

STATE OF SOUTH CAROLINA

COUNTY OF ANDERSON

ROBERT STRO SNIPES,

Plaintiff,

v.

CITY OF BELTON and SPARTANBURG
ANIMAL CLINIC, LLC,

Defendant.

IN THE COURT OF COMMON PLEAS

CIVIL ACTION NO.: 2023-CP-04-00203

**ORDER GRANTING
SUMMARY JUDGMENT IN FAVOR OF
DEFENDANT CITY OF BELTON**

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Jan 31 2024

SC Court of Appeals

The Motion for Summary Judgment filed by Defendant City of Belton came on for hearing at the old Anderson County Courthouse on November 28, 2023. John M. Grantland, Esq., appeared for Defendant City of Belton and argued in support of the Motion for Summary Judgment, and G. Lee Cole, Jr., Esq., appeared for Plaintiff Robert Snipes and argued in opposition to the Motion for Summary Judgment. After hearing the arguments and reviewing the filings by both parties, the Court hereby GRANTS the Motion for Summary Judgment in favor of the City of Belton.

FACTS

At the pertinent time period, Plaintiff Robert Snipes owned residences in both Belton and Spartanburg, South Carolina. He housed numerous cats at both houses.

One of the Plaintiff's cats who lived mainly at his Belton house was named, "Skye." Skye had been stricken with an infection in his mouth for several months. He lost half his weight. He lost several teeth. His fur became severely matted. The record contains photographs of Skye taken in January 2021. In his brief in opposition to this Motion, the Plaintiff concedes these photographs

are “shocking.” (Plaintiff’s Brief p. 3). In his deposition, the Plaintiff admitted that Skye looked this bad for several weeks leading up to when the photographs were taken.

In November 2020, the Plaintiff took Skye to a veterinarian in Duncan. The veterinarian was so upset by how far the Plaintiff had allowed Skye’s condition to deteriorate that she refused to provide any further medical services to Skye and the many other cats owned by the Plaintiff. In that veterinarian’s opinion, Skye had a poor quality of life and Skye’s condition was unacceptable.

Two months later in January 2021, Skye’s condition had not improved. During that time period, the Plaintiff allowed all six (6) of the cats at his Belton house to sleep with him in his bed. When the Plaintiff woke up one morning, Skye was so limp the Plaintiff thought Skye was dead. That morning – January 29, 2021 – Plaintiff decided to take Skye to Spartanburg Animal Clinic. Because of Skye’s desperate condition, that clinic conferred with yet another clinic that the Plaintiff had previously taken Skye to. That prior clinic reported their only recommendation would be humane euthanasia for Skye. This was the same recommendation by Spartanburg Animal Clinic. The Plaintiff reluctantly allowed the Spartanburg Animal Clinic to euthanize Skye that day.

Soon thereafter, an employee of Spartanburg Animal Clinic contacted an Animal Control Officer with the City of Belton to report the condition that the Plaintiff had allowed Skye to endure for many weeks. The Clinic sent numerous photographs of Skye to the City of Belton. The City of Belton began an investigation. The Belton Animal Control Officer learned that the Plaintiff had taken Skye to several other animal clinics in the upstate during the prior months, so the Belton Officer obtained records from four of those clinics. This Officer spoke to one of the veterinarians who reported that what she witnessed with Skye was heartbreaking, and she felt the Plaintiff’s treatment of Skye was a clear case of abuse.

The City of Belton presented its findings and evidence relating to the Plaintiff's treatment of Skye to Judge Dennis J. Bannister. On February 4, 2021, Judge Bannister signed an arrest warrant, finding probable cause existed to arrest the Plaintiff for the ill treatment of an animal pursuant to South Carolina Code §47-1-40.¹ The Plaintiff was arrested at his Belton residence the next day and booked at the Anderson County Detention Center. He was released from custody the same day of his arrest.

The Plaintiff alleges that no agent or officer from the City of Belton appeared at his preliminary hearing in September 2021 and that another Judge – not Judge Bannister – dismissed the charge against the Plaintiff. (Plaintiff's Brief p. 2). The Plaintiff has not indicated whether the Judge who dismissed the charge saw any photographs of Skye's condition or reviewed any documents and information that the City of Belton had obtained from the veterinarians who reported the Plaintiff's treatment of Skye constituted animal neglect or cruelty.

CLAIMS AGAINST THE CITY OF BELTON

The Plaintiff alleges the following four causes of action² against the City of Belton:

1. False Imprisonment;
2. False Arrest;
3. Gross Negligence; and
4. Malicious Prosecution.

¹ South Carolina Code §47-1-40 is titled "Ill-treatment of animals, generally; penalties." There are two crimes outlined in this statute. One crime, a misdemeanor, applies when a person, among other things, ill-treats an animal. The other, a felony, applies when a person, among other things, inflicts excessive or repeated unnecessary pain or suffering upon an animal.

² In his original Complaint, the Plaintiff also alleged two other causes of action against the City of Belton pursuant to the South Carolina Constitution, but the Plaintiff previously voluntarily dismissed those claims with prejudice.

FINDINGS AND CONCLUSIONS

I. The Plaintiff's causes of action for false arrest and false imprisonment fail as a matter of law because the Plaintiff was arrested pursuant to a facially valid arrest warrant.

The Plaintiff's cause of action for false arrest lacks merit. "It has long been the law that one arrested pursuant to a facially valid warrant has no cause of action for false arrest." *Carter v. Bryant*, 429 S.C. 298, 306, 838 S.E.2d 523, 528 (Ct. App. 2020). A warrant is facially valid if it is regular in form, issued by a court official having authority to issue the warrant, and the proceedings required to proper issuance of the warrant have taken place. *Id.* at 308, 838 S.E.2d at 529. Plaintiff has not produced any evidence suggesting that the warrant issued by Judge Bannister was not valid, and the Court finds that that it was. Because the Plaintiff was arrested pursuant to a facially valid warrant executed by Judge Bannister, the Plaintiff's cause of action for false arrest fails as a matter of law.

