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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM OCONEE COUNTY
In the Court of Common Pleas

J. Cordell Mattox, Jr., Circuit Judge

Case No. 2021-CP-37-00560
Appellate Case No. 2021-001552

Dorothy Pierce,

Appellant,

v.

Jared Adam Pierce,

Respondent.

INITIAL BRIEF OF RESPONDENT

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STATEMENT OF ISSUES ON APPEAL

1. WHETHER REVIEW OF THE ORDER DENYING THE APPELLANT'S MOTION FOR NEW TRIAL IS PROPERLY PRESERVED.
2. WHETHER THE APPELLANT WAS REQUIRED TO AND FAILED TO OBJECT TO THE TESTIMONY OF SLED QUESTIONED DOCUMENTS EXAMINER, JOHN ALLAN JAMIESON, AT THE TIME OF TRIAL.
3. WHETHER THE APPELLANT SEEKS TO APPLY AN INCORRECT STANDARD OF ADMISSIBILITY REGARDING THE TESTIMONY HANDWRITING EXPERTS.
4. WHETHER THERE WAS JUDICIAL MISCONDUCT THAT WOULD REQUIRE THE OVERTURNING OF THE PROBATE COURT.
5. WHETHER THE APPELLANT'S DUE PROCESS RIGHTS WERE VIOLATED.
6. WHETHER THE APPELLANT WAS PROPERLY REMOVED AS PERSONAL REPRESENTATIVE.
7. WHETHER THE PROBATE JUDGE WAS NOT UNQUALIFIED.

STATEMENT OF THE CASE

The genesis of this appeal is an Order of the Court of Common Pleas dated December 29, 2021, wherein it denied the Appellant's appeal and affirmed an August 18, 2021, judgment of the Oconee County Probate Court declaring a purported Last Will and Testament to be invalid as a forgery and removing the Appellant as Personal Representative.¹ (December 29, 2021, Order of Judge J. Cordell Maddox, Jr. and August 18, 2021, Order of the Probate Court).

The Appellant does not seek review of the August 18, 2021, Order of the Probate Court. In her Statement of Case, the Appellant states "[t]he Appellant . . . filed a Motion for New Trial on August 23, 2021. Thereafter, Appellant filed an Amended Motion for a New Trial in lieu of the already filed Motion for New Trial. On or about October 1, 2021, the Court conducted a hearing for Appellant's Motion for New Trial. Consequently, the Court denied the said Motion. The Appellant appeals the said Order."

The Appellant, Dorothy Pierce, is a citizen of the Republic of Uganda. She married the Decedent, Doyle Elton Pierce, in Oconee County, South Carolina on February 14, 2018. The Decedent died a resident of Oconee County on September 14, 2020 and is survived by the Appellant and his three (3) adult children, Respondent Jared Adam Pierce, Gregory Allan Pierce, and Donna Carol Moore. On September 23, 2020, the Appellant submitted the purported Last Will and Testament, dated July 7, 2020, to the Oconee County Probate Court. (Last Will and Testament dated July 7, 2020). The Appellant was appointed as the Personal Representative of the Decedent's estate on that same date. The purported Last Will and Testament made 'Specific Bequests' to the following: the Decedent's three adult children; the Appellant's three (3) minor children in Uganda; the Appellant's limited liability companies, Alternative Medicine, LLC and

¹ The Order also denied the Appellant's Motion to Disqualify the undersigned legal counsel and denied the Respondent's Motion to Strike Notice of Appeal and Appeal Brief.

American Pharma Machinery, LLC; and a grandchild of the Decedent. (Last Will and Testament, pages 3-4). The purported Will contains conflicting provisions as to the distribution of the Decedent's residuary estate. (Last Will and Testament, pages 4-5).

