Hocker, provided his argument and the Appellant informed the Court that the Appellant wasn't attacking the Last Will And Testament of Mrs. Mundy as Hocker argued, but that he was attacking the Respondents for their acts prior to and leading up to forcing their mother into altering her Will. It was during this phase of the hearing that the Honorable Griffith interrupted the proceeding and asked counsel Hocker whether he was aware of the Appellant's position, and counsel Hocker reluctantly informed the court that he wasn't. **This above mentioned conversation between the judge and Hocker, and other parts, were omitted from the court record; should be located at or around pg. 24 of the merits hearing.**

Because Sandra K. Brown, CVR, collected the court tape from the Respondents counsel Thompson in the eviction hearing **(Ex.**

C), as opposed from the court, the Appellant believes that counsel Hocker acquired the tape from the court and/or court reporter, Mrs. Joy Holston, in an effort to assist himself with preparing the order. The omissions from the court transcript can only be by way of molestation of the tape or by instructing the court reporter to leave it out of the record. The Appellant took the following appropriate steps in an effort to acquire a true and full record for the appellate court to review as South Carolina state statutes require but was unable to get any lawful office or officer of the court to properly examine the tape and/or this dilemma:

a. Informed the court reporter, Mrs. Joy Holston, by email and written letter that certain communications were omitted from her transcript. (Affixed as Ex. G, September 3, 2010, letter to court reporter).

D.A.B.

b. Filed a grievance with Mrs. Desir~~ee~~ Allen of the Supreme Court after Mrs. Joy Holston failed to answer a simple written question from the Appellant. (Affixed as Ex. H, grievance against Joy Holston submitted on Sept. 9, 2010).

c. Filed a motion to correct the transcript for good cause as was Mrs. Allen's suggestion. (Affixed as Ex. I, lower court's position on transcript pgs. 9-11, and 14).

d. Informed former prosecutor Jerry Peace after the lower court refused to entertain the motion. **(Affixed as Ex. J, letter from Deputy Solicitor dated Dec. 10, 2010, without signature)**.

e. Informed Sheriff Chastain pursuant to former prosecutor Jerry Peace's deputy solicitor's instructions. **(Affixed as Ex. K, letter from Sherrif Chastain)**.

Having moved before each agency and getting no resolve to the omitted and/or erased court tape the Appellant is without any other option but to move before this court and advance a request to S.L.E.D. for an investigation of court record tampering in an effort to come before this Court with an accurate transcript that depicts the portions that the Appellant needs in order to argue his case in hopes to prevail with his argument to reinstate his cause(s) of action.

#### **ARGUMENT**

The Appellant is without a true transcript and is therefore disallowed to show this Court as to what was actually stated in the lower court. South Carolina state statutes §§ 14-13-10, 14-13-20, and 14-15-30 provides, "...reporter shall be responsible for maintaining records", "The official reporter of each judicial circuit...shall be charged with full responsibility..", "...shall take full stenographic notes of all proceedings..."

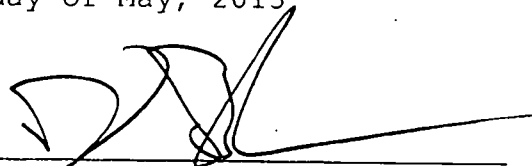
Because the court reporter, Mrs. Joy Holston, has failed and/or refused to answer the simple question, **(Affixed as Ex. L, letter dated Sept. 21, 2010, addressed to Mrs. Joy Holston)**, the Appellant believes that the tape was released to counsel Hocker.

It's a very simple question of which she has willfully failed to answer. The remedy for checking the inaccuracies, omissions, and/or tape erasing is far too simple; insert the tape into a recorder and fast forward it to the complained of portion and determine whether the tape has an omission and/or whether acts of destruction to the court record has taken place. Because the lower court tape is incomplete the Appellant holds that such is to be corrected in an effort to move properly before this Honorable Supreme Court as this is his last effort to have his case reinstated into the lower court.