Because Plaintiff's claim for false arrest fails, his false imprisonment claim also fails. "False arrest in South Carolina is also known as false imprisonment." *Id.* at 306, 838 S.E.2d at 527.

II. The Plaintiff's cause of action for gross negligence also fails as a matter of law.

In the recent case of *Seabrook v. Town of Mount Pleasant*, 432 S.C. 441, 853 S.E.2d 508 (Ct. App. 2020), the plaintiff – like the Plaintiff in this case – asserted claims for gross negligence, false arrest, and malicious prosecution against a municipality. The Court of Appeals affirmed summary judgment in favor of the Town. As for gross negligence, the Court held: "There is also no viable claim for . . . gross negligence. [The plaintiff] contends the officers negligently arrested him without probable cause. This is indistinguishable from his malicious prosecution claim." *Id.* at 444, 853 S.E.2d at 510. As such, the Plaintiff cannot maintain a separate claim for gross negligence in a case like this where he is also asserting a claim for malicious prosecution.

III. The Plaintiff's claim for malicious prosecution also fails as a matter of law because probable cause existed to arrest Plaintiff for the ill treatment of an animal.

As the Plaintiff concedes in his brief, the photographs taken of Skye showing his condition on the day he was euthanized are "shocking." The Court agrees. Any reasonable person viewing these photographs would believe the cat was suffering.

An essential element of the cause of action for malicious prosecution is lack of probable cause at the time of arrest. *See Carter*, 429 S.C. at 306, 838 S.E.2d at 528 (holding fundamental issue in determining whether arrest lawful is if there was probable cause. "'Probable cause' is defined as a good faith belief that a person is guilty of a crime when this belief rests on such grounds as would induce an ordinarily prudent and cautious man, under the circumstances, to believe likewise." *Jackson v. City of Abbeville*, 366 S.C. 662, 666-67, 623 S.E.2d 656, 659 (Ct. App. 2005). "Probable cause turns not on the individual's actual guilt or innocence, but on whether facts within the officer's knowledge would lead a reasonable person to believe the individual arrested was guilty of a crime." *Id.* at 666, 623 S.E.2d at 658. In an action for malicious prosecution, the Plaintiff has the burden of demonstrating lack of probable cause. *Id.* Although whether probable cause exists is typically an issue for the jury, it may be decided as a matter of law by the Court when the evidence yields only one conclusion. *Carter*, 429 S.C. at 316, 838 S.E.2d at 533. Probable cause is a commonsense conception based on facts and circumstances known to the arresting officer at the time of the arrest. *Id.* at 315, 838 S.E.2d at 532.

Even when viewed in the light most favorable to the Plaintiff, there was probable cause to believe at the time of the Plaintiff's arrest that he was guilty of the criminal offense of abuse of an

animal in violation of South Carolina Code §47-1-40.³ Soon after Skye was euthanized at the Spartanburg Animal Clinic, an employee of that clinic called the Animal Control Officer for the City of Belton informing her that the Plaintiff allowed Skye's condition to deteriorate to a terrible state over several weeks. The Spartanburg Clinic sent the "shocking" photographs to the Animal Control Officer. The Animal Control Officer contacted several other veterinarian offices who were familiar with the Plaintiff and his cats. One veterinarian in particular described the Plaintiff's treatment of Skye as a clear case of abuse. Any reasonable person based on this evidence would believe the Plaintiff was guilty of animal abuse.

The Plaintiff contends there is a "scintilla" of evidence that no probable cause existed and the fact that a subsequent judge dismissed the charge means that probable cause did not exist. These arguments lack merit. First, the scintilla standard is no longer the applicable standard to determine whether a genuine issue of material fact exists. *See Kitchen Planners, LLC v. Friedman*, 440 S.C. 456, 463, 892 S.E.2d 297, 301 (2023) ("We now clarify that the 'mere scintilla' standard does not apply under Rule 56 (c)."). Second, whether the second judge dismissed the criminal charge at a preliminary hearing is immaterial to the issue of whether probable cause existed at the time of the Plaintiff's arrest. According to the Plaintiff, no officer or agent from the City of Belton appeared at the preliminary hearing. As such, it appears that the second judge may not have been presented any of the evidence the arresting officer presented to Judge Bannister when he issued

³ The Plaintiff was charged with the felony offense of ill treatment of an animal under South Carolina Code §47-1-40. The Court finds there was probable cause to charge the Plaintiff with the felony offense or the lesser misdemeanor charge. However, even if probable cause did not exist to charge the Plaintiff with the felony offense, there clearly was probable cause to arrest him for the misdemeanor offense. In determining whether probable cause existed, the Court may consider crimes that are uncharged. *See Jackson*, 366 S.C. at 666, 623 S.E.2d at 658 ("We hold that the determination of 'probable cause to arrest' for the purpose of Jackson's tort claims may properly include consideration of an uncharged offense.").

the arrest warrant. Moreover, the dismissal of a charge at a preliminary hearing is not a dispositive or final ruling. The arresting entity may institute another prosecution for the same offense at a later time. S.C. R. Crim. P. 2 (c).

CONCLUSION

All of the Plaintiff's claims against the City of Belton fail as a matter of law. The City of Belton's Motion for Summary Judgment is hereby **GRANTED**.

Honorable R. Lawton McIntosh

Anderson, South Carolina



Anderson Common Pleas

Case Caption: Robert Stro Snipes VS City Of Belton , defendant, et al

Case Number: 2023CP0400203

Type: Order/Summary Judgment

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