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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

_____

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

The Honorable R. Lawton McIntosh, Circuit Court Judge

_____

Case No. 2024-000155

_____

Robert Stro Snipes,
Appellant,

v.

City of Belton and VetCor of Spartanburg, LLC,
Respondents,

_____

RECORD ON APPEAL

_____

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INDEX

Complaint....3

Stipulation of Dismissal filed April 4, 2023....20

Deposition Transcript of the Appellant....21

Examination by Mr. Kull....26
Examination of Mr. Blount....178
Examination by Mr. Cole....225
Re-Examination by Mr. Kull....245
Re-Examination by Mr. Blount....268

Consent Order of Continuance filed October 9, 2023....317

Motion for Summary Judgment of Respondent, City of Belton, with Exhibits....320

Memorandum in Support of Summary Judgment of Respondent, City of Belton, with Exhibits....329

Motion for Summary Judgment of Respondent, VetCor of Spartanburg, LLC....371

Memorandum in Support of Summary Judgment of Respondent, VetCor of Spartanburg, LLC, with Exhibits....374

Memorandum in Opposition to Summary Judgment of Appellant with Exhibits....401

Transcript of Summary Judgment Hearing....407

Order Granting VetCor of Spartanburg LLC's Motion for Summary Judgment....440

Order Granting Summary Judgment in Favor of the City of Belton....451

Appellant's Motion to Reconsider, Alter, or Amend Order Granting VetCor of Spartanburg LLC's Motion for Summary Judgment....459

Appellant's Motion to Reconsider, Alter, or Amend Order Granting Summary Judgment in Favor of the City of Belton....474

Order Denying Motions to Reconsider, Alter, or Amend....476

Notice of Appeal....479

Certificate of Appellant....483

ELECTRONICALLY FILED - 2023 Jan 31 1:33 AM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	OF THE TENTH JUDICIAL CIRCUIT
COUNTY OF ANDERSON	)	
	)	
	)	
ROBERT STRO SNIPES,	)	**SUMMONS**
Plaintiff,	)	
	)	
vs.	)	
	)	CASE NUMBER: 2023-CP-04-_____
CITY OF BELTON and	)	
SPARTANBURG ANIMAL CLINIC, LLC,	)	
Defendants.	)	
_____	)	

TO THE DEFENDANTS ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint herein, a copy of which is herewith served upon you, or otherwise appear and defend, and to serve a copy of your answer to said Complaint upon the subscriber at his office, 32 E. Main Street, P.O. Box 315, Williamston, South Carolina, 29697, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, or otherwise appear and defend, the Plaintiff in this action will apply to the Court for the relief demanded therein, and judgment by default will be rendered against you for the relief demanded in the Complaint.

s/ G. Lee Cole, Jr.
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ATTORNEY FOR THE PLAINTIFF

Williamston, South Carolina
Dated: **01/27/2023**

ELECTRONICALLY FILED - 2023 Jan 31 1:33 AM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	OF THE TENTH JUDICIAL CIRCUIT
COUNTY OF ANDERSON	)	
	)	
	)	
ROBERT STRO SNIPES,	)	**COMPLAINT**
Plaintiff,	)	(Jury Trial Demanded)
	)	
vs.	)	
	)	CASE NUMBER: 2023-CP-04-_____
CITY OF BELTON and	)	
SPARTANBURG ANIMAL CLINIC, LLC,	)	
Defendants.	)	
_____	)	

The Plaintiff, complaining of the Defendants herein, would respectfully show unto the Court and allege as follows:

FACTS COMMON TO ALL CAUSES OF ACTION

1. That the Plaintiff is a citizen and resident of Anderson County, South Carolina.

1. That the Defendant, City of Belton, is a South Carolina municipality, a political subdivision within the meaning of the South Carolina Tort Claims Act, S.C. Code Ann. § 15-78-30(h), and is located in Anderson County, South Carolina.

2. That the Defendant, Spartanburg Animal Clinic, LLC, is a South Carolina limited liability company, with its primary place of business in Spartanburg County, South Carolina.

3. That this Court has jurisdiction over all the parties herein as well as the subject matter hereof, and venue is proper in Anderson County.

4. That, on or about January 29, 2021, the Plaintiff took an ill pet cat to the office of the Defendant, Spartanburg Animal Clinic, LLC, and sought treatment for said cat from the same.

ELECTRONICALLY FILED - 2023 Jan 31 1:33 AM - ANDERSON - COMMON PLEAS - CASE#2023CP040203

5. That, after examining the cat, said Defendant, by and through its agents or employees demanded that Plaintiff authorize the Defendant to euthanize the cat and advised that the Plaintiff would be arrested by law enforcement if he did not agree to euthanasia of the cat.
6. That the Plaintiff agreed to allow the Defendant to euthanize the cat, and the Defendant euthanized it on that same date.
7. That agents or employees of said Defendant subsequently contacted Spartanburg County Animal Control and the Defendant, City of Belton, and communicated false, misleading, negligent, or incomplete statements to both agencies that the Plaintiff was abusing the cat that had been euthanized, that the Plaintiff had refused to have the cat euthanized, and made other communications to induce Spartanburg County Animal Control and the Defendant, City of Belton, to arrest the Plaintiff for alleged violations of the law.
8. That, upon information and belief, based on the communications it received from the Defendant, Spartanburg Animal Clinic, LLC, Spartanburg County Animal Control, investigated this matter thoroughly and declined to pursue any criminal, civil, or administrative action against the Plaintiff.
9. That, based on the communications it received from the Defendant, Spartanburg Animal Clinic, LLC, the Defendant, City of Belton, investigated this matter, searched the Plaintiff's home on two (2) occasions, interrogated the Plaintiff, coerced the Plaintiff to surrender other pet cats, and seized said pet cats from the Plaintiff.
10. That the Defendant, City of Belton, also arrested the Plaintiff and forcibly placed him in handcuffs in his home, publicly walked the Plaintiff from his home to a police car in handcuffs, booked him at the Anderson County Detention Center where he was required to stay for approximately one (1) day before being released on bail, and charged the Plaintiff with one (1) felony count of torturing, tormenting, needlessly mutilating, cruelly killing, or inflicting excessive or repeated unnecessary pain or suffering upon an animal in violation of S.C. Code Ann. § 47-01-40(B).

ELECTRONICALLY FILED - 2023 Jan 31 1:33 AM - ANDERSON - COMMON PLEAS - CASE#2023CP040203

11. That the Plaintiff subsequently had to retain counsel to defend himself against this charge.
12. That a preliminary hearing was held on this criminal charge on or about September 15, 2022, in the Anderson County Magistrate's Court.
13. That, at said preliminary hearing, no witness from the Defendant, City of Belton, appeared, the Court found that no probable cause existed for the Plaintiff to be arrested, and the Court dismissed the charge.

FOR A FIRST CAUSE OF ACTION
(Negligence as to the Defendant, Spartanburg Animal Clinic, LLC)

14. That the Plaintiff re-alleges and incorporates the allegations in foregoing paragraphs as if fully repeated herein.
15. That the Defendant, Spartanburg Animal Clinic, LLC, its agents, and employees, in making the above-described communications to Spartanburg County Animal Control and the Defendant, City of Belton, committed acts or omissions in a manner that was negligent, grossly negligent, reckless, willful, wanton, or intentional, in one or more of the following ways:
    a. by making false, misleading, incomplete, or defamatory communications to Spartanburg County Animal Control and the Defendant, City of Belton, that contributed to the false arrest, charge, and prosecution of the Plaintiff;
    b. by failing to prevent the false arrest, charge, and prosecution of the Plaintiff;
    c. by failing to protect the Plaintiff from being injured and suffering harm;
    d. by failing to properly supervise its agents and employees;
    e. by failing to properly train its agents and employees;
    f. by failing and omitting to exercise due care for the Plaintiff under the circumstances prevailing and existing at said time and place;

ELECTRONICALLY FILED - 2023 Jan 31 1:33 AM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

g. by failing to exercise the degree of care and caution that a reasonable and prudent person would have exercised under the circumstances then and there prevailing;

h. in other ways that shall be proved at trial.

16. That, at all times relevant herein, said Defendant's agents and employees had a duty to the Plaintiff to exercise reasonable care to not cause the Plaintiff to not be falsely arrested, charged with a crime, and prosecuted without probable cause for the same.

17. That, at all times relevant herein, said Defendant had a duty to the Plaintiff to exercise reasonable care to properly supervise its employees and agents so that they would not cause the Plaintiff to not be falsely arrested, charged with a crime, and prosecuted without probable cause for the same.

18. That, at all times relevant herein, the agents and employees of said Defendant, were acting within the scope of their employment or agency relationship with said Defendant.

19. That, at all times relevant herein, said Defendant had the ability to control the conduct of its employees and agents, and knew or should have known of the necessity and opportunity for exercising control over them.

20. That as a result of one or more of the negligent, grossly negligent, reckless, willful, wanton, or intentional acts or omissions of the Defendant, Spartanburg Animal Clinic, LLC, its agents, and employees, complained above, said Defendant breached its duty to the Plaintiff, and as a direct and proximate result thereof, the Plaintiff suffered injuries and pain, experienced mental and emotional anguish, suffered property damage, suffered public humiliation, was arrested and detained in jail, was prosecuted for a criminal charge, and has otherwise been injured and suffered damages.

21. That the Plaintiff is, therefore, informed and believes that he is entitled to a judgment for actual damages, compensatory damages, special damages, consequential damages, exemplary damages, and punitive damages against the Defendant, Spartanburg Animal Clinic, LLC, in an amount to be determined by a jury or other trier of fact in this matter.

ELECTRONICALLY FILED - 2023 Jan 31 1:33 AM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

FOR A SECOND CAUSE OF ACTION
(False Imprisonment as to the Defendant, Spartanburg Animal Clinic, LLC)

22. That the Plaintiff re-alleges and incorporates the allegations in foregoing paragraphs as if fully repeated herein.
23. That, on or about February 5, 2021, the Plaintiff was deprived of his personal liberties and freedoms without lawful justification through an unjustified arrest and subsequent imprisonment by the Defendant, City of Belton.
24. That the Plaintiff's false imprisonment by the Defendant, City of Belton, was a direct and proximate result of the above-described communications from the Defendant, Spartanburg Animal Clinic, LLC, and the Plaintiff suffered injuries and pain, suffered loss of liberty, suffered loss of time, experienced mental and emotional anguish, suffered property damage, suffered public humiliation, incurred attorney's fees, and has otherwise been injured and suffered damages.
25. That the Plaintiff is, therefore, informed and believes that he is entitled to a judgment for actual damages, compensatory damages, special damages, consequential damages, exemplary damages, and punitive damages against the Defendant, Spartanburg Animal Clinic, LLC, in an amount to be determined by a jury or other trier of fact in this matter.

FOR A THIRD CAUSE OF ACTION
(False Arrest as to the Defendant, Spartanburg Animal Clinic, LLC)

26. That the Plaintiff re-alleges and incorporates the allegations in foregoing paragraphs as if fully repeated herein.
27. That, on or about February 5, 2021, law enforcement officers of the Defendant, City of Belton, intentionally arrested, restrained, and detained the Plaintiff.
28. That said officers of the Defendant, City of Belton, had no lawful authority or justification to arrest, restrain, or detain the Plaintiff.

ELECTRONICALLY FILED - 2023 Jan 31 1:33 AM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

29. The arrest of Plaintiff was made without probable cause.

30. That the Plaintiff's false arrest by the Defendant, City of Belton, was a direct and proximate result of the above-described communications from the Defendant, Spartanburg Animal Clinic, LLC, and the Plaintiff suffered injuries and pain, suffered loss of liberty, suffered loss of time, experienced mental and emotional anguish, suffered property damage, suffered public humiliation, incurred attorney's fees, and has otherwise been injured and suffered damages.

31. That the Plaintiff is, therefore, informed and believes that he is entitled to a judgment for actual damages, compensatory damages, special damages, consequential damages, exemplary damages, and punitive damages against the Defendant, Spartanburg Animal Clinic, LLC, in an amount to be determined by a jury or other trier of fact in this matter.

FOR A FOURTH CAUSE OF ACTION
(Malicious Prosecution as to the Defendant, Spartanburg Animal Clinic, LLC)

32. That the Plaintiff re-alleges and incorporates the allegations in foregoing paragraphs as if fully repeated herein.

33. That, on or about February 5, 2021, law enforcement officers of the Defendant, City of Belton, arrested, imprisoned, and charged the Plaintiff with one (1) felony count of torturing, tormenting, needlessly mutilating, cruelly killing, or inflicting excessive or repeated unnecessary pain or suffering upon an animal in violation of S.C. Code Ann. § 47-01-40(B).

34. That the criminal charge against the Plaintiff was based on the above-described false, misleading, incomplete, or defamatory communications from the Defendant, Spartanburg Animal Clinic, LLC, to the Defendant, City of Belton.

35. That the criminal charge against the Plaintiff was later dismissed at a preliminary hearing.

36. That the conduct of the Defendant, Spartanburg Animal Clinic, LLC, was malicious, willful,

ELECTRONICALLY FILED - 2023 Jan 31 1:33 AM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

and wanton in that said Defendant knew, or reasonably should have known, that the information it provided to the Defendant, City of Belton, false, misleading, incomplete, or defamatory.

37. That the Defendant, Spartanburg Animal Clinic, LLC, lacked probable cause to institute prosecutorial proceedings against the Plaintiff.

38. That, as a direct and proximate result of said Defendant's malicious prosecution of the Plaintiff, the Plaintiff has suffered injuries and pain, suffered loss of liberty, suffered loss of time, experienced mental and emotional anguish, suffered property damage, suffered public humiliation, incurred attorney's fees, and has otherwise been injured and suffered damages.

39. That the Plaintiff is, therefore, informed and believes that he is entitled to a judgment for actual damages, compensatory damages, special damages, consequential damages, exemplary damages, and punitive damages against the Defendant, Spartanburg Animal Clinic, LLC, in an amount to be determined by a jury or other trier of fact in this matter.

FOR A FIFTH CAUSE OF ACTION
(Defamation as to the Defendant, Spartanburg Animal Clinic, LLC)

40. That the Plaintiff re-alleges and incorporates the allegations in foregoing paragraphs as if fully repeated herein.

41. That the Defendant, Spartanburg Animal Clinic, LLC, published allegations against the Plaintiff by making written or oral communications to the Defendant, City of Belton, that the Plaintiff had tortured, tormented, needlessly mutilated, cruelly killed, or inflicting excessive or repeated unnecessary pain or suffering upon an animal.

42. That said allegations were false.

43. That said allegations concerned the Plaintiff, tended to injure the Plaintiff, and were defamatory *per se*.

ELECTRONICALLY FILED - 2023 Jan 31 1:33 AM - ANDERSON - COMMON PLEAS - CASE#2023CP040203

44. That said Defendant published the above-described allegations against the Plaintiff with actual or implied malice.

45. That, as a direct and proximate result of said Defendant's publication of defamatory allegations concerning the Plaintiff, the Plaintiff has suffered harm to his professional and personal reputation, suffered injuries and pain, suffered loss of liberty, suffered loss of time, experienced mental and emotional anguish, suffered property damage, suffered public humiliation, incurred attorney's fees, and has otherwise been injured and suffered damages.

46. That the Plaintiff is, therefore, informed and believes that he is entitled to a judgment for actual damages, compensatory damages, special damages, consequential damages, exemplary damages, and punitive damages against the Defendant, Spartanburg Animal Clinic, LLC, in an amount to be determined by a jury or other trier of fact in this matter.

FOR A SIXTH CAUSE OF ACTION
(Gross Negligence as to the Defendant, City of Belton)

47. That the Plaintiff re-alleges and incorporates the allegations in foregoing paragraphs as if fully repeated herein.

48. That the Defendant, City of Belton, its agents, and employees, committed acts or omissions in a manner that was grossly negligent, reckless, willful, wanton, or intentional, in one or more of the following ways:

    1. by wrongfully detaining, arresting, and imprisoning the Plaintiff;
    2. by wrongfully charging the Plaintiff with a felony offense;
    3. by failing to release the Plaintiff after ascertaining that the lawful basis to arrest or detain the Plaintiff;
    4. by failing to release the Plaintiff after ascertaining that there was no probable cause to arrest or detain the Plaintiff;

ELECTRONICALLY FILED - 2023 Jan 31 1:33 AM - ANDERSON - COMMON PLEAS - CASE#2023CP040203

5. by instituting or continuing prosecution of the Plaintiff for a felony offense when by there was no probable cause that the Plaintiff had committed said offense.
6. by failing to conduct a proper investigation into this matter;

a. by failing to prevent the false arrest, charge, and prosecution of the Plaintiff;
b. by failing to protect the Plaintiff from being injured and suffering harm;
c. by failing to properly supervise its agents and employees;
d. by failing to properly train its agents and employees;
e. by failing to ensure that its agents and employees followed policies and procedures;
f. by failing and omitting to exercise due care for the Plaintiff under the circumstances prevailing and existing at said time and place;
g. by failing to exercise the degree of care and caution that a reasonable and prudent person would have exercised under the circumstances then and there prevailing;
h. in other ways that shall be proved at trial.

50. That, at all times relevant herein, said Defendant's agents and employees had a duty to the Plaintiff to exercise slight care in its interactions with the Plaintiff.
51. That, at all times relevant herein, said Defendant had a duty to the Plaintiff to exercise slight care to properly supervise its employees and agents in their interactions with the Plaintiff.
52. That, at all times relevant herein, the agents and employees of said Defendant, were acting within the scope of their employment or agency relationship with said Defendant.
53. That, at all times relevant herein, said Defendant had the ability to control the conduct of its employees and agents, and knew or should have known of the necessity and opportunity for exercising control over them.
54. That, at all times relevant herein, the agents and the employees of said Defendant that interacted with the Plaintiff were acting pursuant to the policies and customs generally adopted, ratified, and deemed accepted as a regular practice by said Defendant.

ELECTRONICALLY FILED - 2023 Jan 31 1:33 AM - ANDERSON - COMMON PLEAS - CASE#2023CP040203

55. That as a result of one or more of the grossly negligent, reckless, willful, wanton, or intentional acts or omissions of the Defendant, City of Belton, its agents, and employees, complained above, said Defendant breached its duty to the Plaintiff, and as a direct and proximate result thereof, the Plaintiff suffered injuries and pain, experienced mental and emotional anguish, suffered property damage, suffered public humiliation, was arrested and detained in jail, was prosecuted for a criminal charge, and has otherwise been injured and suffered damages.
56. That the Plaintiff is, therefore, informed and believes that he is entitled to a judgment for actual damages, compensatory damages, special damages, consequential damages, and exemplary damages, against the Defendant, City of Belton, in an amount to be determined by a jury or other trier of fact in this matter.

FOR A SEVENTH CAUSE OF ACTION
(False Imprisonment as to the Defendant, City of Belton)

57. That the Plaintiff re-alleges and incorporates the allegations in foregoing paragraphs as if fully repeated herein.
58. That, on or about February 5, 2021, the Plaintiff was deprived of his personal liberties and freedoms without lawful justification through an unjustified arrest and subsequent imprisonment by the Defendant, City of Belton.
59. That Probable cause did not exist to arrest and imprison the Plaintiff and said Defendant lacked a good faith belief that Plaintiff was guilty of a crime as would induce an ordinarily prudent and cautious law enforcement officer, under the circumstances, to believe likewise.
60. That the agents and employees of the Defendant who arrested, restrained, and detained the Plaintiff acted with intent to arrest, restrain and detain him.
61. That the Defendant willfully, intentionally, wantonly, and recklessly restrained and imprisoned the Plaintiff through an unlawful arrest in violation of his established legal rights.

ELECTRONICALLY FILED - 2023 Jan 31 1:33 AM - ANDERSON - COMMON PLEAS - CASE#2023CP040203

62. That, as a direct and proximate result of said Defendant's unlawful arrest and detention of the Plaintiff, the Plaintiff suffered injuries and pain, suffered loss of liberty, suffered loss of time, experienced mental and emotional anguish, suffered property damage, suffered public humiliation, incurred attorney's fees, and has otherwise been injured and suffered damages.
63. That the Plaintiff is, therefore, informed and believes that he is entitled to a judgment for actual damages, compensatory damages, special damages, consequential damages, and exemplary damages, against the Defendant, City of Belton, in an amount to be determined by a jury or other trier of fact in this matter.

FOR AN EIGHTH CAUSE OF ACTION
(False Arrest as to the Defendant, City of Belton)

64. That the Plaintiff re-alleges and incorporates the allegations in foregoing paragraphs as if fully repeated herein.
65. That, on or about February 5, 2021, law enforcement officers of the Defendant, City of Belton, intentionally arrested, restrained, and detained the Plaintiff.
66. That said officers of the Defendant, City of Belton, had no lawful authority or justification to arrest, restrain, or detain the Plaintiff.
67. The arrest of Plaintiff was made without probable cause.
68. That as a direct and proximate result of the false arrest of the Plaintiff by said Defendant, the Plaintiff suffered injuries and pain, suffered loss of liberty, suffered loss of time, experienced mental and emotional anguish, suffered property damage, suffered public humiliation, incurred attorney's fees, and has otherwise been injured and suffered damages.
69. That the Plaintiff is, therefore, informed and believes that he is entitled to a judgment for actual damages, compensatory damages, special damages, consequential damages, exemplary damages, and punitive damages against the Defendant, City of Belton, in an amount to be determined by a jury or other trier of fact in this matter.

ELECTRONICALLY FILED - 2023 Jan 31 1:33 AM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

FOR A NINTH CAUSE OF ACTION
(Malicious Prosecution as to the Defendant, City of Belton)

70. That the Plaintiff re-alleges and incorporates the allegations in foregoing paragraphs as if fully repeated herein.

71. That, on or about February 5, 2021, agents and employees of the Defendant, City of Belton, arrested, imprisoned, and charged the Plaintiff with one (1) felony count of torturing, tormenting, needlessly mutilating, cruelly killing, or inflicting excessive or repeated unnecessary pain or suffering upon an animal in violation of S.C. Code Ann. § 47-01-40(B).

72. That the criminal charge against the Plaintiff was later dismissed at a preliminary hearing.

73. That the arrest of the Plaintiff was made and maintained without probable cause, in that no facts existed that would lead to a reasonable law enforcement officer to believe that the Plaintiff was guilty of the above-described felony offense.

74. That the actions of said Defendant in instituting, continuing, and maintaining a prosecution against the Plaintiff were malicious, willful, and wanton in that said Defendant knew, or reasonably should have known, that the no probable cause or legal justification existed to institute, continue, or maintain prosecutorial proceedings against the Plaintiff.

75. That, as a direct and proximate result of said Defendant's malicious prosecution of the Plaintiff, the Plaintiff has suffered injuries and pain, suffered loss of liberty, suffered loss of time, experienced mental and emotional anguish, suffered property damage, suffered public humiliation, incurred attorney's fees, and has otherwise been injured and suffered damages.

76. That the Plaintiff is, therefore, informed and believes that he is entitled to a judgment for actual damages, compensatory damages, special damages, consequential damages, and exemplary damages, against the Defendant, City of Belton, in an amount to be determined by a jury or other trier of fact in this matter.

ELECTRONICALLY FILED - 2023 Jan 31 1:33 AM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

FOR A TENTH CAUSE OF ACTION
(Declaratory Judgment – State Constitutional Violations of Article I § 3)

77. That the Plaintiff re-alleges and incorporates the allegations in foregoing paragraphs as if fully repeated herein.

78. This cause of action is brought pursuant to the South Carolina Uniform Declaratory Judgments Act, S.C. Code. Ann. § 15-53-10, *et seq.*, and the South Carolina State Constitution, Article I § 23.

79. Article I § 3 of the South Carolina Constitution provides that the privileges and immunities of the Plaintiff shall not be abridged, "nor shall any person be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws."

80. That acts and omissions of the Defendant, City of Belton, through its agents and employees, and complained of herein constitute a violation of the Plaintiff's state constitutional rights under Article I § 3.

81. That the Plaintiff in fact was deprived of life and liberty without due process of law through the actions complained of herein.

82. That the Plaintiff is entitled to a judgment that said Defendant's complained of acts and omissions had the effect of denying or abridging the Plaintiff of his state constitutional rights under Article I § 3.

83. That the Plaintiff is further entitled to the costs pursuant to S.C. Code Ann. § 15-53-100 and such further relief from said Defendant as this Court deems necessary and proper pursuant to S.C. Code Ann. § 15-53-120.

FOR AN ELEVENTH CAUSE OF ACTION
(Declaratory Judgment – State Constitutional Violations of Article I § 10)

ELECTRONICALLY FILED - 2023 Jan 31 1:33 AM - ANDERSON - COMMON PLEAS - CASE#2023CP040203

84. That the Plaintiff re-alleges and incorporates the allegations in foregoing paragraphs as if fully repeated herein.

85. This cause of action is brought pursuant to the South Carolina Uniform Declaratory Judgments Act, S.C. Code. Ann. § 15-53-10, *et seq.*, and the South Carolina State Constitution, Article I § 23.

86. That Article I § 10 of the South Carolina Constitution provides that "the right of the people to be secure in their persons…against unreasonable searches and seizures and unreasonable invasions of privacy shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the…person or thing to be seized."

87. That acts and omissions of the Defendant, City of Belton, through its agents and employees, and complained of herein constitute a violation of the Plaintiff's state constitutional rights under Article I § 10.

88. That the Plaintiff was in fact subjected to an unreasonable seizure of his person without probable cause, the same having been supported by unreasonable and inaccurate oaths and affirmations by said Defendant, through the acts and omissions of its agents and employees as complained of herein.

89. That the Plaintiff is entitled to a judgment that said Defendant's complained of acts and omissions had the effect of denying or abridging the Plaintiff of his state constitutional rights under Article I § 10.

90. That the Plaintiff is further entitled to the costs pursuant to S.C. Code Ann. § 15-53-100 and such further relief from City as this Honorable Court deems necessary and proper pursuant to S.C. Code Ann. § 15-53-120.

ELECTRONICALLY FILED - 2023 Jan 31 1:33 AM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

WHEREFORE, the Plaintiff pray for the following relief against the Defendants, jointly and severally and jointly and alternatively:

1. On his First, Second, Third, Fourth, and Fifth Causes of Action, for a judgment in favor of the Plaintiff, against the Defendant, Spartanburg Animal Clinic, LLC, for actual damages, compensatory damages, special damages, consequential damages, exemplary damages, and punitive damages, in an amount to be determined by a jury or other trier of fact in this matter, together with prejudgment interest and post-judgment interest as allowed by law.
2. On his Sixth, Seventh, Eighth, and Ninth Causes of Action, for a judgment in favor of the Plaintiff, against the Defendant, City of Belton, for actual damages, compensatory damages, special damages, consequential damages, and exemplary damages in an amount to be determined by a jury or other trier of fact in this matter, together with prejudgment interest and post-judgment interest as allowed by law.
3. On his Tenth Cause of Action, for a judgment in favor of the Plaintiff, against the Defendant, City of Belton, declaring that said Defendant's complained of acts and omissions had the effect of denying or abridging the Plaintiff of his state constitutional rights under Article I § 3, granting the Plaintiff an award of costs pursuant to S.C. Code Ann. § 15-53-100, and for such further relief from said Defendant as this Court deems necessary and proper pursuant to S.C. Code Ann. § 15-53-120.
4. On his Eleventh Cause of Action, for a judgment in favor of the Plaintiff, against the Defendant, City of Belton, declaring that said Defendant's complained of acts and omissions had the effect of denying or abridging the Plaintiff of his state constitutional rights under Article I § 10, granting the Plaintiff an award of costs pursuant to S.C. Code Ann. § 15-53-100, and for such further relief from said Defendant as this Court deems necessary and proper pursuant to S.C. Code Ann. § 15-53-120.
5. For any such further relief as the Court deems just and proper.

ELECTRONICALLY FILED - 2023 Jan 31 1:33 AM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

s/ G. Lee Cole, Jr.
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LeeCole@CoxandCole.com

ATTORNEY FOR THE PLAINTIFF

Williamston, South Carolina
Dated: **01/27/2023**

THE PLAINTIFF DEMANDS A JURY TRIAL ON ALL ISSUES SO TRIABLE.

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 **STIPULATION OF DISMISSAL WITH PREJUDICE AS TO ONLY THE TENTH AND THE ELEVENTH CAUSES OF ACTION**

Pursuant to SCRCP Rule 41, the Plaintiff, with the consent of the Defendant City of Belton, stipulates that the Plaintiff's Tenth and Eleventh Causes of Action be **DISMISSED WITH PREJUDICE**. This stipulation does not dismiss any of the other causes of action in the Complaint.

s/G. Lee Cole, Jr.
G. Lee Cole, Jr., Esq.
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Post Office Box 315
Williamston, SC 29697

Attorney for Plaintiff

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ROBERT STRODER SNIPES

September 15, 2023

Robert Stro Snipes

vs

City of Belton, et. al.

2023-CP-04-00203

REPORTER: Jaime Newton

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF ANDERSON	)	C/A NO.: 2023-CP-04-00203
ROBERT STRODER SNIPES,	)	DEPOSITION OF
Plaintiff,	)	ROBERT STRODER SNIPES
vs.	)	
CITY OF BELTON and SPARTANBURG ANIMAL CLINIC, LLC,	)	SEPTEMBER 15, 2023
Defendants.	)	
_____	)	

A deposition in the above-captioned material was reported by Jaime D. Newton, Court Reporter and Notary Public in and for the State of South Carolina; pursuant to Rule 30 of the South Carolina Rules of Civil Procedure; said deposition taken at the law offices of Murphy & Grantland, P.A., 4406-B Forest Drive, Columbia, South Carolina, on Friday, 15th day of September, 2023, commencing at the hour of 10:02 a.m.

APPEARANCES

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CONTENTS

	PAGE
Exhibit Index	3
Stipulations.	5
Examination by Mr. Kull	5
Examination by Mr. Blount	157
Examination by Mr. Cole	204
Re-Examination by Mr. Kull.	224
Re-Examination by Mr. Blount.	247
Certificate of Reporter	258

* * * * *

EXHIBIT INDEX

Defendants' Exhibit 1 (4 Pages) 54
- Electric City Animal Clinic Record dated April 24, 2020
Defendants' Exhibit 2 (4 Pages) 60
- Paw Prints Record
Defendants' Exhibit 3 (3 Pages) 70
- Healthpointe Letter/Record
Defendants' Exhibit 4 (3 Pages) 75
- Spartanburg Animal Clinic Record
Defendants' Exhibit 5 (3 Pages) 91
- Photographs

Defendants' Exhibit 6 (5 Pages) 110
- Photographs A-E
Defendants' Exhibit 7 (1 Page) 116
- Anderson County P.A.W.S Animal Surrender/ Release Form
Defendants' Exhibit 8 (10 Pages) 159
- Electric City Animal Clinic Record
Defendants' Exhibit 9 (3 Pages) 169
- HealthPointe Veterinary Clinic Record

* * * * *

Legend of the Transcript:

dashes [--] Intentional or purposeful interruption or halt in speech

[---] Indicates trailing off

(Words are transcribed as spoken. Proper names have been phonetically spelled when correct spellings cannot be obtained.)

This deposition is taken in accordance with the South Carolina Rules of Civil Procedure.

It is agreed and stipulated by the deponent and respective counsel that the reading and signing of the deposition by the deponent is expressly waived.

WHEREUPON:

ROBERT STRODER SNIPES, being duly sworn and cautioned to speak the truth, the whole truth and nothing but the truth, testifies as follows:

EXAMINATION BY MR. KULL:

Q: Can you state your full name for the record, please?

A: It's Robert Stroder Snipes.

Q: Stroder?

A: Stroder, S-T-R-O-D-E-R.

Q: Okay. Is that a family name or something?

A: Was my grandfather's on my mother's side, yeah.

Q: His last name?

A: No, he was William Stroder, so it was his middle name. I'll never find out where he got it. So everyone that I could talk to his name was either Mr. Snipes, or Mr. Bradley, or daddy.

Q: Got you. Can you give me your date of birth, please?

A: Yeah, December 6, 1955.

Q: So how old are you now?
A: Sixty-seven.
Q: Sixty-seven, okay. Have you ever had your deposition taken before?
A: No, sir.
Q: Okay. Under the rules of court, I'm supposed to tell you that this is a deposition, and you're under oath. And if you want to take a break during the deposition, just ask me. We'll take a break.
A: Okay.
Q: But if we take a break, you can't talk to your lawyer, you can't talk to anybody else about the substance of your deposition or the case.
A: Okay.
Q: And if you do, even if you talk to your lawyer, I'd be able to ask you, and you'd have to tell me what all was said. So that's one of the main rules that our court requires me to tell you. Another one is -- and I don't think you're going to have any problem with this, give verbal answers, not nodding your head and that type of thing, just so we can get everything you say and all your answers down on a written piece of paper.

A: Correct.
Q: The reason the court reporter is here today is to take down everything I say and what you say and the other lawyers say. So if this case does go to trial, we'll have a written record of exactly what was said under oath.
A: Okay.
Q: And if I ask you a question that doesn't make sense to you or you're just unsure of the question, just ask me to rephrase the question and I will be glad to rephrase the question.
A: Okay.
Q: If I ask you a question, you go ahead an answer it, we're going to assume that you understood the question. Does that sound fair to you?
A All right.
Q Okay. All right. Now, are you on any medications today?
A: No, sir.
Q: All right. Have you ever been deemed to be mentally incompetent by any governmental entity?
A: No, sir.
Q: Has a mental health care professional ever found you to be mentally incompetent?
A: No, sir.

Q: Or suffering from any mental health disability?
A: No, sir.
Q: Have you ever been treated by a mental health counselor?
A: Yes.
Q: And when is the last time?
A: Twenty years ago. I'm just guessing.
Q: And what was that treatment for, just generally?
A: Anxiety.
Q: Okay. And were you placed on medication?
A: Yes, they tried things.
Q: Okay. And when is the last time you would have taken any mental health medications?
A: Twenty years ago.
Q: Okay.
A: If not longer.
Q: Now, besides mental health medications, when is the last time you have taken any prescription medications?
A: Six, seven years ago.
Q: Okay.
A: And I could be wrong, too. More recent.
Q: I'm sorry.
A: As far as I know.
Q: Okay. Are you in good health today?

A: I hope so.
Q: Okay. Is there any health or mental health reason you know of that would keep you from being able to answer my questions accurately and honestly?
A: No, sir.
Q: Okay. I know that you were arrested back -- and I think it was February, 2021; is that right?
A: Yes, sir.
Q: And it was related to Sky; correct?
A: Sky.
Q: Okay. And other than that arrest, have you ever been arrested before?
A: No.
Q: Okay. Have you ever been convicted of any crimes?
A: No.
Q: Okay. Let's talk about your educational background. Where did you finish high school?
A: Belton-Honea Path.
Q: In what year?
A: 1974.
Q: Okay. And did you get any schooling after that?
A: A bachelor's degree at Clemson.
Q: Okay. And what was that in?

A: Administrative Management with a concentration in Occupational Safety and Health.
Q: What year was that?
A: Graduated 1978.
Q: Okay. Any schooling after that?
A: No, sir.
Q: All right. Have you ever had any training or education in pet care, veterinary medicine?
A: No.
Q: Okay. Let's talk about your employment history. When is the last time you were employed?
A: 2012.
Q: Okay. All right. In 1978, when did you ---
A: Well, may I correct that?
Q: Yeah, sure.
A: I apologize. I still can't give you an answer, but as far as we know is the last employed? Twenty -- might have been '15, '16.
Q: Let's start from 1978.
A: Sorry.
Q: Did you start working right out of college?
A: Not long after.
Q: Okay. What was your first full-time job after college?
A: As a loss prevention consultant. Would have been

an insurance company.
Q: What city were you living in?
A: Originally in Atlanta.
Q: Okay. About how long did you do that job?
A: Fourteen years. I transferred different places. I ended up in Spartanburg.
Q: About what year did you end up in Spartanburg?
A: '82.
Q: Okay. What was the name of the company you were with when you moved to Spartanburg?
A: Still Liberty Mutual.
Q: Liberty Mutual?
A: I was just transferred.
Q: Okay. And when did you stop working for Liberty Mutual?
A: 1993.
Q: Were you always in kind of loss prevention?
A: Yes.
Q: Okay. In 1993, where did you go to work?
A: I worked -- well, I can't swear to the time frame, but I ended up working in loss prevention with a company called the Goff Group.
Q: G-O-F-F?
A: G-O-F-F. G-O-F-F, yeah.
Q: Was that in Spartanburg?

A: No, they were out of Montgomery, Alabama.
Q: But where were you located?
A: they had a satellite office in Raleigh, I think. And so, they hired me and I serviced their -- I mean, half of their North Carolina. Yeah, they were in Charlotte, and I was close to have been their Raleigh employee.
Q: Okay. How long did you do that?
A: Maybe three years.
Q: Okay. And were you still in loss prevention?
A: Yes.
Q: Okay. Did you ever do anything besides loss prevention?
A: Yeah. I worked with a home health care company as a -- trying to think what the -- patient service technician or something.
Q: Okay. Well, in 1993 or so, approximately, you started with Goff Group for about three years. So in the late '90s, who were you working for?
A: I'm thinking here. I'm not sure.
Q: Was there a period of time that you were unemployed in the '90s?
A: I'm sure there was a break, yeah. I just don't remember.
Q: More than a year?

A: No, I don't think so.
Q: Okay. After Goff, who did you work for?
A: I don't know if that's when I worked for the home health care or not. And that would have been Volunteer Medical. It was a part of Rotech.
Q: Volunteer Medical was the name of the company?
A: Yes, I think they were an independent that had been bought up by Rotech. And I think Volunteer came from the original owner being a Tennessee fan. We'd get a call ever so often thinking that we would volunteer our service of some sort.
Q: About how long did you work for them?
A: Little over four years.
Q: Okay. What kind of work did you do for them? Did you provide medical services?
A: Yes. I would, you know, my patients come at the hospital or wherever with prescriptions for whether, you know, oxygen -- on supplemental oxygen or nebulizer treatments for respiratory problems. Of course, wheel chairs, hospital beds. All of the -- I'm trying to think what they call it. It's durable medical something equipment. And then I'd periodically go and check their oxygen equipment to make sure it's running. You know, there was various tests that

we'd conduct to make sure it was running okay.
Q: Would you deliver the equipment to the homes?
A: Yes. And on call when things didn't work right, we would go and repair/replace whatever's going on.
Q: And you worked for them for about four years?
A: About four years.
Q: Okay. After Volunteer Medical, who did you work for?
A: Then I worked with -- I can't think of the name of the company. But it would be health care -- I don't know if you'd call it -- kind of in the order of sitting with patients and, yeah, I had some that had Alzheimer's or whatever that I went to -- you know, sometimes I'd take them to the, I guess, to the doctor, different things.
Q: So you did home health?
A: Yeah, home health.
Q: Okay. And did you have any medical certifications?
A: No, sir.
Q: Okay. I use to represent a company that sent people to people's houses. They didn't provide any medical care, but they just kind of watched them and ---

A: Kind of companionship.
Q: --- companionship. Is that what you're talking about that you did? Or did you actually provide health services?
A: Well, no, I wouldn't say that. They had nurses on staff for those patients.
Q: So you were mainly a companion?
A: Companion and do, you know, whatever's needed to be done. Yeah, which would still be -- I'm trying to think of one I took to lunch, so that he could continue doing his routine. The kids wanted -- so they had just hired somebody to take him for a couple hours a day.
Q: Was that a full-time job?
A: No, sir.
Q: Okay. So you were working part-time by the 2000s?
A: I guess by -- yeah, I would think so.
Q: Okay. And about how long were you working for that home health or companionship company?
A: Again, I'll guess and say two years.
Q Okay. But you don't remember the name?
A: No, sir.
Q: Okay. I don't mean to be rude and all but ---
A: That's all right.

Q: --- I'd had several jobs, and I'm pretty sure I remember the names of the companies. Do you think you have any memory issues that would keep you from remembering those types of things?

A: Not that I know of.

Q: Okay. You haven't been diagnosed ---

A: No, sir.

Q: --- with any memory issues; is that correct?

A: That's correct.

Q: Okay. After that companionship part-time job, did you get another job?

A: No, when that was going on, my mom got ill. And so, I stopped doing that and just helped care for my mom.

Q: Where was she living?

A: In Belton.

Q: What address?

A: 304 Forest Lane in Belton.

Q: Is that where you grew up?

A: Yes.

Q: And was your dad still living when you caring for you mom?

A: He was, yeah. Of course, we were taking care of him, as well. She was taking care of him before she got sick.

Q: Okay. Sorry to hear she got sick. Is she still living?
A: No, she passed away.
Q: In what year?
A: 2012.
Q: And is your dad still living?
A: No, he passed away.
Q: What year?
A: 2018.
Q: Okay. I know you were living in Spartanburg.
A: Yeah, I was splitting time between Belton and Spartanburg.
Q: What was your address in Spartanburg?
A: 725 Springhill Avenue.
Q: Spring ---
A: Springhill, one word.
Q: Do you still own that property?
A: I do.
Q: Okay. You've owned that property since the '90s?
A: Since '85.
Q: Okay.
A: Well, yeah, I don't know when I -- that's when I bought it. I don't know when I actually paid it off.
Q: It's all paid off?

A: Yes.
Q: Has it been paid for more than five years?
A: Oh, yes.
Q: Okay. So when your mom got sick in early 2000s; right?
A: Yeah, that was -- was that '12? I'm just trying to think how long she -- real sick was in 2011.
Q: Well, what work did you do from like early 2000 to 2011 when you started taking care of her?
A: That was when I was doing the home health care, what it was.
Q: Yeah, I think you said you did that for a couple years.
A: As far as the sitting or whatever with the companionship. The name of that company was Bright Star.
Q: Bright Star. Out of ---
A: They were out of Greenville.
Q: Okay. Do you think you worked for them a couple years?
A: Yes.
Q: And the home health and the home health devices was four years you said. I know these are approximations. I'm just trying to fill in the gap for what you did the first decade of 2000.