WHEREFORE the Appellant prays for Relief in that this Honorable Court issue an Order allowing for a Stay of the proceedings and/or an extension of time to file Appellant's Writ of Certiorari until a true and full transcript can be made available, take possession of the court tapes from the lower courts and review the tapes to determine if foul play exists in the form of tape destruction and/or altering, or whether the court reporters are being instructed to omit certain portions of the

tape, and any other relief available and within this Court's  
ambit to dispense.

Respectfully submitted this 13<sup>th</sup> day of May, 2013



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David A. Babb, Appellant, Pro se  
13 East Battery St.  
Charleston, S.C. 29401  
(843) 329-9073

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EXHIBIT A

- 1 Q Okay. So ---
- 2 A It was the same day of the Ejection Notice. We  
3 left there and went to Tommy Thompson's office.  
4 So I had my vehicle, the other siblings had  
5 theirs.
- 6 Q And did they also accompany you there to Counsel  
7 Thompson's office?
- 8 A Well, I know Carol Ford did. I'm not sure about  
9 Jerry.
- 10 Q And did you go there?
- 11 A Yes, I did.
- 12 Q Okay. So you were present in Counsel Thompson's  
13 office with Ms. Ford and Ms. Mundy?
- 14 A That's correct.
- 15 Q Were you ever informed by Ms. Mundy that Ms.  
16 Ford informed Ms. Mundy that either DAB goes or  
17 she goes?
- 18 A Was I ever informed? I heard the words. Yes.
- 19 Q Okay. And did Ms. Mundy inform you that?
- 20 A No. I was in the presence when it was said.
- 21 Q Okay. So Ms. Ford informed you that?
- 22 A I heard it the same time you heard it.
- 23 Q Yes. Do you recall who else was present there  
24 that day?
- 25 A There was a deputy there. I don't know his

1 A I went outside to feed the cats and you had come  
2 up and parked on your property, which was right  
3 at her backdoor, and she saw you out there and  
4 she said, "David, come here." Evidently, you  
5 didn't hear her. And she called you again. And  
6 I said, "Dave, mom wants you." And you was  
7 there by the line where the No Trespassing sign  
8 is. And you said, "I'm not going to jail to  
9 cross this -- I'm not going to cross this line  
10 because I'm not going to jail." And mother  
11 said, "Well, you won't go to jail." And her  
12 exact words were, "Get your butt in here."

13 Q And then what did you do?

14 A You went in the house. I came back in and  
15 finished feeding the cats and that was it.

16 Q And then did you leave?

17 A Yes. I did what I had to do and I left.

18 Q And you left DAB there with Ms. Mundy?

19 A I think you were still there at the chair  
20 talking to her when I left, yes.

21 Q So it's your understanding that Ms. Mundy wanted  
22 DAB there visiting with her?

23 A You noticed I didn't -- I never denied she  
24 didn't want you visiting. We've said that. She  
25 said that at the ejection thing. You were

January 23, 2007

Certified Receipt No.  
7006 2150 0000 1426 3591

Mr. Thomas Thompson  
Attorney at Law  
210 West Laurens St.  
Laurens, S.C. 29360

RE: Mrs. Lula Mae Mundy vs. David A. Babb  
2007-CP-30-12; Mr. David A. Babb vs.  
William M. Babb; and Vernelle's Tree Farm, Inc.

Dear Mr. Thompson:

Please be apprised that on January 22, 2007, I went to visit Mrs. Lula Mae Mundy, however, the power-of-attorney, to wit, Jerry Lee Mundy, prevented Mrs. Lula Mae Mundy from visiting with me. I returned at a later hour and both of the so-called power-of-attorneys over Mrs. Lula Mae Mundy blocked me from entering into Mrs. Lula Mae Mundy's residence.

Next, Mr. Wes Ashley telephoned Mrs. Carolyn

Mason Mundy in regards to speaking with Mr. Jerry Lee Mundy about collecting some of my belongings, which have been sold to Wes Ashley, and she informed him to contact you. Also, I tried to collect some of my belongings and arrange for Wes Ashley to gather the belongings and in which he purchased, however, both Jerry Lee Mundy and Carolyn Ford stated, "Contact Thomas Thompson."