On November 6, 2020, the Respondent filed a Petition for Formal Probate wherein he challenged the validity of the purported Last Will and Testament as a forgery. (November 6, 2020, Petition). A Report of Examination of Marvin H. Dawson, Jr. was filed along with the Petition. (Dawson Report of Examination dated November 3, 2020). In his Report, Mr. Dawson opined that "it is most probable the 'Doyle E. Pierce' signature appearing on [the purported Last Will and Testament] is not a genuine signature." (Dawson Report at page 3). On December 7, 2020, the Appellant, through her then attorney Carol Ann Johnson, Esquire, filed her Answer to the Petition and denied the allegations.²

On August 2, 2021, the issues of the validity of the purported Last Will and Testament and the removal of the Personal Representative proceeded to trial before the Oconee County Probate Court. (Transcript of Probate Court trial conducted on August 2, 2021). The Appellant was represented at the trial by N. Gruber Sires, Jr., Esquire.³ At the time of the trial, the Respondent called John Allan Jamieson as a witness. (Transcript of August 2, 2021). Mr. Jamieson is employed as a Questioned Document Examiner with the South Carolina Law Enforcement Division ("SLED"). (Transcript of August 2, 2021, page 13). After Mr. Jamieson was questioned on direct examination as to his qualifications as an expert on handwriting issues, counsel for the Appellant stated, "I'm sure he's qualified, Your Honor." (Transcript of August 2, 2021, page 13).

Mr. Jamieson was asked to examine the purported Last Will and Testament by Jordei Jameson, a sworn law enforcement officer with the Oconee County Sheriff's Department.

² Ms. Johnson is a licensed attorney practicing law in Seneca, South Carolina.

³ Mr. Sires is a licensed attorney practicing law in Seneca, South Carolina.

(Transcript of August 2, 2021, pages 13-14). He received two (2) sets of documents from Officer Jameson. The first set was of nineteen (19) known handwriting samples of the Decedent, and the second was the purported Last Will and Testament of the Decedent which Mr. Jamieson understood to be the questioned document. (Transcript of August 2, 2021, page 14-16).

After a comprehensive examination, Mr. Jamieson opined that the Decedent did not sign the purported Will and that the signature appeared to be “rough attempt to copy or simulate Mr. Pierce’s” signature. (Transcript of August 2, 2021, pages 31-33). The Appellant never objected to the admissibility of the testimony of Mr. Jamieson, and the Appellant never sought to introduce any testimony of any other handwriting expert. (Transcript of August 2, 2021).

On August 18, 2021, the Probate Court issued its Order on the validity of the purported Last Will and Testament. The Probate Court held that the Appellant failed to prove the validity of the Will or, in the alternative, that the Respondent established, through clear and convincing evidence, that the Decedent did not sign the purported Will. (Probate Court Order dated August 18, 2021).

On August 23, 2021, at 2:33 p.m., the Appellant, *pro se*, filed a Notice of Intent to Appeal to Circuit Court. The Notice of Intent to Appeal identified the Order of the Probate Court dated August 18, 2021, as the subject of her appeal. (Notice of Intent to Appeal dated August 23, 2021).

On August 23, 2021, at 3:04 p.m., the Appellant, *pro se*, filed a Motion for New Trial in which she asserted fourteen (14) grounds upon which she claimed to be entitled to a new trial. (Motion for New Trial dated August 23, 2021). None of the arguments contained in the Motion for New Trial were based upon any claim of “judicial misconduct.”

On September 8, 2021, the Appellant, *pro se*, filed an Amended Motion for New Trial. Among other things, the Appellant asserted that her legal counsel, N. Gruber Sires, Esquire, failed

to perform his duties effectively during his representation. Specifically, she claimed that Mr. Sires “was compromised by the Plaintiff’s Counsel because the two attorneys were seen together in a closed-door discussion for several minutes prior to the hearing” and “her Counsel’s attitude changed after coming out of that meeting.” (Amended Motion for New Trial dated September 8, 2021, page 20). As an additional example of the alleged failures of her legal counsel, the Appellant also argued that Mr. Sires failed to secure the testimony of a handwriting expert at the time of trial. (Amended Motion for New Trial dated September 8, 2021, pages 11 and 21). The Appellant further argued that the Petitioner’s prior email communications with the Judge violated her due process rights because they tainted her reputation in the eyes of the court. (Amended Motion for New Trial, pages 21-23).⁴

On October 1, 2021, the Probate Court conducted a hearing on the Motion for New Trial. For the first time at the hearing, the Appellant argued that the testimony of SLED Questioned Document Examiner, John Jamieson, was inadmissible under the standard set forth by the United States Supreme Court in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993). (Transcript of October 1, 2021, pages 4-7). The Motion for New Trial was denied on October 13, 2021, by Oconee County Probate Judge Kenneth E. Johns, Jr. A subsequent Order denying the Motion was signed on October 20, 2021, by Melissa C. Burton as Acting Probate Court Judge. The Appellant never appealed the Order denying her Motion for New Trial.