Did you have any full-time jobs during that period?

A: I don't remember.

Q: Okay.

A: I had worked with a McDonald's franchise as a trainer, an auditor.

Q: McDonald's?

A: It was a McDonald's franchise.

Q: In Spartanburg?

A: Yes.

Q: Who was the franchisee?

A: Phyllis something.

Q: How long did you do that?

A: Maybe a year.

Q: Okay. Training their employees?

A: Yeah, assisted in the training.

Q: Okay. And was it in 2011 that you -- did you move to Belton to be with your parents?

A: No, I commuted. We would go. I'd go and stay a couple days, and me and my sister alternated.

Q: And your sister's name is?

A: Is Chae, C-H-A-E.

Q: C-H-A-E. All right. What's her last name?

A: Hinson, H-I-N-S-O-N.

Q: Do you have any other siblings?

A: Older brother.
Q: His name is?
A: Frank Snipes.
Q: Where is he now?
A: In Raleigh.
Q: What's he do?
A: He's retired.
Q: What kind of work did he do?
A: He was a economist with a core of engineers.
Q: Do you see him periodically?
A: I do.
Q: You go up to see him?
A: I have, and they come down here periodically.
Q: Chae Hinson. Where does she live?
A: In Georgia.
Q: What does she do?
A: She's retired.
Q: She older than you or younger?
A: She's older.
Q: What'd she do?
A: I know she worked in admitting at AnMed. She worked at hospice. That's all I can think of.
Q: When you say "AnMed," you're talking about the hospital mainly in ---
A: Yes, Anderson.

Q: All right. So your mom started not feeling well in 2011, and she passed away in 2012. And that was the time period -- 2011, 2012, is that when you started living in Belton part-time?

A: Yes, after -- no, it was really after -- well, we were, you know, splitting the week in half up until the time my, you know, dad passed away. We were taking care of him. And then after he passed away I just continued splitting. Every three or four days I would be at one or the other places.

Q: Okay. So your dad passed away in 2018, and he had been living at 304 Forest Lane?

A: Yes.

Q: And what happened to the house after he passed away?

A: I bought it.

Q: Did you buy it from your two siblings?

A: Yes, I just kind of bought them out from ---

Q: Did you have to get a loan to do that?

A: No, sir.

Q: You just had sufficient savings to pay that off?

A: Just part of the inheritance.

Q: You still have some of the inheritance money that you received?

A: Some, yeah.
Q: More than $25,000? Less than $25,000?
A: Well, no, it'd be over. I can't swear as far as what the source of the money, but, yeah.
Q: Yeah. All I'm asking is, you got a money inheritance. You were able to use that money inheritance to buy the house from your siblings.
A: Right.
Q: And now, do you still have more than 25K of that inheritance money?
A: I don't know.
Q: Would you say it's at least more than $15,000 of the inheritance money that you still ---
A: Possibly.
Q: Okay. Likely?
A: Okay.
Q: Is it likely?
A: Okay.
Q: Okay. All right. So you weren't working. Were you working when you were taking care of your mom in 2011, 2012?
A: I was helping care for my mom.
Q: Okay. And then were you getting paid to do that?
A: Yes.
Q: By your dad?

A: Yeah. By the family, yes, both their money.
Q: I got you. And then after that, did you have a job?
A: No, during the time that's when I worked with -- well, during that time that's when I was -- well, no, that's -- I know I worked with McDonald's during that time frame. Well, you know, when I was helping care for dad, because the owner was very flexible in my time schedule as far as if needed to be away.
Q: Okay. So after your mom died in 2012, that's when you did the training for the McDonald's franchise. And you said before you did that for maybe a year?
A: I said that was training and auditing I think is what I did.
Q: Okay. Did the training and auditing for about a year. And other than that, did you have any other job?
A: Not that I remember.
Q: Early on I asked you when was the last time you worked. And I think you said maybe 2015 or '16. Do I have that wrong?
A: No, I think that's what I said. I can't swear to it.

Q: Okay. Do you think that was the McDonald's job maybe?
A: Yes, sir.
Q: Okay. So in 2016 -- you are 67 today, so seven years ago you would have been 60. So you say you just retired at about 60?
A: I lived off my savings and, you know, I -- yeah, I just don't remember.
Q: Okay. So do you think once you turned 60, you haven't -- have you worked since you were 60 years old?
A: Not that I remember.
Q: Okay. Have you ever received any disability payments?
A: No, sir.
Q: Okay. Since you turned 60, what has been your sources of income?
A: Well, until I turned -- I guess, until I started drawing my social security, it was just my life savings.
Q: Okay. And when did you start drawing your social security?
A: When I was 66 and two months.
Q: Okay. So just last year?
A: Yes.

Q: How much do you get a month?
A: Little over $1800.
Q: I know you paid your brother and sister their share of the house ---
A: Uh-huh (affirmative response).
Q: --- the Belton house. Did you have any other bills that you paid off with the inheritance?
A: Not that I remember.
Q: Okay. And since you were arrested in 2021, have you been able to keep up with your daily expenses?
A: Yeah.
Q: You had to pay an attorney to represent you relating to that charge; correct?
A: Correct.
Q: And were you able to pay that out of your existing savings?
A: Yes.
Q: Okay. Who did you hire to represent you?
A: Lee Cole.
Q: Okay. And how much did you pay?
A: A thousand dollars.
Q: One thousand?
A: One thousand.
Q: Okay. All right. You told me about your

Spartanburg house, and you told me about your Belton house. You still own both; correct?

A: I do.

Q: And they're both paid off?

A: They are.

Q: And do you own any other property?

A: No, sir.

Q: Have you ever been married?

A: No, sir.

Q: Do you think of yourself as a pet lover?

A: I am.

Q: Okay. And do you have any pets currently?

A: I do.

Q: What do you have?

A: Cats.

Q: Okay. And how many cats?

A: I think eight.

Q: Okay. Where did you get those eight cats?

A: Let's see. One was a stray. Three came from the shelter.

Q: Which shelter?

A: Spartanburg.

Q: Okay.

A: And the others were offspring of two other strays.

Q: So four are offspring that have recently been born?
A: No, I would think they're maybe four, four or six years old.
Q: Okay. Besides cats, do you have other pets?
A: No, sir.
Q: Have you ever?
A: Our family had dogs when I was almost too little to remember.
Q: Okay. When did you start keeping cats as pets?
A: That was probably in '82, I think. I was given a stray for my birthday. Stray kitten.
Q: How many cats do you think you've owned in your adult life?
A: I don't know. Just a guess, maybe 20.
Q: And do you keep ---
A: I guess over a 40-year period.
Q: Twenty cats over a 40-year period?
A: Probably 40 plus. Like I said, if I figured in '82 or '83.
Q: Twenty cats over approximately 40 years. That sound about right?
A: Sounds about right.
Q: Okay. And do you keep your cats outside or inside or both?

A: I've had both. Indoor and outdoor and indoor cats.
Q: Do you like having cats inside your residence?
A: I'm okay with that.
Q: You're okay with that or is that what you like?
A: Well, there's an animal rescue that says on their adoption floor -- you know, they go to Pet Smart or wherever they go, say bad things happen to cats. You know, bad things happen outside. There's some truth to that.
Q: And so do you mainly keep your cats inside?
A: Yeah.
Q: Okay. As an adult, after you got out of college, besides living with your parents, have you ever lived with anyone else?
A: No.
Q: Has anyone ever counseled you to say you shouldn't have so many cats?
A: No.
Q: Who is the primary vet for your cats now?
A: Well, now I'm going to (inaudible). They were the first vets I went to, but it was a Smith Animal Clinic or Smith Animal Hospital, I think.
Q: Where is that?
A: In Spartanburg.

Q: You know what street?
A: I think it's Asheville Highway.
Q: Okay. When was the last time that you used Smith Animal Hospital? Was it within the last year?
A: Been a couple weeks ago.
Q: Okay. In the last year, how many times you think you've been to Smith Animal Hospital, just approximately?
A: Six or seven times.
Q: Is that the only vet clinic you use now in the last year?
A: Yeah, I think so. Well, I may have gone -- well, yeah, I think that's them. I may have gone to the Honea-Path. I think it's Honea-Path Animal Clinic or whatever. I don't know.
Q: Okay. Your arrest was in February of 2021. Do I have that correct?
A: I think so.
Q: Okay. Since your arrest, you've been to Smith Animal Hospital; correct?
A: Oh, yes.
Q: And you think you may have been to Honea-Path Animal Clinic since your arrest in February 2021?
A: Yeah. Yes, sir.
Q: How about any other clinics since your arrest in

February of 2021?
A: I may have gone to -- I don't know the name of it but it was Dr. Bledsoe in Spartanburg.
Q: Do you know the name of that clinic?
A: No, sir.
Q: Are there any veterinary clinics who have refused to deal with you?
A: Yes.
Q: Okay. Who wold that be?
A: HealthPointe.
Q: Where's that?
A: It's in Duncan.
Q: Okay.
A: And it was in reference to Sky.
Q: Okay.
A: And Spartanburg Animal Clinic, which I was --- when they told me, I was surprised they thought they needed to tell me not to come back.
Q: Why is that?
A: Well, they had just killed my cat and refused to treat my cat. And at that point, I didn't know they were going to report me.
Q: Uh-huh (affirmative response). But they told you that they wouldn't deal with you in the future?
A: Correct.

Q: Okay. Any other clinics?
A: No, sir. And that was regarding Sky, as well. I stand correct. Electric City in Anderson. This wasn't really in regard to Sky, but it was in treating Sky.
Q: So it was related to Sky?
A: Sky was the patient.
Q: I got you. And so, Electric City said no, we won't ---
A: He just asked me to find another -- I had offended him.
Q: How did you offend him?
A: Well, I had gone to them to have the dental work done.
Q: On Sky?
A: On Sky. In place of going to Upstate Veterinary Specialist. And Electric City attempted to pull the tooth, to treat it, was unsuccessful. Although he said that the -- and like I said, I went there to avoid Upstate, and then after all the treatment he was still going to send me to Upstate. We had tried to make arrangements to get to NC State. He says he never heard back from them. This is all during the pandemic. And in the conversation he says, "He could have done

it as far as pull the tooth, but it would have been hard." Well, that upset me because we were going to have to go all the way through this and -- you know, while Sky was under anesthesia that's when they should have done it. Not go through it all over again. And I mentioned that -- I guess, I accused the profession of extortion. I said, "I hope it didn't offend you." And he said, "Well, you did. Now, find yourself another vet." So I suspect that he was more offended than helping my cat.

Q: I think you said you were trying to avoid going to Upstate?

A: Yes, sir.

Q: Why were you trying to avoid that?

A: Well, I haven't had much success, and they're just -- as I say, they're sinfully expensive. Even vets will say that.

Q: Upstate ---

A: Yeah, it's in Greenville. And I'll sometimes correct them and say, "More is more expensive."

Q: Have you been to Upstate vet before?

A: Yes, sir.

Q: Okay. And they still deal with you?

A: Yes.

Q: So there's three vet clinics who've told you they're not going to deal with you anymore. And all three, it related to Sky?

A: Yes.

Q: Where did you get Sky from?

A: He was part of a unplanned pregnancy.

Q: Oh. Two of your other cats?

A: From the two stray cats, yeah.

Q: Are these the two stray cats you still have?

A: No, sir.

Q: Okay. Tell me the names of your current cats?

A: Okay. Nova, Clemson, Cheeks, C-H-E-E-K-S, and Coyote. We call them the three C's, and they were the shelter cats with the C's. Chase, Tootsie, which we renamed because the vet tech said he was girl. He's a boy. Francoise because she's look French.

Q: That's seven.

A: Okay. Annie.

Q: Got any others?

A: Yeah, let's see. I'm thinking. Max and Jenny-Jenny.

Q: That's it?

A: That's it.

Q: So you actually currently have ten cats?

A: Right.
Q: And have you had all of these for more than two years?
A: All but -- what did you say? More for than a year or two years?
Q: Let's say a year.
A: Yeah, I've had them over a year. All of them more than a year.
Q: How about two years?
A: Three may have been more recent. So maybe three, less than two years.
Q: Okay. And did you get all of these since you were arrested?
A: No. Three would have been after the arrest.
Q: And would those be Clemson, Cheeks, and Coyote?
A: No, sir.
Q: Okay. Which cats did you get after the arrest?
A: Well, the last three I gave you the names of.
Q: Annie, Max, and Jenny-Jenny.
A: Those are the last, yeah. They were litter mates.
Q: And where did you get them?
A: From a neighbor.
Q: Who?
A: They were just strays at her momma's house.

Q: Who? Whose house?
A: Ms. Ruth.
Q: Ms. Ruth in your neighborhood in Spartanburg or Belton?
A: This is Belton.
Q: Same street?
A: No, sir.
Q: What street?
A: I don't know.
Q: Did you go pick them up?
A: I did.
Q: Within a half mile of your house?
A: I don't know. It's further than that.
Q: Okay. All right. Do you register any of your cats?
A: No.
Q: Okay. When you get a cat from a shelter, do you have to do paperwork ---
A: Yes.
Q: --- to take ownership of it?
A: Uh-huh (affirmative response).
Q: Is that a yes?
A: Yes, sir.
Q: Okay. And have you ever gotten any cats from the shelter near Belton?

A: You mean like the Anderson P.A.W.S.? Not that I remember, no.
Q: Is there a county shelter?
A: Yeah, that's the Anderson County is P.A.W.S. I don't know what P.A.W.S. stands for, but it's P.A.W.S.
Q: You sure about that? That you've never gotten any cats there?
A: I think so.
Q: They've told us you've gotten 18 cats from them. You think none?
A: I don't remember ever getting any from the Anderson County.
Q: Have you been to the Anderson P.A.W.S. clinic since your arrest?
A: Yes.
Q: Did you get any cats?
A: No. I went to see my cats. They were seized.
Q: Yeah. Did you see them?
A: No. The director would not let me see the cats. One was missing from their website, and I inquired, and she just said, well, she knew where she was.
Q: Okay. Have you learned their whereabouts?
A: No.

Q: How many cats were taken?
A: Six maybe.
Q: Remember their names?
A: I do. Yeah, if you'll give me time.
Q: Yeah, sure.
A: Hightail, Speckle, Tiny Dot, Miss Kitty, which was my neighbors cat.
Q: Who's your neighbor?
A: It was a Ms. Singleton.
Q: In Belton?
A: In Belton. I was keeping that cat.
Q: Okay.
A: And they seized her knowing that it was my neighbor's cat.
Q: Who'd you tell?
A: The animal control officer. I told the P.A.W.S. director. I told Rusty Burns, the administrator's secretary. The administrator, the animal shelter reports to ---
Q: Rusty Barns.
A: Rusty Burns, B-U-R-N-S. But I think everybody reports to the administrator. He only reports to the county council.
Q: Okay. And you said that you talked to the director at Anderson P.A.W.S.?

A: Yes.
Q: Was that Rusty Burns?
A: No, sir. No, sir. That's totally different. I don't know who the -- she's the director. She's a veterinarian, as well.
Q: Okay. Female vet?
A: Yes, sir.
Q: At Anderson P.A.W.S.?
A: At P.A.W.S.. Anderson County Animal Shelter.
Q: Okay. So I interrupted. You said, Hightail, Speckle, Tiny Dot and Miss Kitty?
A: Okay. That's four. Scoop. Yeah, that might be five. Is that five?
Q: Yes.
A: Because Sky was the sixth of the family.
Q: So at the time of your arrest, did you have only five cats?
A: In Belton.
Q: In Belton? Okay. And you had other cats at your other residence?
A: In Spartanburg.
Q: I know you say you got some cats. Your current cats. I think you said you got some of them from the Spartanburg pound?
A: Yes.

Q: Okay. And other than going to Anderson P.A.W.S. and the Spartanburg pound, have you been to any other pounds since your arrest?
A: No, sir.
Q: Have you ever harmed a cat?
A: No, sir.
Q: Have you ever had any pets euthanized?
A: Yes.
Q: Who?
A: Most recently was Stretch.
Q: Where was that done?
A: At Upstate.
Q: When was that approximately?
A: 2021. Well, that's not true. That would be 2020.
Q: 2020? That was before you were arrested?
A: It was about six months prior to the arrest.
Q: Okay. And why was he euthanized?
A: He had been diagnosed with saddle thrombus, which is kind of a blood clot that gets in the artery and involves paralysis in your hind quarters.
Q: Okay. Any other cats euthanized besides Stretch?
A: Rover.
Q: Is that a cat?
A: It is. I didn't name him. I thought it was a

great name though. When I was doing home health care, he belonged to a patient that ended up on hospice and died. So the family asked if I would take him.

Q: Okay. And what was wrong with Rover?

A: Don't know. I think he had -- think he had jaundice. The vet -- I don't know how long he was there, what tests? I remember it was about $3,000. Of course, money's not the issue. And the vet said it was time to quit and he didn't have any idea what was wrong with.

Q: About when was that?

A: And of course, he is now -- the last time I checked, he is now the head of Upstate. So ask me again. I'm sorry.

Q: About when was Rover euthanized?

A: Maybe 2011.

Q: Now, did you say you had done a $3,000 test on Rover?

A: It was just treatment.

Q: Okay.

A: You know, I don't know what he did. I'm sure lots of blood work and I don't know. I don't what he did.

Q: So the vet bill for Rover leading up to his

euthanasia ---
A: Was around $3,000.
Q: --- would be about 3,000? Okay.
A: Yeah, like I said, he had no idea. I guess he ruled out stuff but still didn't know what it was. I think it had him for three weeks. Something like that.
Q: Okay. Any others?
A: I can't think of any.
Q: If a cat needed vet care, would you withhold that care?
A: No.
Q: Regardless of the cost?
A: No.
Q: That $3,000 bill, is that the most you've ever paid for a cat?
A: Maybe, but I'm not sure.
Q: Any of your other cats had surgery?
A: Yes.
Q: What's the most recent one?
A: Cat had a tumor removed.
Q: When was that?
A: Do what?
Q: When was that?
A: Two, three weeks ago maybe.

Q: Where was that?
A: That was at Smith's.
Q: How much that cost?
A: Let's see, I think the surgery itself was, you know, like around $800. It was around $900 minus -- like, you get a senior discount. So it was around $900. And of course prior to that, you know, it was like 400 or something. You know the first time or two that she went in. You had to do the initial.
Q: Which cat?
A: Do the initial.
Q: Which cat?
A: Speckle.
Q: She doing okay?
A: She died.
Q: Would you agree that it's inhumane to let a pet who's in chronic pain to live when there's no realistic chance that the cat can recover?
A: Yes.
Q: Would you agree that a cat at a normal weight, and then loses half his body weight is probably in a pretty desperate condition?
A: I can't speak to that.
Q: Just don't know?

A: Don't know.
Q: Would you agree that it's pretty barbaric to let a pet who's in chronic pain to live when there's no realistic chance that he can recover?
A: Yes.
Q: Would you agree that a competent vet would be in a better position to know if a cat should be euthanized because of ill health than you?
A: Depends.
Q: On what?
A: Well, in Sky's case I thought, you know, what was a better indication of how he felt, you know, how he looked or how he acted. And he acted not only like a regular cat, but he acted like a happy cat. You know, up until the night, you know -- yeah, and I took him to the vet. It's, you know, pretty miraculous.
Q: What was miraculous?
A: Well, the fact that he did. He acted like a happy cat. Based on what, you know, the vets were saying.
Q: And when you say the vets were saying about Sky, you're talking about Electric?
A: Well, no, it would be -- I forgotten the -- HighPointe.

Q: HealthPointe, you mean?
A: HealthPointe, I'm sorry.
Q: Yeah.
A: And then, you know, the Spartanburg Animal Clinic. And Upstate didn't say that. They rattled off what they could do for him. And all I remember is necro something, which I guess would be removing of some dead tissue. I guess, I don't know if dental was mentioned. And of course, I used to remember -- I don't know if it was like, six, seven, $8,000 estimate. But she ended it with -- and this is me in the parking lot listening to her on the telephone. She said, "Even after treatment, he would have a poor quality of life." Which told me she didn't believe me when I said he didn't have a poor quality of life, or at least he didn't act like it.
Q: This isn't a vet at Upstate?
A: No, she's the dentist. Yeah, I don't know her name.
Q: Okay. The dentist at Upstate told you this. And about when did she tell you that?
A: Oh, about two months prior to the Animal Clinic, because the Spartanburg Animal Clinic, so it's

two months.
Q: Two months prior to ---
A: And that's the window.
Q: --- Sky being euthanized?
A: Yes.
Q: And where was Sky euthanized?
A: At Spartanburg Animal Clinic.
Q: Okay. So that dentist, the vet dentist, is telling you that she believed that Sky was going to have a poor quality of life even if she treated him?
A: That's right.
Q: And you disagreed?
A: I disagreed. I took that to mean that she didn't believe me when I told her that he didn't seem to have a poor quality of life. I said, "He looks terrible, but he feels better than he looks."
Q: Why did you think that he felt better than he looked?
A: Just by the way he acted. I mean, a routine day -- I mean, for the two months, you know, between that and him being euthanized. And my objective during those two months was to get him to where he looked closer to how he felt. He was taking antibiotics. I was giving him antibiotics every

24 hours for two months. And his usual day was he would spend in my -- still call my parent's bedroom with the other cats. He was social, out and about. And then come evening when it was time to watch the news or whatever, he could hear me raise the power, the -- what do you call it -- the lift chair, I think's what was my mom's. But you could hear the ottoman go up, and here he'd come running into the den. And he did this on the last night. And he comes in through the den door, and there was a scratching board. You know, just a little cardboard. And you'd take a side step. He almost always did it. And he'd give it one good workout. And he did it on the last night. And then he'd come to me, but he wouldn't jump into my lap. He would jump on the sofa right next door, and then bridge into my lap, and then twirl around like cats do. And he did that for two months at least. And he did it on the last night of his life.

Q: Now, where are you talking about? Where is this sofa and chair?

A: This is in Belton, and the sofa and the chair is in the den. And then he'd sit in my lap, and he'd nap while I was watching TV until I went to

sleep. And then sometime in the wee hours of the morning, we would wake up, he'd jump down, and I'd go get in bed, and he'd eat, take and snack, and then he'd come and get in bed with us and the other cats. He did that the very last night.

Q: The other cats would get in bed, too?

A: Oh, yeah. Well, they were already there.

Q: And at that time you had in Belton a total of six cats?

A: Yeah. I'm not sure everybody was there, but yeah. I call it a cat blanket.

Q: Oh, I see.

A: Yeah. But Sky slept on my chest that night. I turn over, and he sleeps beside me the rest of the night.

Q: So you thought -- and you told me about the dentist at Upstate. You told me about HealthPointe. Is there a vet there that told you that you needed to put Sky down?

A: No. That'd be Dr. Hurlbert.

Q: Male or female?

A: Female.

Q: What'd she tell you about Sky?

A: She was upset, emotional about it.

Q: She tell you anything?

A: Yeah. Like I said, she was emotional about Sky's condition, his appearance. And I told her that, you know, he was eating. And she first said, "He wasn't eating." And I said, "Well, he was." And she said, "Well, maybe not enough." And when I said, "He felt better than he looked and he acted better than --" she questioned that I guess, and that she was insistent that he had poor quality of life. Which, again, meant she didn't believe me. I know another vet -- the animal shelter, the Spartanburg Animal Clinic Shelter. He said, well, you know, one of their tools is observation. You know, no testing, just looking at the cat.

Q: Who's this?

A: Dr. Garrison I think his name.

Q: At which one?

A: Spartanburg Animal Clinic.

Q: Okay.

A: But there's another vet in Spartanburg that once said -- that one of their tools was listening to the client. And they weren't listening to me.

Q: You said that Dr. Hurlbert was ---

A: Hurlbert, yeah. Hurlbert, I think it's H-U-R-L, that's all right. It's close enough.

Q: Okay. You said that she was upset that how Sky looked?

A: Yes.

Q: Well, what'd he look like then?

A: I don't really know. I assume he looked pretty terrible. I spent most of my days with him looking at -- like we look at our cat from above and from behind. Yeah. I never looked at him face to face, but I know he had a bad tooth that abscessed. And then I assume it -- you know, a mass formed. I'm not sure.

Q: Even when Dr. Hurlbert saw him?

A: Yeah. Because I told Dr. Garrison, he said -- because, you know, just by chance these vets know each other. These particular ones involved. And so, Dr. Garrison made the assumption that Sky looked worse now than when the other vets let him go. You know, freed him to me. And I said, "No, I think he looks better." I think he was grooming. The antibiotic was helping, you know, didn't heal him, but, you know, it made him feel better.

Q: And Dr. Garrison is at?

A: At Spartanburg Animal Clinic.

Q: And Dr. Garrison is ---

A: So he was expecting me to say he now looks worse than he did two months ago. But I think he looked probably better. Again, I didn't look head-on at his face, and I'm sure that's what the photo shows of him in a well-lit examination room, which I never looked at him that way.

Q: I'm just curious about that. I mean, I have dog.

A: Yeah.

Q: And when I look at the dog, I look at my dog's face almost all the time. Are you saying you just never looked at Sky's face?

A: Not just straight on. I mean, I'm trying to think maybe when he was on the bed. That would be a, you know, higher level but even still.

Q: Okay. So when you're talking to Dr. Garrison, is this the day that Sky was euthanized?

A: Yes.

Q: And you think Sky actually looked a little better that day than when you had Sky over and ---

A: Like, two months prior.

Q: --- had him looked at by Dr. Hurlbert a couple months ago?

A: Yeah.

Q: Okay.

A: You know, I think he had groomed a little bit

better. You know, he didn't spend a lot of time grooming, I don't guess.

Q: And you had been giving him antibiotics for two months?

A: Two months. Orbax, I think the name of it.

Q: Do you have to get a prescription for that?

A: When we went to Upstate.

Q: To see the dentist?

A: Yes.

Q: I don't have any records from Upstate I don't think, so.

A: Yeah. And I'm not sure who actually -- I don't know if it was the -- they worked him in like an emergency something to get him in faster or something, which still took us till dark.

Q: At Upstate?

A: At Upstate. Because we went to HealthPointe first, and it was -- like I said, I wasn't sure I was going to get Dr. Hurlbert's -- I don't want to say her best effort. I didn't think she -- I won't say that she wasn't up for the challenge. But maybe more for putting Sky out of his misery, which again, because she didn't believe me as to how he acted. So it was agreed that Upstate might give him a better chance. So that's how we

ended up at Upstate. And I don't know exactly which vet saw. I don't know if it was the dentist or not. Because we had had dealings with the dentist at Upstate through consultation from Electric City. The vet at Electric City had communicated with the dentist at Upstate.

Q: Okay. Now, how soon after you went to HealthPointe did you go to Upstate?

A: Immediate.

Q: Same day?

A: Same day.

Q: And Upstate you believe prescribed an antibiotic?

A: Yeah. I think they were the one that gave me the Orbax.

Q: Where do you get pet antibiotics? I don't know.

A: I got it from Upstate.

Q: Okay. And how long was the prescription for?

A: Don't know if it's -- I assume it was for a month. I don't know.

Q: Okay. And I know you say you gave him antibiotics for two months.

A: Two months.

Q: So did you get a refill?

A: I did.

Q: From where?

A: I'm not sure it was actually a refill, but I got it from the Honea-Path Animal Clinic or whatever they call it.

Q: And that would have been about a month before Sky was put down?

A: Yeah.

Q: Do you know the vet over there?

A: It's a Dr. Martin.

Q: Dr. Martin?

A: But I'm not sure he -- the prescription was -- the refill -- maybe it was. Never mind. I can't say for sure.

Q: How long did you have Sky?

A: Well, four, five years.

Q: And where'd you get him?

A: He was a offspring of Betsy and Scruffy, which turned out to be brother and sister. And Betsy's a boy whom we thought was a girl.

Q: How long before he was put down did he start having health issues?

A: Ask me that again.

Q: How long before Sky died did he start having health issues?

A: Before he died?

Q: Uh-huh (affirmative response).

A: Six months maybe.
Q: What was the first thing you noticed that was a problem for Sky?
A: His chin was a little swollen. He looked a little like Jay Leno.
Q: Did Sky ever have any procedures done on him?
A: The only procedure was the removal of his -- tried to remove the bad tooth at Electric City.
Q: But they didn't remove it?
A: They got half of it. And the vet said he could have done it. It just would have been hard.
(Defendants' Exhibit 1 was marked for identification - Record of Electric City Animal Hospital dated April 24, 2020.)
Q: I'm going to show you what's marked as Exhibit Number 1. Can you verify that that's a record of Electric City Animal Hospital?
A: That's what it looks like.
Q: Okay. All right. And is this record related to Sky?
A: That's what it says.
Q: And what's the date of this record?
A: That's when it was printed. I'm going to guess April 24th, 2020.
Q: Okay. That's what it says towards the upper left

hand corner of it?
A: Yeah. I'm looking under "Date of" -- that's when he was discharged.
Q: Says, "Client, Robert Snipes." Do you see that?
A: Yes, sir.
Q: The date, Friday, April 24, 2020. So do you agree that's about at least eight months before he was put down?
A: Okay. April, that'd be four.
Q: He was put down in January; right?
A: Yes, sir.
Q: Okay. So it's at least eight months beforehand; right?
A: Yes, sir.
Q: Okay. All right. So this is staff -- it says, "Tim Herold." Is that you dealt with?
A: I think so. It was all by phone. It was again, the pandemic. I didn't ever meet him in person. But he was the one that on the website that seemed to have -- not necessarily a specialty in dentistry, but that seemed to be a strength of his.
Q: And says, "Special Instructions. As we --" towards the bottom of page one of this Exhibit. Says, "As we discussed, there's a major bone

changes in the lower jaw on the right side of the face. There are remnants of the lower incisors and lower right canine tooth. The lower right premolar fell out." So that's the tooth issue that you just described a little while ago that --

A: I don't think so.

Q: Okay. I should have said, is this the tooth?

A: Oh, I'm sorry.

Q: Is this the tooth at issue?

A: The tooth that fell out, I think he's making a reference to. I remember him in my car where he had a -- you know, I don't know which tooth. But it was there and then it was gone.

Q: I mean, on this occasion, did you take Sky to Electric City?

A: Yes.

Q: All right. And I see that you listed your address as 304 Forrest Lane, Belton, South Carolina.

A: Yes.

Q: Is that basically where Sky lived?

A: Yes, he did.

Q: Did you have some cats that lived in Spartanburg?

A: Yes.

Q: And some cats that lived in Belton?
A: I do.
Q: And sky lived in Belton?
A: Yeah, he was born in Spartanburg, but, yeah, he lived in Belton at the time.
Q: From April of 2020, up until the time he was put down, he lived mainly in Belton?
A: Yes.
Q: Okay. The vast majority of the time?
A: Yes.
Q: Is he your favorite cat, or did you kind of treat all your cats alike?
A: They're all my favorite cats.
Q: Okay. All right. And on the next page, it says, "We will likely need to refer Sky to a specialist for further action." Earlier in the deposition, you talked about trying to avoid Upstate.
A: Correct?
Q: And then I think you also talked about possibly trying to get him in the NC State?
A: Yes.
Q: Do you think that's what he's referring to there when it talks about trying to get him into a specialist?
A: Yes, sir.

Q: Okay. Which were you ever able to get him into a specialist?
A: I never heard any contact about NC State.
Q: Okay. You see that Sky's weight is indicated on this document?
A: I see it on the front page, I think. I see 9.4 pounds.
Q: Okay. Do you think that's an accurate weight for him?
A: I will assume.
Q: That is normal weight?
A: It's pretty good size for a cat.
Q: Okay. Looks like on page two of the document, it talks about a medication Buprenex or something like that. Do you know what that is?
A: No, sir.
Q: It says, "Give .1 milliliter by mouth every 12 hours as needed for pain." Do you know if you did that?
A: No.
Q: Did you give Sky any pain medication?
A: No.
Q: Ever?
A: Not that I remember.
Q: Did they give you any medication at Electric City

for Sky?
A: I don't know.
Q: If a vet recommended that you give medication to a cat, would you do that?
A: Yes. I have a cat right now taking prednisone.
Q: Which one?
A: Cheeks.
Q: Let's go to page four on this exhibit if you would. See under 4/18/2020, says your pet was given Buprenorphine a long-lasting opioid pain medication.
A: Oh, okay. I'm sorry. Yeah, on page seven?
Q: Uh-huh (affirmative response). So do you remember that they actually gave him a pain medication at the clinic?
A: Okay. That's what it says.
Q: And looks like they prescribed that same medication for you to give to Sky.
A: It says, "As needed for pain."
Q: Okay. And it was your opinion that after you left Electric City, Sky didn't need the pain medication; is that correct?
A: Well, he didn't seem to be in discomfort.
Q: So you thought he didn't need the pain medication?

A: And my logic was that it might affect his appetite. He might not eat as well. It might make him drowsy. It might make him -- I wasn't sure.

Q: It's fair to say you thought it was best not to give him any pain medication; is that correct?

A: Since I didn't see any evidence. And of course, they didn't see any evidence of pain either. Their educated, yeah, process. And you can't ask the cat, you know, on a scale of one to ten, what's your number like they do us. And for us it's even a guess.

Q: So is it a guess?

A: Yeah. He didn't give any indication to me that he was in pain. Again, he was acting like a regular happy cat. That's all I could go on.

Q: Show you what's marked as Exhibit Number 2.

(Defendants' Exhibit 2 was marked for identification - Paw Prints Record.)

MR. KULL: I'll give you one.

MR. COLE: I got one.

Q: Okay. See at the top on Exhibit Number 2, says "Paw prints."

A: Yes, in Easley.

Q: That's Easley?

A: Yes, sir.
Q: Okay. Why are you going over to Easley?
A: I knew Dr. Elledge.
Q: How'd you know Dr. Elledge?
A: She had worked at the Spartanburg Animal Shelter. They had a clinic at the time. The reason I went there was, yeah, so she could see Sky. She had an interest in surgery, but I don't know what type of surgery.
Q: Had she treated Sky before?
A: Not before. Not prior to this.
Q: Okay. Why did you not take Sky to Honea-Path at that point?
A: No reason.
Q: Did you think that Sky might be a candidate for surgery at that point?
A: Well, I was hoping that she could remove the tooth. But she was afraid that she would break his jaw.
Q: And the note say, "Severe dental disease." Do you agree with her assessment?
A: Yes.
Q: Okay.
A: I mean, the bad tooth, yeah. The infected tooth.
Q: Okay. And it says down here, "Ruptured infection

abbesses." Did you agree with that --
A: Yes.
Q: -- that he had ruptured infection and abbesses by that time?
A: Well, one, yeah. Just one abscess. One bad tooth.
Q: Okay. And this was when? Do you see a date on this one?
A: Well, it would be maybe a couple days prior to me going to HealthPointe and Upstate. Or what I had done -- she saw him. Then I return in a couple days to get blood work done before I went to HealthPointe. Because I know his original blood work at Electric City -- I'm trying to think how they phrased it, but it was like stellar I think what the -- and this would not be the vet that, you know, didn't do the surgery, but the vet that initially did the blood work described the -- again, this is pandemic. You know, the vet came out to my car, I think. Anyway, described the blood work as stellar. So before I took Sky in again, I was going to do blood work to have in hand so that I could show whatever vet. And hoping that it would still be good. And his blood work was still good from here. At least

that's -- they told me it was good. And so, the other vets could see ---

Q: Which vet told you it was stellar?

A: Well, it was at Electric City. It wasn't one that's on the list.

Q: Okay. It was a different time?

A: No. It just wasn't him.

Q: Okay. You're looking back at Exhibit Number 1.

A: Yes, sir.

Q: Are you saying that the visit that is after ---

A: So his initial visit at Electric City, we met with another vet. Again, the vet -- you know, they come out and get your cat. They take it in, and they bring it back out. You know, we don't go in during the pandemic. And anyway, the blood work, he said, was stellar. I don't see his name. I could probably figure it out, but I don't know. But it wasn't this vet.

Q: Okay. Here's my question about Electric City. I know that a vet there told you at some point ---

A: The blood work, yeah. I'm sorry.

Q: Let me finish my question, just so we can a clear record. On Exhibit 1, Electric City -- the date of that's in April of ---

A: April 24, 2020.

Q: Okay. Was it on this occasion when you were there in April of 2020, that a vet told you that his blood work was stellar?

A: No.

Q: When was that?

A: Maybe a week earlier.

Q: Okay. All right.

A: Well, I think it was actually a week, you know, that I went back. They did the blood work before they -- guess they wanted to do the blood work and make sure he would be up for the surgery. And he said stellar. And again, my logic here was when I was getting blood work, so I could give it to the vet, so they could see -- and again, in this case, it was good. They would see his blood work was good before -- because my fear was what we had is a cat that the vets couldn't get past how he looked. So I thought if they could see the blood work, see that he had good results, and then hopefully listen to me. That they would, you know, put some thought into it. You know, be up for the challenge. And I think there are some out there. I just didn't choose them.

Q: Okay. All right. So Exhibit Number 2, let's go

back there. I see the date over here. It says, "October 15, 2020." And then look at the last page. Those are entries from November. Do you see that?

A: Yes, sir. The last page.

Q: Okay. So would you agree this is the time frame you were taking Sky to Paw Prints at Easley?

A: Oh, yes. I went twice to Paw Prints that I remember.

Q: Yeah. And then the first time they said he had severe dental disease, ruptured infection, abbesses.

A: That's right. She was afraid she couldn't do the surgery because she was afraid she'd break his jaw.

Q: And over on this side over here on the first page, it says, "Dull, unkept coat."

A: Okay.

Q: Would you agree with that?

A: I don't remember being dull.

Q: How about unkept?

A: Yeah, he probably could have done better.

Q: And it said, "Hard swelling on right mandible. Necrotic tissue in area." And you'd agree with that assessment?

A: Yes, sir.
Q: And it said that he was bleeding; is that correct? Is that how you remember it?
A: I don't remember the bleeding.
Q: It said, "Two open draining wounds." Do you agree with that?
A: Okay. I'm just going to say, yes. That's what they wrote.
Q: Okay. And then it does look like they did some blood work on page two.
A: Yes.
Q: And what did she tell you about the blood work?
A: Well, the person I'd spoken with said, you know, it looked good. Which of course, I see lows and highs. But that's what they told me.
Q: Okay. And the note on the last page, November 13th. Do you see that?
A: At the top?
Q: Yeah. Says, "Tech appointment BW only." Any idea what that means?
A: No. I see the BW twice, though.
MR. KULL: Do you know what it means?
MR. BLOUNT: Huh-uh (negative response).

Q: Okay. It says, "Seeing vet dental specialist for

dental surgery next week." And is this the appointment you were talking about where you wanted to get the blood work a few days before ---

A: Correct. Yes, sir.

Q: --- going to HealthPointe?

A: Which I went to HealthPointe.

Q: Okay.

A: And my experience with HealthPointe early -- she would sometimes think outside the box.

Q: Had you taken Sky to HealthPointe before November of 2020?

A: No, sir.

Q: Okay. And let's look at the other entry, 12/22/20. Do you see that one?

A: I do.

Q: It says, "Will not refill antibiotic for patient. Patient needs to fix the problem" or maybe that says client needs to fix the problem, "and not treat with antibiotics." Now, were you trying to get additional antibiotics for Sky?

A: Yes, I'd asked. Yeah. I had asked her if she would give me some.

Q: And she said what?

A: She said, no.

Q: Because why?
A: I don't know if she told me why, but this was over the phone. I was still -- because obviously I had ran low. I ran out.
Q: Well, were you able to get any antibiotics from anybody else?
A: No.
Q: So as of December 22nd, you didn't have any antibiotics for Sky?
A: I'm trying to think. I can't swear to it, but I did go to Honea-Path. And of course, this is kind of a same plan before I take him in just to get blood work done. And I think maybe he did give me a prescription. But I can't swear to it. You know, that was, like, three days prior to Spartanburg Animal Clinic. So whatever happened, it was ---
Q: So if you got more antibiotics, it would have been probably from Honea-Path and just a few days before he was put down?
A: Yes.
Q: Okay. So from the end of December to the end of January, Sky was not on antibiotics; is that fair to say?
A: No. No. No. We had two months of antibiotics.

I mean, whether I got a refill -- but I might have got a refill that wasn't for Sky.

Q: And you used it for Sky?

A: For Sky.

Q: Who'd you get it for?

A: Sir?

Q: Who'd you get the antibiotic for?

A: I don't remember.

Q: Did you get the antibiotic for a different cat knowing that you were going to use it for Sky?

A: Maybe.

Q: Pretty sure?

A: Maybe.

Q: All right. So you had the vet at Paw Paw in Easley ---

A: Paw Prints.

Q: Paw Prints tell you that she's not going to give you more antibiotics because you need to fix the problem rather than continue to give him antibiotics; correct?

A: Whether or not that's what she told me, that's what she put. And there is often a discrepancy between what they record and what they tell us. But, you know, that's just the way it works.

Q: Okay.

A: She just said, no, and so that's -- and I still thanked her because I always liked her.
Q: So do you deny that she told you, "I'm not giving you antibiotics because you need to get this fixed rather than keep treating it with antibiotics"? Do you deny it?
A: No one told me that, that I remember.
Q: Okay.
A: She just said, "No, she wasn't going to do it."
Q: Okay. Let's look at Exhibit Number 3.
(Defendants' Exhibit 3 was marked for identification - HealthPointe Letter/Record.)
Q: By the way, if you want to take a break, just let me know; okay?
A: No, I'm fine. Thank you, though.
Q: All right.
A: I'll take a rain check.
Q: Just let me know when you want to take one. Exhibit Number 3. This is from HealthPointe; correct?
A: Yes.
Q: You told me before in the deposition there was some vet that got very emotional.
A: This would be Dr. Hurlbert.
Q: And was she at HealthPointe?