These individuals have interfered with my rights and their act(s) are in direct violation of Mrs. Lara Lula Mae Mundy's intent.

EXHIBIT B

1       Being that he does not reside there and has  
2       property there -- I mean, has belongings there,  
3       you don't in essence eject -- I mean, evict  
4       property or belongings; okay? I'm going to  
5       dismiss the Summary Ejection; okay? But, as far  
6       as an eviction of somebody, I am going to tell  
7       Mr. Babb that you have to remove your items  
8       there, if Ms. Mundy does not wish them to stay  
9       there.

10 BY DAVID BABB:

11       May I speak?

12 BY THE COURT:

13       Not yet. This needs to be done right away. If  
14       you think you need a deputy to go with you to  
15       remove these things, I will have one to go out  
16       there. I would like to see the family get that  
17       done without having to have law enforcement  
18       involved, but if y'all think it's best that we  
19       have one, then we'll have one.

20       Now, if y'all don't want him on this property or  
21       around this property and that's not exactly what  
22       Ms. Mundy told me awhile ago, you have to go  
23       through the sheriff's office and get a trespass  
24       notice being that, that is in the county. If it  
25       was in the city, you'd go to the police

EXHIBIT C

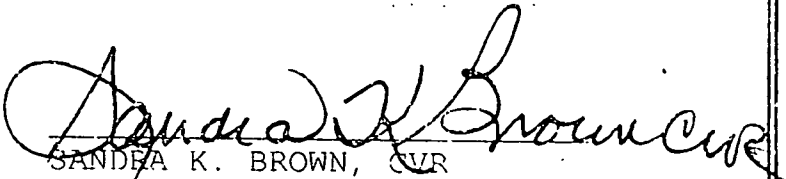
CERTIFICATE OF REPORTER

I, SANDRA K. BROWN, Certified Verbatim Reporter, do hereby certify that the foregoing transcript was typed by me on January 23, 2007, from a taped recording received from Thomas J. Thompson, Attorney at Law;

That the within witnesses identified by Judge Copeland were first duly sworn to tell the truth and that the foregoing is an accurate transcription of the testimony taken under oath to the best of my ability, not being in attendance at this proceeding.

I further certify that I am neither counsel nor attorney to any of the parties involved in said litigation nor interested in the event of the cause.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 23rd day of January, 2007.



SANDRA K. BROWN, CVR

Notary Public for S. C.

My Commission Expires 8/20/07

(SEAL)

*Sandra K. Brown, Certified Verbatim Reporter*

EXHIBIT D

1 A 'Just says that if you don't -- "after you  
2 remove your personal property from the  
3 premisses you shall immediately depart and  
4 shall not return."

5 Q Okay. Do you recall DAB being served with a  
6 Notice Of Trespass?

7 A Not trespass. I think, it was a Notice to  
8 Remove your Personal Belongings. And then  
9 after you did that should you come back on the  
10 property then you would be in violation of  
11 trespassing.

12 Q Well, isn't that a Notice of Trespass?

13 A Yes. But first you had to get your belongings.

14 Q Uh-huh.

15 A You were given that time to do that.

16 Q Okay. And so you retained Counsel Thompson;  
17 correct?

18 A Yes.

19 Q Okay. And you telephoned Counsel Thompson?

20 A I don't recall.

21 Q Did Milford contact Counsel Thompson?

22 A I think what we did, we had come to see Mr.  
23 Hocker and he was out of the office. We was  
24 going to retain Mr. Hocker. And since he was  
25 out of the office we felt like we needed

1           somebody so we went to Thompson. I think we  
2           just walked down the street, went in, and asked  
3           him or asked his secretary.

4 Q       Okay. And you don't recall blocking DAB in the  
5           doorway prior to that to prevent DAB from  
6           visiting with Mrs. Mundy?