On November 1, 2021, the Appellant, *pro se*, filed her Appeal Brief with the Court of Common Pleas.⁵ The Appellant reiterated the *Daubert* argument first raised on October 1, 2021, and, for the first time, claimed that the Respondent and his undersigned legal counsel had improper *ex parte* communications with the Probate Judge; the first during a recess at the August 2, 2021,

⁴ The emails are not a part of the record.

⁵ The Appellant failed to abide by the appeal procedures set forth in S.C. Code Ann. § 62-1-308.

trial, and the second immediately prior to the October 1, 2021, hearing on her Motion for New Trial. (Appeal Brief dated November 1, 2021, pages 12-13).⁶ The Appellant also claimed that the Probate Judge “intentionally discriminated against [her] based on race, color and national origin.” (Appeal Brief dated November 1, 2021, page 13).

On November 3, 2021, a hearing was held in the Court of Common Pleas on the Appellant’s appeal before Judge J. Cordell Maddox, Jr. On December 29, 2021, Judge Maddox entered an Order denying the Appellant’s appeal and affirming the August 18, 2021, Order of the Probate Court. (Order dated December 29, 2021). The Appellant then filed her Notice of Appeal to this Court on December 30, 2021.

⁶ The undersigned counsel vehemently denies that any *ex parte* communication ever occurred and that the Appellant’s claims are made up out of “whole cloth.”

STANDARD OF REVIEW

“The standard of review applicable to cases originating in the probate court depends upon whether the underlying cause of action is at law or in equity.” *University of Southern Cal. v. Moran*, 365 S.C. 270, 274, 617 S.E. 2d 135, 137 (Ct. App. 2005). “An action to contest a will is an action at law.” *In re Estate of Cumbee*, 333 S.C. 664, 670, 511 S.E. 2d 390, 393 (ct. App. 1999). “If a proceeding in the probate court is in the nature of an action at law, review by this court extends merely to the correction of legal errors.” *In re Estate of Paradeses*, 426 S.C. 388, 391, 826 S.E. 2d 871, 873 (Ct. App. 2019). In addition, “this [c]ourt may not disturb the probate judge’s findings of fact unless a review of the record discloses there is no evidence to support them.” *Cumbee*, 333 S.C. at 670, 511 S.E. 2d at 393. Pursuant to *S.C. Code Ann.* § 62-1-308(i), the hearing must be strictly on appeal and no new evidence may be presented.

An order denying a motion for new trial under Rule 59, SCRCPP, will not be disturbed unless the decision of the trial judge is “wholly unsupported by the evidence, or the conclusion reached has been controlled by an error of law.” *South Carolina State Highway Dept. v. Clarkson*, 267 S.C. 121, 126, 226 S.E. 2d 696, 697 (1976); *Pinckney v. Winn-Dixie Stores, Inc.*, 311 S.C. 1, 426 S.E. 2d 327 (Ct. App. 1992).

ARGUMENT

I. THE ORDER DENYING THE APPELLANT’S MOTION FOR NEW TRIAL WAS NEVER BEFORE THE CIRCUIT COURT ON APPEAL AND HAS NOT BEEN PRESERVED FOR REVIEW.

Appeals from an order of the Probate Court are governed by *S.C. Code Ann.* § 62-1-308(a). The statute requires that a Notice of Intent to Appeal to the Circuit Court must be filed in the office of the Circuit Court within ten (10) days after receipt of the contested order of the Probate Court. The failure to file a Notice of Intent to Appeal within ten days divests the Circuit Court of appellate jurisdiction. *In re Estate of Cretzmeyer*, 365 S.C. 12, 615 S.E. 2d 116 (2005) (appellant’s failure to comply with the procedural requirements for an appeal under *S.C. Code Ann.* § 62-1-308 divested the court of appellate jurisdiction when she failed to file her notice of appeal within ten days of receiving the probate court order in accordance with §62-1-308(a)).

In the present case, the only Notice of Intent to Appeal to the Circuit Court was to challenge the Order of August 18, 2021, invalidating the purported Last Will and Testament and removing her as Personal Representative. The Appellant never filed a Notice of Intent to Appeal the Order denying her Motion for New Trial. As a result, the judgment of the Circuit must be affirmed.

II. THE APPELLANT FAILED TO OBJECT TO THE TESTIMONY OF THE SLED QUESTIONED DOCUMENT EXAMINER PRIOR TO THE PROBATE COURT’S JUDGMENT.