A: Yes, sir.
Q: Okay. All right. This letter is signed by Tiffany Ramos. Do you Tiffany Ramos?
A: I don't know. Not by name. I may have seen her, but I don't ---
Q: This a letter to you. "The purpose of this letter is to inform you that HealthPointe Vet Clinic will no longer provide you with veterinary care. Our decision was based on the incident that occurred on November 17, 2020. Sky was brought to the clinic, and we understood that he had poor quality of life and his condition was unacceptable. Based on this incident, we will no longer be able to offer our medical services to your pets. We've included all of your pet's medical records." So do you think that you actually met with the vet on November 17th at HealthPointe?
A: No, sir. They come out the car. They take the cat in, and I never saw Dr. Hurlbert. And I got a phone call. Yeah, I was in the parking lot. She called me, and we talked.
Q: Okay. And is that when she was emotional?
A: Yes. She kind of came at me with -- she was pretty aggressive as far as -- you know, she

backed me up on my heels real quick.
Q: For what reason?
A: Because the way Sky looked.
Q: Did she tell you that she thought that you were not taking adequate care of Sky?
A: I don't remember those words.
Q: Well, what'd she tell you?
A: I don't remember.
Q: She was aggressive.
A: She was aggressive.
Q: She was upset.
A: She was upset.
Q: And why was she upset? Just because of the way Sky looked?
A: Sky looked. I mean, I suspect, you know, because I gave them the dental records that came from Electric City. I get the impression all the lab work I gave any of the vets, they never looked at any of that. Probably wouldn't matter. It just didn't matter. That snapshot of looking at him. That's as far as it went. Like I said, they say it here. Of course, this letter it's not dated, but it was, you know, weeks. It was kind of -- wasn't right after it. I don't know, you know, what prompted them to do it. It was, you know,

two, three weeks, maybe a month later. I don't know.

Q: Okay. On the next page ---

A: But as you see, she -- that he had a poor quality of life. No, she was insistent about that. She didn't listen to me.

Q: And did the vet tell you, "That based on her examination of Sky, that Sky had a poor quality of life"?

A: Yes, that was her opinion.

Q: And you said, "That's not right."

A: That's correct. All I could tell her is how he acted. Whatever that means. Maybe I'm going back to which is a better indication of how he felt, how he looked, or how he acted. And my money was on how he acted. I didn't think it was fair to Sky to put him down just because of how he looked and popular opinion.

Q: Did the vet at HealthPointe recommend that you put Sky down?

A: She didn't say. She just said, "All or nothing." And I didn't know exactly what that meant, but I kind of thought it meant euthanizing him. But I didn't know what that meant. But again, she's coming at me pretty strong.

Q: Okay. So what you thought she meant was that you should put Sky down; is that fair?
A: No. I wasn't 100 percent sure.
Q: Well, what'd she want to do? Was she going to treat him?
A: Sir?
Q: Was she going to treat him?
A: Yes.
Q: What was she going to do?
A: Well, I don't know.
Q: Well, if she was going to treat him, why didn't you let her treat?
A: She didn't, you know, clue me in as to what she was going to do. She just said, "All or nothing." I just didn't know what -- and all I know is she didn't believe me about the way -- yeah. So she didn't put on her thinking cap and see how she could help Sky.
Q: All right. Says, "Date of exam."
A: And she didn't rattle off what she could possibly do. You know, list of things that she was thinking about. Like I said, it was just a knee jerk reaction at that point. All I knew was she didn't believe me.
Q: She didn't believe you when you told her what?

A: That Sky didn't have a poor quality of life. He didn't get any argument from me about how he looked. I prefaced it with he looks terrible, but he feels better than he looks based on how he acts. I've had sick cats. They hauled up in the shadows. They don't eat. Sky didn't do that. He was social. He ate and pretty miraculous. I mean, that he ate. All I can contribute to is he had adapted. Give mother nature some credit.

Q: Okay. Looking at Exhibit 4 now.

(Defendants' Exhibit 4 was marked for identification - Spartanburg Animal Clinic Record.)

Q: We see that that's from Spartanburg Animal Clinic.

A: Yes.

Q: Looks like the first date I see in the middle there says, "October 20, 2017."

A: Yes.

Q: "Regenerative anemia flea."

A: That's right, he got a blood transfusion.

Q: Okay. And we see his weight in October of 2017?

A: 9.8.

Q: Okay. And his weight on January 29, 2011?

A: 4.9.

Q: That's exactly half; correct?

A: Yes.
Q: Okay. Do you agree that Sky had lost that much weight?
A: I have no reason to argue.
Q: Okay.
A: But his weight didn't affect how he acted.
Q: All right. The last page of this exhibit. Is this Dr. Garrison that you dealt with?
A: Yes.
Q: Okay. I'm going to guess that when it says, "KPG," we might be talking about Dr. Garrison, but I can't say that for sure.
A: Yeah, I don't know his ---
Q: "January 29, 2011. The following notes are from today's exam. Patient is emaciated, severely dehydrated, severe pallor, non-ambulatory, week and severely matted." Do you agree that his description of Sky was correct on that day?
A: No, sir.
Q: And how do you disagree?
A: He was ambulatory. All I know is I was holding him and he got into the carrier by himself. That morning, and this is, you know, while we went to the vet. Certainly, we were out of antibiotics. We'd had blood work done. He had a high white

count, which I think would attribute to the infection.

Q: How'd you know he had a high ---

A: Because we had done blood work at -- kind of the same deal. We were planning to take him in here.

Q: So where'd you get the blood work?

A: At Honea-Path.

Q: Okay.

A: And the blood work wasn't as promising as in the past. The white blood cell count was high.

Q: Did the vet at Honea-Path suggest you put Sky down?

A: He said Sky was -- trying to think how he phrased it. Didn't look good or something to that effect. And this was of course in the sense that I remember him me telling him that I was planning to take him to this Dr. Garrison, who's website says he's -- I took it to be specializes, but it just says interest in soft tissue surgery and dentistry. So Dr. Martin and Honea-Path knew that that was my plan. And the blood work was to kind of do the same thing. Be able to provide him with the blood work so that he could see -- I was hoping it would be good blood work, but it wasn't that good. And like I said, Dr. Martin

said it was -- and I guess that's -- might be, you know, he knew that I was going to take him somewhere else.

Q: Okay.

A: But I know I've spoken to Dr. Martin who saw him three days prior. And I asked if, you know, I was getting -- because this doctor ---

Q: Dr. Garrison?

A: --- Dr. Garrison, whether it was him, it was through his -- the receptionist. But I feel pretty confident it came through him, because he didn't believe that Sky could eat even though I told him he did. The 911 call from the receptionist to animal control said my description was impossible, you know, of him being active. And I asked him -- you know, he had seen him three days prior. I asked him, "Would it be possible?" And he said, "Yeah, it'd be possible." And it's just educated guessing, which is fine. That's just the art. They're doing the best they can, but it's hard. It's subjective, you know..

Q: Okay. Let's go through the description again, and I just want to make sure what your testimony is on January 29, of 2021. That was the day he

was euthanized; right?

A: Correct.

Q: On that day Dr. Garrison or his office says, "This is what we found on that day." Said, "Sky is emaciated." Would you agree with that?

A: Well, I'd heard that more than once. He was a medium-hair cat. So I just took their word for it.

Q: Okay. You wouldn't disagree with that?

A: Well, I'll trust them on that.

Q: Okay. "Severely dehydrated." Was he severely dehydrated?

A: Well, they can tell that, as well. I guess so.

Q: "Severe pallor."

A: I don't know exactly what that means.

Q: Okay. And we've already talked about non-ambulatory. And you say he was able to walk.

A: He was.

Q: Okay. And was he able to walk normally?

A: Yeah. At least what I saw. But that very morning he was still in bed. And I got up to feed the cats. And I put the little sheet over him just to keep him warm and being cold. And I'm out feeding the cats and there he appears at the feeding station. And then not long after

that, I'm in the kitchen, which is just down the hall.

Q: In Belton?

A: In Belton. There's a little left over from the night before -- cat food. And there he is eating there.

Q: On the floor or ---

A: On the floor in a little box, which is even for a healthy cat they don't normally like, you know, day old or whatever from the night. But he was there eating it. Think it was salmon. I've written it down somewhere. I don't remember. But, yeah, he did. And then before it was all said and done, he went back and got back in bed.

Q: Which bedroom?

A: In the bedroom where I was sleeping.

Q: He get on the bed?

A: Yeah.

Q: How'd he get up on the bed?

A: I don't think he jumped directly on it. I think there was some stepping stones or some step-up that he could jump on.

Q: So he was able to jump?

A: Yeah.

Q: Okay.

A: Like I said, the night before he jumped up on the sofa and jumped over into my lap.

Q: Okay. So why did you take him to the vet that day?

A: Well, his blood work. I was out of antibiotics, and when I woke up that morning, he looked -- I wasn't sure he was alive. He was laying beside me. He is still warm. I could see him breathing. So I got up. Like I said, I covered him with a sheet just to keep him warm. Got up to take care of the other cats, and there he appeared like Lazarus. And they're eating. And like I said, then he goes down the hall. Then before it's all said and done, he's back in bed, which is what they often do. The good life. And think he actually went in the kennel kind of on his own. I can't remember.

Q: What do you mean by the kennel?

A: Well, the pet carrier to take him to the -- I mean, the way he felt that morning, it was time to go to the vet.

Q: You said you were out of antibiotics. Why didn't you get some more at Honea-Path?

A: Well, I thought his blood work, and the fact that he was a little -- like I said, I thought he

might have passed away that night.
Q: Because?
A: He was just laying there limp. Limp as a dish rag. And like I said, pretty miraculous that he appears. You know, he jumps up, and he must have heard the cans being open. I don't know. I can't explain it.
Q: So you thought he was dead?
A: Briefly, I thought he could have passed away, but he wasn't. Like I said, he was warm and breathing.
Q: So the next one is, "Weak." You'd agree he was weak; right?
A: You would assume. But like I said, I saw him go up and down the hall.
Q: Okay. And then it says, "Severely matted."
A: I guess.
Q: Do you disagree with that?
A: No, no. No, I, you know, try to think of the definition of matted, but, yeah, I guess that would ---
Q: Okay. Be accurate.
A: I'll go with it. Yeah, that's fine.
Q: Okay. "There are two draining tracks in the skin of the left cheek overlying a large firm mass

with mild hemorrhage and putrid-smelling exudate." Do you agree with that?

A: I think that's what they saw, yeah. I'll agree with that.

Q: "There is also a massive right hemi-mandibular mass lesion with exposed necrotic bone." Do you agree with that?

A: I don't really know what that means, but I'll go with it.

Q: "The skin of the right hemimandible has a draining tract of putrid-smelling exudate." Do you agree with that?

A: Like I said, I'm not real sure what all those words mean, but ---

Q: Okay. "There is a mucopurulent discharge at the right naris." Do you agree with that?

A: Again, I don't know what that means, but I'll agree with it.

Q: Okay. So would agree that a doctor of veterinary medicine would know what that means?

A: We would only hope.

Q: Any reason to believe that Dr. Garrison was not a competent vet?

A: No.

Q: Says, "No murmur. Lungs clear. Abdominal

palpation is benign."
A: I see, "Poor quality of life."
Q: Okay. Next is "Notes. Poor quality of life." And at that point, I mean, you thought he was dead earlier in the day. Did you agree that he had a poor quality of life on that day?
A: On that very moment.
Q: On the very moment that you thought he was dead?
A: All I know is he got up and ate. And, you know, went up the hall and ate again, then went back to the bed, and got back in the bed.
Q: And so, would you think that that would mean he had a good quality of life?
A: I would think it's pretty good.
Q: Okay.
A: He seemed happy. And he didn't seem to be suffering. Again, that's still subjective.
Q: Why did you think that he was happy that morning?
A: Well, he was just doing what a cat does.
Q: He ate and slept?
A: Yeah.
Q: Okay. Any other reason you thought he was happy?
A: He liked companionship. He was social with the other cats, and he was social with me.
Q: That morning?

A: Yeah.
Q: And how was he social with you?
A: Well, again, he came back into the bed.
Q: You weren't in bed were you?
A: No. No.
Q: Okay. Were there other cats in bed that he was being social with?
A: Yeah, they were. Yes, they were.
Q: Was he playing with the other cats that morning?
A: Well, I doubt it. They eat and they go back to bed. They like that.
Q: Okay. The other note is "Infected malignancy of the skull."
A: Yeah, I'm not familiar with that.
Q: "Versus less likely ---"
A: And of course, that may still be talking about his jaw. I mean, that was really where it was all at, right there on his jaw bone.
Q: All right.
A: And my thought was, that when I took him in with his white blood count -- because he had had a blood transfusion. Give him a blood transfusion. Get him back to that point. The soft tissue surgery that the vet said he liked, remove that. They don't remove the bad one. You know, try

antibiotic. Again, going on that you know, he seemed to be doing pretty good. He wasn't suffering. You know, he didn't act like it. And like I said, he just looked at him and that was -- you know, and he did. I'm sure he looked terrible. Far worse than I can imagine, I'm sure.

Q: Were you in the room when the examination was occurring?

A: No. No, I was in the car. No, I was in the parking lot pacing, waiting for them. And Dr. Garrison just came out and said, "There was nothing he could do." And I think he was being honest there. There wasn't anything he could do for him. I think that was asking more than he could probably do.

Q: All right.

Q: All right. So the next, under "Plan Section Notes," it says, "Discussed with O ---

A: Owner. I guess it's owner.

Q: --- that I cannot fix Sky's problem. And I believe humane euthanasia is the only acceptable option for Sky. The owner asked if we could do fluids for dehydration. I reiterated that I cannot fix Sky's underlying disease." Did I read

that correctly?
A: I wasn't listening. I'm sorry. I was reading. Say that again.
Q: Did I read it correctly?
A: I'm sure you did.
Q: Okay. Well, is it pretty accurate how you remember the conversation with the doctor?
A: He was pretty much he couldn't do anything.
Q: Okay.
A: And he wouldn't let me have Sky back. He wouldn't treat him and he wouldn't let me have him back.
Q: Okay. And then it says, "Discussed the UVS ---
A: I think that stands for Upstate Veterinary Services.
Q: --- records indicate that owner declined an estimate for the emergency service that involved stabilization and transfer to Dr. Romig for dental work." I don't know what rads is. "And likely CT to evaluate the mass." So the way I interpret that is the doctor at Spartanburg was saying that Upstate indicated that you declined an estimate for the emergency service.
A: I did. That would be two months prior. And when I went to HealthPointe, then I went to Upstate.

I did.
Q: And what do you think it means when it says, "That you declined the estimate"?
A: I brought him home.
Q: They gave you an estimate, and you said, "No, I'm not going to do that"?
A: Well, they listed a couple of things -- they listed the things they were going to do. And that's the time that they included -- and even after they did all the stuff they said they were going to do, he'd have a poor quality of life. And I didn't understand that. I took that to mean they didn't believe that he had a good quality of life going in, because I can't see how him coming out, he would, you know, have a poor quality of life. They just didn't believe me. And Dr. Romig, she was the vet that Electric City had dealt with -- that communicated with regarding him. So she, too, was probably familiar with my extortion comment.
Q: Who is that again?
A: Dr. R-O-M-I-G.
Q: And tell me again, where Dr. Romig is.
A: Oh, it's Upstate Veterinary Specialists.
Q: Okay. Did you make the extortion comment to Dr.

Romig or ---
A: No.
Q: --- different vet?
A: What's the doctor -- I think it is this one. Like I said, I never met people in person. I think Dr. Herold is the one that made the comment to ---
Q: And he is?
A: --- like I said, after he said -- well, he'd also told me that what she had said, which was they could try this and do this and see if that would work. But I think that was kind of -- of course, it's not the factor, but that was going to be like 2,000. It's just going to -- and I realize they have to hedge their beds, but that was, you know, about 2,000. And then, like I said, Dr. Herold said he could have done it. It'd just been hard, and while he had my cat there, under anesthesia. Do it because I'd already paid them almost $2,000, which was still not the issue. I mean, you know.
Q: All right. So you mentioned a little while ago that Sky had a blood transfusion.
A: Yes, early in his life. He was grown, but, yeah.
Q: Why did he need a blood transfusion?

A: I think they thought it might be flea anemia. I don't think I ever -- vaguely remember him being kind of -- trying to think what did prompt me to lay it on the couch. It was time to take him in.

Q: I'm sorry. I didn't follow.

A: He was just laying on the couch, just kind of just laying there. You could just tell he didn't feel good.

Q: Okay. That was when he got the ---

A: Yeah, when he got the blood transfusion.

Q: I see. Okay. So Dr. Garrison was the vet that euthanized Sky?

A: Yes, sir.

Q: And did you sign a document saying that he could euthanize Sky?

A: Well, it's kind of like lots of documents you sign them. Yes, sir. He told me I couldn't have Sky back. If I tried to take him back, he was going to call the sheriff's department and report me for animal cruelty. Appears he did both. And of course, he charged me for euthanizing Sky.

Q: Do you think he should have done it for free?

A: No. I was hoping he wouldn't have done it.

Q: Let me show you Exhibit Number 5.

(Defendants' Exhibit 5 was marked for identification -

Photographs.)

Q: Which cat is shown in these photographs?

A: Looks like Sky to me.

Q: Okay. Were these taken on the day that he was euthanized?

A: I'm going to assume yes. I assume this is where he's at.

Q: Do you believe that they accurately depict his physical condition on that day?

A: Other than non-ambulatory.

Q: Okay. Other than the non-ambulatory, do you think photographs accurately depict his condition on the day that he was euthanized?

A: He does look pretty bad. I have no reason to argue with it.

Q: Okay. On the last picture you see a hand, and you see two teeth on the top of his mouth; right?

A: Yeah, I see his canine teeth.

Q: Yeah. And there's something right underneath the left tooth as you're looking at the cat. What is that?

A: I don't know.

Q: Any idea what it is?

A: No, sir.

Q: Okay. Now, we talked about severe matting.

A: Yes, sir.
Q: Would you agree that this photograph shows severe matting?
A: I would think so, yeah.
Q: Okay.
A: But I think it still looks better than it did two months prior.
Q: Okay. And you'd mentioned that before that ---
A: I mean, it's fair. He did groom a little more.
Q: Okay. So his condition was worse two months prior to this?
A: Well, yeah, I can't swear to the mass. I suspect it had grown. I'm not sure.
Q: Okay. But overall, you believe that Sky's ---
A: There were thinking ---
Q: Just a minute. That Sky's physical appearance was better on the day that he was euthanized as it was two months prior? He had groomed more.
A: Maybe slightly, yeah. And I maybe drawing it off of the fact that just the way he acted, but yeah. I do think, yeah. I remember saying that, so I must have thought it.
Q: And you told me before that he'd been taking antibiotics for the two months leading up to ---
A: Correct.

Q: --- these photographs being taken?
A: Yes.
Q: Okay. All right.
A: I think we'd been out for a couple days I guess. Maybe.
Q: All right.
A: Like I said, I can't remember if Dr. Martin had given me a prescription or not.
Q: Yeah. The first photograph?
A: Yes.
Q: It'd be Exhibit Number 5. Would you agree that Sky is still alive in this photograph?
A: I don't know. Might be a trick question. I certainly thought so from looking at him.
Q: Okay. All right.
A: Yes, he is alive. I know he's alive.
Q: How do you know?
A: You're right. That might be -- never be certain.
Q: What made you think that he was alive when you saw ---
A: Because I was with him when they put him down, and he was alive before they put him down when I was with him. Granted when they brought him into the examination room, his eyes had rolled back. He wasn't the cat that I brought there at that

point. You know, whether it was in hindsight, I thought they'd already given him the first dose of whatever before you put them down. And I made that comment to him that, you know, this was a different cat than I brought.

Q: Okay. Well, his eyes are not rolled back in the first photograph; correct?

A: No. No.

Q: Is that what made you think that he was still alive?

A: No, I didn't even really think of that.

Q: Okay.

A: But you're right, yeah. That would be an indication that he's alive right this minute.

Q: Okay. We're going to show you a brief video. First of all, can you tell whether or not this is Sky or not in the video?

A: I will assume.

[Video playing]

Q: Okay. Is this Sky?

A: Yes, that's sky.

Q: Okay. Is he still alive?

A: He looks alive to me.

Q: This video accurately depict his condition on that day? His physical condition on the day?

A: I guess.
Q: Okay.
A: Like I said, he went in on his own power.
Q: Okay. And let's look at it again. You see how he's moving in this video?
A: Yeah, I think I saw his tongue.
Q: Okay. And how were his legs when they put him down?
A: I don't see a whole lot of movement.
Q: Was he able to walk when this video was taken? Look at it again.
A: Well, he doesn't appear to be walking there. Whether or not he could stand up, I don't know. He does look pretty exhausted.
Q: Would you agree that the video that you just watched, and the photographs that are in five, are very disturbing?
A: Well, I'm sad for Sky.
Q: Okay. It's fair to say that these depictions of him are disturbing; wouldn't you agree?
A: I can see, yeah. Okay.
Q: Okay. And the very first photograph in Exhibit 5. Look at Sky's mouth. Is there anyway that you really think that he could have a good quality of life with his mouth looking like that?

A: I don't know how he did it, but he sure acted like a regular happy cat.
Q: Okay.
A: Yeah. I don't know how he did it.
Q: At this point, when you took him to the vet in Spartanburg, were you bound and determined to keep Sky and to have him continue living?
A: We were hoping the vets would put, you know, some thought into it. And like I said, I thought there was a path to try, but, you know.
Q: What do you think they could have done?
A: I don't know. But he didn't try.
Q: In the last four months of Sky's life, was there any vet that offered you any hope that Sky was going to have a good quality of life?
A: They didn't believe he had a good quality of life. So they didn't have to offer me a good quality of life. He had a good quality of life. I don't know how. I don't know how.
Q: And again, Exhibit 5, in the photographs showing Sky, you believe he had a good quality of life?
A: Well, up until this day, that morning, yeah.
Q: Okay. Well, he looked worse two months before.
A: That's right. I mean, I don't know how he did it. You know, it's pretty miraculous. They just

didn't believe me. I think Dr. Hurlbert -- I don't know if she's the one that said it, but when the 911 call or whatever the police report, said I was in denial. So again, they didn't believe me. They didn't believe how -- they said he just couldn't act the way I was describing it. They said he couldn't eat the way I said he was. Now, when I told Dr. Garrison he was eating. Dr. Garrison shot right back, how? I don't know is my answer, but he did.

Q: Okay. The vet that said you were in denial, was that the HealthPointe vet?

A: It wasn't attributed to anybody, I don't think, in the police report. But that's just my guess. And I'm just going on how the cat acted. I realize he's just a cat.

MR. KULL: All right. Let's take a break; okay? Thank you.

(Off the record from 12:19 p.m. to 12:26 p.m.)

Q: Back in 2020, were you living most of the time in Belton?

A: Still about half and half. I've debated that with the tax people. You really can't have two primary residences. So I did split it up pretty equal.

Q: According to the tax people ---
A: You can only have one.
Q: And which one did you declare?
A: Well, it's just been Spartanburg. I've never changed it. It's just Spartanburg's my primary.
Q: And when you went back and forth, the cats just stayed at the one house?
A: Yes.
Q: You had cats in Belton and you had cats in Spartanburg? And the days and nights that you were in Belton, was somebody taking care of the cats in Spartanburg?
A: Prior to what I have is like little gravity feeders and water bowls, litter boxes. But during the two months in question, I was traveling back and forth pretty much within 24 hours to give Sky his antibiotic during the two-month period.
Q: So you were in Belton every day during the two months before he was put down?
A: Within 24 hours, yeah, however that means. There were probably a couple days I was close, but, yeah, had gone beyond that. But overall, I was pretty good at getting him his antibiotic.
Q: Every day?

A: Within 24 hours.
Q: So the nights that you were staying in Spartanburg, the cats in Belton would be on their own?
A: Yes.
Q: You didn't have anybody coming in to check on them?
A: No.
Q: Did you have neighbors at all that you would ask to come in and check on the cats?
A: There was no reason to check on them.
Q: Okay. So the answer is no?
A: The answer is no.
Q: I showed you some vet clinic records, Exhibits 1 through 4. And those are the only ones that I know of personally from the eight months before Sky was put down.
A: Right.
Q: But you told me about some other clinics that you took him to including Honea-Path.
A: Right.
Q: And were there others?
A: There'd be Pet-Vac at Spartanburg.
Q: Pet-Vac?
A: Yeah, it's just a name. It's a brick and mortar

clinic. When she bought it, it was just named Pet-Vac. I think they explained to me why, but when I think of Pet-Vac, it's something that's mobile, but it's not.

Q: Okay. Which street is that on?

A: It's Reidville Road. I guess it's still Reidville Road at that point.

Q: Okay. And why did you take Sky there?

A: That was early on for the swelling.

Q: What'd they do?

A: Gave him some antibiotics. And she wasn't able to do anything for the dental she said, because she didn't have a dental x-ray machine, which is something relatively new. I think it has to do with pulling teeth, and if you leaves something, just regular x-rays are hard to detect. Anyway, that's how I found Electric City. They had a dental x-ray machine. I mean, that's what I shopped around for.

Q: So you think you took Sky to Pet-Vac shortly before you took Sky to Electric?

A: Yes.

Q: Okay. Honea-Path, Pet-Vac, any others?

A: I don't know the name of the clinic, but it's a Dr. Bledsoe. That sounds familiar coming off my

head. I might have said that before.
Q: You did.
A: Okay.
Q: I can't remember what clinic he's with, though.
A: I don't remember the name of it.
Q: What town?
A: This is Spartanburg.
Q: What street?
A: I'll say Drayton, something. D-R-A-Y-T-O-N. Drayton Road I think, maybe. And he was the one that said -- he too just gave him some antibiotics. I guess they were all hoping the antibiotics would clear up whatever infection he had. He made the comment, well, if it was bone cancer, they could remove his jaw at Upstate. They could remove it and, you know, your tongue's not attached to the jaw, so he would be okay. So that seemed -- well, it kind of told me that we were going from antibiotics to removing the jaw, so I figured he might not have much to offer in between is how we ended up in Pet-Vac. And, you know, they all better at some things than others. You know, not all vets are alike, just like all of us aren't all the same. Some have strengths in areas that others don't. I think that's

everybody before.
Q: That'd be six.
A: Yeah, that'd be six.
Q: And of those six, four gave him antibiotics? Four gave him antibiotics?
A: Yeah, I think so, yeah. I think Upstate did.
Q: I've never had a cat, so I don't know the answer to this question, but when I have a tooth issue, it's always painful. I mean, very sensitive. If a cat has a tooth issue like this one --
A: Right.
Q: -- an abscess tooth, do you think that would cause the cat pain?
A: You could assume.
Q: Well, how long was Sky's tooth abscessed?
A: From Electric City.
Q: From Electric City on?
A: Well, but, you know, obviously, the abscess burst. This is while we were going to Electric City, because it had burst before he went in and his surgery. And I had asked about it if that was a problem or something that -- anyway, that's how I know that it happened before he went in to have the tooth removed. And they didn't have a problem whatever was going on with the abscess.

The fact that it -- which is probably a good thing. But it had, I guess I'll say, burst. It drained.

Q: So he had an abscess in April of 2020 -- abscessed tooth; right?

A: Yes.

Q: Okay. And someone removed the tooth?

A: He tried. He got half of it, I think.

Q: Okay. What happened to the other half?

A: Again, he said he could have done it, but it would have been hard. So I guess it was just still there.

Q: And it was still abscessed?

A: Yeah.

Q: Correct?

A: I don't know. I assume the infection would be that, yeah. If by definition. I'm not sure the difference between infection and abscess. I don't think they're necessarily mean the same thing.

Q: Well, did the infection ever go away?

A: I don't think so.

Q: Okay. So he at least an infected tooth for eight months prior to being euthanized; correct?

A: It's very possible.

Q: I know that you said before that you didn't think you really had a choice at Spartanburg Vet Clinic as to him being euthanized.
A: That's correct.
Q: If it was your choice, even after Dr. Garrison told you that Sky needed to be put down, it would have been your choice, if you had a choice, to take him home with you; correct?
A: No, we would have gone to another vet. I don't where we would have gone. I think I've -- you know, in hindsight, but yeah.
Q: You'd taken him that day to another clinic?
A: Yeah. Yeah, I would have found something. And I have to admit, you know, I wasn't expecting that he wasn't going to do anything, and he wasn't going to let me have my cat back. But he wasn't going to do anything. I didn't anticipate that.
Q: Did you know of any other vet clinic that you could take Sky to.
A: I would have had to thought about it.
Q: Do you know even today any other vet ---
A: Yeah, I probably have taken him to Smith's.
Q: You had already taken him to Smith's.
A: No, sir. No. He'd never been to Smith's.
Q: Oh, okay. All right.

A: I had a tendency to jump around vets, and that was just ---
Q: Going back to Exhibit Number 5.
A: Yeah.
Q: Just his mouth in general -- Sky's mouth in general. Wouldn't you think that a cat that has a mouth like this would be suffering and need pain medication?
A: I'm just going by how he acted.
Q: Well, by looking at him, wouldn't you think that he was in pain and suffering?
A: I can't say.
Q: Okay. And in the video you could see that he was barely moving; right?
A: Yes. Like I said, he went in a different cat than he came out.
Q: And the difference was, that you could tell, was that he ---
A: He was ambulatory.
Q: --- was ambulatory before, and not ambulatory at the Spartanburg Vet?
A: He wasn't ambulatory when I went in for him to be put down. When I went into the examination room. But, I think at that point, he'd already been giving some medication to sedate him.

Q: How long do you think Sky would have lived in this condition that you see in Exhibit Number 5?
A: I don't know.
Q: After Sky was euthanized, did you take Sky with you?
A: Yes.
Q: Did you bury him?
A: I buried him.
Q: Where?
A: In the back yard.
Q: Which house?
A: In Spartanburg.
Q: Because you were in Spartanburg?
A: Yeah. And that's, you know, where he was born.
Q: How many cats have you buried at your Spartanburg home?
A: I don't know. Probably ten.
Q: How many cats have you buried at your Belton home?
A: Five, six, I don't know.
Q: Animal Control in Belton contacted you?
A: They did.
Q: Was that shortly after Sky was euthanized?
A: Yes.
Q: Okay. And what did they say?

A: They were just wanting to come out to my house.
Q: Did they say why?
A: I don't really remember. I suspect they'd gotten -- I don't think they called it a complaint. Think they said they wanted to do some kind of check. I don't remember the word.
Q: Relating to your animals?
A: Yes.
Q: Okay. And then did you allow them to come to your house?
A: I did.
Q: Okay. Did they take photographs of your house?
A: I don't remember, but I think they did.
Q: Did they treat you politely?
A: Yeah. At least, you know, the first day.
Q: And ---
A: And I don't want to say they didn't treat me politely, but, you know, they arrested me on the second trip.
Q: Okay. Did they treat you professionally on both occasions?
A: Yeah. They were deceptive, but, yeah.
Q: And how were they deceptive?
A: Well, she said there was -- you know, because I said, "Am I going to have my day in court or my

right." And she said, "Well, you haven't been charged with anything. Everything was fine."

Q: Had you been charged by then?

A: Huh-uh (negative response). No.

Q: Okay.

A: But they were working on it.

Q: Okay. Well, tell me how they were deceptive again.

A: Well, I'll try to think of the first one, but, obviously, she was saying one thing and doing something else.

Q: Well, did she say she was investigating a complaint that was made --

A: Yeah.

Q: -- about your animals?

A: Well, not about the animals, just that it was Sky. And she was just checking on the well-being of the other cats.

Q: Okay. And that's what she told you she was doing.

A: From what I remember.

Q: Okay. Isn't that what she did?

A: Yes.

Q: Okay.

A: But she basically said everything was fine, but

that's, you know -- you know, when they came the second time, she called and said she wanted to come, and she needed to get a picture of one of the cats she hadn't taken a picture of. Make sure he didn't have upper respiratory infection.

Q: I got you. Did she do that?

A: No, because that's not why they were coming back.

Q: She take any photographs the second time?

A: No, they came back to arrest me, because I had the cat ready because it would run off.

Q: Which cat was that?

A: I don't know if that would have been Miss Kitty, maybe, but it is one that would kind of dart under the bed. I mean, they all scurried when she came in anyway. They all went into hiding or what I remember. So I got it, held it as I saw her come to the door. So I held the cat so he wouldn't run off. And so, she came in and, of course, within a blink of an eye, the police officers were tapping on the door. And the arresting officer said, you know, the only reason we're here is because she doesn't have the authority to arrest you. And from there I helped her collect my cats.

Q: Five cats?

A: Yes. I helped her. I helped put them in the carriers. I helped because she wouldn't have been able to catch them.

Q: On the day you took Sky to Spartanburg Vet, the day he was euthanized, did you put him in a carrier?

A: Oh, yeah, yeah. How I got him there? Yes, sir. I mean, he went in on his own.

Q: Let's look at Exhibit Number 6.

(Defendants' Exhibit 6 was marked for identification - Photographs A-E.)

Q: Are these photographs of your house in Belton? Are they?

A: Well, they look like my house.

Q: Okay. The first picture is ---

A: That's my side porch.

Q: Okay. Is that where your washer and dryer is?

A: Yeah, the laundry room's to the left. You can't see it I don't think from here.

Q: And what's all the bags and whatnot in these photographs?

A: I don't know. I don't know what's in all of them. You know, thrift store stuff.

Q: Is that what you like doing, going to thrift stores?

A: I do. I see recycling stuff. That's on the porch. A good bit of that is plastic stuff.
Q: I know you've been retired for several years.
A: Yeah.
Q: What are your hobbies?
A: Yard work and that's about it.
Q: Cook?
A: No.
Q: Go out to eat a lot?
A: I do.
Q: Where do you like to go in Belton?
A: Just little fast food. Wendy's and I think something called Speck's. The big ones.
Q: The second photograph is of your stove. Do you see that?
A: Yeah.
Q: Okay. You got looks like a tea pot and several cat food cans?
A: I'm looking for the teapot.
Q: Well, what's that?
A: Third page, or at least on mine. Yeah, that's a teapot. And that's the coffee pot.
Q: Oh, I see. I'm going to mark these A, B, C, D and E. I'm missing one in mine.
A: Okay.

Q: A is your side porch. B is your ---
A: My kitchen.
Q: --- kitchen sink. Do you see that?
A: Yeah.
Q: All right. And is this typical of how you keep your counter tops?
A: Yeah, I would say it's not unusual.
Q: Okay. C is your stove top; correct?
A: Yeah.
Q: And it looks to me like there's a lot of cat food cans ---
A: Yeah.
Q: --- in the vicinity, and there's some cat food maybe ---
A: Yes, I can see that.
Q: --- in this dish?
A: Oh, that. Well, yeah, we had a mouse get away, and my logic was if I gave it food, it wouldn't get into trouble. Unfortunately rodents also nest, but anyway. But that was -- I think it's called critter food is in that little ---
Q: Oh, okay. But you were trying to attract the mouse?
A: No. A cat had caught a mouse, and before I released it, he was recuperating. And he'd

obviously had gotten well enough to climb out. So that was my logic. Try to keep him fat and happy and he would leave us alone and not get in trouble.

Q: Okay.

A: That didn't happen. He might have been fat and happy, but he didn't not get him in trouble.

Q: One of your cats got him?

A: Not that I know of.

Q: Well, what kind of trouble did the mouse get in?

A: Well, just get in stuff. And I'm just assuming it was a mouse.

Q: Okay. So is it common for you to leave cat food up near the stove?

A: Yeah. Yeah, I didn't have any problem with that.

Q: Okay. D is a photograph of your -- shows your oven front; correct?

A: Yes, sir.

Q: And it shows your stove top. Do you see that?

A: Yeah.

Q: Now, I'll tell you these were taken on different days. One time your stove top on C has a lot less clutter than D. Do you agree with that?

A: Yes, sir.

Q: Okay. D, is it common for you to leave your

stove top looking like it appears there?
A: No. I wouldn't say common. It can happen.
Q: Okay. And there's a lot of what appears to be trash on the floor in photograph D. Is that fair to say?
A: Yeah, I think that's fair. I don't know what's all in the bags and stuff.
Q: Okay. Is it common for you to keep trash like that on the floor?
A: Well, it was working its way to recycling or wherever.
Q: Okay.
A: But, again, you're right. I wasn't happy, but you know, wasn't something -- yeah, I won't say not an issue, but I was working on it.
Q: Okay.
A: As far as I know, it didn't have any bearing on my cats.
Q: And E might not be the best quality photograph, but I think it will show ---
A: That's the kitchen floor it looks like.
Q: I think it's carpet.
A: Well, let's see. I'm looking at those legs. Let's see.
Q: Well, it looks like a carpet to me is discolored.

A: I still don't know where it's taken. I'm trying to ---
Q: Did you have any discolored carpet in your house?
A: I don't know.
Q: Okay. Did your house have a cat urine smell?
A: That, I didn't pick up on. I didn't smell it. I suspect, you know, we had several litter boxes, it should have smelled like urine.
Q: Cat urine smell doesn't bother you?
A: Like I said, I didn't smell it. And again, it would be in the litter box.
Q: Was it just one officer or two police officer's that came?
A: There were two police officers, but just one animal control officer.
Q: Okay. So there were two police officers when they came to arrest you?
A: Yes, sir.
Q: And did they tell you what you were being charged with?
A: I don't remember. You know, they had the arrest warrant, I think. I think. I don't know.
Q: And did they give you your rights? Did they tell you your Miranda Rights?
A: Not that I remember.

Q: Okay. Did they talk about removing your cats from the house?
A: The animal control officer said that, I think.
Q: Ms. Howell?
A: Yes. Some they just take then to make sure they were okay. Again, the upper respiratory infection.
Q: All right. I'm showing you what's marked as Exhibit Number 7.
(Defendants' Exhibit 7 was marked for identification - Anderson County P.A.W.S Animal Surrender/ Release Form.)
Q: Can you tell me if your signature appears on this form?
A: Looks like mine.
Q: Is that bottom right?
A: Yes.
Q: And you see the listing of the cats on the bottom?
A: I do.
Q: Looks like orange High-tail, Scoop, Tiny Dot, Tootsie and ---
A: Miss Kitty, yeah.
Q: --- Miss Kitty. I got you. So there's five cats.

A: Yes.
Q: Okay. And says up here, "Do you know of reason why the animal should not be put up for adoption"? And it's marked, no. Do you see that?
A: Yeah.
Q: All right. And it says, "Does the animal have records at any veterinarian's office"? And it's marked, "no"; is that correct? Are there records for these animals at any vet clinic? Was there back then?
A: Oh, yeah. I don't know why I would have done that, but I have to admit, I was being arrested.
Q: Yeah.
A: I was in the middle of a home invasion.
Q: "Please indicate your reason for surrendering this animal to Anderson County Animal Shelter." And did you know that you were being arrested?
A: Yeah, I knew I was being arrested. I knew that more than anything.
Q: Okay. And you signed this document?
A: Yes.
Q: Okay. And because you knew that you were being arrested, did you sign this document voluntarily?
A: I was under duress.

Q: Okay. How so?
A: I was being arrested.
Q: Okay. And anything else? Any other reason ---
A: Yeah.
Q: --- that you signed the document?
A: They had just told me they were going to take my cats. And you can ask any of them that were there. They saw my heart break before their very eyes.
Q: Okay. How would they know that?
A: Because they could see the wind taken out of -- I just kind of crumbled. I didn't say anything. You don't say anything to -- you know, you're at a disadvantage. You're being arrested. And she says, "They were going to take them in and make sure they were all healthy."
Q: Okay. Did they do that?
A: Yeah, because in less than 24 hours these cats were on the adoption floor on the website. The arresting officer said, "That I might get them back during all this." But I wasn't going to get them back.
Q: Well ---
A: They took them. Well, go ahead.
Q: Didn't you go to the shelter ---

A: I sure did.
Q: --- and ask to get the cats?
A: No.
Q: Why not?
A: I didn't ask to get them back.
Q: Why not? I'm curious about that.
A: I emailed the -- because I was arrested on Friday morning. Come Saturday morning -- because I spent all day in jail Friday, and I got out at 10:00 o'clock at night. So the next morning I checked the website. Trying to think what I was trying to do. I'm not real sure what I -- but anyway, I was at the P.A.W.S. website, and I was trying to get the -- I guess I went to the website that I saw that my animals were already on the adoption floor. By then I was trying to get the email, so I emailed the animal shelter director, hoping that she could help me keep my cats. And that would have been on Saturday. But again, the pandemic, shelters weren't open but every other day or something. So I get there. I think they opened up on noon Monday. So I knew that the county administrator, the animal shelter reported to the county administrator, so I went there first. That was in the morning. So the

shelter wasn't opened until noon or 1:00 o'clock on Monday, something like that. So this was before they were open. Well, also, as far as them knowing, I called the police station, the animal control officer or whatever Saturday, as soon as I found out they were on the adoption floor. And I think I spoke to the arresting officer who just happened to answer the phone. And I told him what had happened, and he just said, "No, you need to talk to the animal control officer," and that's all he said. But you're right. Everyone, I think, called the animal shelter to let them know that they might be seeing me. I guess kind of forewarned them.

Q: How do you know that?

A: I don't know. Because she said, "I heard you might be coming."

Q: Did you she say how she knew that?

A: No.

Q: All right. So again, do you think you still have the emails with her?

A: Yeah, yeah. It was just one.

Q: Can you give those to your lawyer?

A: Yeah.

Q: Did you have any emails with the Belton

employees?

A: No.

Q: Any texts, anything like that with the Belton employees?

A: No.

Q: All right. So I asked, did you go to the shelter and try to get your cats backs?