7 BY MR. HOCKER:

8           That's already been asked and answered.

9 Q       Okay. Would you identify this letter, please,  
10          for the record?

11 (WITNESS REVIEWS DOCUMENT)

12 A       This states what mom's wishes were.

13 Q       Exactly. Would you read them into the record,  
14          please the lower portion that -- her wishes?

15 A       I'll read the whole thing.

16 Q       Okay.. Thank you.

17 A       "Mrs. Lula Mae D. Mundy has been to see me  
18          about your belongings that are still in her  
19          house." And that would probably be the  
20          paintings. "Mrs. Mundy expresses her affection  
21          for you, but at the present time does not want  
22          you to live in her house. Please arrange to  
23          remove all of your belongings by January 15th,  
24          2007. Mrs. Mundy does not want -- Mrs. Mundy  
25          does want you to visit her -- with her at

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EXHIBIT E

**TOWNSEND & THOMPSON**

REGISTERED LIMITED LIABILITY PARTNERSHIP  
ATTORNEYS AT LAW  
TOWNSEND BUILDING \*  
P. O. BOX 215  
210 WEST LAURENS STREET  
LAURENS, SOUTH CAROLINA 29360

RICHARD T. TOWNSEND  
THOMAS J. THOMPSON

TELEPHONE (864) 984-6554  
FAX (864) 984-8000  
EMAIL tandt@backroads.net

December 18, 2006

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Mr. David A. Babb  
13 East Battery Street  
Charleston SC 29401

and

PO Box 1226  
Laurens SC 29360

RE: LULA M. MUNDY, ET AL. VS. DAVID ANTHONY BABB

Dear Mr. Babb:

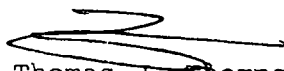
This letter is to advise that I represent Lula M. Mundy and her Attorney-in-Fact, Carolyn Ford, with reference to the above matter.

This letter is to formally notify you that should you have any items of property located at 3271 Bethel Church Road, Laurens, South Carolina, the same shall be removed by you not later than January 14, 2007 at 6:00 p.m.

In the event you have property at the subject location, you must coordinate a day and time to remove same by contacting me and arranging for the removal.

In the event you fail to contact me by the above stated day and time, then, should there be property of yours located at the Mundy residence, the same shall be summarily disposed of.

Sincerely,



Thomas J. Thompson

TJT/bj

cc: Sheriff Ricky W. Chastain  
Laurens County Sheriff's Department  
PO Box 68  
Laurens SC 29360

Ms. Lula M. Mundy  
3271 Bethel Church Road  
Laurens SC 29360

EXHIBIT F

December 26, 2006

Mr. Thomas J. Thompson, Jr.  
Attorney at Law  
P.O. Box 215  
Laurens, S.C. 29360

RE: Case No. 2062003, Mrs. Lula Mae Mundy, Et. Al. vs.  
Mr. David A. Babb

Dear Mr. Thompson:

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Also, Mrs. Mundy explained to the Magistrate that she wanted David Anthony Babb to visit her, including spending the night, for periods including up to three weeks at a time. And Mrs. Mundy apprised the Magistrate that it was up to David Anthony Babb as to whether or not he wanted his artwork and paintings to remain at Mrs. Mundy's residence. I informed Mrs. Mundy that I would leave the artwork and paintings there, however, the power-of-attorney(s) breached their duties by removing the paintings. Their acts were in direct violation against the Magistrates order and against Mrs. Lara Lula Mae Mundy's request. Thus, an appeal is being prepared.

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EXHIBIT G

MY COPY PLEASE STAMP 'FILED' AND RETURN  
THANKS

September 3, 2010

CERTIFIED MAIL RECEIPT NUMBER  
7005 3110 0002 5130 2954

2010 SEP -7 P 3:43

Mrs. Joy E. Holston, Official Court Reporter  
118 Sandy Beach Drive  
Prosperity, S.C. 29127

LAURENS COUNTY  
CLERK OF COURT

Mrs. Joy E. Holston, Official Court Reporter  
Laurens County Courthouse  
Clerk of Court's Office  
P.O. Box 287  
Laurens, S.C. 29360

RE: 2009-CP-30-1098

Dear Mrs. Holston:

Please be apprised that the purpose of this letter is to establish a record regarding my request, which was sent via emails (SEE ATTACHED), in concern of the error and omissions from the record in which you transcribed on July 15, 2010, during a 12(b)(6) hearing at or around 2:30 p.m.