It is axiomatic that a party cannot seek relief pursuant to Rule 59, SCRPC, on issues that the party could have raised prior to judgment but did not do so. *Hickman v. Hickman*, 301 S.C. 455, 395 S.E. 2d 481 (1990). *See also Anonymous v. State Board of Medical Examiners*, 323 S.C. 260, 473 S.E. 2d 870, 880 (Ct. App. 1996) (matters not argued or ruled upon by the trial court are not preserved for review); *MailSource, LLC v. M.A. Bailey & Associates, Inc.*, 356 S.C. 370, 374, 588 S.E. 2d 639, 641 (Ct. App. 2003) (a party cannot raise an issue for the first time in a Rule

59 motion which could have been raised to the trial court but not ruled upon). It is equally true that issues cannot be raised for the first time on appeal, “but must have been raised to and ruled upon by the trial judge to be preserved for appellate review.” *Wilder Corp. v. Wilke*, 330 S.C. 71, 76, 497 S.E. 2d 731, 733 (1998).

At the trial of the matter in the Probate Court on August 2, 2021, the Appellant was represented by legal counsel licensed to practice in the State of South Carolina. At no time did her legal counsel object to the admissibility of the handwriting opinions of Mr. Jamieson, whether under *Daubert* or Rule 702, SCRE, or some other standard, at either the time of trial or before the entry of the August 18, 2021, judgment. In fact, the Appellant’s attorney, on the record, agreed that Mr. Jamieson was qualified to testify. (Transcript of August 2, 2021, page 13). In order preserve an issue regarding the admissibility of evidence, a contemporaneous objection must be made. *Geddings v. Geddings*, 319 S.C. 213, 460 S.E.2d 376 (1995). The failure to object when the evidence is offered constitutes a waiver of the right to have the issue considered on appeal. *McKissick v. J.F. Cleckley & Co.*, 479 S.E.2d 67, 325 S.C. 327 (Ct. App. 1996).

After the entry of the judgment of the Probate Court, when the Appellant filed her *pro se* Motion for New Trial and *pro se* Amended Motion for New Trial there was no issue raised as to the admissibility of the testimony of Mr. Jamieson concerning the authenticity of the signature of the Decedent on the purported Last Will and Testament. The first time the Appellant raised any issue as to the admissibility of the testimony of Mr. Jamieson was at the hearing conducted on October 1, 2021. The Appellant simply failed to preserve any appellate issue concerning the admissibility of the testimony of Mr. Jamieson.

III. THE APPELLANT SEEKS TO APPLY AN INCORRECT STANDARD OF ADMISSIBILITY REGARDING HANDWRITING ANALYSIS.

In her brief, the Appellant argues that the handwriting testimony of Mr. Jamieson was inadmissible under the standard set forth in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993). Contrary to the Appellant's argument, "South Carolina has not adopted *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579, 594-95, 113 S.Ct. 2786, 125 L.Ed.2d 469 (1993), by name, nor has it revised Rule 702, SCRE, to incorporate the *Daubert* framework." *State v. Warner*, 430 S.C. 76, 86, 842 S.E. 2d 361, 365-66 (Ct. App. 2020); *State v. Council*, 335 S.C. 1, 20, 515 S.E. 2d 508 (1999). The standard for determining whether scientific evidence is admissible is governed by the South Carolina Rules of Evidence. *Id.*, 335 S.C. at 20.

Pursuant to Rule 702, SCRE, the testimony of an expert admissible "[i]f scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify thereto in the form of an opinion or otherwise." If the expert opinion or testimony is challenged, the trial court should apply the factors set forth in *State v. Jones*, 273 S.C. 723, 259 S.E. 2d 120 (1979). The admissibility of the testimony handwriting experts as to the validity of a signature on a questioned document has been tacitly recognized by the courts in this State. *See, e.g., State v. Brandt*, 393 S.C. 526, 713 S.E. 2d 591 (2011), *Brandt v. Gooding*, 368 S.C. 618, 630 S.E. 2d 259 (2006), and *State v. Babb*, 299 S.C. 451, 385 S.E. 2d 827 (1989).

The Appellant's argument is also rendered moot as a result of her failure object to the admissibility of the testimony of Mr. Jamieson at the time of trial. Her failure to make any contemporaneous objection to admissibility at the time of trial is fatal.