A: I went to the shelter to check on my cats. And of course, at this point, you know, most of the time in shelters you just kind of -- they have them on the floor and you walk around and visit, or go to the ones on display. Here you didn't get any further than the front door, inside the lobby, and she actually was there. There was other employee's, but she met me. She was there, the animal, whatever, the director. And I said, "Could I see the cats"? She said, "No." I asked about one cat that was missing from the website, but that was the cat that had scratched me, and as a result didn't get to go in the carrier but got thrown in a trap. And that's a very scared cat. She was always a scaredy cat. And that's when, you know, the director just said, "Well, I know where she is." When I did mention to her how -- the comment was, "I've been on jury duty

twice, and I knew you don't want to get caught in the system." And she nodded and agreed, and that was the system of the criminal justice system or whatever you want to call it. Because you are kind of guilty until proven innocent. And then I made the comment to her that I was trying for two months. I tried to get him looking more like he felt. And she said, "Do you really expect me to believe that"? And I said, "It's the truth," which it was. It's the truth. And she made the comment that I had either had starved my cat to death, or I was starving him to death. You know, Sky. And the last thing she said to me was, "You'll never get your cat's back." She played a big part in all of this. And I think if you ever get the other half of the police report, if there was one, she played a big part in nudging the animal control officer in doing what they did. That's just my feeling. The animal shelter director was seething mad at me. She was mean, and you could see from her co-workers, yeah, they sensed it, too. And she said, I was never -- I mean, that was the reason I think they went on the floor so quickly, to keep me from, you know, having any opportunity to get them back.

Q: You don't remember the director's name?
A: No, sir.
Q: She still there? Do you know?
A: As far as I know.
Q: And had you dealt with her in the past?
A: No.
Q: Had you gotten any cats from that shelter?
A: No. No, no, no, I never got a cat from them.
Q Never?
A: Never. Never ever. Scoop, he was the youngest cat that I had. He was going to cross the road in Belton, and I was coming home from eating out, and I saw him on the shoulder. So I just had to make a U-turn which was easier said than done. And I was able to -- he flushed himself up the hill, and I was able to scoop him up. Hence his name Scoop. And I got him to the -- I guess, it's the Humane Society. That's where I got him. He got neutered.
Q: What town?
A: That would be Belton.
Q: So the Humane Society is separate from the shelter?
A: I think it is, yeah. I think they distinguish themselves differently.

Q: Are they in the same location?
A: No, sir.
Q: Did you get any cats from the Humane Society?
A: No. That was the comment. It was just that was my only dealings with -- because I kind of think of them as somewhat together, but they distinctly on their websites they ---
Q: Did you get any cats from any shelter in Anderson County.
A: No, sir.
Q: All right. Exhibit Number 7. Is all the information on this form correct?
A: Like I said, I don't who went who. At first I thought it -- I don't know if that's my writing. No, it's not my writing. But "Does the animals have records at any veterinarians office"? That would be yes. So I didn't get to do that one.
Q: Okay. Otherwise ---
A: And of course, I didn't check the box that says, "I am the owner of the animal that's surrendered."
Q: Okay. Regardless of whose writing it is ---
A: I know.
Q: --- is all the information correct except for, "Does the animal have records at any

veterinarian's office"? You said, "That's incorrect."

A: She checked them. I suspect most of this was filled out before, because I don't remember filling that while I was there. Like I said, I didn't check that box.

Q: Right. I understand. And other than that one answer, is everything else correct?

A: Yes, as far as I know. I'm just looking at it. Things can be deceptive.

Q: Okay. And before you signed this document, you knew you were being arrested; correct?

A: Yes. I think that would be true.

Q: Okay.

A: Kind of like when you go to the doctor and they ask you to sign these forms before they do anything. Like you have a choice.

Q: So tell me how you spell your middle name?

A: S-T-R-O-D-E-R. Stroder.

Q: Do you agree that you sought treatment for the cat at Paw Paw Animals Hospital in Easley, South Carolina?

A: Yes.

Q: And would you agree that you did not follow the medical advice that you obtained from some of

your vets relating to Sky?

A: Well, they suggested to go to a specialist, and I went to the specialist.

Q: And the specialist was Upstate?

A: Yes.

Q: And did you follow their recommendation?

A: Well, like I said, they gave me a list of five things they were going to do. And of course, you're just kind of listening. And like a day or so later, I called them back and I said, "Could you go over the list again"? And I have to admit part of that is to write it down and see if I could get it done elsewhere. But they had no record of those things that they had told me over the telephone. Like I said, I had to go on memory of the necro in which again, is removal of dead tissue, probably something dental. Of course, the estimate of five, six, seven, $8,000. I don't remember. But again the last thing that rang in my ear was, after we do this he's not going to have a good quality of life. Which you know, in hindsight I think, you know, that might have been more of a reflection of their skill. I don't know. I don't know. I just didn't understand that.

Q: So it's fair to say that you didn't follow what any of the procedures they indicated were possible?

A: Well, they were all, you know, talking poor quality of life and euthanasia. A cat that was, you know, running, eating, you know, acting like a happy cat. Yeah, they just didn't know Sky. And for whatever reason, I have to admit jumping around, you don't have much loyalty -- the vets don't. You know, it's quite different. You know, that's not the business mod. You're supposed to go to the same vet and then things might have been different.

Q: Well, let's cut to the chase. I mean, there were vets that made recommendations, said, "Here's what we could possibly do," and you didn't want to do those things; correct?

A: I didn't want to put him down because he wasn't ready. And I told him as they were euthanizing him. You know, we kind of bought you two months, which we did. It was at a very high price.

Q: We bought you two months?

A: Two months of life.

Q: Who bought it?

A: I did.

Q: By giving him a ---
A: Not letting them put him down.
Q: I got you. I got you.
A: Yeah, and they would think it was a mercy killing, but they just did not believe me. None of this would have happened if they had believed me.
Q: Okay. What would they have done?
A: I'm not sure.
Q: Okay. Did anybody say they could do anything other than Upstate?
A: I'm not sure what Dr. Hurlbert would have done.
Q: Okay. Upstate, they gave you a list of a few things that were possible, and you said, "Nope, I'm not going to do that because you don't believe me."
A: That's right.
Q: Okay.
A: I think somewhere along the -- I don't know what they would have done.
Q: And starting two months before he was put down, you would agree that the left side of Sky's face was almost beyond recognition and was infected severely; correct?
A: All I can tell you is how he acted.

Q: Okay. Well, answer that question and then you can also say that, if you want, that he acted different than what he looked liked. I think you've said that before.

A: Yes, I'll say that many times in the future, I'm sure.

Q: I got you. But in the two months before he was put down, you would agree, wouldn't you, that the left side of his face was almost unrecognizable as a cat's face because it was so infected?

A: Even as I look at it now, I don't see that.

Q: Okay.

A: Looks horrible.

Q: Looks horrible?

A: It looks horrible.

Q: Okay. And for the last two months of his life, it looked that bad or even worse?

A: No, it didn't look this bad. I'll back up. I told you that I think the mass did grow over those two months, maybe.

Q: All right.

A: But his grooming, his behavior, you know, he did seem to be better, you know. But I mean, granted that was worse. I think that did enlarge. So this is worse than two months ago.

Q: What was worse than two months ago?
A: The mass.
Q: The size of the mass? Is that a yes?
A: Yes.
Q: Okay. Did you suffer any physical injury from being arrested?
A: It hurt having to sit in the police car with your arms handcuffed behind your back.
Q: Okay. How long were you in the police car?
A: Thirty minutes at least.
Q: Okay. Was there any bruises, lacerations as a result of your arrest?
A: No, sir.
Q: Okay. And was it in the morning that you were arrested?
A: Yes, sir.
Q: Okay. About what time?
A: I think she arrived at 10:00 o'clock. And the officers came, like I said, just minutes later.
Q: Okay. And so, by 11:00 o'clock you were in the police car?
A: It's possible. I don't know how long it took us to collect my cats.
Q: Okay. And then where'd you go from your house?
A: To Anderson County's jail, wherever that is.

Q: Okay.
A: I've never been there before.
Q: Was it about a 15-minute drive?
A: I'll say 20.
Q: Okay. So were you at Anderson County Jail at about noon?
A: Maybe. I don't really remember. I just remember 10:00 o'clock. Around 10:00 o'clock at night being let go.
Q: Okay. Did any of your neighbors see you being arrested?
A: I'm sure they did.
Q: Okay. Has anyone indicated to you that they saw you being arrested?
A: No, surprisingly not.
Q: Okay. Have you ever talked to any of your neighbors about you being arrested?
A: No. I've spoken to a number of people, you know, not neighbors, but, yeah.
Q: Why would you talk to them about this?
A: To tell them what happened.
Q: Okay.
A: And I will say they -- I won't say all, but they certainly had -- you know, they're pet owners and they could think of cases where, you know, the

vets got the wrong diagnosis. You know, weren't correct about a quality of life issue. At least their opinion. And these ---

Q: Okay. Go ahead. I'm sorry. No, go right ahead.

A: You know, just pet owners. You know, but I'll say the vets are doing the best they can. But I mean, I can even -- I took a cat to three different vets. And, you know, like Sky, you get slightly different diagnosis, slightly different treatment plans. You know, it's just not an exact science.

Q: Okay. Any of these friends that you're talking about that you've talked to about this incident of being arrested, are they in Belton?

A: They're all over.

Q: Tell me the ones in Belton that you've talked to about it.

A: I'm not sure I have spoken to anybody in Belton about it. Oh, I guess I have, yeah. Of course, I think of her as a friend, but I can't think of her name.

Q: What street?

A: Well, wait a minute. Let me see if I can -- I don't know if I can find her name or not. She works at the -- I feel terrible. I can't

remember her name. She works at the florist. Anyway, I can get it to you, but I don't ---

Q: Yeah, if you'd get it to your attorney at least. Do you have her phone number, too?

A: Yeah.

Q: Which florist?

A: I don't know the name of it. My brain says, Diane's, but that's like three florists ago.

Q: Is that in Belton?

A: Yes, sir.

Q: Up at the town square?

A: No, it's in a little stand-alone strip shopping center next to a drug store and a karate place. It's beside Maynard's Furniture.

Q: Okay. Is that the only person you think you've talked to about your arrest in Belton?

A: In Belton. Yeah, I mean, I feel like I've talked to somebody, but I just can't remember.

Q: Okay.

A: Marian Nicholls.

Q: Who is that?

A: Just a friend. A classmate.

Q: Is that male or female?

A: I was going to say, I wonder if it's different spelling, but it's a guy.

Q: Okay. Does he still live in Belton?
A: I think so.
Q: Okay. And what does he do?
A: I don't know. He's an engineer.
Q: And did he say anything about -- what'd he say about the incident?
A: Well, he had a story about Ms. Howell. I don't remember the story.
Q: Do you know where he lives in Belton?
A: No, sir.
Q: Anybody else that you've talked to in Belton?
A: Not that I can think of.
Q: What was his story about Ms. Howell?
A: What I vaguely remember was she had lured somebody's dog out of their -- into her space. I don't know. Maybe out of their yard into her -- so that she could -- you know. But I don't know.
Q: This lady that worked at the florist, what did she say about the incident?
A: Well, she just commented when she had tried to get help from the animal control, that she wasn't very successful. She found that frustrating.
Q: What kind of help did she want?
A: I don't know. I don't know if it was to, you know, get a dog that was tethered and, you know,

in the heat. I don't remember.
Q: Okay. All right. I asked if any of your neighbors saw you getting arrested and you said --
A: I don't know. No one's ever mentioned it.
Q: Okay.
A: But I will -- and this is just recent. I have a neighbor in Spartanburg that the owner -- anyway, she's a neighbor and she has a cat, but she's recently ended up in assistant living. So I've been helping take care of their cat, and she falls. It's been at least two other times that she's fallen that I've taken care of the cat in their absence. And the son was down there just a couple days ago. And I've been bringing the owner -- I'd say some consolation that I'm keeping her abreast of her cat and how he's doing. Because I think I'm taking care of her cat more like she does than her family, which probably is a thorn to the family. But anyway, I'm doing that. But anyway, I see him, the oldest son down at that house. So it's only two houses down, so I walked down there since he spoke to me, I went and spoke to him. And during the conversation, somehow it came up about

something that I had talked about their house. He said, "You probably found it on the internet." I said, "Well, no that was impossible. I hadn't checked on anything." And then he went into, "What's this about you being arrested for --" I don't think he said animal cruelty. He did use the words whatever they use. What is it, animal mistreatment, ill treatment of animals? He asked me about that. So I told him, you know, my story. And I haven't heard from his mother since. So I assume he told her.

Q: You still taking care of her cat?

A: Yeah, I'm still taking care of the cat.

Q: She didn't ask you not to take care of the cat?

A: No, but he's just outside.

Q: Okay. All right.

A: But anyway, that's, you know, going to be on the internet forever. Forever.

Q: Have you ever heard anybody else ---

A: One's enough.

Q: --- who's found that on the internet?

A: No, but I'm sure they have. They just haven't said anything to me. You know, and I hate that my -- you know, I don't know why he was checking on me. And I certainly don't -- you know, I hate

that he mentioned -- and I don't know that he mentioned it to his mom. But it's unusual that I haven't heard from him, because she would ask how is her cat if she hadn't heard from me within a, you know, half a day or so. So I know in this day of age when people just looking at my address, looking at whatever, they're going to find my mug shot.

Q: Have you seen it?

A: Yeah.

Q: On the internet?

A: Well, I haven't seen it in years. And only when all this happened. I don't go on the internet for stuff like that.

Q: You know of anybody else has seen your mug shot on the internet?

A: Yeah.

Q: Just one person?

A: No. Tommy Durham.

Q: Tommy Durham. And who is Tommy Durham?

A: He's a classmate friend from high school.

Q: Belton?

A: Belton.

Q: Does he live in Belton?

A: He does.

Q: And what's he do?
A: Think he's retired.
Q: From what?
A: Think he was a school teacher.
Q: Okay.
A: But he's the one that came and got me from jail.
Q: Okay. Know of anybody else who's seen anything about you on the internet relating to the cats?
A: No, but you. But I know I have a cousin that had written me about this. We used to get together as a reunion, small mini reunion. And I got a card from her saying, because we've all lost our parents at this point, about getting together. And I wrote her back, but I was kind of late doing it. And then there was another delay. And I'm thinking maybe she's looked it up. Maybe that's why I haven't heard back from her. I don't know. But it's real easy to find that stuff. And it is a shame.
Q: When's the last time you looked?
A: I haven't looked.
Q: Okay.
A: But obviously, within the last couple of days, it's still there. Like I said, and that's really the first person that has actually confronted me

with it.

Q: You said confronted. Did ---

A: Yeah, he wanted to know the story. And I don't know if it had anything to do with their cat. I don't know. He might have just been curious. I don't know. I don't know why. I mean, I've researched and discovered that, you know, I had former co-workers or whatever and found out they've passed away or whatever. So, you know, for various reasons you can look to find out what's going on.

Q: In the two months before Sky was put down, was anybody in your house in Belton?

A: Not that I know of.

Q: Okay. In the two months before Sky was put down, did anyone besides you and the vets see Sky?

A: No.

Q: Okay. Have you ever shown anyone the photographs of what Sky looked like in the two months before he was put down?

A: I'm thinking. Maybe.

Q: Who?

A: I don't know. I'm thinking maybe -- of course, I'm still looking for the lady at the florist. I might can find her.

Q: What photographs ---
A: Well, Betty is the name of the florist.
Q: All right.
A: Anyway, but don't tell her I couldn't remember her, because she was nice enough to -- anyway.
Q: Okay. Now, last question I asked you was, have you shown anybody photographs of what Sky looked like in the two months before he was put down? And you say you think you did?
A: Yeah.
Q: And tell me ---
A: I think I did show Betty.
Q: Okay. And where'd you get the photographs?
A: Think I had taken them.
Q: Okay. Do you still have them?
A: Maybe.
Q: Okay. Can you get those to your attorney?
A: Yeah.
Q: Okay. Why were you taking photographs of Sky in the last couple of months before he was put down?
A: Just taking pictures of my cats. I don't know if I had any other motives.
Q: In the photographs that you took of Sky that you showed to Becky and Betty, did he look like what he looks like in Exhibit Number 5? Is that what

he looked like?

A: I don't know.

Q: You don't know?

A: I don't know.

Q: Okay.

A: I don't know.

Q: It'd be okay with you if we show you Marian and Tommy and Betty the photographs that are marked as Exhibit Number 5? That be okay with you?

A: Yeah.

Q: Okay. All right. You were arrested. You're taken to Anderson County. Did they have a bond court or anything like that?

A: Yes, they did.

Q: Okay. Did they make you pay a bond?

A: No.

Q: Just released you?

A: Just released me.

Q: And it was about 10:00 o'clock at night?

A: Yes, sir.

Q: Tommy Durham picked you up?

A: He did.

Q: Okay. And did you see anyone that you knew at the detention center?

A: No.

Q: Was there any publicity about your arrest and detention?
A: Not that I'm aware of. Like I said, other than being on the internet.
Q: What happened to the charge against you?
A: It was dismissed.
Q: Do you know why?
A: No, sir. They didn't show up for my preliminary hearing. Or at least no one showed up at my preliminary hearing. And I can't remember what the judge comment was. Somebody asked about what would be the word for the victim or whatever, and the judge said, that was -- you know, they didn't show up. Well, that was the cat, he didn't. Somewhat lighthearted, though. Whoever didn't show up -- that they thought didn't show up, turned out that was the cat that he was talking about. This other person. This was all done -- I don't know what the other names are. Like a zoom, again, during the pandemic.
Q: Okay. Did the judge say that -- male or female?
A: It was a man.
Q: Okay. And was it your understanding that because the other side didn't show up, that's why it was dismissed?

A: Yes, sir. I mean, he said stuff but, I don't remember what it was.
Q: Did the judge say anything about the evidence?
A: No, sir.
Q: Okay. These five cats that you signed over, they ended up at the ---
A: Anderson.
Q: --- Anderson Paw Paw?
A: Just P.A.W.S.
Q: P.A.W.S. Okay. And do you know if they were adopted?
A: Yes.
Q: How do you know that?
A: They disappeared from the website.
Q: Okay. Have you done any follow up to find out who adopted them?
A: No.
Q: Okay. Do you know if they're still living?
A: No.
Q: If you hadn't been arrested, would those five cats still continued to live with you in Belton?
A: Yeah.
Q: All right.
A: I didn't get an explanation as to why they seized my cats. Now, I didn't ask. I should have. I

regret that.

Q: Okay. Is there any other comments or statements that anybody from the City of Belton made to you that we haven't already talked about today?

A: Well, I remember the animal control officers and being taken to the police car. He just made a comment that, you know, "Sky was sick." And I said, "I know." I said, "That's why were at the vet."

Q: Anything else? The City of Belton police officers, animal control, anybody else at Belton that said anything to you that we haven't already talked about?

A: No. I said they knowingly seized a cat that belonged to a neighbor. I don't know why they -- you know, it's like they didn't blink an eye at that. They didn't think that was the wrong thing to do.

Q: Did the neighbor get the cat back?

A: No.

Q: Did the neighbor attempt to go get the cat back?

A: No.

Q: What was the name of that neighbor?

A: Ms. -- did I tell you? She's been living ---

Q: Ms. Ruth?

A: No.
Q: No?
A: No. Ms. Singleton.
Q: Ms. Singleton. She still your neighbor?
A: No, she went to live with her daughter.
Q: Where she live now?
A: North of Atlanta.
Q: Okay.
A: And she's unaware that the cat is missing. We didn't let her know. That was, you know, the daughter -- we thought that was best.
Q: Well, I mean, does she have dementia or something?
A: Yes.
Q: Okay. So she wasn't even aware of the cat?
A: No, during all that, she was quite aware. We would talk and she would call asking about -- that was Miss Kitty. And then when I would, you know, call her, I'd update her. I'd tell her stuff.
Q: Was she already in it? Living with her daughter when the cat was taken?
A: Yeah. Yeah.
Q: So where did the cat live?
A: With me. I think the daughter had a dog or

something is why they didn't take it. Of course, I think hopefully in time, the cat would -- you know, was hoping to probably relocate. We don't know how that was going to pan out. But regardless, it was a neighbor's cat and they didn't care. Anderson County adopted out a neighbor's cat. They didn't care.

Q: All right.

A: They're just cats.

Q: What should they have done with this cat, just curious?

A: I don't know. Could have coordinated it with the owner or done something. Versus the P.A.W.S. director telling me, well, they -- I guess because I signed the paper. It was my fault that they took the neighbor's cat. But, yeah, I can't remember how she phrased it. It was almost like, you know, I had lied on the form. You know, whatever that means, I lied about on the form.

Q: Your house in Belton is on what street again?

A: Forrest Lane.

Q: Forrest Lane. And Ms. Singleton, did she live on Forrest Lane?

A: No, Palmetto Parkway, a block over.

Q: Okay. Was there anyone living in her house?

A: No.
Q: At that time?
A: No, for a long time I went over there and took care of the cat. It was a house cat.
Q: But then you ended up bringing it back to your house?
A: Yes.
Q: About how long before ---
A: I don't remember.
Q: Year?
A: I don't remember.
Q: Could have been a year?
A: I don't think so.
Q: Half a year?
A: I don't remember.
Q: Several months? Miss Kitty had been living at your house for several months before your arrest?
A: That's probably right.
Q: Okay. All right. Did you have a fire at your house?
A: Yes.
Q: When was that fire?
A: Sir?
Q: When was the fire?
A: July 1st.

Q: Of this year? Of 2023?
A: Yes, sir.
Q: Okay. How many cats did you have in your house?
A: I might have to think. Let's see. Maybe 14.
Q: Okay.
A: There were two young mothers that had just had kittens that I had brought in.
Q: How many cats got out alive?
A: None.
Q: So 14 cats died in the fire?
A: As far as I know.
Q: If you kept the five cats that were taken to the shelter back in 2021, if you still had those five cats, those cats would also be dead; is that correct?
A: I don't know.
Q: What would make you think not? You planned on keeping them in your Belton house; right?
A: Yeah. I don't know.
Q: How'd the fire start?
A: The electric eye got turned on.
Q: On the stove?
A: On the stove. Top eye.
Q: And were there combustibles on the stove top?
A: On the counter.

Q: Not on the stove top?
A: Not that I remember. There's stuff in the front maybe.
Q: Well, how would combustibles that are not on the stove top ---
A: Well, it was close enough that it puts out a great deal of heat without any pot on top of it. I don't know how close it has to be to ignite it. But I know there was like manila folders on the counter that they were on fire.
Q: Where were you when the fire started?
A: I was in the den when it started. I smelled something.
Q: Well, how long do you think the stove was on before the fire started?
A: Probably not very far. I don't know. I really don't know. You just kind of smell something and then it got stronger is when I bolted out of the chair.
Q: So did you leave the eye on?
A: No.
Q: Who turned the stove on?
A: I don't know.
Q: Did you tell the firefighter and investigator that you think a cat turned on the stove?

A: That was the possibility.
Q: Is that what told them?
A: Yes. I said I think it was a possibility.
Q: And do you think a cat turning on the stove is a possibility, because you know that sometimes your cats play on the stove?
A: I don't know. Well, I've seen them up there, yeah.
Q: Okay. On Exhibit 6, we showed you some photographs of -- showing cans of cat food ---
A: Yeah, I don't feed them up there.
Q: --- on the stove. Some of the cans are open; correct?
A: Yes, empty but open.
Q: There are some scraps in there; right?
A: Huh-uh (negative response). No sir.
Q: So you don't see ---
A: But that's the can lid. I'm looking at that eyedropper. I'm trying to think what that was for.
Q: All right.
A: That was for Sky. It was supposed to be for some kind of dental stuff.
Q: Okay. I'm circling a can of cat food on Exhibit 6C. I circled one. Just one.

A: Okay.
Q: It's open; right?
A: It's open, but it's empty.
Q: And there's the can on the bottom -- the top is on the bottom of the open can; is that correct?
A: Yeah, the lid is inside.
Q: The lid is on the inside. Okay. And there's looks to be some remnant of some cat food?
A: I don't see that.
Q: Okay.
A: I mean, I see it around, you know, just the dirty inside of a can.
Q: Okay. What's the dirt?
A: Oh, that would be cat food. It's not much.
Q: And why would your cats be up on stove playing? Or why would they be up on the stove at all?
A: Cats jump up on stuff.
Q: And you're fine with them being up on the counters?
A: I'd rather them not.
Q: Okay. Do you do anything to keep them from getting up there?
A: No. I might tell them to get down, but if you've never had a cat, they may or may not listen to you.

Q: How do you define a hoarder?
A: Well, I'm thinking of something when people that collect stuff or get stuff, and they find anguish with getting rid of it.
Q: Are you a hoarder?
A: No sir.
Q: Has anybody said to you they think you're a hoarder?
A: Oh, yeah, because I know it's on record. My sister had said that but, you know, not by true definition.
Q: Okay. Who has she said that to?
A: Well, she said it to Ms. Howell, the animal control officer.
Q: Was she lying when she said that?
A: No. But she also said -- I think she said I was bipolar. And I have to admit, I don't know where she got that.
Q: Who said that?
A: My sister.
Q: Okay. You've never been diagnosed ---
A: No, sir.
Q: --- suffering from bipolar disorder?
A: Never.
Q: Any other disorder?

A: No, other than -- no. Little anxiety. Little depression.
Q: But have you taken any medication for anxiety or depression in the last five years?
A: No, sir.
Q: In light of the fact that you had a house fire that -- and as far as you know all the cats in your house died in the fire. Are you ---
A: Yeah. I think they were asphyxiated, I guess is the way it works.
Q: Okay. Is that a painless death?
A: Breaks my heart, but I suspect it's not. I hope it's quick.
Q: In light of the fact you had a fire in your house where all the cats died, are you kind of glad at this point that the five cats were taken from you?
A: No.
Q: Okay. You'd rather that they had been with you when you had a house fire?
A: No.
Q: Okay.
A: I mean, you can't have it both ways, but no, I'm not glad that -- you know, it might not have happened if they had still been there. Just as

much speculation.
Q: Why wouldn't the fire have happened if you had the five other cats?
A: I don't know.
Q: Can you think of any reason?
A: No. Cats with different personalities, different -- I don't know. Assuming a cat did turn on the stove but, you know, I don't know.
Q: Have any other theory on how the stove got on?
A: No.
Q: Does anyone think less of you because of your arrest and the charges against you that they thought of you before your arrest?
A: Right off I'm thinking my neighbor in Spartanburg.
Q: Who's that?
A: Ms. Brown.
Q: Ms. Brown?
A: Ms. Brown.
Q: We talked about her yet?
A: She's the neighbor that her son found it on the internet.
Q: Oh, okay. She's in a assistant living?
A: Assistant living.
Q: Okay. But you don't even know if she knows about

it?

A: No, sir, I don't. It appears something has happened between our communication, so I'm just going to speculate that she does.

Q: Okay. Do you know of anyone else who would think that your reputation was damaged as a result of the arrest, other than Ms. Brown?

A: Well, I know some of them that I had contact with they just couldn't believe it. So you're right. It didn't damage my reputation. They questioned Belton and Belton's police department, animal control, and the other side. But I know one of our city councilman, Josh -- I can't think of his last name. But he got wind of it before -- of course, that was already after the arrest. And he kind of went to my defense with a police chief at the time. They're two police chiefs down at this point. And he just knew enough about me to say, "Something's not right about this." And I think the police chief said, "Let's just let it play out."

Q: Did you talk to the police chief?

A: No, sir.

Q: Josh? Is he still on city council?

A: Far as I know, yeah, he is.

Q: And last name?
A: I don't know. His mom is friends with my sister?
Q: Who's his mom?
A: She has two names. Betty Ann.
Q: And the police chief, who is a police chief that said, "Let's just let it play out?"
A: I can't remember his name, but he was replaced by the arresting officer. I think Richie became the police chief. And he had replaced whoever he was. I don't recall. But, you know, he wrote an article in the local newspaper, a column, and he talked about that stuff, you know, kind of generalities. Yeah, he talked about my arrest in his column. Didn't mention my name, but did mention Belton, and Spartanburg, and vets, and animal cruelty, and so forth with a local newspaper.
Q: What was the gist of the article?
A: Well, something to do with the coordination of these vets in Anderson and Greenville. They were able to -- I don't remember how they said it. You know, snuff out animal cruelty or something like that.
Q: Has anyone ever suggested to you that they knew that that article was referring to you?

A: No, no one's ever confronted me with that. But other people just, you know, keep it to themselves.
MR. KULL: All right. I think that's all the questions I have right now. Thank you very much.
MR. BLOUNT: I'll have some questions. Do you all want to take a break before I get started?
MR. COLE: Do you want a break before we ---
THE WITNESS: Whatever you all want to do.
MR. KULL: It's up to you.
THE WITNESS: Oh, okay.
(Off the record from 1:52 p.m. to 1:57 p.m.)
EXAMINATION BY MR. BLOUNT:
Q: Good afternoon, Mr. Snipes. I have more questions to ask you than what counsel for the City of Belton asked. I've gone through my notes. So I'm going to try not to repeat anything other than some brief review parts, but I'll just get started. Speaking about Sky's condition generally, can you explain to me your understanding of his illness?
A: He had an infected tooth that abscessed, and I think the infection over time turned into a mass, and I'm speculating that since he was eating, but not gaining weight, that maybe, you know, the

mass had become cancerous. I don't know.
Q: When did you first notice the infected tooth, and what did you notice?
A: I guess when his jaw got a little swollen, his chin and that would have been when I went to Dr. Bledsoe and of course, the abscess was just prior to Electric City. I guess the jaw had swollen, maybe and it was right between -- it was like a week apart visits. Somewhere between the first visit at Electric City and the second one, it had abscessed, I think.
Q: So what was the first treatment Sky received for his infected tooth?
A: Antibiotics.
Q: At any point, did a vet attempt to remove -- prior to the abscess, attempt to remove any teeth?
A: No, Dr. Bledsoe and the Pet-Vac neither -- you know, like I said, the Pet-Vac, the vet said she needed a dental x-ray machine, but I just don't think that was something she was comfortable doing because I know she had referred -- she had, I guess, a relationship with Upstate. I know she used them for ultrasounds.
MR. BLOUNT: Can you mark this as whatever the next

exhibit is?
(Defendants' Exhibit 8 was marked for identification-
Electric City Records.)
Q: And this is the records from Electric City, but they're slightly -- they include the earlier exhibit, but then also the record from April 17th, 2020. This is Exhibit 8. If you could turn to page eight.
MR. BLOUNT: Here's a copy if you want it.
A: I'm sorry. All right. Page eight of ten?
Q: Yes, it should, at the bottom, say, "4/17/2020, physical exam of feline."
A: Yes, "Enclosed on April 24th, 2020."
Q: Yeah, so in the history section, it says, "Having mouth and dental issues. Been seen by a vet in Spartanburg. Last round of antibiotics was Clavamox."
A: Okay.
Q: The next line down says, "Here to have it all checked out. Has been drooling. Going on for a while now. Possibly two ruptured abscesses, one by chin and other on right side of face, inside only. Has lost some teeth on the lower jaw and possibly lower right canine yesterday." So it says it's been going on for a while now and this

is in April of 2020. For how long had Sky been suffering from his dental issues prior to this visit?

A: And that was April. Maybe six months, five months.

Q: Five to six months prior to this April visit?

A: I don't know. Is this Electric City, what we're looking at?

Q: Yes, this is Electric City.

A: You know, you were asking what vet had said Sky's blood work was stellar. This might be the veterinarian, that F-I-N-K-E.

Q: Dr. Finke?

A: Dr. Finke, yeah. I don't think that's the pronunciation, but, yeah, because I think I said that. That's why I spelt it. I'm just guessing. No, maybe four or five. It could be four or five months.

Q: So that would mean his dental issues started in about December of 2019 or January of 2020?

A: Yeah, I think so. I mean, like I said, Dr. Bledsoe was the first vet I took him to, and I don't have that in front of me.

Q: And what treatment did Sky receive from Dr. Bledsoe?

A: Antibiotics. He was the one that said, "Well, if it turns out to be bone cancer, you can just remove the jaw. Upstate can remove the jaw." He's old school.

Q: This note said that, "Sky has lost some teeth on the lower jaw and possibly lower right canine yesterday." Do you remember how many teeth he lost?

A: No, like I said, I can only remember once when he was in the carrier unit, we were driving -- I'm trying to remember which. I guess we were going to Pet-Vac. So this would have been before Electric City and it seemed like it was a lower tooth. I could see it one minute, and then I looked back and it was gone. That's the only ones I had any -- that I was aware that he had lost.

Q: And so, the teeth he lost were not removed by a vet? They fell out?

A: They just fell out. Well, that one did, yeah, and it was a pretty good sized tooth. I didn't realize, but, you know, they have lots of little teeth that -- just like little chicklets. You know, and as they age, it seems like cats lose them over time. He was still pretty young though

in that regard.
Q: So to make sure I got the timeline right. In around December of 2019, January of 2020, you noticed swelling on Sky's mouth and you take him to Dr. Bledsoe?
A: Yes.
Q: And Dr. Bledsoe puts him on antibiotics?
A: Yes, it seemed like he gave him three different kinds. It was like ---
Q: Right.
A: --- he thought he could kill it with antibiotics. He gave it whatever he had. I know he gave the Convenia shot, the two week.
Q: And so, you next took him to Pet-Vac?
A: Pet-Vac.
Q: And when did you take him to Pet-Vac?
A: I don't know if it would be a couple of weeks or a month.
Q: A couple of weeks or a month after taking him to Dr. Bledsoe?
A: Yes, and like I said, Dr. Bledsoe didn't -- I just took him that -- you know, after -- if the antibiotics, I -- and since he was talking about removing his jaw, I didn't know if he had anything else in his arsenal, if we were going to

jump from an antibiotic to removing his jaw.
Q: So that would mean, in about January or February, you took him to Pet-Vac and -- is that correct? Before I go on to my next ---
A: Yes, yes.
Q: And then Pet-Vac told you to go to ---
A: Well, they tried antibiotics, as well. I think one round, and then I think we did another round.
Q: And then they told you you needed to go to a vet that had dental x-rays?
A: Yeah, they said they couldn't do the dental because they didn't have dental x-rays, and then referred me, you know, to the specialist.
Q: Prior to referring you to a specialist, did any vet, either Pet-Vac or Dr. Bledsoe, recommend removing the infected teeth?
A: I don't think Dr. Bledsoe did and I'm not sure -- I can't think of her name at Pet-Vac because, you know, as far as I know, I don't remember an oral examination. You know, that's kind of hard to do. I don't know if they just kind of made the assumption since it was swollen. I don't know if she had narrowed it down to a tooth. You know, I'm sure they were thinking that's what was going on, there was an infection and I don't know if

blood work showed that or not. I don't think we did it at Bledsoe, but I don't know and whether Pet-Vac did blood work, I can't remember.

Q: And so, when you went ---

A: She just said -- and I assume since she said they needed a dental x-ray machine that maybe she did talk about removal of -- that maybe if it needed to be extracted, she couldn't do it.

Q: And then Electric City, they took dental x-rays?

A: They did.

Q: And they told you that you needed to go to UVS to get surgery performed?

A: They did dental x-rays and -- well, first, you know, like for a week, they did the blood work and the examination, and then scheduled him to come in to have a dental examination and they gave me an estimate of how much it would be and how much it would cost for extractions, etcetera. So, you know, he goes in, they put him under and at that point -- and after the first one, I think he got antibiotics, too, for the first -- and of course, that's also in kind of preparation for surgery, they do that and the next week, like I said, they put him under. And so, the vet attempted to remove the bad tooth and it broke

and I guess that's when he stopped. And that's when, you know, we were hoping to go to either NC State -- that was my preference and he supposedly did request, you know, a referral to Upstate and it's my understanding they never heard back from them. And so, to go to the Upstate specialist was the next plan.

Q: So after the doctor or the vet at Electric City recommended you go to Upstate, did you seek a second opinion?

A: Not immediately.

Q: Do you remember going to Spartanburg Animal Clinic on May 17th, 2020?

A: With Sky?

Q: Yeah, you might not have gone, but you had his medical records, I believe, sent to Spartanburg Animal Clinic.

A: Okay.

Q: Does that ring a bell?

A: Yes, sent it to Dr. Ray, which I liked him.

Q: What did Dr. Ray advise?

A: Well, it was just relayed -- you know, whoever was answering the phone relayed it to me and said that basically, he would have -- he said he would have done the same thing as Electric City.

Q: And the same thing Electric City recommended was to take Sky to ---
A: I think so.
Q: --- Upstate Veterinarian?
A: Yeah, I mean, he just said they would have done the same thing, which is just basically -- you know, he didn't have anything to offer.
Q: Did you take Sky to Upstate Veterinarian Specialists?
A: Yes.
Q: When did you take him?
A: Hold on just a second.
Q: Are you talking about on October 17th after HealthPointe?
A: Yes, so that was whatever -- that delay. Yeah, you're right. So 11/17. So, yeah. That's the date that I took him to Upstate.
Q: So just trying to make sure we keep the timeline in order. Before October 17th, you took Sky to Paw Prints on October 15th, 2020?
A: Yes, all I can say is, I went to Paw Prints right before I went to HealthPointe and Upstate.
Q: So in between getting the second opinion at Spartanburg Animal Clinic on May 17th, 2020 and taking Sky to Paw Prints on October 15th, 2020,

did you get any treatment for Sky?
A: No.
Q: Even though it was recommended that you take him to Upstate Veterinary Specialists for surgery?
A: No, I didn't take him.
Q: Was he on any pain medications during that time?
A: No.
Q: Was he on any antibiotics?
A: No.
Q: And when you take him -- this is a little bit of a review. When you took him to Paw Prints on October 15th, 2020, Dr. Elledge once again recommended UVS?
A: She recommended, I guess, a specialist. I mean, I don't guess it had to be, but, yeah.
Q: You should have the record before you.
A: I'll find it.
Q: It's Exhibit Number 2.
A: Okay. Let me read it.
Q: At the bottom of that page ---
A: That's what it said.
Q: Yeah, see where it says ---
A: That's what she wrote, but ---
Q: And can you read what she wrote?
A: Yeah, that is what she wrote, but it's to whether

or not -- I mean, that is one of our options that she told me, I'm sure.

Q: So to make the record clear, she wrote that she recommends going to UVS?

A: Yes.

Q: And then I believe she also recommended in the alternative was euthanasia? Do you see that down there in the same paragraph?

A: Yeah, I see it for otherwise or something. For otherwise or -- that far, maybe. Let's see. Yeah, that's what she says.

Q: So the two options or two recommended options were UVS or euthanasia?

A: Yes.

Q: And so, instead of following those two options, two days later, you went to HealthPointe on October 17th?

A: Yes.

MR. BLOUNT: Can we mark this as Exhibit 9?

Q: These are some additional records from HealthPointe. Actually, I might have given one of you all one that was already highlighted.

A: But Dr. Elledge was receptive to my comment about his quality of life, that maybe things looked worse than he acted.

MR. BLOUNT: What document did you all mark as Exhibit 9? I might have handed you the wrong one. This one is Exhibit 9. Can you mark this as Exhibit 9?

(Defendants' Exhibit 9 was marked for identification - HealthPointe Veterinary Clinic Record.)

Q: So on the second page of Exhibit 9, page two of three, there's a section that says, "General appearance." Do you see that?

A: I'm looking. Is it the top half or bottom half?

Q: Top half.

A: I'm sure it's in that small type, isn't it?

Q: Yeah.

A: All right. Okay. I got you. I found it.

Q: And there should be a paragraph ---

A: I'm sorry, yeah.

Q: --- beneath it that says, "Comments."

A: Yeah.

Q: And the comments are, I'm reading, "Emaciated, matted, covered in purulent discharge. Right side of face swollen with the skin and fur piling off and purulent material. Unable to put tongue in mouth due to swelling." Did I read that correctly?

A: Yes.

Q: So at this point on October 17th, 2020, was Sky

unable to put his tongue in his mouth due to the swelling?

A: I think he did stick it out some. I don't think it was always out. As I sit here and I'm reading, it says, "I report that he's doing well and eating and he doesn't have a poor quality of life."

Q: Is that what you told Dr. Hurlbert?

A: And of course, Dr. Hurlbert says I told on her that Sky did a poor quality of life and -- okay. And his condition was unacceptable. "Euthanasia should be considered."

Q: So Dr. Hurlbert advised you to consider euthanization? Reading further, it says, "I told him I was very upset with the condition of the cat and would not treat unless he gave at least a $1,000 deposit and allow me to treat at my discretion." Do you remember her discussing ---

A: Oh, yeah. I remember $1,000. Of course, she says to allow her to treat at her discretion, but she said -- what did I say earlier? All or nothing, which was -- you know, that's -- she said, "All or nothing," but that's what she was meaning was allowed to treat at her discretion.

Q: So her two recommended courses of treatment were

going all out and doing whatever you could or whatever she could or putting Sky down?

A: Yes.

Q: And which option did you choose?

A: To go to Upstate, which, of course, I didn't leave him with either. Like I said, my impression was, Sky's appearance, the vets couldn't get past it. They couldn't see that he seemed to be doing okay, amazingly. They didn't believe me. So for two months, we tried to get him where he looked more like he felt.

Q: And so, when you went to Upstate, what treatment did they recommend?

A: Well, that was the list of, I'd say, five or six things. The necro something, which I'm assuming is the removal of the dead tissue. Something dental and in that list, there was an estimate of four, five, six, seven, $8,000 and she finished up with, "And even after treatment, he'll have a poor quality of life."

Q: Did they tell you why he would have a poor quality of life?

A: No.

Q: Did their treatment involve taking off his lower jaw?

A: I didn't hear that. Of course, it could have been in medical jargon, but I don't think so.

Q: Did the doctors at UVS have an alternative course of treatment if you did not agree to their proposal?