As explained, my initial request inadvertently left off the area at or around Pg. 38, however, I was not aware that I had to place your error, if such is an error or purposeful act, at the specific point.

Again, my recollection is that after I explained to the Court that I was not contesting the Will but was suing the Defendants for their acts prior to the Will being altered, Judge Griffith then asked counsel Hocker, (Were you aware of this?) and Hocker responded negatively.

Please address this question in an immediate returned written response to me as to whether or not anyone asked and/or instructed you to exclude that above mentioned question of Judge Griffith's, or some communication similar to what I've stated, and Hocker's response.

EXHIBIT H

Please stamp 'filed' my copy and return

September 9, 2010

LYNN W. LANCASTER

2010 SEP 13 P 4:36

Supreme Court of South Carolina  
Mrs. Desiree Allen, Court Administration  
South Carolina Judicial Department  
P.O. Box 11330  
Columbia, S.C. 29211

LAURENS COUNTY  
CLERK OF COURT

RE: Mrs. Joy Holston, Official Court Reporter Eighth Judicial Circuit

Dear Mrs. Allen:

Please be apprised that written correspondence was forwarded to Mrs. Holston requesting from her whether **someone** asked of her to strike or omit a portion of the transcript; (SEE **AFFIXED**).

While she forwarded a returned written response, her response **failed** to address the question; (SEE **AFFIXED**). I suspect that Mrs. Holston was asked by someone to (strike, omit, or leave out) a portion from the record. I have forwarded a Motion To Have A Forensic Expert review the tape at my expense.

If there are procedures that must be followed to preserve the tape, other than a written request to Mrs. Holston, then I would appreciate any assistance from your office.

Supportive of my position is that in a previous civil action suit, wherein the former Clerk of Court disallowed me to participate in discovery by refusing to provide to me any signed subpoenas despite that two Circuit Court Judges informed her in open court not to interfere with discovery, Mrs. Holston's service was used and she mis-spelled the Defendant's name throughout the entire transcript. I find it difficult to believe that a Court Reporter cannot get the Defendant's name correct; especially when the Defendant was a wife to the Circuit Court Judge in that Circuit. So if Mrs. Holston would move to misidentify a name under her certificate of oath, I'm confident that she would remove portions of a court hearing when requested by someone of high authority.

EXHIBIT I

1 consistent with the position you presented at the hearing  
2 on the merits we had several months ago. Your position is  
3 the same, it hasn't changed.

4 MR. BABB: Correct, other than my confusions.

5 THE COURT: All right. Now, I am going to go back  
6 and try to, I am going to try to get back on track because  
7 I think you and I got discussing something that wasn't,  
8 that is not before the Court today. That order has been  
9 drawn up and signed by me and you made a motion to  
10 reconsider under Rule 59(e) and that motion was denied by  
11 me. And your motion was timely filed. Now, since then  
12 you have made a request to have the transcript modified to  
13 include the statement that you alleged that was made by me  
14 about, Mr. Hocker, were you aware of that. Which  
15 addressed the issue of participation or lack of  
16 participation in the probate court. As I understand it,  
17 my Court Reporter is charged as an officer of the court,  
18 as a Court Reporter she is to maintain the recordings and  
19 transcripts indefinitely. And I will tell for your own  
20 information is, she maintains those at all times, she  
21 never even turns them over to me, if I need something she  
22 transcribes it for me. If I have something before another  
23 Court Reporter I call that Court Reporter and they  
24 transcribe it for me. When she signs her hand that this  
25 is a full and accurate copy of the transcript she has the