IV. THERE WAS NO JUDICIAL MISCONDUCT.

The Appellant next claims there was “judicial misconduct” requiring reversal of the Probate Court.⁷ As grounds for her argument, the Appellant asserts (a) the Probate Judge had improper *ex parte* communications with the Respondent and his undersigned legal counsel on August 2, 2021 and October 1, 2021, (b) the Probate Judge “intentionally discriminated against [her] based on race, color and national origin” because he did not provide her with the means to make a “Power Point” presentation at the time of the hearing on the Motion for New Trial, (c) he did not issue an order addressing all of her arguments raised in the Amended Motion for New Trial, and (d) the Probate Judge should have recused himself because he had “personal knowledge of the facts of the case.”

There is nothing found in the transcripts of the proceedings that remotely supports the Appellant’s position. If her claim that an *ex parte* communication between the Probate Judge and the Respondent did occur on August 2, 2021, there would certainly have been an issue raised by her legal counsel, Mr. Sires. The record is devoid of evidence of any such occurrence or objection by her legal counsel. Likewise, if *ex parte* communication occurred between the Probate Judge and the Respondent immediately preceding the October 1, 2021, hearing on the Motion for New Trial, the Appellant would have certainly raised objection to it while on the record. She did not do so. In making her “whole cloth” claims, the Appellant seeks to place *onus probandi* on the Respondent, a concept that runs contrary to the Rules of Evidence. See *Latimer v. Latimer*, 22 S.C. 257 (1885).

In the same vein, there is no evidence that the Probate Judge was biased against her because of her race, color or national origin, or because of his “personal knowledge of the facts of the case.”

⁷ As stated, *supra*, the Appellant is solely appealing the denial of her Motion for New Trial.

Her arguments that the Probate Judge unlawfully discriminated against her or had “prejudged” the matter are false and wholly unsupported. It would be obvious to state that a judge will have personal knowledge of the facts of matter that is heard by him or her. To say the least, there has been an evolution in the Appellant’s “fish tale.”

Even if the Appellant’s spurious claims were true, a reading of transcript from the August 2, 2021, trial reveals that there was ample evidence adduced to support the Probate Court’s invalidation of the purported Last Will and Testament and removal of the Appellant as Personal Representative. When there is evidence in the record to support the findings of a trial judge, there is no evidence of judicial prejudice. See *C.A.H. v. L.H.*, 315 S.C. 389, 434 S.E. 2d 268 (1993) (no evidence of judicial prejudice arising from alleged *ex parte* communication with assistant solicitor when there was ample evidence to support the judge’s findings), and *Burgess v. Stern*, 311 S.C. 326, 428 S.E. 2d 880 (1993).

V. THE APPELLANT’S DUE PROCESS RIGHTS WERE NOT VIOLATED.

The Appellant next argues she was denied procedural due process because (a) the Probate Court did not provide her with a detailed, reasoned ruling when it denied her Motion for New Trial, and (b) the Probate Judge “impeached Appellant’s witnesses by association without factual grounds.”⁸

As a threshold matter, there is nothing in the law in these circumstances that requires a court to provide a reasoned decision on any point raised by the moving party when denying a motion for new trial. While, the Appellant correctly articulates the requirements of procedural due process restated in *Moore v. Moore*, 376 S.C. 467, 657 S.E. 2d 743 (2008), the record demonstrates that she was represented by legal counsel, she was given adequate notice of the August 2, 2021,

⁸ The Appellant also makes reference to substantive due process; however, her argument seems to be one involving procedural due process.

trial, she was given the right to call witnesses and introduce evidence, and she was given the right to confront and cross-examine witnesses.

The gravamen of the Appellant's argument is that the Probate Judge found the witnesses called by her at the trial concerning the execution of the purported Will to not be credible. As the trier of fact, the Probate Judge was charged with making factual determinations and weighing the credibility of each witness. *State v. Dorce*, 320 S.C. 480, 483, 465 S.E. 2d 772, 773 (Ct. App. 1995). After listening to their testimony and observing their demeanor, the judge chose to find the purported eyewitnesses to not be credible. On the other hand, the judge found the testimony of Mr. Jamieson to be credible. The Appellant cannot now require this Court to reweigh the evidence presented at the time of trial.