A: Not that I know of. I mean, that was what they rattled off and as I said, a day or two later when I -- because I was kind of blindsided by it and I was trying to think about what they were telling me. Keep in mind, I'm standing out in the Barnes & Noble parking lot with the news. They're leaning towards euthanizing him or at least that's -- you know, they rattled all of this stuff or euthanizing, I guess. So a day or so later, I called back in hopes that they could spell it out for me a little while I was, you know, thinking clearer and they just didn't have that information available anymore. At least, that was what they told me. So I don't know what their plan of action was. Like I said, what I heard is that whatever they did, he would still have a poor quality of life, which just -- all I know is how he acted. I can't explain it.

Q: So when you left Upstate Veterinary Specialists without getting treatment, what was your plan of

action for Sky?

A: Well, I'm not sure what I was -- like I said, at that point, I guess I was still trying to digest the information they were giving me and what options, but, you know, at some point, it was like the goal was to, with the antibiotics, hopefully get him gaining weight because he was eating and to get where he looked more like he felt at least based on how he acted so that the vets would get past that. They would give it their best shot. They wouldn't just think, "Oh, this is terrible. We need to put this cat out of his misery."

Q: Was Sky in misery?

A: No, I don't know how he did it. He was jumping, running, eating.

Q: Was he in any pain?

A: It wasn't evident.

Q: Can you pull up Exhibit 5, the photos?

A: Oh, yeah. That's here. I know. All I can tell you is how he acted, just say hard to believe and obviously, the vets found it impossible to believe and you don't accuse them of extortion.

Q: So earlier, you said that when Sky was getting put down, you told Sky that you bought him

another two months of life by refusing the recommendations of the vets in October?

A: By not putting him down.

Q: And what was the price that was paid for the extra two months of life?

A: Well, they killed Sky, they arrested me and they took my other pets, who were -- you know, two of them which were ten-year-old cats that had been litter mates. That was always my house and, you know, that was their home. So they took my pets I think to punish me and they did. So that was the price.

Q: So did Sky pay a price when you refused to have him euthanized in October?

A: All I saw was a cat that acted like a normal, happy cat. I can't explain it, but I defended him. I was his only advocate.

Q: Is a normal cat unable to put their tongue in their mouth due to swelling?

A: That wouldn't be their preference. I assume he adapted. You know, I don't know, like I said. Go ahead. I'm sorry.

Q: Do you think swelling to the point that he could not put his tongue in his mouth caused any pain?

A: I don't know. I can't speak to pain, but you

would think that it would feel odd, unusual. So I just credit him with adapting, which is -- like I said, it was amazing.

Q: What about the necrotic tissue on the side of his face?

A: Yeah.

Q: Do you think that was causing him pain?

A: I don't know. Again, it wasn't evident in his behavior.

Q: Was it pain that could have been avoided if you put him down in October?

A: Well, that's true with everything. That's true with life.

Q: Was it unnecessary pain?

A: I don't know. I kind of believe living things prefer life. Like I said, he was seemingly pretty happy. You know, I can't explain it. He was the one that would run and jump into my lap at night. The others were in the other room in the bed cuddled together. He seemed to like me.

Q: Do you know that it's illegal in the State of South Carolina to put an animal through unnecessary pain?

A: Well, I assume that's why I was arrested.

Q: And did you put an animal through unnecessary

pain?
A: I didn't see it evident that he was in pain, not -- you know, like I said, when I've had cats that didn't feel good, they would stay in the shadows and they wouldn't eat, they wouldn't socialize.
Q: What about when Sky had his Lazarus moment?
A: Yeah, I found that pretty amazing. That told me that he was really an amazing cat. Let's give him his best shot. It's like, "Come on, smart vets. Come on." Like your Spartanburg Animal Clinic, you know, six months prior, it might have been longer than that, you know, it was a three vet clinic. They were down to one when I was there, plus the pandemic. They didn't have time to fool with that.
Q: Before we get to Spartanburg, continuing on the timeline, I think you said the next vet you took him to was Honea Path, Dr. Martin?
A: Yes, three days -- I think that would that; right? Three days prior.
Q: And what treatment did you get from Dr. Martin?
A: I think he gave us some antibiotics. I can't swear to it, but he did know that I was going to Spartanburg, you know, in the couple of days I was going to him. He just knew I was going to

Spartanburg Animal Clinic.

Q: Did he recommend any course of action?

A: I say not or at least not verbally. Like, you know, I was trying to tell you, you know, he told me that Sky was in -- I won't say in a bad way. He described something, that it was -- that he did know that I was going elsewhere. So perhaps he was okay with that.

Q: When you went to Spartanburg Animal Clinic, what was your goal?

A: I was hoping he was going to get treatment. Like I said, online, Dr. Garrison shows as he's -- because this was how I selected him, that he did soft tissue surgery. It was his interest, soft -- I kind of thought that was a skill or a specialty and dentistry was listed. So I thought those were two of the -- you know, the elements of his condition and his white blood cell count, I figured he -- maybe, you know, he'd, you know, like try a transfusion, get rid of the mass, get rid of the tooth and go from there. That was my thought. Of course, fluids are always a given, but I guess that was the thought that kind of -- not necessarily getting back to point zero, but kind of.

Q: Who do you remember speaking with at Spartanburg Animal Clinic?

A: I don't remember who came out to the car. I don't know if that would be a vet tech or -- it could have been the lady that called me in. I don't know, but somebody came out and, you know, like I said, I was holding Sky and he climbed down from my arms and walked into the carrier. She saw that. And then somebody came out and spoke to me in the parking lot because I remember them asking me if there were going to be problems with me being in the examination room with the vet while they put him down and I said, "No." I guess they thought there would be a confrontation.

Q: Do you remember any names other than Dr. Garrison?

A: No, I don't remember the lady that was in the -- well, she was the one that I asked that I not come back to them, which I had to laugh. It was a pretty terrible experience. I wasn't planning to come back there again.

Q: So when you went to Spartanburg Animal Clinic, you were hoping they would agree to perform surgery on Sky?

A: Yeah, yeah. Soft tissue surgery. That's his interest. Dentistry, that's his interest.

Q: Did anyone ever tell you that he was better equipped to perform surgery on Sky than Upstate Veterinary Specialists?

A: No.

Q: How about HealthPointe, which Dr. Hurlbert offered to give him treatment if you gave him the $1,000 deposit?

A: Well, yeah. That was the question for her. I said, "Where do you think he has a --" I don't know if I said a better chance or whatever and she went with Upstate, but I did ask.

Q: So you pull up to Spartanburg Animal Clinic, the tech comes out, takes Sky inside. What happens next?

A: I wait. I'm in the parking lot pacing, and then Dr. Garrison comes out and says, "There's nothing I can do." You know, I don't know if he said, "There's nothing I can do. We need to put him down," and I resisted, you know, and that's when he said, "Well, basically, if you take him, I'm going to call the Spartanburg County Sheriff's Department and report you," and I said, "Well, you're not giving me any choice," and he says,

"Well, I am. It's just, there's consequences," which I still don't think there was a choice. So I agreed to put him down. And I'm trying to think if -- how this -- the timeframe, but I -- you know, as far as getting in touch with Upstate. You know, when your back is against the wall, like "Okay. I'll go to the people I didn't want to go to." And so, they -- you know, I didn't overhear the conversation and I can only assume he did do it. You know, they called Upstate and supposedly spoke to the dentist. Of course, I'm thinking at this point, "That mass, maybe it's not a dentist we're needing. Maybe an oncologist. I don't know, but maybe not the dentist," but at that point, the response was, all they would do is put him down. That was all the dentist had to say at this point two months later. Again, she, too, was aware of my comment about extortion and she was familiar with me taking him before. You know, sometimes, there's payback.

Q: So Dr. Garrison told you about his conversation with Dr. Romig from Upstate ---

A: Yeah.

Q: --- Veterinary Specialists where she said she

would only recommend ---
A: That's it.
Q: --- euthanasia?
A: But I had asked. I said, "Well, let me --" because I said, "Well, let me take Sky there," and the comment was -- I thought maybe if I got him there, you know, maybe they would see him and, anyway. The comment was, "No." He wouldn't let me take him. You know, he was afraid to let me leave with him.
Q: Was he afraid that allowing you to leave with Sky would force Sky to undergo more unnecessary pain?
A: I guess that was his thought. He was probably thinking I wouldn't even get to Upstate. So he didn't believe me.
Q: What did he not believe?
A: I'm not sure. Like I said, I thought maybe he didn't think I would actually get to Upstate with my cat. I don't know and the dentist said, you know, she was -- at least the way it was referred to me was that, you know, it was pretty much, "All we're going to do is put him down." It was like, "We're not even going to look at him." So she was -- but again, all of those vets, they run in the same circles.

Q: So prior to ---
A: Let me add this, that while I was in the parking lot talking to employee whoever, the one that was telling me not to bring the cat back and, "We're not going to have any trouble, are we, you know, to put him --" and they wanted to ask me if I wanted to be with Sky. So they were nice enough to let me do that and they acted surprised when they asked me -- of course, why did they ask me? I wanted a paw print. I remember the reaction was like that I was -- they were surprised that I wanted a paw print. Why? But during the conversation, after she had told me -- I don't know about the sequence about whether -- they wouldn't see me again. You know, they mentioned that Dr. Hurlbert wouldn't. So somehow, they knew that Dr. Hurlbert had decided that. So they talk. You know, I don't know, yeah. Like on that given day, I don't know how she would have known that. I don't know how she had that tidbit of information that HealthPointe had, you know, done that. So they kind of teamed up on me.
Q: Did you sign the consent to allow Sky to be euthanized?
A: I sure did.

Q: And prior to signing the consent, you were aware that four different vets, of whom Dr. Garrison was the fourth, recommended the euthanasia of Sky?

A: Well, I referred to three that were questioning his quality of life and as I said to the lady in the parking lot, they were just all wrong about the quality of life, which is -- you know, that made it hard because, you know, they thought they were right and they think, "How can three be wrong?" Well, that was just our day.

Q: Were they wrong if they believed that Sky was in pain?

A: I mean, they -- you know, it was fair that they could believe. They just had to believe me, but they didn't believe me. Like I said, Dr. Garrison, you know, this day, he didn't believe that Sky could eat and his employee that called in to report me that said for two months, I had let Sky suffer, that the way Sky acted that I described was impossible, I'm sure she got that from Dr. Garrison and that's what the animal control people jumped on. I mean, I don't know if anything would have been different if they had believed me about how well Sky acted. I mean,

they can say, "This is amazing." It can be hard to believe. You know, like I said, we have Dr. Martin in Honea Path that says it's possible that he could have been doing the things I was saying. It wasn't impossible.

Q: So let me back you up for a second. It is my understanding that you are suing Spartanburg Animal Clinic for defamation. Is that your understanding?

A: Well, I asked Dr. -- this is after Dr. Garrison refused to treat my cat or let me have him back. I posed the question. I said, "Well, I guess I can sue you," and he said, well, I guess I can. So I guess I'd like to include that as part of the suit is the fact that he wouldn't treat my cat and he wouldn't let me have him back since I mentioned that to him. I don't want to let him down on that part, that I -- you know, you just -- I'd never had that -- I didn't know how to deal with that, you know, how he just ---

Q: So ---

A: But as far as, you know, the calling in -- as a result of that, they didn't believe me, called it in. As a result, I lost my pets, my other pets and it disrupted their lives, you know, and no

one seemed to care about -- I think it's ironic that all of this is about one cat, and then they come in and disrupt the lives of these other cats to punish me. I mean, the cats were fine. If they had been in danger, would the animal control officer not have taken them a week before when they were there, but they didn't. I'm sorry. I know you're the other thing.

Q: I'm trying to keep us moving. So how do you know that an employee from Spartanburg Animal Clinic called animal control?

A: Because she called 911. Because of the police report, the animal control report. Pretty extensive and she does comment about my housekeeping and it says that -- and it gives the name. You know, it kind of depends on who you're -- you know, sometimes, they'll block it out because when I -- you know, you get police reports and stuff, they'll block out information, but, anyway. Belton did have the name of the employee and I think her title was receptionist. Melanie, maybe. But I feel confident she got it from Dr. Garrison.

Q: So everything you know about the communications from Spartanburg Animal Clinic employees about

you to anybody else comes from the animal control report?

A: Yes, we were hoping to get a copy of the 911, but that doesn't seem to be available.

Q: Is there anything in the animal control report that the Spartanburg Animal Clinic employees communicated to the animal control officers that is untrue?

A: Yes.

Q: What?

A: That Sky -- I don't know how they phrased it, but that Sky -- you know, he was active, he ate. The way I phrase it, he not only acted like a regular cat, he acted like a happy cat up until the night of his -- you know, that was it. She said that was impossible. So that would be false, just like Dr. Garrison saying Sky couldn't eat. It might be hard to believe, but it was false. Just because you believe it doesn't make it true. I saw it. He did it. He ate. He acted -- I don't know how he did it. I just wish, you know, somebody could have pulled him out, pulled him through because he was well put together. He was a miracle cat for sure.

Q: So just to make sure I've got it right. What you

think is the untrue statement that Spartanburg Animal Clinic employees made was that it was impossible for Sky to have a good quality of life?

A: Yes, I mean, it can be a phrase, yeah, that -- as far as they -- I had said he was active, he ate. I think that's what the report says and of course, I'm having to rely on Ms. Howell's putting it in, you know, the report. So I don't know what they actually did say. I'm sure it's ballpark.

Q: We looked at records earlier that showed that Sky had lost half his body weight since this condition had been going on?

A: Yeah.

Q: Was that partly due to his inability to eat?

A: My thought is that that was maybe a cancer and I don't know. You know, oftentimes when animals lose weight, they attribute it -- "We don't know. You know, it might be lymphoma. It could be some cancer." You know, they're eating and still lose weight.

Q: And I think you said earlier today that the morning before you took him to Spartanburg Animal Clinic, you went to go check on Sky and he looked

dead?

A: Well, I didn't have to check on him. He was laying beside me, but, yeah. He just ---

Q: He was limp?

A: He was pretty limp.

Q: And he was like Lazarus?

A: Well, when he was -- well, we'll get to there. He was laying there, you know, and I did feel him, you know, and he was warm and I could feel him breathing. So like I said, I kind of put the sheet over him to keep him -- you know, being the wintertime, to keep him warm, then I got up and opened a few cans or whatever for the other cats and there he is.

Q: Other than the comment that or the statement that it was impossible that Sky was able to eat and have a good quality of life, is there any other action by Spartanburg Animal Clinic employees that you think constitutes defamation or, to put it another way, an untrue statement about you to a third person?

A: I'm thinking. The other thing -- of course, I know he did appear to be pretty immobile when we saw the video, but, you know, if it was 30 minutes earlier -- he didn't go in that way and I

know this doesn't have anything to do with defamation, but, you know, he told me he would -- you know, if I let him put Sky down to avoid getting involved with the authorities, and then they turn around and call the authorities. That seemed wrong.

Q: When you took Sky to Dr. Hurlbert back in October at HealthPointe, did Dr. Hurlbert tell you that Sky had a poor quality of life?

A: Yes, she insisted. When I corrected her, she corrected me.

Q: And do you think a vet is qualified to comment on the quality of an animal's life?

A: Say that again.

Q: Do you think a vet is qualified to form an opinion?

A: Oh, yeah.

Q: You just simply disagree with that opinion?

A: I disagreed with that by the way he acted. Like I said, there were three of them. That's what I told him. You know, I said, "They're just --" which made it a hard sell. They were all wrong about Sky's quality of life, as hard to believe as it was.

Q: In the months between October of 2020 and the

visit to Spartanburg Animal Clinic, how much time did you spend with Sky each day?

A: Several hours.

Q: And what was his behavior?

A: Napping, eating, more napping, more eating. I can hear them now saying, "We're cats." That's kind of what he did.

Q: Was his behavior any different than your other cats?

A: No, no. It wasn't and like I said, while they were staying in the bed all cuddled, he came running to get in my lap and do the scratching board. Oh, he just tore it up. I always like to give the analogy of when he'd come into the den and do the little sidestep on the scratching board -- I don't know if you've seen the opening credits of The Dick Van Dyke Show when he comes in and he sidesteps the ottoman. That's how he would -- he would sidestep to get on the -- and I don't know why he did it, but he did. It was like a magnet that -- because he'd come running and he didn't have to really stop. He'd say, "Oh, wait. There's the scratching board," and he did that, you know, every night and the very last night, he did it.

Q: How often would you bathe Sky?
A: Well, I kind of learned that that's not a good practice or at least that's my experience with bathing cats, but I did get him some like waterless stuff. I did bathe him with that.
Q: And I think you say it's not a good practice to bathe cats. Is that because cats usually bathe themselves?
A: Yes, but my story -- of course, my mother tried to bathe a cat and I'm sure she has scars from it and in my life, my little kitten that had been given to me for my birthday got out of my apartment and when it came home, it was like it had been buried in dirt from its neck down. So I decided it was time to bathe her. So I fill the tub up and since I knew the claws, I didn't want to get those -- you know, get my clothes torn up. I just put on like jogging -- you know, running shorts, but that's all. Well, that's not a good combination. Anyway. So the cat I'm about to put into the water, I assume the cat did touch the water, but as soon as it just barely -- I don't think it submerged. It hit the water and out it went and I'm bleeding in at least three different places and that was the last cat I

tried to bathe.
Q: Could Sky bathe himself?
A: I saw him do it.
Q: Can you turn to the third picture on Exhibit 5?
A: Yeah, yeah. He didn't do a lot of it and I -- yeah. I mean, he didn't do a lot of it.
Q: I mean, does that matted fur look like the fur of a cat ---
A: Oh, yeah.
Q: --- who could bathe himself?
A: Yeah. Oh, yeah. I mean, I'm not going to argue with that. I mean, it was just little clumps of -- I know when I'd pet him, you could feel like little waves.
Q: Why could Sky not bathe himself?
A: Well, I can't swear that he -- well, if you say he couldn't, you certainly could attribute it to the dental issue.
Q: And by dental issue, do you mean the fact that there was a giant abscess in his mouth that prevents his tongue ---
A: Yeah.
Q: --- from any sort of action?
A: That would qualify, but I've known other cats that didn't groom and don't know why.

Q: How do cats drink?
A: They lap it up. They kind of cup it.
Q: Could Sky lap up?
A: He did. Yeah, I saw him do it. I saw him eat and drink and even -- and I have to admit, I was pretty amazed that he would eat canned food.
Q: Could he chew?
A: Well, I think so, but he'd eat it kind of -- he would go into it like you're bobbing for apples. You know, he'd just kind of go in there and I guess maybe the farthest he could get it and get it done, he'd get it up.
Q: At the time he was put down, did he have any lower teeth in his mouth?
A: That, I don't know, but I know a cat that had stomatitis, which is an inflammation of the gums and they removed all of his teeth and they said the gums and all would get -- you know, that they could still eat and I was going to say that that was a surprise when I -- I could see Sky. He would eat dry food and he still liked treats, but since I brought up stomatitis ---
Q: So have you ---
MR. KULL: What were you going to say? He was going to say something else.

A: No, keep going.
Q: No, you can answer.
A: No, I was kind of going off on the stomatitis, which is the inflammation. Dr. Hurlbert, I had taken a cat named Shortstop to her and they did blood work and I'm trying to think how -- but, anyway. It was communicated and basically, all I remember was, the conclusion was that Shortstop was sick. I don't remember a referral or anything, but I do remember something -- they said he might need some teeth pulled or even all of the teeth and I did go for a -- I mean, I was kind of thinking, you know, to pull all of her teeth and there was no mention of stomatitis, it just made me question -- it seemed drastic to pull all of the cat's teeth when they didn't mention stomatitis, but, anyway. So I go to another vet, which was at Spartanburg Animal Clinic. It was Dr. Ray and Dr. Ray said that that stomatitis, as far as her blood work, Shortstop's blood work, that that could have been the cause of the -- you know, the bad blood work and he, too, you know -- and he was the one that said, you know, that, "We can pull her teeth," but somebody said, "Leave the canine," but it did

confuse me by two vets that I did trust that one that didn't mention stomatitis and the other one -- okay. This is the conflict. One that didn't mention stomatitis and the other one was going to pull all of her teeth. It just seemed drastic, but that's just, you know, an illustration of, you know, they're doing the best they can. It's hard, but they're just, you know, kind of trying. Now, your question.

Q: Did Sky smell bad?

A: Oh, yeah.

Q: Did he smell like dead tissue, dead skin?

A: Well, I didn't know what that smelled like, but, yeah. That or infection and it was probably a little bit of both and I know I had a cat -- a later cat that had a similar smell and I'm drawing a blank on the cat, but, anyway. The antibiotics took care of it for him.

Q: Do you know what a dead animal smells like?

A: I guess.

Q: Did Sky smell like a dead animal?

A: Not that strong.

Q: Was it the same smell though?

A: I don't know.

Q: Was it similar?

A: I don't know that either. Like I said, the cat that had the infection smelled. I could smell it. It was similar, but in his case, it went away and he just got the two-week antibiotic.

Q: Have you spoken with anybody from Spartanburg Animal Clinic since your visit on January 29th of 2021?

A: No, sir.

Q: Has like anyone ever told you that they have spoken with somebody from Spartanburg Animal Clinic who said anything about you?

A: No, sir.

Q: Is there any other conduct or activity by employees of Spartanburg Animal Clinic that you believe was wrong or otherwise a part of this lawsuit?

A: Well, the fact that they didn't treat my cat and wouldn't let me have him back. And then when I agreed to put him down, they still went ahead and reported me to the authorities, which, of course, got me arrested and got my other pets taken away and got my mug shot on the internet forever.

Q: When Officer Howell from animal control first spoke with you, did she say that she was performing a wellness check ---

A: Yeah, I guess that was -- yeah, that was ---
Q: --- or a welfare check?
A: One or the other. I think wellness might have been the phrase, the word and I don't -- well, she must have mentioned Sky because I did tell her that Sky had been put down and that didn't seem to be a factor for her.
Q: Way back in like the first few minutes of this deposition, you talked about a cat, I think Speckles, that recently had a tumor removed?
A: Yes.
Q: When was that surgery?
A: Two weeks ago, maybe.
Q: And I think you said the cat is dead now?
A: The cat is dead. She died at the vet's office.
Q: During the surgery?
A: No, she went through the surgery quite well and was eating good, and then she, maybe ten days later, just wasn't eating as well and she was to go back to get the stitches removed. So we just moved it up a day or two to take her in and she was fairly active, you know, on the way up there, you know, as far as, you know, going to the vet, but I know when we took her out of the carrier and put her on the scales, she just kind of laid

there, which was just, you know, contrary to any behavior. Anyway. So she goes back and -- but, you know, the results were -- the biopsy -- because they just basically removed the mass and sent it off.

Q: Where was the mass?

A: It was on her throat.

Q: How large had the mass gotten before surgery?

A: I don't know. I don't know. I don't know.

Q: When did you first notice the mass?

A: Well, the initial vet just said, due to her age and just let it -- he wouldn't -- they did an aspiration to try to take -- they thought they could see some cells, but -- so, anyway. That was kind of where it was left.

Q: So am I hearing that you took her to a vet and he recommended not to do surgery?

A: Yeah, yeah.

Q: Did he recommend euthanization?

A: No, huh-uh (negative response). Because she was doing fine. I mean, she was fine at that point and only when she got where she, you know, didn't eat that we took her in. Like I said, then I took her to Smith's and he said, "Instead of a biopsy, let's just remove it," which sounded -- I

thought that would be -- even if it, you know, didn't extend her life any, that she sure would like it removed and like I said, she -- maybe ten days before she just kind of stopped eating or didn't eat as well. She would -- you know, but she could be a picky cat anyway on a given day. Like I said, the mass turned out -- I don't know. It was called a mast -- she had a mast cell tumor.

Q: I think you said Sky was the child of two stray cats that you had?

A: Yeah.

Q: How often do you allow your cats to breed?

A: Well, like I said, Betsy and Scruffy was -- they were supposed to be two girls. So that was how that happened. And then when I took the kittens in to have what I call a gender check, the vet tech said there were three girls and one boy. So the boy got neutered. Well, whatever -- I don't remember what the name of the cat was at the time, but it turned out that the cat now named Tootsie was a boy, too. So we ended up with another litter ---

Q: What about the two litters ---

A: --- and that's been ---

Q: --- of kittens that died in the fire?
A: Those were stray cats. It was a grey cat that I would see periodically. I named her Mary Chestnut. She was grey and I thought she had been spayed because I never had seen her pregnant, and then she was just a little bit of a bump, and then she had no bump. So I thought maybe she had lost the kittens, and then it wasn't long before I discovered the kittens were born on the side porch and not long before she'd even weaned those, there was another cat that, right next door, had her kittens. They were white, but, anyways. She just had them against the house, you know, pretty naked other than a concrete block and I leave for the day to run an errand or something and I come back and they're missing. Well, she had moved them into my yard under a bush, which I felt like that gave them some protection, but before the evening was out, they -- and they were white. You know, they were white kittens. They were out from under the bush. Well, pretty obvious they -- you know, they didn't have any protection. They were still wobbling and, you know, they were -- I don't know how old they were. So, anyway. I brought them

in. I even had taken them -- they ended up -- I don't know if they had like loose stool or whatever. We took two of the three kittens in to the vet and the mama. And so, we were treating at least the mama with the antibiotics thinking the antibiotics would go through the mama's milk to the kittens and they were doing better, but that's how they ended up in the house because I thought they would be easy prey for any predator and the others ones needed to be spayed and neutered before I -- I didn't want to leave them out so they could make more kittens and we just hadn't gotten around to -- we had them separated, but that didn't -- anyway.

Q: I've just got a few more questions on Exhibit 5, the photos. Does the cat in these photos look like a cat that has a good quality of life?

A: He doesn't look very healthy.

Q: So is that a no?

A: I can't speak of its quality of life right there in that still photo.

Q: Looking at these photos, it would be reasonable to believe that this cat has a poor quality of life?

A: Yeah, if no one told you different.

Q: Would it be reasonable to believe that this cat is in unnecessary pain?
A: Well, I don't know.
Q: Would it be reasonable to believe that this cat is unable to eat?
A: I'll say I guess it's fair for them to, you know, look at it and say that it might be hard to believe he could, but he could.
Q: Would it be reasonable to believe that this cat was unable to drink?
A: Unless they were told different by someone that saw him drink and saw him eat.
Q: Would it be reasonable to believe that this cat was suffering from excessive pain?
A: I'll say no to that. I think I've seen different behavior, different -- yeah. I didn't see anything. The cat that I put down, he became somewhat vocal, the last one I put down and he didn't have a mark on him. He looked like a healthy cat, but when he came out of anesthesia and came out of -- you know, his pain medicine was wearing off, he started getting a little talkative. I was afraid that that did indicate that he felt bad.
Q: So you don't think, looking at this third photo

on Exhibit 5, that it would be reasonable for a person to conclude that a cat that has the side of its face falling off and the giant mass in the bottom inside of its mouth is in excessive pain?

A: He just didn't act like it.

Q: Does he look like he's in excessive pain regardless of action?

A: Well, I can't speak to that. I mean, just prior to that, he wasn't meowing or crying. That's what they do when they hurt. He didn't do that. I don't know why. I can't explain it.

Q: I'm going to repeat the question because I'm not asking about how he acts. I'm asking about how he looks. Does he look like a cat that, because of the side of his face rotting away and giant masses in his mouth, that he is in -- does it look like he's in excessive pain?

A: Maybe we could say he looks like he should be in excessive pain. He looks like he couldn't eat. He looks like he couldn't drink.

Q: So would it be reasonable for someone who sees a cat in this condition to conclude that he's in excessive pain?

A: Unless someone tells them different.

Q: Would it be reasonable for someone who sees a cat

in this condition to believe that he is subject to the ill treatment of animals?

A: Obviously so. They have a power. You know, they were able to do that, but they're all different.

Q: Who is they?

A: Well, the veterinarian. I mean, he does have that -- whatever. The license to say such things and take it accordingly.

Q: If you saw a cat in this condition, would you believe that he had been mistreated?

A: I'd have to know more -- get more information. I wouldn't just jump to that conclusion.

MR. BLOUNT: I don't think I have any more questions right now.

EXAMINATION BY MR. COLE:

Q: I have just a few. I should be brief. I would like to get the exhibits. Are they all right here?

A: That's seven. Is seven the number?

MR. BLOUNT: I think we're up to nine.

THE WITNESS: Oh, sorry.

Q: Mr. Snipes, for the criminal case, you retained me to represent you in that matter; is that correct?

A: Yes.

Q: And you paid me $1,000; is that right?
A: Yes.
Q: But my total fee was 3,500; is that correct?
A: I don't know. I guess.
Q: It's correct that you still owe me $2,500 in that case per my previous agreement?
A: I don't remember anything about that.
Q: On this Exhibit 1, which is the Electric City Animal Clinic records, the last page of this Exhibit 1 ---
A: I don't see the -- didn't you all have a fire report or something? Can I see that?
MR. KULL: It's not an exhibit.
A: Okay.
Q: I may have got it mixed up, but that's -- I'll just move on to the next one. As far as the Spartanburg Animal Clinic, were you inside the clinic with them when they examined this cat?
A: No.
Q: Why not?
A: Well, during the pandemic, you didn't go in with the animal.
Q: They didn't let you go in?
A: No, sir.
Q: So they came outside and spoke to you?

A: Yeah, yeah. I don't know who came out and got Sky in the carrier, you know, and took him back, and then Dr. Garrison and somebody came out and spoke to me.

Q: When they came out and spoke to you, were they wearing masks?

A: I don't remember.

Q: Now, we use euphemisms like put down and euthanize, but that really just means to kill the cat; is that right?

A: Exactly.

Q: So they let you come in the office when they killed the cat though; is that right?

A: Yes. They did ask me if I wanted to and I did. I wanted to be with him.

Q: And they didn't say anything about COVID or corona or anything when you went in there?

A: No.

Q: Did they tell you why you could come in then, but you couldn't come in while they were examining the cat?

A: No.

Q: Were you present when they took the photos and the videos that were introduced as exhibits today?

A: No.
Q: Do you know what they did to the cat prior to taking those photos or videos?
A: No.
Q: Do you know if they gave the cat anything prior to taking those photos or videos?
A: No, as I said, the cat was quite different when I let him go into the carrier and they took him in. And then when I saw him when I went into the examination room and they brought him in, I immediately thought, "This is a different cat." Like I said, his eyes were rolled back and he was just -- you know, at that point, I think they had already given him something, but I don't know what and I know that it's at least a two-step process to euthanize.
Q: After they killed the cat, did you have an interaction with Spartanburg County Animal Control?
A: Yes.
Q: Describe that interaction.
A: I had a conversation with the animal control officer, who asked about Sky and I told her that Sky had been put down and she says, "Well, let me verify that," and I asked her. I said, "Would

you please call me back when you get your information," and she confirmed that Sky had been put down.

Q: Did this animal control officer from Spartanburg contact you?

A: Yes.

Q: And how long after the cat's death did she contact you approximately?

A: It would have been just -- I don't know. Like the next day.

Q: And regarding this cat ---

A: Because I'm thinking the 911 call came like late in the afternoon when she had called. This was early. You know, I don't know what time. I got there at noon. Maybe noon or so. One o'clock. So it was early afternoon. So it could have been that afternoon.

Q: Do you remember that animal control officer's name?

A: No.

Q: Was it a male or female?

A: A female.

Q: Did you speak to her on the phone or in-person?

A: On the phone.

Q: And she called you; is that correct?

A: I think I called her. I think she left like a call tag or whatever.
Q: Where did she leave that at?
A: It seems like there was one on my mailbox.
Q: And would that have been at your house in Spartanburg?
A: Yeah.
Q: Did she ever come back to your house and look inside or anything?
A: No.
Q: After she called you back and confirmed that the cat was dead, did she ever do any other -- did you ever have any other interaction with her?
A: No, she did present -- what is it? The trap, neuter, release program because she asked if -- you know, the outdoor cats, if they had been spayed and neutered, which I told her they all had been, but that was -- you know, that's where the conversation went, to that.
Q: Did she mention anything about the possibility of any kind of criminal charges or anything, any sanctions against you?
A: No, no. Like I said, the fact that Sky had been put down seemed -- you know, that was the issue. And -- well, she did make the comment. It was

kind of like, "You probably need to do what the vets say, you know, to avoid trouble. Just go along."

Q: And was it after your conversations with this person that you were contacted by Ms. Doreen Howell, the person from Belton?

A: Yes, you know, it was after and that might have been the next day.

Q: Did Doreen Howell contact you?

A: Yes, she did.

Q: And how did she contact you?

A: By phone. How she got me?

Q: Yes.

A: She somehow got my phone number from my sister.

Q: When she called you, did she identify who she was?

A: I'm sure she did. I can't ---

Q: Do you remember what she said her role was?

A: I assume she said she was so and so, the animal control officer. I don't know.

Q: Did she say she was a police officer?

A: No, not that I remember.

Q: Did she say if she worked for the police department?

A: No.

Q: Did she say if she worked for the City of Belton?
A: I'm going to say yeah. Maybe like she's the -- "I'm the Belton animal control officer." Something like that.
Q: So she did identify herself as an officer?
A: Yeah, I think so.
Q: And she came to your house on two occasions; is that right?
A: Yes.
Q: When she came to your house, did she wear a badge?
A: Not that I remember.
Q: Did she carry a gun?
A: Not that I remember.
Q: The first time she came ---
A: I'm guessing she was wearing a uniform.
Q: So she did have a uniform on?
A: I'm guessing.
Q: The first time she came to your house, what did she say the reason that she was there was?
A: To do a wellness check, I think is the word.
Q: Did she ask you anything about Sky?
A: I do vaguely remember saying something about how he acted better than he felt. So I assume that Sky's name came up. Like I said, at the tail end

of it, she said, "Well, he was sick."
Q: I'm talking about the first time she came to your house. Did she come inside your house?
A: Yes.
Q: What did she do inside your house?
A: Walked around looking at the cats. And she took pictures. I think somehow, it came up that I had taken a cat in for upper respiratory. Maybe she had asked me if I had gone to the vet recently or something and I don't know. Within the last couple of months, I had one that had an upper respiratory infection. So she was wanting to check to make sure none of them had an upper respiratory. So she was taking their picture.
Q: But on that first visit, did she mention anything about Sky?
A: I don't remember how she may have tied in Sky's condition to why she was there. I mean, she just wanted to make a wellness check, which I guess would be a sick cat, to make sure these other guys aren't sick. I don't know.
Q: And you voluntarily let her go through your house?
A: I welcomed her in.
Q: When she left your house that day, did she say

she was coming back?

A: No, no, no.

Q: Did she say anything about what she was going to do next?

A: Yeah -- no. You know, I did tell her I was wanting my day, you know, to give my side and she said, "Well, don't -- no, no. You know, you're not charged with anything." That was kind of how it was left.

Q: On the second visit, it was this person, Doreen Howell, and then two actual police officers; is that right?

A: Well, Doreen came first. I knew the time of the appointment. So when I saw her kind of come up, I went and got the cat, which I can't be sure, but I think was Ms. Kitty that went hiding. Whichever cat she said she didn't get a picture of. I remember whichever one that was. So I got it so that it wouldn't run off again and so she could get the picture of the cat. And so, she comes in. She's just through the side door at the dinette table and I'm not sure how much we even -- the cat is starting to squirm. So it's like, "Hurry up and take the cat's picture." That was the other -- well, when she came to the

door, instead of coming -- because like I said, I'm holding a cat that didn't want to be held. Instead of coming right in through the back door, she wanders in the back yard just slightly. I don't know where she went, and then she came in. So she did a detour before she actually came in. And then she came in and I don't -- we didn't have much time to say much of anything other than, I'm saying, "Take the picture. You know, hurry," and I don't know whether she ever did take a picture and knock, knock on the door and there are the two police officers that -- I don't know how they phrased it, but I just remember them saying, "The only reason we're here is because animal control doesn't have, you know, authority to arrest you."

Q: So you didn't even know the police officers were there when Ms. Howell came into your house ---

A: No.

Q: --- that second time?

A: Yeah, I was distracted with her and holding fidgety cat to get its picture made.

Q: Was one of the officers that came in that day Ross Richey?

A: I think so, I mean, because I think he's the

arresting officer and, yeah. I just remember he had red hair.

Q: And he's the one you referred to that later became the police chief?

A: I understand, yeah.

Q: And does he work for the City of Belton anymore?

A: No, he just recently resigned. He's now working with Anderson County.

Q: Did the officers, other than saying that statement that you just made that they were only there because animal control couldn't arrest, did they say anything else to you while you were there?

A: Well, he did say that, you know, I might get my cats back and as I'm helping them -- helping her collect my cats. You know, that's not normal when you're being arrested to let the arrestee just roam free. They were okay with me helping -- they were okay with that, but they did make a comment that I guess I was supposed to be standing still instead of helping.

Q: Did they tell you why you were being arrested?

A: No -- well, I shouldn't say that. I'm not sure they verbally -- but, you know, they did have the piece of paper. I think the -- well, I don't

know if it's that piece, but I guess it is. So I could read ---

Q: They had the warrant?

A: Yeah.

Q: And did Ms. Howell tell you why you were being arrested?

A: No, she didn't have a whole lot to say. I'm not sure. I think she was the one that said, "We're going to take your cats." You know, she was kind of behind just within earshot. You know, we were standing there at the dinette when she said that and like I said, that just took the wind out of my sail.

Q: Did the police officers put you in handcuffs?

A: They did.

Q: Did they put you in handcuffs inside your house or outside your house?

A: No, they waited until we got into the -- as we were getting into the car, into the police car. I think they even asked me -- I don't know. There was some conversation.

Q: Did they escort you from your home to the police car?

A: You would think. Like I said, my memory is walking to the police car with the animal control

officer saying, "Well, you know, he was sick." You know, like that was -- "He was sick."

Q: So Ms. Howell was escorting you to the police car, as well?

A: I'll say ---

MR. KULL: Object to the form.

Q: Go ahead and answer.

A: I don't know, but only one -- I don't know where Officer Richey was. The other one is the one that handcuffed me and drove me to the jail.

Q: Where was Ms. Howell when she said the cat was sick?

A: We were right there just outside the -- right near the driveway, near the sidewalk. We hadn't gone very far.

Q: When you went to the Anderson County Detention Center, did you have to change out of your regular clothes?

A: I think I had a T-shirt over a T-shirt or something and you can only have one. So I'm trying to think. So they removed one of my T-shirts, which the fear was -- sometimes, the one underneath might have holes in it, but as far as I know, we were okay. They took my belt, which I made the comment that I wear like a web

belt that said, "No animals were hurt," and whoever -- the policeman there said, well, they were going to have steak that night and they asked me something about, you know, whatever condition and anxiety was the answer and it was like, "And this doesn't help," and they understood that.

Q: And approximately how long were you there?

A: Well, assuming I got there at noon, until 10:00 o'clock with other jail mates, which I was a little surprised. They said you couldn't -- because I remember wanting to go -- when I go into the police car, I said, "Let me get my mask," and they said, "You don't have to. You don't get to wear that." So we didn't get to wear it in the prison, but I think they take our temperature.

Q: Were you around the other inmates?

A: Oh, yeah. Two, three or four.

Q: Were you searched?

A: Yeah, I'm sure.

Q: And how did you feel while you were in jail for those ten hours?

A: Well -- and I don't know what the charges for these other fellas were, but I could tell that

some of them were familiar with the operation, but, yeah. You know, somehow, they found out whatever was going on with me. I have to admit, I felt worse that my charge was worse than whatever theirs were. Although, I didn't really know, but I felt I was probably the worst of the lot as far as the horror of the charge because I think that's -- you know, it's pretty terrible.

Q: Were you in a cell or what?

A: I think it would be a holding cell. Whatever. It's fairly big.

Q: And when you were put into that cell, were you able to leave out of it if you wanted to?

A: I wouldn't think so. There was just a door, but it was a cell. No, you can't -- no, it was -- no, no. You couldn't leave.

Q: And the jail, you couldn't leave the jail during that time you were in it if you wanted to?

A: I wouldn't think. I didn't try. I didn't know I could -- I could have asked, but I didn't think that that was ---

Q: When you were released from the jail, did you have your car there?

A: No, fortunately, I -- you know, they took my -- I think I had to get my phone back so I could get

my contact because I don't know anybody's phone numbers and thank goodness, I did have a number and it was a friend that I had talked about the situation. But he came and got me.

Q: When you were released and you were waiting to be picked up, did you have to wait outside or inside?

A: Outside in the dark and the cold, but it was still good to be out.

Q: That friend that was coming to pick you up, how long did it take them to get there approximately?

A: Forty minutes or so, yeah, because, you know, I caught him by surprise, too.

Q: You mentioned earlier that it was your understanding that a town councilman made comments about your case?

A: Yes.

Q: Was that town councilman Joshua Hawkins?

A: That's not the last name. It's Josh like McDaniels or something. He's mayor pro tem.

Q: Do you know if he's still on the town council?

A: Yes.

Q: Do you remember when we had the preliminary hearing for your criminal case?

A: Yes.

Q: And do you remember that day -- isn't it true that day that the judge said that there was no probable cause for you to be arrested?
A: I sure would like to say I remember that. I don't.
Q: As to the photographs, Exhibit 6, from your -- the photographs of your home, these photographs, did -- who took these photographs?
A: I assume Ms. Howell.
Q: And so, they would have been taken ---
A: Well, they -- because when they went out there the first time, I wasn't home. I was in Spartanburg. So I can't say they were all taken before, but, you know, the worst ones were taken before I was -- she took them through the window, through the door.
Q: And so, those photographs would have been taken in February of 2021?
A: Yes.
Q: And the fire at your home happened in July of 2023; is that correct?
A: Yes.
Q: Is that correct?
A: Yes, sir.
Q: Now, at the Upstate Animal Hospital -- sorry.

Spartanburg Animal Clinic. Spartanburg Animal Clinic. The doctor ---

A: Dr. Garrison?

Q: Dr. Garrison. Did he tell you that -- he told you that he would call the police for animal cruelty if you did not let him kill the cat; is that true?