1           MR. BABB: And also one of my motions was that it be  
2 allowed for an expert to, a forensic, somewhere here I  
3 have the proper name of the forensic expert who reviews  
4 those type of tapes in Federal Court and under all of this  
5 pile of paperwork I have misplaced, yes, here it is. It  
6 is a forensic audio analysis tape specialist. And this is  
7 just somebody that I googled off of the web page and I  
8 spoke briefly to him and he said for a charge of \$1,500.00  
9 dollars he would review the tape, pull out everything. In  
10 this particular setting the only people that spoke when  
11 you spoke was yourself and no one else was speaking. And  
12 when Counsel Hocker responded to your question no one was  
13 speaking and that is why I am confused as to why it is not  
14 present. And, again, the importance is twofold. That  
15 question to Counsel Hocker and his response is imperative  
16 for me to show to the Court why his Rule 11 sanction is  
17 frivolous. Because he went the full year and never, on  
18 behalf of his defendants, did he ever move to find out  
19 what the complaint was actually about.

20           THE COURT: Now, if you wish to make a motion to the  
21 Court of Appeals or Supreme Court regarding the transcript  
22 and its examination by an expert you may. I am going to  
23 decline any request that the transcript in my court be  
24 turned over to an expert. Now, I have ruled on that issue  
25 and if I am wrong I am wrong. I have got to rule one way

1 the character and reputation of Your Honor on this  
2 particular issue.

3 MR. BABB: I would object.

4 MR. HOCKER: He has attacked my character enough but  
5 to go so far as to attack the character and reputation of  
6 this Court is an absurdity.

7 MR. BABB: I object on that as a misrepresentation  
8 and request that he submit whatever document because I am  
9 not stating that the Court has perpetrated in any type of  
10 fraud, I am only stating that there is an omission in the  
11 court transcript. Another part of the transcript that I  
12 did not even raise because I found it totally irrelevant  
13 was when the hearing began and Counsel Hocker made some  
14 type of comment, he said, Your Honor, I want you to know  
15 what type of man this actually is or something--

16 THE COURT: We are not going to go into  
17 personalities.

18 MR. BABB: He made some comments and those things are  
19 also omitted. But, which is fine because they were  
20 totally irrelevant and should never have been brought in.  
21 So, there are other areas that were omitted. I am only  
22 interested in that one question and that one response.  
23 Before, because you have already made your ruling on that  
24 other, I just want to, if I can put my objection in. I  
25 have read the rule book back and forth, I have read the

EXHIBIT J

# The State of South Carolina



OFFICE OF THE SOLICITOR  
EIGHTH JUDICIAL CIRCUIT

864/942-8800  
FAX 864/942-8830

Abbeville  
Greenwood  
Laurens  
Newberry

**JERRY W. PEACE**  
SOLICITOR

Suite 203, Park Plaza  
600 Monument Street  
Post Office Box 516  
Greenwood, SC 29648-0516

December 10, 2010

David A. Babb  
13 East Battery Street  
Charleston, South Carolina 29401

Re: Altering and/or Destruction of Court Tapes

Dear Mr. Babb:

I am in receipt of your letter dated October 26, 2010, regarding certain audio recordings related to 2009-CP-30-1098. Having reviewed the matter, it appears that the Laurens County Sheriff's Office is the appropriate entity to perform such an investigation. The Solicitor's Office does not investigate criminal allegations, we only prosecute them once charges have been filed. Please contact the Sheriff's Office at (864) 984-4967, to file the necessary reports to begin said investigation.

With best regards, I am

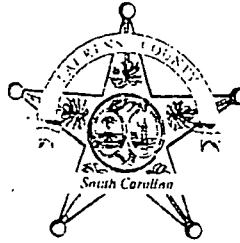
Very truly yours,

Jack W. Hammack, Jr.  
Deputy Solicitor

EXHIBIT K

Office of the  
Sheriff

Ricky W. Chastain



August 29, 2012

David A. Babb  
13 East Battery Street  
Charleston, South Carolina 29401

Re: Altering and/or Destruction of Court Tapes

Mr. Babb:

The Laurens County Sheriff's Office Investigation Division is in receipt of your letter dated August 18, 2012, regarding certain audio recordings related to 2009-CP-30-1098. We have reviewed this matter and read the documentation that was provided by you in this matter. We have spoke with the Eighth Circuit Solicitor's Office in this matter about the investigation of this case, and determined that this case needs to be handled by the South Carolina Law Enforcement Division.. This reason is due to the fact that you are dealing with Ethics of Court Reporters and Lawyers in this matter. At this time I would ask that you forward the information to them so that they will be able to investigate this matter for you. I will include their address at the bottom of this letter for you.