The Appellant's also adverts to Judge Maddox not allowing her to present "legal errors and judicial misconduct" at the time of the hearing on November 3, 2021, thereby demonstrating his bias and requiring his recusal. A reading of the transcript of the November 3, 2021, hearing shows that Judge Maddox found the Appellant was not lawfully authorized to argue an appeal on behalf the Decedent's estate based upon the clear holding in *Brown v. Coe*, 365 S.C. 137, 616 S.E. 2d 705 (2005), because she is not licensed to practice law in the State of South Carolina. (Transcript of November 3, 2021, appeal hearing, page 4-5). Judge Maddox limited the Appellant to presenting an argument as to why she was improperly removed as Personal Representative. (Transcript of November 3, 2021, appeal hearing, pages 5-6). Nonetheless, the record of the proceeding demonstrates that the Appellant was given free rein to articulate every one of her claims of alleged error and misconduct. (Transcript of November 3, 2021, appeal hearing, pages 7-17).

IV. THE PROBATE COURT PROPERLY REMOVED THE APPELLANT AS PERSONAL REPRESENTATIVE.

The Appellant erroneously argues that the Probate Court improperly removed her as personal representative upon finding her “guilty of the crime of forgery without factual evidence and due process of law.” The Appellant was never found guilty by this Court of the crime of forgery. *S.C. Code Ann.* § 62-3-611(b) provides that the Probate Court may remove a Personal Representative for cause “when removal would be in the best interests of the estate, or if it is shown that a personal representative or the person seeking his appointment intentionally misrepresented material facts in the proceedings leading to his appointment.”

The rule is that “one found in possession of a forged instrument of which he purports to be a beneficiary, and applying it to his own use, must, in the absence of explanation satisfactory to [the trier of fact], be presumed to have forged it or to have been privy to its forgery.” *State v. Orr*, 225 S.C. 369, 374, 82 S.E. 2d 523, 526 (1954). Given the fact that the Appellant possessed the forged Last Will and Testament, presented it to the Court, and that she and her minor children in Uganda would benefit under it, an inference arises that she has knowledge that the Will is a forgery. *State v. Brandt*, *supra*. The Probate Court found that the Appellant failed to provide a satisfactory explanation as to how she came into possession of the forged Last Will and Testament.

Based upon the facts established at trial, the Probate Court properly exercised its lawful authority in removing the Appellant because (a) it is in the best interests of the estate, and (b) the Appellant intentionally misrepresented material facts leading to her appointment; *i.e.*, that the purported Last Will and Testament had been validly executed by the Decedent when it had not. Furthermore, the Appellant failed to preserve this issue for review because she has not appealed the August 18, 2021.

VII. THE PROBATE JUDGE WAS QUALIFIED TO RENDER THE RULINGS.

As a final argument, the Appellant asserts that the Probate Judge was unqualified to render the rulings because his is a non-lawyer. Judge Johns met the requirements of *S.C. Code Ann.* § 14-23-1040, was duly elected, and lawfully took the position of Probate Court Judge for Oconee County, South Carolina. Nothing in the statute requires that a Probate Judge be licensed as an attorney. If the Appellant did not believe that the Probate Judge had the requisite qualifications to preside over a trial involving forgery, the validity of a Will, and the removal of the Personal Representative, she could have removed the matter to the Circuit Court pursuant to *S.C. Code Ann.* § 62-1-302(d). She did not do so and cannot now claim reversible error on this basis.

CONCLUSION

The Respondent, Jared Adam Pierce, respectfully requests that the December 29, 2021, Order of the Court of Common Pleas be affirmed for the reasons set forth above. The Appellant seeks reversal of the Order denying her Motion for New Trial, but she failed to perfect an appeal of that Order by filing a Notice of Appeal within ten (10) days after receipt of the Order.

In addition, the record demonstrates that the Appellant failed to raise any objection to the testimony of SLED Questioned Document Examiner John Jamieson at the time of the trial in the Probate Court. The record also demonstrates that the Appellant created an ever-growing tale out of whole cloth to support her spurious claims of judicial misconduct and the violation of due process. A reading of the record and controlling cases requires the Orders of the Probate Court and the Court of Common Pleas to be upheld.

Respectfully submitted this 9th day of June 2022.

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Jun 09 2022

SC Court of Appeals

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the Respondent's Initial Brief has been sent this 9th day of June 2022 via Regular U.S. Mail to: **Robert L. Gailliard, Esquire**, Counsel for the Appellant, 6650 Rivers Avenue, North Charleston, South Carolina 29406.

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