A: He told me he'd call the Spartanburg County Sheriff's Department and report me for animal cruelty if I took the cat.

Q: And then if you didn't take the cat, what was going to happen?

A: Well, let me back up. I'm not exactly sure, you know, how it was communicated, but my option was, he wasn't going to treat the cat, I couldn't have him back and I guess maybe euthanize him. You know, maybe that was -- that was the deal. "Euthanize him and I won't call." And so, he didn't, but his receptionist did.

Q: This is the Defendants' Exhibit 4 from Spartanburg Animal Clinic. Now, in this paragraph -- we're on the second page where it says, "Notes." This says, "I" and we assume that's the doctor. It says, "I told him he has two options. One, authorize me to euthanize P --

" I assume that means patient, "-- or two, I will call the police for animal cruelty"; is that correct?

A: Well, that's certainly what he wrote. I mean, that's pretty close.

Q: And that is what -- and the "I" there was Dr. Garrison; is that correct?

A: I mean, I often think there is a translation of actuality because I know in Electric City's report, on line four, there is the comment about -- you know, the line about me making the comment about extortion, but nowhere in the report does he say that he could have pulled the tooth, but it would have been hard. He didn't -- so it is edited.

Q: As far as Spartanburg Animal Clinic though and Dr. Garrison ---

A: Yeah.

Q: --- after he said that, you allowed him to kill your cat; is that correct?

A: I did. Like I said, I told him, you know, he's giving me no choice and he says he was, that there are just consequences.

Q: After that, if he or somebody from his office would have called the police and would have said

that -- and would have reported you for animal cruelty, would that have been a false statement?

A: As far as them accusing me of animal cruelty?

Q: Yes, if they would have made that statement to someone after you let them euthanize the cat, would that have been a false statement that you were cruel to animals?

MR. BLOUNT: Object to the form.

A: Well, it's not an accurate statement in the way I felt that I treated Sky.

Q: When he gave you those two options, did you believe that -- do you believe you were cruel to this cat?

A: No, I still think he would have responded well to treatment with the right treatment.

Q: So if Dr. Garrison or any of his staff told somebody else that you were cruel to this cat, would that have been truthful?

A: No, not in my eyes. No.

MR. COLE: That's all I have.

RE-EXAMINATION BY MR. KULL:

Q: Mr. Snipes, how old was Sky at the end of his life?

A: Four and a half or so.

Q: Now, I just want to make sure. I think I have

this right, but you tell me if I've got it wrong. The vets, they gave you their opinion and their opinion -- at least two or three of them, they gave you their opinion that they thought Sky was in pain. Is that fair to say?

A: I say no, but I think those four would be yes to poor quality of life.

Q: Well, what do you think they meant by poor quality of life? That he wasn't feeling well? That he wasn't able to eat well? What did you think they meant when they told you that he had -- they thought he had a poor quality of life?

A: I guess he wasn't acting like -- that he wasn't acting like a cat.

Q: Did you believe that it was the vets' opinions that he was suffering?

A: Two of them, I felt that's what they -- you know, Dr. Hurlbert and Dr. Garrison.

Q: And the Belton police ---

A: Because that was the charge, that I let him suffer for two months between -- and I had provided them with the blood work. The lab result is how they even knew that I had gone to Paw Prints in Easley. If I hadn't have given them that information, I'm not sure they would

have tied it together. I don't know what they would have -- they might have still fussed at me for not readily letting them put him down, but that's the charge, that two months -- that he was suffering for two months and he just -- I don't know. I can't explain it. It's pretty miraculous.

Q: Your lawyer asked you some questions about the day of the arrest and I think you said that the Belton officer said you might be able to get your cats back?

A: Yes.

Q: And those cats were taken to the shelter; correct?

A: Yes.

Q: And you talked to the shelter director ---

A: Correct.

Q: --- and she wouldn't let you get them back?

A: Well, I didn't ask her if I could, but, yes. But she did say, "You'll never get your cats back."

Q: Right. Is that why you didn't ask for them back?

A: Yeah.

Q: Because she had already told you ---

A: Well, that was at the tail end, but I guess that's kind of -- I don't know what prompted her

to say that.
Q: I got you.
A: I don't know what I may have said, but -- you know, that I hoped to get them back. Well, she did know because I had emailed her that I hoped that, if nothing else, they could just put them on hold. I said, you know, I'd pay for their care while whatever. Of course, I understand that that's easier said than done. I think it's rather punitive as far as the charge of, when you don't sign a release, how expensive it can be to care for these animals, but that wasn't -- you know, I was just told they were going to -- you know, they were going to take the cats whether I signed that release or not.
Q: Well, you would agree that the Belton police, they have no say so as to what the shelter does with your cats; right?
A: Well, no. Yeah, you're right. You know, I told you, my gut tells me that the animal control officer was more of a tool for the animal shelter director, who is also a veterinarian. I think a lot of what happened on Belton's case as far as the charges, going after -- you know, the arrest warrant, taking my cats away, I just feel like

the animal shelter director played a big part. I know when we got the animal control report, we got the report -- a pretty extensive, detailed -- a narrative of that first visit up to my house and it said -- at the tail end, it says, you know, "The case continues," or something. And then when we tried to get the -- I say the other half. You know, whatever report or narrative that leads up to the arrest, there is none or at least they didn't let us have one.

Q: How do you know it exists?

A: It may not. They may know not to do it so that when you do -- what do you call it when you try to get the information? Something -- the Information Act. You know, maybe they've learned the system where you don't put things in writing that you don't want people to know, but I feel like it's somewhere and I think it would point toward the director of the Paws. I just feel it. I could be wrong.

Q: Yeah, the director of the Paws is a veterinarian?

A: She's a veterinarian.

Q: And so, the Paws clinic, well, after they receive the cats, they would be in charge of determining what happens to those cats; correct?

A: Yeah, they gave them like a physical and like I said, within 24 hours -- I mean, they go in on Friday. Come Saturday, whatever time of day that I go on the website to look at their website, they're already posted.

Q: Right. My question to you was, City of Belton police, they don't have any control over what happens to those cats after they're left at the shelter. Is that fair to say?

A: That is correct. My comment about Belton ---

Q: Did you say yes?

A: Yes, yes. Is that there was no reason for them to seize my cats.

Q: I understand that part.

A: Which means I shouldn't have had to, you know, sign any release. I shouldn't have ever been asked to sign it.

Q: Well, who was going to look after your cats while you were at the Anderson County Detention Center?

A: I guess we didn't know, you know, because you're right. It might have been longer than a day and I know Ms. Howell, she didn't believe that the cats should be left alone.

Q: Is that a reasonable belief?

A: No, it's kind of preferable. I know I worked in

home healthcare and I have to admit, those pets that belong to retired people, they had it pretty good. Well, they have their companion all day long.

Q: Right.

A: But, I mean, working people travel. I mean, are they not supposed to have pets?

Q: So is it fair to say that you think it's reasonable that you could leave your cats like in Belton for three days at a time when you're up in Spartanburg unsupervised?

A: Yeah, two and three days. They had plenty of food, water, a litter box and they might get trouble, but I was okay with that.

Q: And even then, you know that sometimes, those cats played up on your stove; correct?

A: Well, I didn't foresee that happening.

Q: Well, you knew that they would get up on your stove; correct?

A: Well, I knew that they could get on the counters and they would catwalk sometimes, I guess.

Q: I think you told me before you knew that they would ---

A: Yeah.

Q: --- be on your stove top; right?

A: They would kind of catwalk the front sometimes, I guess. I've seen them and I'd shoo them down.
Q: You had a house fire. You were home at the time of the fire and you just started smelling something, then you went into the kitchen and what was on fire?
A: The little manila envelops were on fire.
Q: Anything else?
A: It wasn't on the stove, but it was in front of it. I don't remember what it was. Obviously, it was something combustible.
Q: What do you mean, something in front of the stove? Was there some piece of furniture in front of the stove?
A: No, no. It would be like -- I'm not sure what that would be.
Q: So there was something in front of the stove.
A: Yeah.
Q: Was it on the floor that was on fire?
A: No, it was right there on the top.
Q: So something was on the stove top that was burning?
A: Not on the stove, no.
Q: You just said it was in the front of the stove.
A: Yeah, but it wasn't on -- but it was within -- I

don't know how far -- you know, with an eye that's on high ---

Q: Yeah.

A: --- how far the heat radiates out from it. It's really hot. I mean, if it doesn't have a pot ---

Q: You said manila envelops ---

A: Yeah.

Q: --- were on fire and they were on the counter next to the stove?

A: Yeah.

Q: And then you said something else was in front of the stove that was on fire.

A: The manila folder, there's a corner. There's a manila folder and there was whatever was on fire, whether it be a bag or something that was obviously combustible.

Q: And it was on the counter ---

A: No.

Q: --- or the stove top?

A: I don't think it would be either.

Q: Where was it then?

A: Just on a stack of stuff.

Q: A stack of stuff next to the stove?

A: Yeah, like in the corner.

Q: And so, that was on fire?

A: Yeah.
Q: And what else was on fire?
A: That was it.
Q: Right side or left side?
A: That would be on the left.
Q: And did you try to put the fire out?
A: I did.
Q: And what happened?
A: I wasn't successful. I burned my hands and feet and my face.
Q: Do you have any scars from the fire on your face?
A: No, not that I know of.
Q: How about your hands?
A: No, they were treated.
Q: Did you go to the burn center?
A: I went to the burn center.
Q: So you didn't have shoes on?
A: No, I didn't. I had on socks.
Q: And what got on your socks that was burning?
A: Well, I was trying to stomp out the fire. I was just trying to use whatever my appendages could do.
Q: So did you get up on top of the counter and were stomping on the fire?
A: No, with my hands, I was trying to put it out and

with me hitting it, it spread it. And once it hit the floor, I tried to stomp it.

Q: And once it hit the floor, was there other stuff on the floor that started burning?

A: Yeah.

Q: What other stuff did you have on the floor?

A: Just stuff. I don't know. Whether it be, you know, whatever bags of this or bags of that.

Q: So you've seen the photographs from ---

A: Oh, yeah.

Q: --- inside your house and tons of ---

A: Stuff.

Q: --- stuff right in front of the stove?

A: Yeah.

Q: And so, on the day of the fire, did you have stuff like this in front of the stove?

A: I'd say probably something similar.

Q: And you're talking about Exhibit Number 6C; correct?

A: I'll say yeah.

MR. KULL: Can I see the exhibit, please?

MR. COLE: I'm sorry. They're back in order, I think.

Q: We said Exhibit 6C. Let me correct that. Exhibit 6D, is that what we were talking about?

A: Not like up there, but, yeah. Maybe a little bit

Q: Down on the floor?

A: Yeah, in the corner. It was more tight toward the -- in the corner.

Q: I got you. So on the day of the fire, the floor was fairly similar to what we see in 6D; correct?

A: Yeah.

Q: Slightly more up to the corner?

A: Yeah.

Q: And the fire happened right above the corner?

A: Yeah, the left eye.

Q: And it was on high?

A: And it was on high.

Q: And you didn't turn it on high?

A: Not that I remember.

Q: Well, once other things started on fire, did you come to the conclusion that you needed to get out of the house?

A: Yes.

Q: Did you take any of the cats with you?

A: No.

Q: Did you try to get any of the cats to go with you?

A: No.

Q: Did you leave the door open so that the cats

could get out?

A: Well, the good and bad news about that is, at some point, you realize it's time to go. I screamed and stared down the fire, but I said it was time to go. So I go out the front door and I go to somebody's house -- go to my neighbor to see if they'll call the fire department. They're not home and I run back to the house and I'm not sure of the sequence, but I kind of went in a big loop and I went back to the next house and they called, but I did go back into the house into the kitchen and opened the door and it was kind of a calm, grey -- you know, my gut tells me it might have actually burned itself out kind of -- sucked up all of the oxygen and I did what you're saying about the cats. I leave the door open for them to get out or to let the smoke out. Of course, the way that works is, it let the oxygen in.

Q: So my question was, the first time you left out when the fire was still burning, did you leave the door open so that the cats could get out?

A: No, unfortunately, they were in the back of the house. There would have been no way for them to -- I mean, there would have been no way.

Q: Could they go down the hallway and out the door?

A: No.
Q: Why?
A: There was the fire.
Q: The fire was in the kitchen; right?
A: Yeah, that's where the back door is.
Q: Well, was there a front door to the house?
A: Yeah, because that's where I went out. I think I closed that door behind me because I kept it closed.
Q: There was an IV pole in your in your house.
A: Yeah.
Q: Why did you have an IV pole?
A: Well, I inherited that when I worked with home healthcare, but over the years, I've had, most recently, a cat that had kidney issues. He was on sub-Q fluids. And so, that works out real good to give him sub-Q fluids.
Q: How do you give a cat sub-Q fluids?
A: Well, you just kind of pull up the nape of their neck and put it horizontal and stick the little needle in there, and then let gravity feed whatever the -- one, whatever that unit is. It would have been like ten of them. One millimeter. That doesn't -- milliliter, maybe.
Q: Have you ever told a vet that you administer IV

fluids to ---
A: Oh, yeah.
Q: --- your cats?
A: Yeah.
Q: Who?
A: Well, at Smith's, they were the ones that -- with Squeaky.
Q: They said it was fine for you to ---
A: Oh, yeah.
Q: --- administer ---
A: Yeah, that's quite common.
Q: Quite common for what? For cat owners to ---
A: Yeah. Oh, yeah.
Q: --- administer IV fluids to ---
A: Well, it's not -- it's sub-Q fluids, which is -- well, for somebody that would be different than me, but, yeah. I think of them synonymously, but it's just to put it under the loose skin and it just kind of is absorbed in the body. I have to admit, I still don't know how it flushes a kidney, but it does.
Q: Exhibit Number 5, pictures of Sky. The third picture is -- you see that there's a hole right here?
A: I see something, yeah.

Q: I know you didn't look at his face usually, but it looks to me like there's a crack right here below his ear. Do you know what that is?
A: Huh-uh (negative response).
Q: Doesn't it look like an opening on the side of his head? Is that what it looks like to you?
A: Maybe, but I don't know and I sure wouldn't know what would cause it.
Q: Have you got any other cats with a crack on the side of their head like that?
A: Huh-uh (negative response).
Q: Spartanburg County, they called you on the day that Sky was euthanized; right?
A: Yes. The day of, a day after, but real close.
Q: And I assume you would have told that officer that Sky was one of your cats that you kept at Belton. Do you think you did that?
A: I think she knew that.
Q: Well, is Belton in Spartanburg County?
A: But they had talked. The animal control report makes mention of some communication between Ms. Howell and the animal control officer in there.
Q: Did you mention to Spartanburg Animal Control that Sky was a cat that you kept in Belton?
A: No.

Q: But you think she already knew that?
A: Yeah.
Q: Now, your sister has reported that you're a hoarder and bipolar; right?
A: That's what she's been quoted as saying.
Q: Yeah.
A: But, yeah. I'm trying to think of what else in the report though. I did read that it wasn't true. I mean, it didn't, you know --- I'm sure Ms. Howell did the best you can when you do a report, but it sometimes gets -- doing it from memory is -- but, yeah. Yeah, I mentioned to my sister about that, but she has no explanation.
Q: Does your sister believe that you're a hoarder?
A: I think she realizes there is a difference in definition. I think she now knows I'm not a hoarder.
Q: But back then, she may have thought you were?
A: Yeah, general, you know, I mean, just junk, which could be -- and my defense is, I just have a way of throwing things away. Still not good, but it's not hoarding.
Q: I mean, what reason would you have to let things pile up in your kitchen the way things appear in 6D? Why would you do that?

A: But it's not hoarding.
Q: Well, why would you do that?
A: I'm just slowly, but surely sifting through it and will throw it away accordingly.
Q: Why would you leave stuff like this in the kitchen piled up?
A: No real good reason.
Q: Do you not have time to get rid of this stuff? Is that the issue?
A: No.
Q: Did anyone harm you while you were in Anderson County Detention Center?
A: No.
Q: The councilman that you mentioned, did you talk to the councilman?
A: We have spoke.
Q: Did you speak to this councilman -- who is now the pro tem; right?
A: Right.
Q: Did you speak to him about the cat situation?
A: After the fact.
Q: And how soon after the fact?
A: I'm not sure when I finally did talk to him, but it wasn't immediate.
Q: Within the same year?

A: I would think so, yeah.
Q: And tell me exactly what he said, what you heard him say.
A: To me? Let's see. I think I was trying -- I approached him. I was hoping he could help me get the complete report and he just suggested, "Go through the Freedom of Information Act." So he couldn't help me as I had hoped. He could just go and request it and, you know, we talked, but like I said, he took it upon himself -- whatever he saw on the police chief's desk or -- I don't know what he saw. Maybe the arrest warrant. I don't know what he saw and he just knew that it was me and his thought was that something's not right. So I'm not sure when he went to the -- because I didn't even know who he was going to when I understood he was kind of going to bat for me. I didn't know he was -- somebody was out of town. I didn't know who that was, who he would be wanting to talk to, but I understand it was the police chief and at that point, my understanding, yeah, he could only push so far. My advocate could only -- he was getting some resistence or something.
Q: So you talked to him one time and said, "Can you

help me get the complete report," he said, "Let me check in. The chief is out of town. I'll check on it," and then you had a second conversation?

A: No, that's incorrect. He saw something on the police -- I don't know where he saw it.

Q: So even before he talked to you ---

A: Yeah, I have to admit, I didn't -- you know, I don't know him very well.

Q: Where did this conversation take place?

A: Well, again, I don't know what was going on between ---

Q: Where did the conversation take place?

A: Between me and him?

Q: Yeah.

A: At his place of business.

Q: And where is that?

A: The tire store.

Q: And where is the tire store?

A: In Belton.

Q: And so, did you go to his tire store so you could talk to him about this?

A: Yes.

Q: What side of Belton?

A: Well, there's only one side of Belton.

Q: What's it near?
A: Near downtown. I'd say almost across the street from the 7-Eleven.
Q: And so, you went in there to see if he could help you get the full report and he said, "I've already seen the report. I've already seen something"?
A: No, no. This is wrong. At this point, I'm trying to get the other half -- the missing half of the police report.
Q: That's exactly what I said.
A: The missing half and all he said was, "You should go through the Freedom of Information Act," which I had already kind of done.
Q: And you got what?
A: I got half the report from Belton.
Q: What you think was half the report?
A: Yeah, because it said it continues. So there's more to it. There just should have been more to it. I don't know where it is.
Q: He said, "Go through FOIA"?
A: Yeah, that's all he said. You know, he couldn't help me. I mean, that's all he suggested. He just said, you know, "Request everything," whatever that would be.

Q: Well, just two minutes ago, you said he saw something on somebody's desk.

A: That's right. Okay. And I don't know what the timeframe -- this would have been at the time of the arrest. What was that? What was it? February? Was that it?

Q: February of 2021.

A: Okay. So whatever he saw, I say maybe the arrest warrant. I don't know. I don't know what he saw. I don't know where he saw it. I guess he was -- I don't know. I can't speak for him. He saw something that told him, I guess, that I had been arrested for animal cruelty and he just said, "This isn't right." And so, he was going to talk to somebody that was out of town. That's what I was -- I was getting it secondhand as to what was going on and we were waiting and I didn't know who he was hoping to talk to, but it appears he was wanting to talk to the police chief at the time and I don't know what he said other than he said, "Well, this isn't right. You know, something is wrong with this picture," and the police chief just said, "Well, let's just see how it plays out," and that was it.

Q: When the councilman said, "This isn't right,"

what did he mean by that? What did he say to explain what he meant by that? Did he give any explanation?

A: I don't know what he said to the police chief, but, you know, he knew ---

Q: Wait a minute. You said you heard him say, "This is not right." Did you hear the ---

A: No, no, no.

Q: --- councilman say that?

A: I didn't mean to say that.

Q: Tell me what the councilman said to you.

A: Well, I didn't have any contact with him when he was going to my defense with the police chief. I had no -- you know, other than what was coming through. Like I said, his mother is friends with my mother.

Q: Yeah, I know that.

A: So that's how I was getting bits and pieces of whatever. So I didn't know how it was going to turn out.

Q: I need you to tell me what all the councilman told you. What did you hear the councilman say?

A: Nothing about that. He never told me anything when he went to my defense or anything with the police chief. Nothing. We had no conversation

about that. Our only contact was when I was going to see if he could help me get the other half of the police report.

Q: And he said what to you? To you.

A: "Just submit a Freedom of Information Act request." That's all he told me.

Q: And did you ever hear him say anything else?

A: No.

MR. KULL: Thank you.

RE-EXAMINATION BY MR. BLOUNT:

Q: I have just a few more questions and I'll be brief. First, there's some housekeeping ones. Do you keep any of your cats' vet records?

A: Oh, yeah.

Q: To the extent you have them and I guess to the extent they weren't destroyed in the fire, can you search for them and give them to your attorney to give to us?

A: Yeah, we can do that.

MR. COLE: I'll just say, I will likely object to that, but that's going to be something we can discuss outside of here.

Q: Did you take any photos or videos of Sky at any time while he was suffering from his dental issue?

A: I've got some pictures of him, yeah.
Q: Same thing. Can you give those to your attorney?
A: Uh-huh (affirmative response).
MR. KULL: Did he say yes?
MR. BLOUNT: Yes, he ---
A: Yes, I'm sorry.
Q: Also, when you went to some of these vets in like November and they were advising you to put him down, did it occur to you to take any videos or photos of Sky while he was demonstrating ---
A: No.
Q: --- this good quality of life?
A: But I sure have thought about it. At the time, all I had was a little 3G, you know, telephone and of course, you know, they shut that network down and I ended up with one that I can do it, but, yeah. That's a regret that I didn't do that.
Q: And way back many hours ago now, you mentioned an article that you thought alluded to your case, but didn't use your name?
A: Yes, it was like in the Belton Chronicle. I don't know what the name of the -- I think it's like the Honea Path and the Belton papers have morphed and it's now a different -- but, yeah.

It's a weekly.
Q: Do you have a copy of that article?
A: Yes, yes.
Q: Same thing. Can you give it to your attorney?
A: Yeah.
Q: And do you still have the FOIA documents that you were able to receive? It sounds like you made a FOIA request.
A: Yeah.
Q: And you're able to give those to your attorney ---
A: Yeah.
Q: --- to hand over to us?
MR. KULL: Is that a yes?
THE WITNESS: Yes, sorry.
Q: And the councilman you spoke to, was that Josh Hawkins?
A: No.
Q: Whoever it was -- while you're looking for it, I'll keep asking questions. Did he have any part in your charges getting dismissed?
A: Not that I know of.
Q: When you first heard of him talking to the police chief about going to bat for you, was that before your charges were dismissed?

A: When I was -- say that -- I'm sorry. When I was talking about getting the other half of the report?
Q: Well, I think you've mentioned -- and I don't want to reopen this because it ---
A: Sorry.
Q: --- took time to get it straight, but it might already be too late.
A: That wasn't the intent of all this.
Q: So it sounded like there were kind of two events with this councilman. One involved the FOIA request. One involved ---
A: Yeah, that was the tail end is the FOIA request of whatever ---
Q: And the first was going to bat for you with the police chief?
A: Which I was just hearing secondhand.
Q: And when did that first event occur?
A: I mean, it must have been soon after the arrest.
Q: So it was prior to the dismissal of the charges?
A: Yes.
Q: Going to Spartanburg Animal Clinic. I think you've said it's your belief that you didn't really have a choice whether to permit Sky's euthanization?

A: Correct.
Q: Did you suffer any harm from your lack of choice?
A: Well, I hate that I lost Sky, but as far as physical harm, no.
Q: So the only harm was the death of Sky?
A: As far as euthanizing him. Not reporting me and all of this. Not reporting me to animal control or whatever. Just euthanizing him.
Q: And I think you said you spoke on the phone with the animal control officer from Spartanburg?
A: Yes.
Q: Did they tell you what information or comments were made by any employees at Spartanburg Animal Clinic about you and your care of your cats?
A: Not that I remember. Like I said, I guess her advice was, you know, "Just kind of do what the vets want." I'd heard that from a vet tech once, too. They don't like being second-guessed.
Q: Do you know the date of your offense in your charging documents for the crime you were charged with?
A: No.
Q: Do you have any reason to disagree that the date of the charge is October 17th, 2020?
A: What, now?

Q: The date for your alleged cruelty to animals is -- the date of the offense is October 17th, 2020?
A: Okay. But I know the way it read -- would that be -- that's the day that I went to HealthPointe and Upstate?
Q: Yeah.
A: So the way it reads is, for two months, I didn't do anything and I let Sky suffer.
Q: Yeah.
A: So what are you saying? Okay. I'm listening.
Q: So my first question is just, the date of your charge is for October 17th of 2020; correct?
A: Okay.
Q: If Dr. Garrison were to report you for animal cruelty in refusing to get Sky euthanized, the date of that offense would have been January 29th, 2021; correct?
A: But it can't be denied that they're the ones that reported me to ---
Q: You didn't answer my question though. Do you need me to repeat the question?
A: No, I'm thinking about it. They're saying since, on that given day, that I didn't let them do whatever they wanted to do, that I was cruel to him. And so, the two months of suffering, which

is in the arrest warrant -- so you're saying his charge against me goes back to before I ever saw him?

Q: Well, I'm not saying his charge, but I'm saying your charge date is from October 17th, 2020. If he had reported you for animal cruelty in refusing to get him euthanized, that charge would have been dated January 29th, 2021; correct?

A: Okay. Okay. I'll go with that.

Q: When you spoke to the animal control officer from Spartanburg, did they also mention that the purpose was an animal welfare or wellness check?

A: Possibly. Probably, yeah.

Q: Do you think there's a difference between reporting a person for animal cruelty and requesting that animal control perform a wellness check on his animals?

A: Say that again. I'm sorry.

Q: Do you agree that there's a difference between calling to report somebody for animal cruelty and calling animal control to request a wellness check of the person's animals?

A: Well, they overlapped. You're saying could they be two separate ---

Q: Well, are they two distinct actions, reporting

somebody for animal cruelty to animal control and separately requesting -- not separately, but distinctly requesting that animal control perform a wellness check on a person's pets?

A: Based on the one animal? Based on that? So you're asking me, are they two distinct versus tied together?

Q: So I'm not ---

A: I don't know.

Q: I'm not talking about a specific action. This is more of a broad view and this is like the last question. But is there a difference between reporting somebody for animal cruelty to animal control and calling animal control and requesting that they perform a wellness check?

A: Well, I guess I could see reasons to call a wellness check that -- I don't know what, you know, the reasons would be, but if you -- that might not be to the extent of an animal cruelty, I guess. Something that would be less severe that's still a concern.

Q: To your knowledge, did -- the employees of Spartanburg Animal Clinic, did they know of your visit to HealthPointe on October 17th of 2020 when you refused the advice of Dr. Hurlbert?

A: Oh, yeah. Yeah, they knew.
Q: How did they know?
A: To be honest with you, I don't know, but they did. Dr. Hurlbert used to work at Spartanburg Animal Clinic many years ago before she went out on her own and they've changed personnel over the years. But I know they stay in touch. Like I said, the lady that was standing beside me on that day when Sky was, you know, euthanized, before all of that happened, you know, she was aware that HealthPointe had asked me not to come back and how she knew that, I don't know other than, they know. They just have communication, but, yeah. Somehow they knew that I had been to HealthPointe and they may have also had known I had gone to Upstate. I'm sure they did. I don't know. Well, let me back up, you know, because I had sent those records after I had gone to Electric City and I was kind of getting a second opinion from the vet that's no longer there. I've already forgotten his name again.
Q: Are you talking about in May of 2020 when you went to Spartanburg Animal Clinic?
A: When I went to Electric City and they didn't help me, you know, they said basically I needed to

find somebody else, you know, the one that could have -- but it would have been hard. So, anyway. So they sent me. So I sent the records up to Spartanburg Animal Clinic to another vet. Not Dr. Garrison, but another vet that I liked and all of that information as far as his report would still be in Sky's file, but, yeah. That still wouldn't have -- HealthPointe -- but it's like they just seem to have some communication between each other. So I know Electric City, if you have like an exotic pet, I think, they refer you to HealthPointe. So they know each other.

Q: I think this is going to be my last question. I think earlier, you said that it was, quote, pretty miraculous that Sky could, you know, be in the visible condition he was in, but have the quality of life that you ---

A: Yeah.

Q: --- believe he had. Is it unreasonable for someone to conclude that that miraculous scenario did not exist and that he did not have the good quality of life that you suggest he had?

A: Yes, until they heard different.

Q: So would it be unreasonable for them to doubt the miraculous?

A: But they would be wrong. I know that's not your question.

Q: So it would be reasonable for them to doubt the miraculous, but they would be wrong?

A: Yeah.

Q: That's what you're saying?

A: Yes.

MR. BLOUNT: I don't have any more questions.

MR. COLE: I have no further questions.

MR. KULL: Thank you, sir. We're all done.

(There being no further questions, the deposition concluded at 4:30 p.m.)

CERTIFICATE OF REPORTER

I, JAIME D. NEWTON, COURT REPORTER AND NOTARY PUBLIC IN AND FOR THE STATE OF SOUTH CAROLINA AT LARGE, HEREBY CERTIFY THAT I REPORTED THE DEPOSITION OF ROBERT STRODER SNIPES, FRIDAY, THE 15TH DAY OF SEPTEMBER, 2023, AND THAT THE FOREGOING PAGES CONSTITUTE A TRUE AND CORRECT TRANSCRIPTION OF SAID DEPOSITION.

I FURTHER CERTIFY THAT I AM NEITHER ATTORNEY NOR COUNSEL FOR, NOR RELATED TO OR EMPLOYED BY ANY OF THE PARTIES CONNECTED WITH THIS ACTION, NOR AM I FINANCIALLY INTERESTED IN SAID CAUSE.

I FURTHER CERTIFY THAT THE ORIGINAL OF SAID TRANSCRIPT WAS THEREAFTER SEALED AND DELIVERED TO JEFFREY C. KULL, ESQUIRE, MURPHY & GRANTLAND, P.A., 4406-B FOREST DRIVE, COLUMBIA, SOUTH CAROLINA, WHO WILL RETAIN THIS SEALED ORIGINAL TRANSCRIPT AND SHALL BE RESPONSIBLE FOR FILING SAME WITH THE COURT PRIOR TO TRIAL OR ANY HEARING WHICH MIGHT RESULT IN A FINAL ORDER ON ANY ISSUE.

IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS 2ND DAY OF OCTOBER, 2023.

Jaime Newton

_____

JAIME D. NEWTON, COURT REPORTER

MY COMMISSION EXPIRES MAY 19, 2027

Exhibits

230915JDN.SNI_11254_Exh 1
3:14 54:12,15,16 63:8,23 205:8,10

230915JDN.SNI_11254_Exh 2
3:17 60:17,18,22 64:25 167:18

230915JDN.SNI_11254_Exh 3
3:19 70:10,11,19

230915JDN.SNI_11254_Exh 4
3:21 75:10,11 222:20

230915JDN.SNI_11254_Exh 5
3:23 90:24,25 93:11 95:22,23 96:20 105:3 106:2 140:25 141:9 173:19 192:4 201:15 203:1 238:22

230915JDN.SNI_11254_Exh 6
4:1 110:9,10 150:9 221:6

230915JDN.SNI_11254_Exh 7
4:3 116:9,10 124:11

230915JDN.SNI_11254_Exh 8
4:6 159:2,7

230915JDN.SNI_11254_Exh 9
4:8 168:19 169:1,2,3,4,6

$

$1,000
170:17,19 179:9 205:1

$15,000
22:12

$1800
25:2

$2,000
89:20

$2,500
205:5

$25,000
22:2

$3,000
40:9,18 41:2,15

$8,000
44:11 126:18 171:18

$800
42:5

$900
42:5,7

1

1
54:12,16 58:17 63:8,23 99:14 205:8,10

100
74:3

10:00
119:10 130:18 131:8 141:19 218:9

11/17
166:16

11:00
130:20

12
18:6 58:17

12/22/20
67:15

12:19
97:19

12:26
97:19

13th
66:17

14
148:4,10

15
10:18 65:2

15-minute
131:3

15th
166:20,25 167:12

16
10:18 23:22

17
71:10

17th
71:17 159:7 165:13 166:13,19,24 168:17 169:25 251:24 252:2,12 253:5 254:24

18
36:10

1955
5:25

1974
9:22

1978
10:4,13,19

1993
11:16,19 12:17

1:00
120:1

1:52
157:12

1:57
157:12

1st
147:25

2

2
60:17,18,22 64:25 167:18

2,000
89:14,16

20
27:15 75:17 131:4

2000
18:8,25

2000s
15:17 18:4

2011
18:7,9 19:17 21:2,3 22:21 40:17 75:23 76:14

2012
10:12 17:5 21:2,3 22:21 23:11

2015
23:22

2016
24:4

2017
75:17,21

2018
17:9 21:12

2019
160:20 162:3

2020
39:15,16 54:14,24 55:6 57:6 63:25 64:2 65:2 67:12 71:10 97:20 103:4 159:7,13 160:1,20 162:3 165:13 166:20,24,25 167:12 169:25 189:25 251:24 252:2,12 253:5 254:24 255:22

2021
9:8 25:9 29:16,23 30:1 39:14 78:25 148:13 196:7 221:18 245:7 252:17 253:8

2023
148:1 221:21

22nd
68:8

24
46:1 54:13 55:6 63:25 98:16,21 99:1 118:18 229:2

24th
54:24 159:13

25K
22:9

29
75:23 76:14 78:25
29th
196:6 252:17 253:8

3

3
70:10,11,19
3,000
41:3
3,500
205:3
30
188:24
304
16:18 21:13 56:19
3G
248:14

4

4
75:10,11 99:15 222:20
4.9
75:24
4/17/2020
159:11
4/18/2020
59:9
40
27:19,21
40-year
27:17,18
400
42:8
4:30
257:12

5

5
90:24,25 93:11 95:23 96:20 105:3 106:2 140:25 141:9 173:19 192:4 201:15 203:1 238:22

6

6
5:25 110:9,10 150:9 221:6
60
24:5,6,9,10,16
66
24:23
67
24:4
6C
150:25 234:18, 23
6D
234:24 235:6 240:25

7

7
116:9,10 124:11
7-eleven
244:3
725
17:14

8

8
159:2,7
82
11:8 27:11,20
83
27:20
85
17:20

9

9
168:19 169:2,3, 4,6
9.4
58:6
9.8
75:22
90s
12:19,22 17:19
911
78:13 97:3 185:12 186:3 208:12

A

A-E
110:11
abbesses
62:1,3 65:12
Abdominal
83:25
abreast
135:17
abscess
62:5 102:12,18, 25 103:4,18 158:6,16 192:20
abscessed
49:10 102:15 103:5,13 157:22 158:11
abscesses
159:21
absence
135:14
absorbed
238:19
acceptable
86:22
accurate
58:8 82:22 87:6 224:9
accurately
9:4 91:8,12 94:24
accuse
173:23
accused
32:7
accusing
224:3
act
44:17 86:3 97:6 203:5 228:15 242:7 244:13 247:5
acted
43:13,14,19 45:20 48:6 51:24 73:13,15, 16 76:6 92:20 96:1 97:15 105:9 128:25 129:2 168:25 172:23 173:9,21 174:15 182:8 183:20,25 186:13,14,20 189:19 211:24
acting
60:15 127:6 225:13,14
action
57:16 172:20 173:1 177:2 188:18 192:23 203:7 254:10
actions
253:25
active
78:16 186:12 187:6 197:22
activity
196:13
acts
75:5 203:13
actual
213:11
actuality
223:9
adapted
75:9 174:21
adapting
175:2
add
182:2
additional
67:21 168:20
address
16:17 17:13 56:19 137:7
adequate
72:5
administer
237:25 238:10, 14
Administrative
10:1
administrator
37:18,22 119:23,24
administrator's
37:18

admit
104:14 117:13 126:11 127:8 152:17 193:5 219:3 230:1 238:20 243:8
admitting
20:21
adopted
143:11,16 146:6
adoption
28:7 117:4 118:19 119:16 120:6
adult
27:14 28:13
advice
125:25 251:16 254:25
advise
165:21
advised
170:13
advising
248:8
advocate
174:17 242:23
affect
60:1 76:6
affirmative
25:5 30:23 35:21 53:25 59:13 248:3
afraid
61:18 65:13,14 181:9,11 202:23
afternoon
157:14 208:13, 16,17
age
137:6 161:24 198:11
aggressive
71:25 72:9,10
agree
42:17,21 43:2,6 55:7 61:21 62:1 65:6,19,24 66:6 76:2,17 79:5 82:12 83:2,3,7, 12,16,18,19 84:5 92:2 93:11 95:15,20 113:23 125:20,24 128:22 129:8 172:4 178:24 227:16 253:19
agreed
51:24 122:2 180:3 196:19
agreement
205:6
ahead
7:13 118:24 132:4 174:22 196:19 217:7
Alabama
12:1
alike
57:12 101:23
alive
81:7 93:12,16, 19,22 94:10,14, 22,23 148:8
alleged
252:1
allowed
170:24 223:19
allowing
181:11
alluded
248:20
alternated
19:20
alternative
168:7 172:3
Alzheimer's
14:14
amazed
193:6
amazing
175:3 176:7,8 184:1
amazingly
171:9
ambulatory
76:21 79:17 105:19,20,22
analogy
190:14
Anderson
20:25 31:3 36:1, 4,13,14 37:25 38:8,9 39:1 116:11 117:17 124:8 130:25 131:5 141:12 143:7,8 146:6 156:20 215:8 217:16 229:19 241:11
anemia
75:19 90:1
anesthesia
32:4 89:19 202:20
anguish
152:3
animal
28:6,23 29:4,7, 14,20,23 30:16 37:16,19 38:9 44:4,24,25 45:7 48:10,11,18 49:24 53:2 54:13,17 61:5 68:16 75:12,13 78:14 90:20 106:21 115:15 116:3,11 117:3, 7,17 119:17,23 120:5,10,12 121:16 122:18, 19 124:20,25 134:21 136:6,7 144:5,11 152:13 155:11 156:16, 22 165:12,17 166:24 175:22, 25 176:10 177:1,9 178:2, 23 179:14 183:22 184:8 185:5,10,11,13, 25 186:1,5,6,7 187:2,24 188:18 190:1 194:18 195:19,21 196:6,10,14,23 205:9,17,22 207:18,22 208:4,18 210:19 211:3 214:15 215:11 216:25 221:25 222:1,5, 9,21 223:2,16 224:1,3 227:20, 21 228:1,2 239:20,22,23 245:13 250:22 251:7,10,13 252:14 253:6, 10,12,15,16,20, 21 254:1,3,5,13, 14,19,23 255:5, 23 256:4
animal's
189:13
animals
107:7 108:15,16 117:10 119:15 124:15 125:21 136:8 187:18 204:2 218:1 224:7 227:12 252:1 253:17,22
Anmed
20:21,23
Ann
156:4
Annie
33:19 34:19
answering
165:23
answers
6:22,24
antibiotic
49:20 52:12 67:17 69:7,9 86:1 98:17,24 163:1 196:4
antibiotics
45:25 51:3 52:15,21 67:20, 21 68:5,9,18,23, 25 69:18,20 70:4,6 76:24 81:5,22 92:24 100:11 101:12, 13,19 102:4,5 158:14 159:16 161:1 162:7,11, 23 163:7 164:21 167:8 173:6 176:22 195:18 201:5,6
anticipate
104:17
anxiety
8:9 153:1,3

218:5
anybody's
220:1
anymore
33:2 172:18
215:6
apartment
191:13
apologize
10:16
appearance
48:2 92:16
169:8 171:7
appeared
81:12
appears
79:24 82:5
90:20 114:1,3
116:13 155:2
245:19
appendages
233:21
appetite
60:2
apples
193:9
appointment
66:19 67:2
213:14
approached
242:5
approximately
12:17 27:21
29:8 39:13
208:8 218:8
220:11
approximations
18:24
April
54:13,24 55:6,9
57:6 63:24,25
64:2 103:4
159:6,13 160:1,
4,6
area
65:24
areas
101:25
argue
76:4 91:15
192:11
argument
75:2
arms
130:8 178:8
arrangements
31:22
arrest
9:12 29:16,19,
23,25 34:14,17
36:15 38:16
39:3,17 109:9,
23 115:17,21
130:12 133:16
142:1 147:17
154:12,13
155:7,15 156:13
214:16 215:11
226:9 227:24
228:9 242:12
245:5,8 250:19
253:1
arrested
9:7,13 25:9
34:13 39:16
107:18 117:13,
18,19,24 118:2,
14 119:7 125:12
130:6,15
131:11,14,17
132:14 135:3
136:5 141:11
143:20 174:6
175:24 196:21
215:17,22 216:6
221:3 245:13
arrestee
215:17
arresting
109:21 118:20
120:7 156:8
215:1
arrived
130:18
arsenal
162:25
art
78:20
artery
39:20
article
156:11,18,25
248:20 249:2
Asheville
29:2
asphyxiated
153:9
aspiration
198:13
assessment
61:21 65:25
assistant
135:10 154:23,
24
assisted
19:16
assume
7:14 49:5,10
52:18 58:10
82:14 91:6
94:18 102:14
103:16 136:11
164:5 174:20
175:24 180:10
191:21 210:19
211:24 221:9
222:23 223:1
239:15
assuming
113:11 154:7
171:15 218:9
assumption
49:16 163:22
ate
75:7,8 84:9,10,
20 186:12,20
187:6
Atlanta
11:3 145:7
attached
101:17
attempt
144:21 158:15,
16
attempted
31:17 164:25
attorney
25:13 133:3
140:17 247:18
248:2 249:4,10
attract
112:22
attribute
77:1 187:19
192:17
attributed
97:13
auditing
23:15,17
auditor
19:6
authorities
189:4,5 196:20
authority
109:23 214:16
authorize
222:25
Avenue
17:14
avoid
31:20 32:12,15
57:17 189:3
210:2
avoided
175:10
aware
142:3 145:15,16
161:16 180:18
183:1 255:11