South Carolina Law Enforcement Division (SLED)  
P.O. Box 21398  
Columbia, SC 29221  
4400 Broad River Road  
Columbia, SC 29210

Sincerely,

A handwritten signature in black ink, appearing to read "Jawarski D. Shelton".

Lt. Jawarski D. Shelton  
Criminal Investigations



A South Carolina Law Enforcement Accredited Agency  
P. O. Box 68 • Laurens, South Carolina 29360 • (864) 984-4967 • (864) 984-5754

EXHIBIT L

September 21 2010  
O.A.B.

CERTIFIED MAIL RECEIPT NUMBER  
7005 3110 0002 5130 2992

Page 1 of 2

Mrs. Joy E. Holston, Official Court Reporter  
118 Sandy Beach Drive  
Prosperity, S.C. 29127

Mrs. Joy E. Holston, Official Court Reporter  
Laurens County Courthouse  
Clerk of Court's Office  
P.O. Box 287  
Laurens, S.C. 29360

Hand delivered to

LAURENS COUNTY  
CLERK OF COURT

2010 SEP 22 A 8:33

LYNN W LANCASTER

RE: 2009-CP-30-1098

Dear Mrs. Holston:

Please be apprised that as of to date I have not received any correspondence from you regarding whether:

1. Did anyone ask, request, and/or instruct you to omit any portion of the record from the July 15, 2010, Rule 12(b)(6) hearing transcript; to wit: 2009-CP-30-2098?
2. Did you, at any time, release the recorded tape from your possession to anyone else?

If you answer yes to either and/or both questions then please identify the name(s) of the individual(s).

Please answer these questions to resolve this matter. Your response will allow for the proper motions to be filed in the Court and to remove motions to assist the Clerk's office.

Thank you for your time in this matter.

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM LAURENS COUNTY

Court of Common Pleas

Eugene C. Griffith, Jr., Circuit Court Judge

RECEIVED

MAY 14 2013

S.C. Supreme Court

Case Tracking No. 2010175266

Case No. 2009-CP-30-1098

David A. Babb, Appellant,

v.

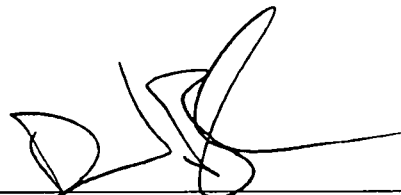
Jerry Lee Mundy, et. al. Respondents.

PROOF OF SERVICE

I certify that I have served, Appellant's EMERGENCY MOTION, FOR STAY OF THE TIME PERIOD PRESCRIBED IN THE APPELLATE COURT RULES FOR THE FILING OF THE WRIT OF CERTIORARI AND FOR AN ORDER COMPELLING THE LOWER COURT(S) TO PROVIDE A TRUE AND COMPLETE TRANSCRIPT OR DETERMINE WHETHER COURT TAPE ERASING AND/OR TAMPERING HAS OCCURRED, <sup>and exhibits</sup> by placing a copy of the same in the U.S. Mail, postage prepaid on May 31<sup>st</sup>, 2013, addressed to the Respondents attorney at law at the below mentioned address:

D.A.B.

Andrew G. Goodson  
Younts Alford Brown & Goodson  
210 South Main St.  
P.O. Box 549  
Fountain Inn, S. C. 29644  
(864) 862-2528



David A. Babb, Appellant, Pro se  
13 East Battery St.  
Charleston, S.C. 29401  
(843) 329-9073