

The Supreme Court of South Carolina

Ex Parte: Susan D. Summer, Petitioner,

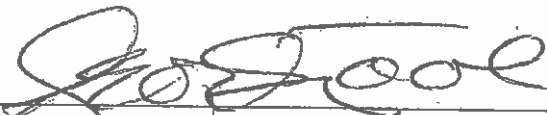
In Re: The Estate of James Brown, a/k/a James Joseph Brown.

Appellate Case Nos. 2015-000186 and 2015-000215


ORDER

Petitioner has appealed an order temporarily restraining her from publishing or disseminating documents in her possession purported to be the diary of Tommie Rae Hynie a/k/a Tommie Rae Brown. She seeks a writ of supersedeas to stay enforcement of the order and a writ of prohibition to prevent the Aiken County Circuit Court from exercising jurisdiction over her. We deny the requests.


The temporary restraining order clearly violates petitioner's First and Fourteenth Amendment rights and will not be upheld by this Court. *Nebraska Press Ass'n v. Stuart*, 427 U.S. 539 (1976) (prior restraints on speech and publication are the most serious and the least tolerable infringement on First Amendment rights, and truthful reports of public judicial proceedings have been afforded special protection against subsequent punishment); *State-Record Co. v. State*, 332 S.C. 346, 504 S.E.2d 592 (1998) (the party seeking to uphold a prior restraint on the media's First Amendment right of free speech bears an extremely heavy burden). Accordingly, the temporary restraining order is dissolved, and the appeal is dismissed as moot.




C.J.



J.



J.



J.

Justice Costa M. Pleicones, not participating.

Columbia, South Carolina

March 4, 2015

cc:

Jerry Jay Bender, Esquire

Thomas H. Pope, III, Esquire

Robert N. Rosen, Esquire

Corey Ty Landon Smith, Esquire