B

B-U-R-N-S
37:21
bachelor's
9:24
back
9:7 30:18 31:23
63:8,14 64:9
65:1 73:14
80:14 81:14
84:10,11 85:3,
10,23 87:10,12
90:18 93:24
94:6 97:9,20
98:6,16 104:16
105:3 106:10
109:7,9 117:11
118:21,22 119:5
122:14,25
126:10 129:18
130:8 138:14,17
144:19,21 147:5
148:13 161:15
165:5 172:15
177:24 178:20,
22 180:6 182:4
184:6,11,16
189:7 196:18
197:8,20 198:2

200:16 206:2 207:12 208:1 209:8,11 213:1 214:3,4 215:15 219:25 222:13, 16 226:11,18, 20,21 227:4 234:22 236:8, 10,11,22 237:5 240:18 248:19 253:2 255:12,17
backed 72:1
background 9:19
backs 121:7
bad 28:8,9 49:9 54:8 61:24 62:5 85:25 91:14 129:17,18 164:25 177:5 194:22 195:10 202:24 236:2
badge 211:11
bag 232:15
bags 110:20 114:7 234:8
ballpark 187:11
barbaric 43:2
barely 105:14 191:22
Barnes 172:11
Barns 37:20
based 43:20 71:9,13 73:7 75:4 173:9 254:5
basically 56:22 108:25 165:24 166:6 179:22 194:7 198:4 255:25
bat 242:18 249:24 250:15
bathe 191:1,5,7,10,15 192:1,2,10,15
bathing 191:4
bearing 114:17
Becky 140:24
bed 47:3,4,6 50:13 79:21 80:14,17, 19 81:14 84:11 85:3,4,6,11 109:14 175:20 190:11
bedroom 46:3 80:15,16
beds 13:21 89:15
behavior 129:22 175:9 190:4,8 198:2 202:16
belief 229:24 250:23
believed 45:9 128:6 183:12,25
bell 165:19
belong 230:2
belonged 40:2 144:15
belt 217:24 218:1
Belton 16:16,18 17:11 19:18 21:4 25:6 26:2 35:4,5,25 37:10,11 38:18, 19 46:23 47:8 56:19 57:1,3,5,7 80:3,4 97:21 98:9,11,19 99:3 106:18,21 110:12 111:11 120:25 121:3 123:12,21 132:14,16,18 133:9,16,17 134:1,9,11 137:22,23,24 139:13 143:21 144:3,10,11 146:20 148:18 155:11 156:15 157:16 185:20 210:6 211:1,3 215:6 225:19 226:10 227:16 229:6,10 230:10 239:17,19,24 243:20,24,25 244:16 248:22, 24
Belton's 155:11 227:23
Belton-honea 9:20
beneath 169:16
benign 84:1
Betsy 53:16 199:14
Betsy's 53:17
Betty 140:2,12,24 141:8 156:4
big 111:13 122:15, 17 219:11 228:1 236:9
bill 40:25 41:15
bills 25:7
biopsy 198:3,25
bipolar 152:17,23 240:4
birth 5:23
birthday 27:12 191:12
bit 50:25 111:2 167:10 195:15 200:6 234:25
bits 246:18
blank 195:17
blanket 47:11
Bledsoe 30:3 100:25 158:6,18 160:22,25 162:5,7,20,21 163:15,17 164:2
bleeding 66:2,4 191:24
blindsided 172:8
blink 109:19 144:16
block 146:24 185:17, 19 200:15
blood 39:20 40:23 62:12,13,18,21, 22,25 63:15,21 64:3,9,10,13,16, 19 66:10,12 67:3 68:13 75:20 76:25 77:4,6,9,10,21, 23,24 81:5,24 85:21,22 89:23, 25 90:10 160:11 164:1,3,14 177:18 194:6, 20,21,22 225:22
BLOUNT 66:23 157:6,13 158:25 159:9 168:19 169:1 204:13,20 224:8 247:10 248:5 257:8
board 46:11 190:13, 16,23
bobbing 193:9
body 42:22 187:13 238:19

bolted
149:18
bond
141:12,15
bone
55:25 83:6
85:18 101:14
161:2
born
27:2 57:4
106:14 200:10
bother
115:9
bottom
55:24 116:16,19
151:4,5 159:11
167:20 169:9
203:4
bought
13:8 17:23
21:17,19 100:1
127:20,22,24
173:25
bound
96:6
bowls
98:14
box
67:10 80:8
115:11 124:19
125:6 230:13
boxes
98:14 115:7
boy
33:16 53:18
199:18,19,22
Bradley
5:22
brain
133:7
break
6:8,10,12 12:23
61:18 65:14
70:13 97:17
118:8 157:7,8
Breaks
153:12
breathing
81:9 82:11
188:10
breed
199:13
brick
99:25
bridge
46:17
Briefly
82:9
Bright
18:16,17
bring
63:14 182:4
bringing
135:15 147:5
broad
254:11
broke
164:25
brother
20:1 25:3 53:17
brought
71:11 88:4
93:23,25 94:5
148:7 193:22
200:25 207:10
Brown
154:17,18,19
155:7
bruises
130:11
bump
200:7
Buprenex
58:14
Buprenorphine
59:10
buried
106:8,15,18
191:14
burn
233:15,16
burned
233:9 236:14
burning
231:22 233:19
234:4 236:20
Burns
37:17,21 38:2
burst
102:19,20 103:2
bury
106:7
bush
200:18,22
business
127:11 243:16
buy
21:18 22:7
BW
66:19,21

C

C's
33:13,14
C-H-A-E
19:22,23
C-H-E-E-K-S
33:12
call
13:10,22 14:3,
12 33:13 46:2,6
47:11 53:3
71:21 78:13
90:19 97:3
122:4 145:17,19
179:23 189:5
199:17 208:1,12
209:2 222:5,8,
18 223:2 228:13
236:7 254:16
called
11:22 71:22
107:4 109:2
111:13 112:21
120:4,12 126:10
172:15 178:5
180:10 183:18
184:23 185:11,
12 199:8
208:13,25
209:1,11 210:15
223:25 236:11
239:12
calling
184:22 253:20,
21 254:14
calm
236:13
cancer
101:15 161:2
187:17,21
cancerous
158:1
candidate
61:15
canine
56:3 91:18
159:24 161:6
194:25
canned
193:6
cans
82:6 111:18
112:11 150:10,
12 188:13
cap
74:17
car
56:12 62:20
71:19 86:10
130:7,9,21
144:6 178:3
216:19,23,25
217:4 218:13
219:23
card
138:12
cardboard
46:12
care
7:23 10:8 12:14
13:4 14:11,24
16:13,23,24
18:9,10 21:8
22:20,22 23:8
40:2 41:10,11
71:9 72:5 81:11
98:11 135:11,
13,18 136:12,
13,14 146:6,7
147:4 185:1
195:18 227:8,12
251:14
caring
16:21
Carolina
12:5 56:20
125:22 175:22
carpet
114:22,25 115:3
carrier
76:22 81:19
110:6 121:20
161:10 178:8
197:24 206:2
207:8

carriers
110:2
carry
211:13
case
6:14 7:4 43:11 64:15 196:3 204:22 205:6 220:16,24 227:23 228:6 248:20
cases
131:25
cat
30:20,21 32:11 35:17 37:7,11, 14 39:5,24 41:10,16,21 42:11,13,19,21 43:7,14,15,20 47:11 48:14 49:7 57:11 58:12 59:4,5 60:10,16 63:13 64:17 69:9 71:20 79:7 80:5, 9 84:19 89:18 91:2,20 93:25 94:5 96:2 97:15, 16 102:7,10,13 104:16 105:6,15 109:10,11,17 111:18 112:10, 13,24 113:13 115:5,9 121:18, 19,22 122:11 123:8,11 125:21 127:5,7 132:7 135:9,11,13,17, 19 136:12,13,14 137:4 139:4 142:14,17 144:14,19,21 145:9,15,22,24 146:2,5,7,10,16 147:4 149:25 150:4,10,24 151:8,14,24 154:7 170:16 173:12 174:15, 16,18 176:8 181:19 182:4 184:11,16 185:2 186:14,24 191:10,20,21,25 192:8 193:15 194:5 195:15, 16,17 196:1,17 197:9,14,15 199:6,20,21 200:2,11 201:16,17,23 202:1,4,9,13,17, 20 203:2,14,22, 25 204:9 205:18 206:10,13,21 207:2,5,7,11,17 208:11 209:12 212:8,20 213:15,17,20,23 214:2,22 217:11 222:6,10,11,15 223:20 224:5, 13,17 225:14 237:15,18 238:12 239:24 241:20
cat's
122:14 129:10 194:16 208:7 213:24
catch
110:3
cats
26:15,16,18 27:5,10,13,18, 21,24 28:2,3,9, 11,18,20 33:7,8, 9,11,14,25 34:17 35:15,24 36:8,10,17,18, 20 37:1 38:17, 19,22,23 39:22 41:18 46:3,18 47:5,6,9 56:24 57:1,12,13 75:5 79:22,24 81:11 84:24 85:6,9 98:6,9,12 99:3, 10 106:15,18 108:18 109:4, 24,25 113:8 114:18 116:1, 18,25 118:7,18 119:2,19 121:7, 8,17 123:7 124:3,8 130:23 138:8 140:21 143:5,21,25 146:9 148:3,8, 10,12,14 150:6 151:15,17 153:7,15,16 154:3,6 161:24 174:8 176:3 185:3,4 188:13 190:6,9 191:4,7 192:24 193:1 199:11,13 200:2 209:16 212:6 215:15,16 216:9 226:11,13,20 227:14,18,25 228:24,25 229:8,13,18,23 230:9,16 235:20,22,25 236:16,21 238:3 239:9,16 251:14
cats'
247:13
catwalk
230:21 231:1
caught
112:24 122:1 220:13
caused
174:24
causing
175:7
cell
77:10 177:18 199:8 219:9,10, 12,15
cells
198:14
center
133:13 141:24 217:17 229:19 233:15,16 241:12
certifications
14:20
Chae
19:22 20:14
chair
46:7,22,23 149:19
chairs
13:20
challenge
51:21 64:22
chance
42:19 43:4 49:14 51:25 179:12
change
217:17
changed
98:5 255:6
charge
25:14 142:5 219:4,7 225:20 226:4 227:10 228:24 251:24 252:12 253:2,4, 5,7
charged
90:21 108:2,3 115:19 213:8 251:20
charges
154:12 209:21 218:24 227:24 249:21,25 250:20
charging
251:20
Charlotte
12:6
chase
33:14 127:14
check
13:24 70:17 99:6,10,11 107:6 121:8 124:19 125:6 187:25 188:2 196:25 197:2 199:17 211:21 212:13,19 243:2,3 253:12, 17,22 254:4,15, 17
checked
40:14 119:11 125:3 136:4 159:20
checking
108:17 136:24
cheek
82:25

Cheeks
33:12 34:15 59:7
chest
47:13
Chestnut
200:4
chew
193:7
chicklets
161:23
chief
155:16,20,22 156:5,9 215:4 242:21 243:2 245:20,23 246:4,13,25 249:24 250:16
chief's
242:11
chiefs
155:17
child
199:10
chin
54:4 158:5 159:22
choice
104:2,5,7 125:17 179:25 180:2 223:22 250:24 251:2
choose
64:23 171:4
chronic
42:18 43:3
Chronicle
248:22
circled
150:25
circles
181:25
circling
150:24
city
11:2 31:3,8,17 52:5 54:8,13,17 56:16 58:25 59:21 62:14 63:4,11,19,23 72:17 88:17 100:17 102:16, 17,20 144:3,10 155:13,24 157:16 158:7,10 159:3,4 160:7,9 161:13 164:9 165:8,25 166:1 205:8 211:1 215:6 229:6 255:19,24 256:10
City's
223:9
classmate
133:22 137:21
Clavamox
159:17
claws
191:16
clear
63:22 83:25 101:13 168:3
clearer
172:17
Clemson
9:24 33:12 34:15
client
48:22 55:4 67:19
climb
113:1
climbed
178:7
clinic
28:23 29:10,15, 23 30:4,16 36:14 44:5,24, 25 45:7 48:11, 18 49:24 53:2 59:15 61:6 68:16 71:8,11 75:12,14 99:14 100:1,24 101:4 104:2,12,18 117:10 165:13, 17 166:24 169:5 176:11,13 177:1,9 178:2, 23 179:14 184:8 185:10,25 186:6 187:2,25 188:18 190:1 194:19 196:6,11,14 205:9,17,18 222:1,2,21 223:16 228:23 250:22 251:14 254:23 255:5,23 256:4
clinics
29:25 30:6 31:1 33:1 99:19
close
12:6 48:25 98:22 149:6,8 223:5 239:14
closed
237:8,9
closer
45:24
clot
39:20
clothes
191:17 217:18
clue
74:13
clumps
192:12
clutter
113:23
co-workers
122:21 139:8
coat
65:17
coffee
111:22
cold
79:23 220:8
Cole
25:20 60:21 157:8 204:15 224:20 234:22 247:20 257:9
collect
109:24 130:23 152:3 215:16
college
10:21,24 28:13
column
156:11,14
combination
191:20
combustible
231:11 232:16
combustibles
148:24 149:4
comfortable
158:21
comment
88:20,25 89:6 94:4 101:14 121:25 122:6,11 124:4 142:11 144:7 168:23
180:18 181:6,8 185:14 188:15 189:12 209:25 215:20 217:25 223:10,11 229:10
commented
134:20
comments
144:2 169:16,18 220:16 251:12
common
113:13,25 114:2,8 238:11, 12
communicated
52:6 88:18 186:7 194:7 222:14
communication
155:3 239:21 255:13 256:9
communications
185:24
commuted
19:19
companies
16:2
companion
15:7,8 230:3
companionship
15:1,2,20 16:10 18:15 84:23
company
11:1,9,22 12:14 13:6 14:11,22 15:20 18:15
competent
43:6 83:23
complaint
107:4 108:13

complete
242:6 243:1
concentration
10:1
concern
254:21
conclude
203:2,22 256:20
concluded
257:12
conclusion
194:8 204:12
235:17
concrete
200:15
condition
42:23 48:2
71:12 91:9,12
92:10 94:24,25
106:2 157:20
170:11,15
177:18 187:14
203:22 204:1,9
212:18 218:5
256:16
conduct
14:1 196:13
confident
78:11 185:22
confirmed
208:2 209:11
conflict
195:3
confrontation
178:15
confronted
138:25 139:2
157:1
confuse
195:1
consent
182:23 183:1
consequences
180:1 223:23
considered
170:12
consolation
135:16
constitutes
188:19
consultant
10:25
consultation
52:4
contact
58:3 155:8
208:5,8 210:9,
11 220:1 246:12
247:1
contacted
106:21 210:5
continue
15:11 69:19
96:7
continued
21:9 143:21
continues
228:6 244:18
continuing
176:16
contrary
198:1
contribute
75:8
control
37:16 78:14
106:21 115:15
116:3 120:5,10
122:18 134:21
144:5,11 152:14
155:12 183:23
185:5,11,13
186:1,5,7
196:23 207:19,
22 208:4,18
210:20 211:3
214:15 215:11
216:25 227:20
228:2 229:7
239:20,22,23
251:7,10
253:10,16,21
254:1,3,14
Convenia
162:13
conversation
31:25 87:7
135:25 180:9,22
182:13 207:22
209:19 216:21
243:4,10,13
246:25
conversations
210:4
convicted
9:15
Cook
111:7
coordinated
146:12
coordination
156:19
copy
159:9 186:3
249:2
core
20:9
corner
55:1 232:13,24
235:3,4,8,10
corona
206:17
correct
7:1 9:10 10:14
16:8,9 25:14,15
26:2 29:17,20
30:25 31:3
32:21 57:18
59:22 60:6 66:3
67:5 69:20
70:20 73:12
75:25 76:18
79:2 92:25 94:7
103:15,24
104:4,8 112:8
113:17 117:9
124:12,24
125:8,12 127:17
128:24 132:2
148:15 150:13
151:5 163:3
204:24 205:3,5
208:25 221:21,
23 223:3,7,20
226:14,17
228:25 229:10
230:16,19
234:19,23 235:6
251:1 252:12,17
253:8
corrected
189:10,11
correctly
87:1,4 169:23
cost
41:13 42:3
164:18
couch
90:4,6
council
37:23 155:24
220:21
councilman
155:13 220:15,
18 241:14,15,17
245:25 246:9,
11,21,22 249:16
250:11
counsel
157:15
counseled
28:17
counselor
8:4
count
77:1,10 85:21
177:18
counter
112:6 148:25
149:10 232:8,17
233:23
counters
151:19 230:20
county
36:3,4,13 37:23
38:9 116:11
117:17 119:23,
24 124:9 131:5
141:12 146:6
179:23 207:18
215:8 217:16
222:8 229:19
239:12,19
241:12
County's
130:25
couple
15:13 18:12,19
19:20 29:5
50:21 62:9,11
88:7 93:4 98:22
135:15 138:23
140:20 162:17,
19 176:24
212:11
courses
170:25
court
6:6,19 7:2
107:25 141:13

cousin
138:9
covered
81:9 169:19
COVID
206:16
Coyote
33:13 34:15
crack
239:2,9
credit
75:9 175:2
credits
190:17
crime
251:20
crimes
9:16
criminal
122:3 204:22
209:21 220:24
critter
112:21
cross
123:11
cruel
224:7,12,17
252:24
cruelty
90:20 136:6
156:16,22
222:6,10 223:2
224:2,3 245:13
252:1,15 253:6,
15,20 254:1,13,
19
crumbled
118:12
crying
203:9
CT
87:20
cuddled
175:20 190:11
cup
193:2
curious
50:7 119:6
139:5 146:11
current
33:11 38:22
cut
127:14

D

D-R-A-Y-T-O-N
101:9
dad
16:21 17:6 21:7,
12 22:25 23:8
daddy
5:22
daily
25:10
damage
155:10
damaged
155:6
danger
185:5
dark
51:15 220:8
dart
109:13
date
5:23 54:22 55:2,
6 62:7 63:23
65:1 74:19
75:16 166:17
251:19,23
252:1,2,11,16
253:5
dated
54:13 72:22
253:8
daughter
145:5,11,21,25
day
15:13 45:20
46:1 50:16,19
52:10,11 76:18
78:25 79:3,4
80:10 81:4 84:5,
6 91:4,9,13
92:17 94:25
96:22 98:19,25
104:12 107:15,
25 110:4,5
119:9,21 126:9
137:5,6 172:7,
14 182:19
183:11,17 190:2
197:21 199:6
200:15 208:10
210:8 212:25
213:6 214:23
221:1,2 226:9
229:3,21 230:3
234:15 235:5
239:12,14
252:4,23 255:9
days
19:20 21:10
49:6 62:9,12
67:3 68:15,19
78:6,17 93:4
98:10,22 113:22
135:15 138:23
168:16 176:19,
20,24 197:18
199:4 230:10,12
dead
44:8 82:8 84:5,8
126:17 148:14
171:16 188:1
195:12,19,21
197:14,15
209:12
deal
30:7,24 32:24
33:2 77:5 149:7
184:20 222:17
dealings
52:3 124:5
dealt
55:16 76:8
88:18 123:5
death
122:12 153:11
208:7 251:5
debated
97:22
decade
18:25
December
5:25 68:8,22
160:20 162:3
deceptive
107:22,23 108:7
125:10
decided
182:17 191:15
decision
71:9
declare
98:3
declined
87:16,22 88:3
deemed
7:20
defamation
184:8 188:19
189:2
defendants'
54:12 60:18
70:11 75:11
90:25 110:10
116:10 159:2
169:4 222:20
defended
174:16
defense
155:16 240:20
246:13,24
define
152:1
definition
82:20 103:17
152:11 240:16
degree
9:24
dehydrated
76:16 79:11,12
dehydration
86:24
delay
138:15 166:15
deliver
14:2
dementia
145:12
demonstrating
248:10
den
46:9,10,24
149:12 190:14
denial
97:4,11
denied
252:18
dental
31:13 44:9
61:20 65:11
66:25 67:1
72:16 87:19
100:12,13,18
126:17 150:23
158:20 159:15
160:2,19

163:10,11,12 164:6,9,13,16 171:17 192:18, 19 247:24
dentist 44:20,22 45:8 47:17 51:8 52:3, 4,6 180:11,13, 15,17 181:19
dentistry 55:21 77:20 177:16 179:2
deny 70:3,6
department 90:19 155:11 179:24 210:24 222:9 236:7
depends 43:9 185:16
depict 91:8,12 94:24
depictions 95:19
deposit 170:17 179:9
deposition 6:4,7,9,14 57:16 70:22 197:9 257:11
depression 153:2,4
Describe 207:21
describing 97:6
description 76:18 78:15,23
desk 242:11 245:2
desperate 42:23
destroyed 247:16
detailed 228:3
detect 100:16
detention 141:24 142:2 217:16 229:19 241:12
determined 96:6
determining 228:24
detour 214:6
devices 18:22
diagnosed 16:6 39:19 152:21
diagnosis 132:1,9
Diane's 133:8
Dick 190:17
died 23:11 40:3 42:16 53:22,24 148:10 153:8,15 197:15 200:1
difference 103:18 105:17 240:15 253:14, 19 254:12
differently 123:25
digest 173:3
dinette 213:22 216:11
directly 80:20
director 36:20 37:17,25 38:4 119:18 121:16,23 122:20 146:14 226:16 227:22 228:1,19,21
director's 123:1
dirt 151:13 191:14
dirty 151:11
disability 8:1 24:13
disadvantage 118:14
disagree 76:20 79:9 82:18 189:18 251:23
disagreed 45:13,14 189:19
disappeared 143:14
discharge 83:15 169:19
discharged 55:3
discolored 114:25 115:3
discomfort 59:23
discount 42:6
discovered 139:7 200:9
discrepancy 69:22
discretion 170:18,20,24
discuss 247:21
discussed 55:25 86:19 87:13
discussing 170:18
disease 61:20 65:11 86:25
dish 82:3 112:16
dismissal 250:20
dismissed 142:6,25 249:21,25
disorder 152:23,25
display 121:12
disrupt 185:3
disrupted 184:25
distinct 253:25 254:6
distinctly 124:6 254:3
distinguish 123:24
distracted 214:21
disturbing 95:17,20
doctor 14:16 78:7 83:19 87:7,21 89:4 125:15 165:8 222:2,24
doctors 172:3
document 58:5,13 90:14 117:21,24 118:5 125:11 169:1
documents 90:16 249:6 251:20
dog 50:7,9 134:15, 25 145:25
dog's 50:9
dogs 27:8
dollars 25:22
door 46:11,17 109:17,20 121:13 200:12 213:21 214:1,3, 11 219:14 221:16 235:25 236:5,12,16,21, 25 237:5,6,8
Doreen 210:5,9 213:10, 13
dose 94:2
Dot 37:6 38:11 116:21
doubt 85:10 256:24 257:3
downtown 244:2

drained 103:3
draining 66:5 82:24 83:11
drastic 194:15 195:5
drawing 24:19,21 92:19 195:17
Drayton 101:9,10
drink 193:1,5 202:10, 12 203:20
drive 131:3
driveway 217:14
driving 161:10
drooling 159:20
drove 217:10
drowsy 60:3
drug 133:13
dry 193:21
dryer 110:17
due 169:22 170:1 174:19 187:16 198:11
dull 65:17,20
Duncan 30:12
durable 13:22
duress 117:25
Durham 137:19,20 141:21
duty 121:25
Dyke 190:17

E

ear 126:20 239:3
earlier 57:16 64:6 84:5 159:5 170:21 173:24 187:12, 23 188:25 220:14 256:14
early 18:4,8 23:21 67:9 89:24 100:9 208:14,16
earshot 216:10
easier 123:14 227:9
Easley 60:24,25 61:2 65:7 69:15 125:21 225:24
easy 138:18 201:9
eat 47:3 60:2 75:6 78:12 85:10 97:7 111:9 176:5 183:18 186:17 187:16 188:16 193:4,6, 8,19,21 198:23 199:5 202:5,12 203:19 225:10
eating 48:3,4 80:5,11 81:12 97:8 123:12 127:6 157:24 170:6 173:8,16 187:21 190:5 197:18,19 199:4
economist 20:9
edited 223:15
educated 60:9 78:19
education 10:8
educational 9:18
effect 77:15
effort 51:20
electric 31:3,8,17 43:23 52:5 54:8,13,17 56:16 58:25 59:21 62:14 63:4,11,19,23 72:17 88:17 100:17,21 102:16,17,19 148:21 158:7,10 159:3,4 160:7,9 161:13 164:9 165:8,25 166:1 205:8 223:9 255:19,24 256:10
elements 177:17
Elledge 61:3,4 167:12 168:23
emaciated 76:15 79:5 169:18
email 119:17
emailed 119:7,17 227:5
emails 120:21,25
emergency 51:14 87:17,23
emotional 47:24 48:1 70:23 71:23
employed 10:11,17
employee 12:7 182:3 183:18 185:10, 21
employee's 121:15
employees 19:15 121:1,4 185:25 186:6 187:2 188:18 196:14 251:13 254:22
employment 10:10
empty 150:14 151:3
Enclosed 159:13
end 11:7 68:22 211:25 224:22 226:24 228:5 250:13
ended 11:6,21 40:2 44:12 52:1 101:21 135:10 143:6 147:5 199:22 201:1,8 248:16
engineer 134:4
engineers 20:9
enlarge 129:24
entity 7:21
entries 65:3
entry 67:14
envelops 231:7 232:6
equal 97:25
equipment 13:23,24 14:2
equipped 179:4
errand 200:16
escort 216:22
escorting 217:3
estimate 44:11 87:17,23 88:3,5 126:18 164:17 171:17
etcetera 164:18

euphemisms 206:8
euthanasia 41:1 86:22 127:5 168:7,13 170:11 181:3 183:3
euthanization 170:14 198:19 250:25
euthanize 90:15 206:9 207:16 222:16, 18,25 224:5
euthanized 39:7,18,22 40:16 43:8 45:4, 6,22 50:16 79:1 90:12 91:5,13 92:17 103:24 104:3 106:4,23 110:5 174:14 182:24 239:13 252:15 253:7 255:9
euthanizing 73:23 90:21 127:19 172:12, 14 251:6,8
evaluate 87:20
evening 46:4 200:19
event 250:18
events 250:10
evidence 60:7,8 143:3
evident 173:18 175:8 176:2
exact 132:11
exam 74:19 76:15 159:12
examination 5:10 50:5 73:8 86:8 93:24 105:23 157:13 163:20 164:15, 16 178:12 204:15 207:10
examined 205:18
examining 206:20
excessive 202:14 203:4,6, 17,19,23
exhausted 95:14
exhibit 54:12,15 55:24 59:8 60:17,18, 22 63:8,23 64:25 70:10,11, 19 75:10,11 76:7 90:24,25 93:11 95:22 96:20 105:3 106:2 110:9,10 116:9,10 124:11 140:25 141:9 150:9,24 159:1, 2,6,7 167:18 168:19 169:1,3, 4,6 173:19 192:4 201:15 203:1 205:8,10, 13 221:6 222:20 234:18,21,23,24 238:22
exhibits 99:14 204:17 206:24
exist 256:21
existing 25:17
exists 228:11
exotic 256:11
expect 122:8
expecting 50:1 104:14
expenses 25:11
expensive 32:17,21 227:11
experience 67:9 178:21 191:3
explain 82:7 157:20 172:23 174:16 175:17 203:11 226:6 246:2
explained 100:2
explanation 143:24 240:13 246:3
exposed 83:6
extend 199:2
extensive 185:14 228:3
extent 247:15,16 254:19
extortion 32:8 88:20,25 173:23 180:19 223:12
extra 174:5
extracted 164:8
extractions 164:18
exudate 83:2,11
eye 109:19 144:16 148:21,23 149:20 232:1 235:11
eyedropper 150:19
eyes 93:24 94:6 118:9 207:12 224:19

F

F-I-N-K-E 160:12
face 49:9 50:4,10,11 56:2 128:22 129:9,10 159:22 169:20 175:5 203:3,15 233:10,11 239:1
fact 43:19 81:24 92:20 103:1 153:6,14 184:15 192:19 196:17 209:23 241:21, 22
factor 89:13 197:7
fair 7:15 60:5 68:23 73:17 74:2 92:9 95:19 114:4,6 127:1 183:14 202:6 225:5 229:9 230:8
fairly 197:22 219:11 235:6
fallen 135:13
falling 203:3
falls 135:12
false 186:16,18 224:2,6
familiar 85:14 88:20 100:25 180:19 219:1
family 5:16 23:1 27:8 38:15 40:3 135:19,20
fan 13:10
farthest 193:11
fast 111:12
faster 51:14
fat 113:2,6
fault 146:15

favorite
57:11,13
fear
64:16 217:22
February
9:8 29:16,23
30:1 163:2
221:18 245:6,7
fee
205:3
feed
79:22 150:11
237:21
feeders
98:14
feeding
79:24,25
feel
49:21 78:10
90:8 132:25
133:17 175:1
176:4 185:22
188:8,9 192:13
218:22 227:25
228:17,19
feeling
21:1 122:19
225:9
feels
45:17 75:4
feet
233:9
feline
159:12
fell
56:4,11 161:19,
20
fellas
218:25
felt
43:12 45:18,24
48:6 73:15
81:20 122:8
171:11 173:9
200:18 202:24
211:24 219:4,6
224:10 225:17
female
38:6 47:21,22
133:23 142:21
208:21,22
fidgety
214:22
figure
63:17
figured
27:19 101:20
177:19
file
256:7
fill
18:24 191:15
filled
125:4
filling
125:5
finally
241:23
find
5:20 31:10 32:9
132:24 137:8
138:18 139:10,
25 143:15 152:3
167:17 256:1
fine
70:15 78:20
82:23 108:2,25
151:18 185:4
198:21 238:8
finish
9:19 63:22
finished
171:18
Finke
160:13,14
fire
147:19,22,24
148:10,20
149:10,11,15
153:6,8,14,20
154:2 200:1
205:11 221:20
231:3,4,6,7,19
232:8,12,14,25
233:2,6,11,20,
24 234:15
235:5,10,16
236:4,7,20
237:3,4 247:16
firefighter
149:24
firm
82:25
fix
67:18,19 69:18
86:21,25
fixed
70:5
flea
75:19 90:1
flexible
23:9
floor
28:7 80:7,8
114:4,9,21
118:19 119:16
120:7 121:11
122:24 231:19
234:2,3,4,6
235:2,5
florist
133:1,6 134:18
139:24 140:2
florists
133:8
fluids
86:24 177:22
237:16,17,18
238:1,14,15
flushed
123:15
flushes
238:20
FOIA
244:21 249:6,8
250:11,13
folder
232:13,14
folders
149:9
follow
90:5 125:24
126:6 127:1
143:15
food
80:5 111:12,18
112:10,13,18,21
113:13 150:10,
24 151:8,14
193:6,21 230:13
fool
176:15
force
181:12
foresee
230:17
Forest
16:18 21:13
forever
136:18 196:22
forewarned
120:14
forgotten
43:24 255:21
form
116:12,14
124:12 146:18,
19 189:15 217:6
224:8
formed
49:11
forms
125:16
Forrest
56:19 146:21,
22,23
fortunately
219:24
Forty
220:12
found
7:23 79:4
100:17 104:13
120:6 134:22
136:2,21 139:8
154:21 169:13
173:22 176:7
219:2
Fourteen
11:5
fourth
183:3
frame
11:21 23:7 65:6
franchise
19:5,8 23:13
franchisee
19:11
Francoise
33:16
Frank
20:3
free
90:22 215:18
freed
49:18
Freedom
242:7 244:13

247:5
French
33:17
Friday
55:6 119:7,9 229:3
friend
132:20 133:22 137:21 220:3,10
friends
132:12 156:2 246:15
front
58:6 113:17 121:13 149:2 160:23 231:1,9, 12,14,17,24 232:11 234:13, 16 236:5 237:6
frustrating
134:22
full
5:11 244:5
full-time
10:23 15:14 19:1
fur
169:20 192:7
furniture
133:14 231:13
fussed
226:2
future
30:24 129:5

G

G-O-F-F
11:23,24
gaining
157:25 173:7
gap
18:25
Garrison
48:16 49:13,16, 23,25 50:15 76:8,11 77:17 78:8,9 79:3 83:22 86:12 90:11 97:8,9 104:5 177:12 178:17 179:18 180:22 183:2, 17,22 184:10 185:23 186:17 206:3 222:3,4 223:7,17 224:16 225:18 252:14 256:5
gave
34:18 52:13,20 59:14 72:16,18 88:5 100:11 101:11 102:4,5 112:18 126:7 128:13 162:8,12 164:17 170:16 176:22 179:8 200:18 207:5 224:11 225:2,4 229:1
gender
199:17
general
105:5,6 169:7 240:19
generalities
156:13
generally
8:8 157:20
Georgia
20:15
get all
34:12
giant
192:20 203:3,15
girl
33:16 53:18
girls
199:15,18
gist
156:18
give
5:23 6:21 10:16 37:4 46:14 51:25 58:17,21, 25 59:3,18 60:6, 14,20 64:14 67:23 68:14 69:17,19 75:9 85:22 98:17 115:23 120:23 173:10 176:8 179:8 190:14 213:6 237:17,18 246:2 247:17,18 248:2 249:4,10
giving
45:25 51:3 70:3 105:25 128:1 173:4 179:25 223:22
glad
7:11 153:15,24
goal
173:6 177:10
Goff
11:22 12:18 13:2
good
8:25 46:14 58:12 62:24,25 63:1 64:15,16, 19 66:14 77:14, 24,25 81:15 84:13,14 86:2 88:13 90:8 95:24 96:15,16, 17,18,21 98:24 103:1 111:2 126:21 157:14 161:21 176:4 187:3 188:17 191:2,6,19 197:18 201:17 220:9 230:3 236:2 237:17 240:21 241:7 248:12 256:21
goodness
220:2
governmental
7:21
Graduated
10:4
grandfather's
5:17
granted
93:23 129:23
gravity
98:13 237:21
great
40:1 149:7
Greenville
18:18 32:20 156:20
grew
16:19
grey
200:2,4 236:13
groom
92:9 192:25
groomed
50:25 92:18
grooming
49:20 51:2 129:22
Group
11:22 12:18
grow
129:19
grown
89:24 92:13
guess
14:16 15:18,21 24:18 27:15,17 32:7 41:4 44:7,8 48:7 51:2 54:23 60:12,13 64:10 76:10 78:1 79:13 82:17,20 86:20 93:4 95:1 97:14 100:6 101:12 103:2,11 119:14 120:14 123:17 132:19 146:14 153:9 158:4,7,23 161:11 165:1 167:14,15 172:14 173:3 177:23 178:14 181:13 184:12, 13,14 193:11 195:20 197:1 202:6 205:4 212:19 215:20 216:1 222:16 225:13 226:24 229:20 230:21 231:2 245:10,12 247:15 251:15 254:16,20
guessing
8:7 78:19 160:16 211:16, 18
guilty
122:5

gums
193:16,18
gun
211:13
gut
227:20 236:13
guy
133:25
guys
212:21

H

H-I-N-S-O-N
19:24
H-U-R-L
48:24
hair
215:2
half
12:5 21:6 35:12 42:22 54:10 75:25 97:22 103:8,9 122:16 137:5 147:14 169:9,10 187:13 224:24 228:8 244:9,12,16,17 247:3 250:2
hall
80:2 81:13 82:15 84:10
hallway
236:25
hand
55:1 62:23 91:16 249:13
handcuffed
130:8 217:10
handcuffs
216:14,16
handed
169:2
hands
233:9,13,25
happen
28:8,9 113:6 114:2 222:12
happened
21:15 68:16 102:23 103:9 120:8,9 128:6 131:21 137:13 142:5 153:25 154:2 155:3 199:16 221:20 227:23 233:8 235:10 255:10
happening
230:17
happy
43:14,20 60:16 84:16,18,22 96:2 113:3,7 114:13 127:7 174:16 175:17 186:14
hard
32:2 54:11 65:23 78:21 89:18 100:16 103:11 163:20 173:21 183:9 184:1 186:18 189:22,23 195:8 202:7 223:14 256:2
harm
241:11 251:2,4,5
harmed
39:5
hate
136:23,25 251:3
hauled
75:5
Hawkins
220:18 249:17
he'll
171:19
head
6:22 40:14 101:1 239:6,10
head-on
50:4
heal
49:21
health
7:23 8:1,3,13, 17,25 9:2 10:2 12:14 13:4 14:11,17,18 15:4,20 18:10, 22 40:1 43:8 53:20,23
healthcare
230:1 237:14
Healthpointe
30:10 44:1,2 47:18 51:17 52:8 62:10,13 67:6,7,9,11 70:12,19,25 71:7,18 73:19 87:25 97:12 166:14,22 168:16,21 169:5 179:7 182:21 189:8 252:4 254:24 255:11, 15 256:8,12
healthy
80:9 118:16 201:18 202:20
hear
17:1 46:5,8 172:1 190:6 246:7,22 247:7
heard
31:23 58:3 79:6 82:6 120:16 136:10,19 137:3,4 138:17 165:5 172:21 242:2 246:6 249:23 251:17 256:23
hearing
142:9,10 198:16 220:24 250:17
heart
118:8 153:12
heat
135:1 149:7 232:4
hedge
89:15
heels
72:1
held
109:16,17 214:2
helped
16:13 109:23 110:1,2
helping
22:22 23:8 32:11 49:20 135:11 215:15, 18,21
hemi-mandibular
83:5
hemimandible
83:10
hemorrhage
83:1
Herold
55:16 89:6,17
hiding
109:15 213:16
high
9:19 76:25 77:3, 10 127:21 137:21 232:2 235:12,13,14
High-tail
116:21
higher
50:14
highlighted
168:22
Highpointe
43:25
highs
66:15
Hightail
37:6 38:10
Highway
29:2
hill
123:16
hind
39:21
hindsight
94:1 104:11 126:22
Hinson
19:24 20:14
hire
25:19
hired
12:4 15:12
history
10:10 159:14
hit
191:23 234:2,3
hitting

234:1
hoarder
152:1,5,8 240:4, 14,17
hoarding
240:22 241:1
hobbies
111:5
hold
166:12 227:7
holding
76:21 178:7 214:2,21 219:10
hole
238:23
holes
217:23
home
12:14 13:3 14:17,18 15:20 18:10,22 40:1 88:4 104:8 106:16,19 117:15 123:12 174:10 191:13 216:22 221:7, 12,20 230:1 231:3 236:8 237:13
homes
14:2
Honea
176:18 184:3 248:24
Honea-path
29:14,22 53:2 61:12 68:11,19 77:7,11,20 81:23 99:20 100:23
honest
86:14 255:3
honestly
9:5
hope
9:1 32:8 83:21 96:14 153:12
hoped
227:4,5 242:8
hopes
172:15
hoping
61:17 62:24 77:24 90:23 96:8 101:12 119:18 146:3 165:2 177:11 178:24 186:3 242:5 245:18
horizontal
237:20
horrible
129:13,14,15
horror
219:7
hospice
20:22 40:3
hospital
13:17,20 20:24 28:23 29:4,7,20 54:13,17 125:21 221:25
hot
232:5
hours
15:13 46:1 47:1 58:18 98:17,21 99:1 118:18 190:3 218:23 229:2 248:19
house
21:15 22:7 25:4, 6 26:1,2 34:25 35:1,12 98:7 106:11 107:1, 10,12 110:12,14 115:3,5 116:2 130:24 135:22 136:1 139:13 146:20,25 147:4,6,17,20 148:3,18 153:6, 8,14,20 174:9 200:14 201:8 209:5,8 211:7, 10,19 212:3,5, 23,25 214:18 216:16,17 228:4 231:3 234:11 235:18 236:6,8, 10,11,23 237:6, 10
housekeeping
185:15 247:12
houses
14:23 135:23
How'd
61:4 77:3 80:19 148:20
Howell
116:4 134:7,13 152:13 196:23 210:6,9 213:11 214:18 216:5 217:3,11 221:9 229:22 239:22 240:10
Howell's
187:8
huh-uh
66:23 108:4 150:16 198:20 239:4,11
humane
86:22 123:18,22 124:3
Hurlbert
47:20 48:23,24 49:12 50:21 70:24 71:20 97:1 128:12 170:8,9,13 179:7 182:16,17 189:7,8 194:4 225:18 254:25 255:4
Hurlbert's
51:19
hurry
213:24 214:10
hurt
130:7 203:10 218:1

I

idea
40:11 41:4 66:20 91:23
identification
54:12 60:18 70:11 75:11 90:25 110:10 116:10 169:4
identification-
159:2
identify
210:15 211:5
ignite
149:8
ill
16:12 43:8 136:8 204:2
illegal
175:21
illness
157:21
illustration
195:6
imagine
86:6
immediately
165:11 207:11
immobile
188:23
impossible
78:15 136:3 173:22 183:21 184:5 186:16 187:3 188:16
impression
72:17 171:7
in-person
208:23
inability
187:16
inaudible
28:21
incident
71:9,13 132:13 134:6,19
incisors
56:2
include
159:5 184:14
included
71:15 88:9
including
99:20
income
24:17
incompetent
7:21,24
incorrect
125:2 243:5
independent
13:7
indication

43:12 60:14 73:14 94:14
indoor 28:1
infected 61:24 85:12 103:23 128:23 129:10 157:22 158:2,13 163:16
infection 61:25 62:3 65:11 77:2 101:13 103:16, 18,21 109:5 116:7 157:23 163:25 195:14 196:2 212:12
inflammation 193:16 194:4
inform 71:7
information 124:12,24 172:18 173:4 182:21 185:19 204:11 208:2 225:25 228:14, 15 242:7 244:13 247:5 251:12 256:6
inheritance 21:23,24 22:6,7, 10,13 25:7
inherited 237:13
inhumane 42:17
initial 42:10,12 63:11 198:11
initially 62:18
injury 130:5
inmates 218:18
innocent 122:5
inquired 36:22
inside 27:25 28:3,11 121:13 151:6,7, 12 159:22 179:15 203:4 205:17 209:9 212:3,5 216:16 220:7 234:11
insisted 189:10
insistent 48:8 73:5
Instructions 55:23
insurance 11:1
intent 250:9
interaction 207:18,21 209:13
interest 61:8 77:19 177:14 179:2
internet 136:2,18,21 137:11,13,16 138:8 142:4 154:22 196:22
interpret 87:21
interrupted 38:10
introduced 206:24
invasion 117:15
investigating 108:12
investigator 149:24
involve 171:24
involved 49:15 87:17 189:4 250:11,12
involves 39:21
ironic 185:1
issue 40:9 56:4,10 89:20 102:8,10 114:15 132:2 192:18,19 209:24 241:9 247:25
issues 16:3,8 53:20,23 159:15 160:2,19 237:15
IV 237:10,12,25 238:14

J

jail 119:9 130:25 131:5 138:6 217:10 218:10, 22 219:17,22
January 55:10 68:23 75:23 76:14 78:25 160:20 162:3 163:2 196:6 252:16 253:8
jargon 172:2
jaundice 40:7
jaw 56:1 61:19 65:15 85:17,18 101:15,17,19 158:4,7 159:23 161:3,6 162:24 163:1 171:25
Jay 54:5
Jenny 33:22
Jenny- 33:21
Jenny-jenny 34:19
jerk 74:23
job 10:23 11:4 15:14 16:10,11 23:3,19 24:1
jobs 16:1 19:1
jogging 191:18
Josh 155:13,24 220:19 249:16
Joshua 220:18
judge 142:11,13,21 143:3 221:2
July 147:25 221:20
jump 46:16 47:2 80:22,23 105:1 151:17 163:1 175:18 204:12
jumped 80:20 81:1,2 183:23
jumping 127:8 173:15
jumps 82:5
junk 240:19
jury 121:25
justice 122:3

K

karate 133:13
keeping 27:10 37:11 135:17 148:18
kennel 81:16,18
kidney 237:15 238:21
kids 15:11
kill 162:11 206:9 222:6 223:19
killed 30:20 174:6 206:13 207:17
killing 128:5

kind
11:17 13:14 14:12,24 15:1 20:8 21:19 39:20 57:11 68:12 71:24 72:23 73:23 77:4,22 81:16 89:12 90:3,6,16 101:18 107:5 109:13 113:10 118:12 120:14 121:10 122:5 124:5 125:15 126:9 127:20 134:23 138:14 149:17 150:23 153:15 155:16 156:12 163:20, 21 164:22 172:8 175:15 177:15, 23,25 182:22 185:16 188:10 190:7 191:2 193:2,8,10 194:3,13 195:8 197:25 198:15 199:4 209:21 210:1 213:8,14 216:9 226:25 229:25 231:1 236:9,12,14 237:19 238:19 242:17 244:14 250:10 251:16 255:19

kinds
162:9

kitchen
80:1 112:2,3 114:21 231:5 236:12 237:4 240:24 241:6

kitten
27:12 191:11

kittens
148:7 199:16 200:1,8,9,12,21 201:3,7,12

Kitty
37:6 38:11 109:12 116:23, 24 145:18 147:16 213:16

knee
74:22

knew
36:22 61:3 74:23 77:20 78:2 117:19,23 119:22 120:18 122:1 125:12 141:23 155:18 156:24 176:25 182:17 191:16 213:13 225:23 230:18,20,22 239:18 240:1 242:14 246:5 255:1,12,14

knock
214:11

knowing
37:13 69:10 120:4

knowingly
144:14

knowledge
254:22

KPG
76:11

KULL
5:10 60:20 66:22 97:17 157:4,10 193:24 205:13 217:6 224:21 234:21 247:9 248:4 249:14 257:10

L

lab
72:17 225:22

lacerations
130:11

lack
251:2

lady
134:18 139:24 178:5,18 183:6 255:8

laid
197:25

Lane
16:18 21:13 56:19 146:21, 22,23

lap
46:16,18,24 81:2 175:18 190:12 193:2,3

large
82:25 198:8

late
12:19 138:14 208:12 250:8

laugh
178:20

laundry
110:18

lawsuit
196:16

lawyer
6:13,16 120:23 226:8

lawyers
7:4

lay
90:4

laying
81:7 82:3 90:6,7 188:3,8

Lazarus
81:12 176:6 188:6

leading
40:25 92:24

leads
228:9

leaning
172:12

learned
36:24 191:2 228:15

leave
113:3,13,25 149:20 171:6 181:10,11 194:25 200:15 201:11 209:3 219:13,16,17 230:9 235:25 236:16,20 241:5

leaves
100:15

Lee
25:20

left
54:25 59:21 80:4 82:25 91:20 110:18 128:22 129:9 172:24 198:15 209:1 212:25 213:9 229:8,23 233:4,5 235:11 236:19

legs
95:7 114:23

Leno
54:5

lesion
83:6

letter
71:2,6,7 72:22

Letter/record
70:12

letting
128:2 226:3

level
50:14

Liberty
11:11,12,14

license
204:7

lid
150:18 151:6,7

lied
146:18,19

life
24:19 27:14 44:15,17 45:10, 16 46:20 48:9 71:12 73:5,9 75:1 81:15 84:2, 3,6,13 88:11,14, 16 89:24 95:25 96:13,15,17,18, 21 126:21 127:5,23 129:16 132:2 168:24 170:7,10 171:20,22 172:22 174:1,5 175:13,16 183:6,8 187:4 188:17 189:9, 13,23 191:11 199:2 201:17,

20,24 224:23 225:7,9,12 248:12 256:17, 22
lift 46:7
light 153:6,14
lighthearted 142:15
limp 82:3 188:4,5
list 63:5 74:21 126:7,11 128:13 171:14,17
listed 56:18 88:7,8 177:16
listen 64:20 73:6 151:24
listening 44:13 48:21,22 87:2 126:9 252:10
listing 116:18
litter 34:20 98:14 115:7,11 174:9 199:23 230:13
litters 199:24
live 20:14 42:18 43:3 134:1 137:24 143:21 145:5,6,24 146:22
lived 24:7 28:15 56:22,24 57:1,3, 5,7 106:1
lives 134:9 184:25 185:3
living 11:2 16:15,21 17:2,6,10 21:4, 13 28:14 96:7 97:20 135:10 143:18 144:24 145:21 146:25 147:16 154:23, 24 175:15
loan 21:20
lobby 121:14
local 156:11,16
located 12:2
location 124:1
logic 60:1 64:12 112:18 113:2
long 10:22 11:4 12:8 13:12 15:19 18:7 19:13 40:7 52:17 53:13,19, 22 79:25 102:15 106:1 130:9,22 147:3,8 149:14 160:1 200:9,10 208:7 218:8 220:11 230:4
long-lasting 59:10
longer 8:16 71:8,14 176:12 229:21 255:20
looked 43:13 45:19,24 48:6 49:2,5,8,17 50:3,6,11,18,21 54:4 64:18 66:14 72:3,14, 15,18 73:15,18 75:3 81:6 86:4,5 96:23 129:3,17 138:16,20,21 139:19 140:7 141:1 161:15 168:24 171:11 173:8 187:12,25 202:19
loop 236:10
loose 201:2 238:18
lose 161:24 187:19, 21
loses 42:22
loss 10:25 11:17,21 12:10,12
lost 76:2 138:12 159:23 161:5,8, 17,18 184:24 187:13 200:8 251:3
lot 44:13 51:1 71:21 86:11 95:9 111:9 112:10 113:22 114:3 172:11 178:10 179:17 182:3 183:7 192:5,6 216:7 219:7 227:23
lots 40:23 90:16 161:22
lover 26:10
low 68:4
lower 56:1,2,3 159:23, 24 161:6,13 171:24 193:14
lows 66:14
loyalty 127:9
lunch 15:10
Lungs 83:25
lured 134:14
lying 152:15
lymphoma 187:20

M

machine 100:13,18 158:20 164:6
mad 122:20
made 49:16,21 89:6 93:19 94:3,9 101:14 108:13 122:6,10 127:15 144:3,6 163:21 183:9 187:2 189:22 194:15 214:22 215:10 217:25 220:15 224:4 249:7 251:13
magnet 190:21
mailbox 209:4
main 6:18
major 55:25
majority 57:9
make 7:8 13:24 14:1 31:22 60:3 64:11 78:24 88:25 109:4 116:5 118:15 123:14 141:15 148:17 162:2 166:18 168:3 186:19,25 201:12 209:25 212:13,19,20 215:19 224:25
makes 239:21
making 56:11 223:11
male 47:21 133:23 142:21 208:21
malignancy 85:12
mama 201:4,5
mama's 201:6

man
142:22
Management
10:1
mandible
65:23
manila
149:9 231:7
232:6,13,14
Marian
133:20 141:7
mark
111:23 158:25
168:19 169:1,3
202:19
marked
54:12,15 60:17,
18 70:11 75:11
90:25 110:10
116:8,10 117:4,
9 141:8 159:2
169:4
married
26:8
Martin
53:8,9 77:20,25
78:5 93:7
176:18,21 184:3
Mary
200:3
mask
218:14
masks
206:6
mass
49:11 82:25
83:6 87:20
92:12 129:19
130:2,3 157:23
158:1 177:20
180:12 198:4,6,
8,10 199:7
203:3
masses
203:16
massive
83:5
mast
199:8
material
169:21
mates
34:21 174:9
218:10
matted
76:17 82:16,20
169:19 192:7
matter
72:19,20 204:23
matting
91:25 92:3
Max
33:21 34:19
Maynard's
133:14
mayor
220:20
Mcdaniels
220:20
Mcdonald's
19:5,7,8 23:6,12
24:1
meaning
170:24
means
66:20,22 73:13
79:15 83:8,17,
20 88:2 98:21
146:19 206:9
223:1 229:15
meant
48:9 73:22,23,
24 74:1 225:8,
11 246:2
medical
13:5,6,15,22
14:8,19,24
71:14,16 125:25
165:16 172:2
medication
8:10 58:14,21,
25 59:3,11,15,
18,22,25 60:6
105:8,25 153:3
medications
7:18 8:13,17,19
167:6
medicine
10:8 83:20
202:21
medium-hair
79:7
meet
55:18
Melanie
185:22
memory
16:3,8 126:16
216:24 240:12
mental
7:23 8:1,3,13,17
9:2
mentally
7:21,24
mention
121:24 156:14,
15 194:14,17
195:2,4 209:20
212:15 239:21,
23 253:11
mentioned
32:6 44:9 89:22
92:8 135:5
137:1,2 182:15
184:17 197:5
220:14 240:12
241:14 248:19
250:4
meowing
203:9
mercy
128:4
met
63:11 71:17
89:5 121:15
middle
5:19 75:16
117:15 125:18
mild
83:1
mile
35:12
milk
201:6
milliliter
58:17 237:24
millimeter
237:24
mind
53:11 172:10
mine
111:21,24
116:15
mini
138:11
minus
42:5
minute
92:16 94:14
132:23 161:14
246:6
minutes
130:10,19
188:25 197:8
220:12 245:1
miracle
186:24
miraculous
43:17,18 75:7
82:4 96:25
226:7 256:15,
20,25 257:4
Miranda
115:24
misery
51:22 173:13,14
missing
36:21 111:24
121:18 145:9
200:17 244:9,12
mistreated
204:10
mistreatment
136:8
mixed
205:15
mobile
100:4
mod
127:11
mom
16:12,14,22
18:4 21:1 22:20,
22 23:11 137:2
156:2,3
mom's
46:7
moment
84:7,8 176:6
momma's
34:25
Monday
119:22 120:2
money
21:24 22:4,5,6,
10,13 23:1
73:16

money's
40:9
Montgomery
12:1
month
25:1 52:19 53:4 73:1 98:18 162:18,19
months
24:23 39:17 44:24 45:1,2,21, 23 46:1,19 50:2, 20,22 51:4,5 52:21,22 54:1 55:7,12 68:25 87:24 92:7,10, 18,24 96:13,23 98:15,20 99:16 103:24 122:7 127:20,22,23 128:21 129:7, 16,20,25 130:1 139:12,15,19 140:8,20 147:16,17 160:4,5,6,18 171:10 174:1,5 176:11 180:17 183:19 189:25 212:11 225:21 226:4,5 252:7, 25
morning
47:2 76:23 79:21 81:6,20 84:18,25 85:9 96:22 119:8,10, 25 130:14 187:24
morphed
248:25
mortar
99:25
mother
75:9 136:10 191:9 246:15,16
mother's
5:17
mothers
148:6
motives
140:22
mouse
112:17,23,24 113:10,12
mouth
58:17 91:17 95:23,25 105:5, 7 159:15 162:4 169:22 170:1 174:19,24 192:20 193:14 203:4,16
move
19:18 205:16
moved
11:10 197:21 200:17
movement
95:9
moving
95:5 105:14 185:9
mucopurulent
83:15
mug
137:8,15 196:22
murmur
83:25
Mutual
11:11,12,15

N

naked
200:14
named
100:1 194:5 199:21 200:3
names
16:2 33:11 34:18 37:3 142:19 156:4 178:16
nap
46:25
nape
237:19
napping
190:5
naris
83:16
narrative
228:4,8
narrowed
163:23
nature
75:9
NC
31:23 57:20 58:3 165:2
nebulizer
13:19
necessarily
55:20 103:19 177:24
neck
191:14 237:20
necro
44:7 126:16 171:15
necrotic
65:24 83:6
175:4
needed
15:8 23:10 30:18 41:10 47:19 58:18 59:19 104:6 109:3 158:20 163:9 164:6,7, 11 201:10 235:17 255:25
needing
180:13
needle
237:21
negative
66:23 108:4 150:16 198:20 239:4,11
neighbor
34:23 37:8 135:8,9 144:15, 19,21,23 145:4 154:14,21 236:6
neighbor's
37:14 146:5,7, 16
neighborhood
35:3
neighbors
37:7 99:9 131:10,17,19 135:3
nest
112:20
network
248:15
neuter
209:15
neutered
123:19 199:19 201:11 209:17
news
46:5 172:11 236:2
newspaper
156:11,17
nice
140:5 182:7
Nicholls
133:20
night
43:15 46:10,15, 20 47:5,13,15 80:5,10 81:1 82:1 119:10 131:8 141:19 175:19 186:14 190:24,25 218:3
nights
98:10 99:2
Noble
172:11
nodded
122:2
nodding
6:22
non-
79:16
non-ambulatory
76:16 91:10,11
noon
119:22 120:1 131:6 208:15 218:9
normal
42:21 58:11 174:15,18 215:16
North
12:5 145:7
note
61:20 66:16 85:12 161:5

notes
76:14 84:3 86:19 157:17 222:23
notice
158:2,3 198:10
noticed
54:2 162:4
Nova
33:12
November
65:3 66:16 67:11 71:10,17 248:8
nudging
122:17
number
54:16 60:11,17, 22 63:8 64:25 70:10,19 90:24 93:11 105:3 106:2 110:9 116:9 124:11 131:18 133:4 140:25 141:9 167:18 204:19 210:14 220:2 234:18 238:22
numbers
220:2
nurses
15:5

O

oath
6:8 7:6
object
217:6 224:8 247:20
objective
45:22
observation
48:13
obtained
125:25
obvious
200:22
occasion
56:15 64:1
occasions
107:21 211:7
Occupational
10:2
occur
248:9 250:18
occurred
71:10
occurring
86:9
October
65:2 75:17,21 166:13,19,20,25 167:12 168:17 169:25 174:2,14 175:11 189:7,25 251:24 252:2,12 253:5 254:24
odd
175:1
offend
31:12 32:8
offended
31:11 32:11
offense
251:19 252:2,16
offer
71:14 96:17 101:20 166:7
offered
96:14 179:8
office
12:3 79:3 117:8 124:16 125:1 197:15 206:12 223:24
officer
37:16 109:21 115:12,15 116:3 118:20 120:5,8, 11 122:18 152:14 156:8 185:6 196:23 207:23 208:4 210:20,21 211:3,5 215:1 217:1,9 226:10 227:21 239:15, 22 251:10 253:10
officer's
115:12 208:18
officers
109:20 115:14, 16 130:19 144:5,11 186:7 213:11 214:12, 17,23 215:9 216:14
offspring
26:24 27:1 53:16
oftentimes
187:18
older
20:1,18,19
oldest
135:22
oncologist
180:14
one's
135:5 136:20 157:1
online
177:12
open
66:5 82:6 119:20 120:3 150:12,14 151:2,3,5 235:25 236:16, 21
opened
119:22 120:1 188:13 236:12
opening
190:16 239:5
operation
219:1
opinion
59:20 73:10,18 132:3 165:10 166:23 189:16, 18 225:2,3,4 255:20
opinions
225:15
opioid
59:10
opportunity
122:25
option
86:23 171:4 222:14
options
168:1,12,15 173:5 222:25 224:11
oral
163:19
orange
116:21
Orbax
51:5 52:14
order
14:13 166:19 234:22
original
13:9 62:13
Originally
11:3
ottoman
46:8 190:18
outdoor
28:1 209:16
oven
113:17
overhear
180:9
overlapped
253:23
overlying
82:25
owe
205:5
owned
17:19 27:13
owner
13:9 23:8 86:20, 23 87:16 124:20 135:8,16 146:13
owners
131:24 132:5 238:12
ownership
35:20
oxygen
13:18,19,24 236:15,18

P

P.a.w.s
38:9 116:11
P.A.W.S.
36:1,4,5,6,14 37:16,25 38:8 39:1 119:13 143:9,10 146:13

p.m.
97:19 157:12 257:12
pacing
86:11 179:17
paid
17:23,25 18:2 22:23 25:3,7 26:4 41:16 89:19 174:4 205:1
pain
42:18 43:3 58:18,21 59:10, 14,19,21,24 60:6,8,15 102:13 105:8,11 167:6 173:17 174:24,25 175:7,10,14,23 176:1,2 181:12 183:13 202:2, 14,21 203:4,6, 17,19,23 225:5
painful
102:9
painless
153:11
pallor
76:16 79:14
Palmetto
146:24
palpation
84:1
pan
146:4
pandemic
31:24 55:18 62:19 63:15 119:20 142:20 176:14 205:21
paper
6:25 146:15 215:25
papers
248:24
paperwork
35:18
paragraph
168:8 169:14 222:22
paralysis
39:21
parent's
46:2
parents
19:18 28:14 138:13
parking
44:12 71:21 86:11 172:11 178:10 179:17 182:2 183:7
Parkway
146:24
part
13:5 21:23 33:6 122:15,17 126:12 184:14, 18 196:15 228:1 229:14 249:20
part-time
15:16 16:10 21:4
partly
187:16
parts
157:18
passed
17:3,7 21:2,7,9, 12,15 82:1,9 139:9
past
64:18 77:10 123:5 171:8 173:10
path
9:20 96:10 176:18 184:3 248:24
patient
12:15 31:7 40:2 67:17,18 76:15 223:1
patients
13:16 14:13 15:6
paw
60:18,23 65:7,8 69:14,16,17 125:21 143:8 166:20,21,25 167:11 182:10, 12 225:24
Paws
228:19,21,23
pay
21:22 25:13,16, 21 141:15 174:13 227:7
payback
180:21
payments
24:14
people
14:23 89:5 97:23 98:1 131:18 137:6 152:2 157:2 180:7 183:23 228:17 230:2,6
people's
14:23
percent
74:3
perform
178:24 179:4 253:16 254:3,15
performed
164:12
performing
196:25
period
12:21 19:2 21:3 27:17,18 98:18
periodically
13:23 20:10,13 200:3
permit
250:24
person
55:18 66:13 89:5 133:15 137:18 138:25 142:18 188:21 203:2 210:5,6 213:10 253:15
person's
253:22 254:4
personalities
154:6
personally
99:16
personnel
255:6
pet
10:8 26:10 28:7 42:17 43:3 52:15 59:9 81:19 131:24 132:5 192:13 256:11
pet's
71:15
Pet-vac
99:23,24 100:2, 3,20,23 101:21 158:18,19 161:12 162:14, 15,16 163:3,6, 15,18 164:3
pets
26:12 27:5,10 39:7 71:15 174:7,10 184:24 196:21 230:1,7 254:4
phone
55:17 68:3 71:21 120:8 133:4 165:23 208:23,24 210:12,14 219:25 220:1 251:9
photo
50:5 201:21 202:25
photograph
92:2 93:9,12 94:7 95:22 111:14 113:16 114:4,19
photographs
91:1,2,12 93:1 95:16 96:20 107:12 109:8 110:11,12,21 139:18 140:1,7, 13,19,23 141:8 150:10 221:6,7, 8,17 234:9
photos
173:19 201:16, 22 206:23 207:3,6 247:23

248:10
phrase
186:13 187:5 197:4
phrased
62:15 77:13 146:17 186:11 214:13
Phyllis
19:12
physical
91:9 92:16 94:25 130:5 159:12 229:1 251:4
pick
35:10 115:6 220:10
picked
141:21 220:6
picky
199:6
picture
91:16 109:3,4 110:15 192:4 212:14 213:17, 20,24 214:9,11, 22 238:23 245:22
pictures
140:21 212:7 238:22 248:1
piece
6:24 215:25 216:1 231:13
pieces
246:18
pile
240:24
piled
241:6
piling
169:20
place
31:16 133:13 243:10,13,16
places
11:5 21:11 191:25
plan
68:12 77:21 86:18 165:7 172:20,25
planned
148:17
planning
77:5,16 178:21
plans
132:10
plastic
111:2
play
150:6 155:21 156:6
played
122:14,17 228:1 230:16
playing
85:9 94:19 151:15
plays
245:24
plenty
230:12
point
30:21 61:13,16 63:20 74:23 84:4 85:23 94:1 96:5 100:7 105:24 121:9 138:13 153:16 155:18 158:15 164:20 169:25 173:3,5 174:23 177:24 180:12, 15,17 198:21 207:13 228:18 236:3 242:22 244:8
pole
237:10,12
police
97:3,14 109:19 115:12,14,16 120:4 122:16 130:7,9,21 144:6,10 155:11,16,17, 20,22 156:5,9 185:12,18 210:21,23 213:11 214:12, 17 215:4 216:14,19,22,25 217:3 218:13 222:5 223:2,25 225:19 227:16 229:7 242:11,21 243:6 244:10 245:19,23 246:4,13,25 247:3 249:23 250:16
policeman
218:2
politely
107:14,18
poor
44:14,16 45:10, 16 48:8 71:12 73:4,8 75:1 84:2,3,6 88:11, 15 127:4 170:6, 10 171:20,21 172:22 189:9 201:23 225:7,8, 12
popular
73:18
porch
110:16 111:2 112:1 200:10
posed
184:12
position
43:7
possibility
150:1,3,5 209:20
possibly
22:14 57:19 74:20 127:16 159:21,24 161:6 253:13
posted
229:5
pot
111:17,22 149:7 232:5
pound
38:24 39:2
pounds
39:3 58:7
power
46:6 95:3 204:3
practice
191:3,6
predator
201:9
prednisone
59:5
prefaced
75:3
prefer
175:16
preferable
229:25
preference
165:3 174:20
pregnancy
33:6
pregnant
200:6
preliminary
142:8,10 220:23
premolar
56:4
preparation
164:22
prescribed
52:12 59:17
prescription
8:18 51:6 52:17 53:10 68:14 93:8
prescriptions
13:17
present
206:23 209:14
pretty
16:1 42:23 43:2, 17 49:5 58:12 69:12 71:25 73:25 75:7 78:11 82:4 84:14 86:2 87:6, 8 91:14 95:14 96:25 97:24 98:16,24 161:21,25 175:17 176:7 178:21 181:21 185:13 188:5,23 193:6 200:14,22 219:8 223:5 226:6 228:3 230:2 256:15
prevention
10:25 11:17,21

12:10,13
prevents
192:21
previous
205:6
prey
201:9
price
127:21 174:4, 12,13
primary
28:20 97:24 98:5
print
182:10,12
printed
54:23
prints
60:19,23 65:7,8 69:16,17 166:20,21,25 167:11 225:24
prior
39:17 42:7 44:24 45:2 50:20 61:11 62:9 68:15 78:6, 17 87:24 92:7, 11,18 98:13 103:24 158:6,16 160:2,6 163:14 176:11,20 182:1 183:1 203:8 207:2,5 250:20
prison
218:16
pro
220:20 241:18
probable
221:3
problem
6:21 54:3 67:18, 19 69:19 86:21 102:22,25 113:15
problems
13:20 178:11
procedure
54:7
procedures
54:6 127:2
process
60:9 207:16
profession
32:7
professional
7:23
professionally
107:20
program
209:15
promising
77:9
prompt
90:3
prompted
72:25 226:25
pronunciation
160:15
property
17:17,19 26:6
proposal
172:5
protection
200:19,23
proven
122:5
provide
13:15 14:23 15:3 71:8 77:22
provided
225:22
publicity
142:1
pull
31:17 32:1 173:19 179:14 194:13,16,24 195:5 237:19
pulled
186:22 194:11 223:13
pulling
100:15
punish
174:11 185:4
punitive
227:10
purpose
71:6 253:12
purulent
169:19,21
push
242:22
put
47:19 53:5,19 55:8,10 57:6 64:21 68:20 69:22 73:17,20 74:2,17 77:11 79:22 93:21,22 94:3 95:7 96:8 98:20 99:17 104:6 105:23 110:1,5 117:3 127:18 128:2,21 129:8 139:12, 15,20 140:8,20 164:19,24 169:21 170:1 173:12,25 174:18,24 175:11,22,25 178:13 179:20 180:3,16 181:22 182:6 186:23 188:10,19 189:3 191:18,21 193:13 196:19 197:6,25 202:17,18 206:8 207:24 208:3 209:24 216:14, 16 219:12 226:3 227:6 228:16 233:6,25 237:20 238:18 248:8
putrid-smelling
83:1,11
puts
149:6 162:7
putting
51:22 171:2 174:3 187:9

Q

qualified
189:12,15
qualify
192:24
quality
44:15,17 45:10, 16 48:8 71:12 73:4,8 75:1 84:2,3,6,13 88:11,14,16 95:25 96:15,16, 18,21 114:19 126:21 127:5 132:2 168:24 170:6,10 171:20,22 172:22 183:6,8 187:3 188:17 189:9,13,23 201:17,20,23 225:7,9,12 248:12 256:17, 22
quarters
39:21
question
7:8,10,11,13,15 63:19,22 93:13 98:15 102:8 129:1 140:6 179:10 184:12 194:15 195:9 203:12 229:6 236:19 252:11, 20,21 254:12 256:13 257:2
questioned
48:7 155:10
questioning
183:5
questions
9:4 157:4,6,15 201:15 204:13 226:8 247:11 249:20 257:8,9, 11
quick
72:1 153:13
quickly
122:24
quit
40:10
quote
256:14
quoted
240:5

R

R-O-M-I-G
88:22

radiates
232:4
rads
87:19
rag
82:4
rain
70:17
raise
46:6
Raleigh
12:3,7 20:5
Ramos
71:3
ran
68:4
rang
126:20
rattle
74:20
rattled
44:6 172:7,13
Ray
165:20,21
194:19
RE-EXAMINATION
224:21 247:10
reaction
74:23 182:10
read
86:25 87:4
167:19,24
169:22 216:2
240:8 252:3
readily
226:3
reading
87:2 169:18
170:5,14
reads
252:7
ready
109:10 127:19
real
18:7 72:1 83:13
119:12 138:18
237:16 239:14
241:7
realistic
42:19 43:4
realize
89:14 97:16
161:22 236:3
realizes
240:15
reason
7:2 9:3 61:6,14
72:2 76:4 83:22
84:22 91:14
99:11 109:21
117:2,16 118:3
122:23 127:8
154:5 211:20
214:14 229:12
240:23 241:7
251:23
reasonable
201:22 202:1,4,
9,13 203:1,21,
25 229:24 230:9
257:3
reasons
139:10 254:16,
18
recall
156:10
receive
160:24 228:23
249:7
received
21:25 24:13
158:12
recent
8:22 34:10
41:20 135:7
recently
27:1 39:10
135:10 197:10
212:9 215:7
237:15
receptionist
78:10,14 185:21
222:19
receptive
168:23
recognition
128:23
recommend
73:19 163:15
171:13 177:2
181:1 198:19
recommendation
126:6
recommendations
127:15 174:2
recommended
59:3 165:9
166:1 167:3,13,
14 168:6,12
170:25 183:3
198:17
recommends
168:4
record
5:11 7:5 54:13,
16,19,22 60:19
63:23 69:23
75:12 97:19
126:14 152:9
157:12 159:6
167:16 168:3
169:5
records
51:10 71:16
72:16 87:16
99:14 117:8,9
124:16,25
159:3,4 165:16
168:20 187:12
205:9 247:13
255:18 256:3
recover
42:19 43:4
recuperating
112:25
recycling
111:1 114:10
red
215:2
refer
57:15 256:11
reference
30:14 56:12
referral
165:4 194:9
referred
158:22 163:13
181:20 183:5
215:3
referring
57:22 156:25
163:14
refill
52:23 53:1,11
67:17 69:1,2
reflection
126:23
refused
30:6,20 174:13
184:11 254:25
refusing
174:1 252:15
253:7
regard
31:4 162:1
Regenerative
75:19
register
35:14
regret
144:1 248:17
regular
43:14 60:16
96:2 100:16
186:13 217:18
Reidville
100:6,7
reiterated
86:24
related
9:10 31:6 33:3
54:19
relating
25:14 107:7
126:1 138:8
relationship
158:23
relayed
165:22,23
release
116:12 209:15
227:11,15
229:16
released
112:25 141:17,
18 219:22 220:5
relocate
146:3
rely
187:8
remember
12:24 15:22
16:2 19:3 23:20
24:8,12 25:8
27:9 36:2,12

37:3 40:8 44:7, 10 56:12 58:24 59:14 65:9,20 66:3,4 69:8 70:7 72:6,8 77:16 80:12 81:17 87:7 90:2 92:21 93:7 101:4,5 107:3,6,13 108:21 109:16 115:21,25 123:1 125:4 126:19 131:7 133:1,18 134:8,14 135:1 140:4 142:10 143:2 144:5 146:17 147:9, 11,15 149:2 156:7,21 161:7, 9,11 163:19 164:3 165:12 170:18,19 178:1,3,10,16, 18 182:10 194:8,9,10 199:20 205:7 206:7 208:18 210:18,22 211:12,14,23 212:17 213:18 214:13 215:1 218:12 220:23 221:1,4 231:10 235:15 251:15

remembering
16:4

remnant
151:8

remnants
56:2

removal
54:7 126:16 164:7 171:16

remove
54:8,9 61:17 85:24,25 101:15,16 158:15,16 161:3 164:25 198:25

removed
41:21 102:24 103:7 161:18 193:17 197:10, 20 198:4 199:3 217:21

removing
44:8 101:19 116:1 162:24 163:1,16

renamed
33:15

reopen
250:5

repair/replace
14:4

repeat
157:17 203:12 252:21

rephrase
7:10,11

replaced
156:7,9

report
30:22 90:19 97:3,14 122:16 170:5 179:24 183:19 185:13 186:2,5 187:7,9 205:12 222:9 223:10,12 228:2,3,8 239:20 240:8,11 242:6 243:1 244:5,6,10,16, 17 247:3 250:3 252:14 253:20 256:6

reported
119:24 196:20 224:1 240:3 252:19 253:6

reporter
7:2

reporting
251:6,7 253:15, 25 254:13

reports
37:19,22 185:19

represent
14:22 25:13,19 204:23

reputation
155:6,10

request
165:4 242:9 244:24 247:6 249:8 250:12,13 253:21

requesting
253:16 254:2,3, 14

requires
6:19

rescue
28:6

researched
139:7

residence
28:3 38:20

residences
97:24

resigned
215:7

resisted
179:21

resistence
242:24

respiratory
13:19 109:5 116:6 212:8,12, 14

responded
224:14

response
25:5 30:23 35:21 53:25 59:13 66:23 108:4 150:16 180:15 198:20 239:4,11 248:3

rest
47:14

result
121:20 130:12 155:6 184:23,24 225:23

results
64:20 198:3

retained
204:22

retired
20:7,17 24:6 111:3 138:2 230:2

return
62:11

reunion
138:11

review
157:18 167:11

Richey
214:24 217:9

Richie
156:8

rid
152:4 177:20,21 241:8

rights
115:23,24

ring
165:19

road
100:6,7 101:10 123:11

roam
215:18

Robert
5:13 55:4

rodents
112:19

role
210:18

rolled
93:24 94:6 207:12

Romig
87:18 88:17,23 89:1 180:23

room
50:6 86:8 93:24 105:23 175:19 178:12 207:10

room's
110:18

Ross
214:24

Rotech
13:5,8

rotting
203:15

round
159:16 163:8

routine
15:11 45:20

Rover
39:23 40:5,16, 19,25

rude

15:24
ruled
41:5
rules
6:6,19
run
109:10,18
175:18 181:24
200:15 213:19
236:8
running
13:25 14:1 46:9
127:6 173:16
190:12,21
191:18
ruptured
61:25 62:3
65:11 159:21
Rusty
37:17,20,21
38:2
Ruth
35:2,3 144:25

S

S-T-R-O-D-E-R
5:15 125:19
sad
95:18
saddle
39:19
Safety
10:2
sail
216:13
salmon
80:11
sanctions
209:22
satellite
12:3
Saturday
119:8,19 120:5
229:3
savings
21:22 24:7,20
25:17
scale
60:10
scales
197:25
scared
121:21
scaredy
121:22
scars
191:10 233:11
scenario
256:20
schedule
23:9
scheduled
164:15
school
9:19 137:21
138:4 161:4
schooling
9:23 10:5
science
132:11
scoop
38:12 116:21
123:10,16,17
scraps
150:15
scratched
121:19
scratching
46:11 190:12,
15,23
screamed
236:4
Scruffy
53:16 199:14
scurried
109:14
search
247:17
searched
218:20
second-guessed
251:18
secondhand
245:16 250:17
secretary
37:18
section
86:18 159:14
169:7
security
24:19,22
sedate
105:25
seek
165:9
seemingly
175:16
sees
203:21,25
seething
122:20
seize
229:13
seized
36:18 37:13
143:24 144:14
selected
177:13
sell
189:22
send
31:21
senior
42:6
sense
7:9 77:15
sensed
122:22
sensitive
102:9
separate
123:22 253:24
separated
201:13
separately
254:2
sequence
182:14 236:9
service
12:16 13:11
87:17,23
serviced
12:4
services
13:15 15:4
71:14 87:15
severe
61:20 65:11
76:16 79:14
91:25 92:2
254:20
severely
76:15,17 79:11
82:16 128:24
shadows
75:6 176:4
shame
138:19
share
25:4
she'd
65:14 200:10
sheet
79:22 81:10
188:11
shelter
26:20,21 33:14
35:17,25 36:3
37:19 38:9
48:10,11 61:5
117:17 118:25
119:17,23
120:1,13 121:6,
8 122:19 123:7,
23 124:8 148:13
226:13,16
227:17,21 228:1
229:9
shelters
119:20 121:10
sheriff's
90:19 179:23
222:9
shoes
233:17
shoo
231:2
shopped
100:19
shopping
133:12
shortly
100:20 106:23
shorts
191:19
Shortstop
194:5,8
Shortstop's
194:21
shot
97:9 137:8,15
162:13 173:11
176:9 196:22
shoulder
123:13

show
54:15 60:17 62:23 90:24 94:15 114:20 140:12 141:7 142:8,14,16,24 190:17
showed
99:14 140:24 142:9 150:9 164:1 187:12
showing
96:20 116:8 150:10
shown
91:2 139:18 140:7
shows
50:5 92:2 113:16,19 177:12
shut
248:15
siblings
19:25 21:18 22:7
sick
16:25 17:1 18:4,7 75:5 144:7 194:9 212:1,20,21 217:1,2,12
side
5:17 46:13 56:1 65:16 110:16 112:1 128:22 129:9 142:24 155:12 159:22 169:20 175:4 200:10 203:2,15 213:6,21 233:4 239:5,10 243:24,25
sidestep
190:15,19
sidesteps
190:18
sidewalk
217:14
sifting
241:3
sign
90:14,17 117:24 125:16 182:23 227:11 229:16,17
signature
116:13
signed
71:2 117:21 118:5 125:11 143:5 146:15 227:15
signing
183:1
similar
195:16,25 196:3 234:17 235:6
simply
189:18
sinfully
32:17
Singleton
37:9 145:3,4 146:22
sink
112:3
sir
6:5 7:19,22,25 8:2 9:6,9 10:6 14:21 15:15,23 16:7 21:21 24:3,15 26:7,9 27:6 29:24 30:5 31:2 32:14,23 33:10 34:16 35:7,23 38:3,7 39:4,6 55:5,11,14 57:25 58:16 61:1 63:9 65:5 66:1 67:5,13 69:6 71:1,19 74:6 76:19 90:13,17 91:24 92:1 104:24 110:7 113:18,24 115:18 123:2 124:2,10 130:13,16 133:10 134:10 141:20 142:8 143:1,4 147:23 148:2 150:16 152:6,22 153:5 155:2,23 196:8,12 205:24 221:24 257:10
sister
19:20 25:3 53:17 152:10,20 156:2 210:14 240:3,13,14
sister's
19:21
sit
46:24 130:7 170:4
sitting
14:13 18:14
situation
220:4 241:20
sixth
38:15
Sixty-seven
6:2,3
size
58:12 130:3
sized
161:21
skill
126:23 177:15
skin
82:24 83:10 169:20 195:12 238:18
skull
85:13
sky
9:10,11 30:14 31:2,4,5,6,7,15,16 32:4 33:3,5 38:15 43:22 45:4,6,9 47:13,19,23 49:1,16 50:16,18,19 51:22 53:4,13,22 54:3,6,20 56:15,22 57:3,15 58:21 59:1,18,21 61:7,10,12,15 62:21 65:7 67:11,21 68:9,23 69:2,3,4,10 71:10 72:3,5,14,15 73:8,17,20 74:2,18 75:1,6 76:2,18 77:11,13 78:12 79:4 86:23 87:10 89:23 90:12,15,18,21 91:3 93:12 94:17,20,21 95:18 96:7,14,21 98:17 99:17 100:8,20,21 104:6,19 106:1,4,23 108:17 110:4 122:13 126:1 127:7 132:8 139:12,15,16,19 140:7,19,23 144:7 150:22 158:12 160:1,24 161:5 165:14 166:2,8,19,25 167:1 169:25 170:10 171:2 173:1,14,24,25 174:6,13 176:6 177:5 178:7,25 179:4,15 181:5,11,12 182:7,23 183:4,12,18,20,25 186:11,12,17 187:3,12,25 188:16 189:3,7,9 190:2 191:1 192:2,15 193:3,20 195:10,21 197:5,6 199:10 206:2 207:23,24 208:2 209:23 211:22 212:16 224:10,22 225:4 238:22 239:13,16,24 247:23 248:10 251:3,5 252:8,15 255:9 256:15
Sky's
43:11 48:1 50:11 58:4 86:21,25 92:14,16 95:23 96:13 102:15 105:5 128:22 157:19 160:10 162:4 171:7 189:23 211:25 212:17 250:24 256:7
sleep
47:1

sleeping
80:16
sleeps
47:14
slept
47:13 84:20
slightly
92:19 132:9
159:5 214:4
235:8
slowly
241:3
small
138:11 169:11
smart
28:7 176:9
smell
115:5,6,9,10
149:17 195:10,
12,16,21,23
196:2
smelled
115:8 149:12
195:13 196:2
smelling
231:4
smells
195:19
Smith
28:22,23 29:3,7,
19
Smith's
42:2 104:22,23,
24 198:24 238:6
smoke
236:17
snack
47:3
snapshot
72:20
Snipes
5:13,22 20:3
55:4 157:14
204:22 224:22
snuff
156:22
social
24:19,21 46:3
75:7 84:23,24
85:2,7
socialize
176:5
Society
123:18,22 124:3
socks
233:18,19
sofa
46:17,22,23
81:2
soft
77:19 85:23
177:14 179:1
somebody's
134:15 236:6
245:2
something's
155:19 242:15
son
135:14,22
154:21
sort
13:11 192:23
sought
125:20
sound
7:15 27:22
sounded
198:25 250:10
sounds
27:23 100:25
249:7
source
22:4
sources
24:17
South
56:19 125:21
175:22
space
134:15
Spartanburg
11:6,7,10,25
17:10,12,13
19:9 26:1,22
28:25 30:3,16
35:3 38:21,24
39:2 44:4,25
45:7 48:11,18,
20 49:24 56:24
57:4 61:5 68:16
75:12,13 87:21
96:6 98:4,10,12
99:3,23 101:7
104:2 105:21
106:12,13,15
110:4 135:8
154:15 156:15
159:16 165:12,
16 166:24
176:10,16,24
177:1,9 178:1,
23 179:14,23
184:7 185:10,25
186:6 187:1,24
188:18 190:1
194:18 196:5,
10,14 205:17
207:18 208:4
209:6 221:13
222:1,8,21
223:16 230:11
239:12,19,23
250:22 251:10,
13 253:11
254:23 255:4,23
256:4
Spartanburg's
98:5
spayed
200:5 201:10
209:17
speak
42:24 174:25
201:20 203:8
208:23 241:17,
20 245:11
speaking
157:19 178:1
Special
55:23
specialist
31:17 57:15,24
58:2 66:25
126:2,3,4
163:13,14 165:6
167:14
Specialists
88:24 166:9
167:4 172:24
179:5 180:25
specializes
77:18
specialty
55:20 177:16
specific
254:10
Speck's
111:13
Speckle
37:6 38:11
42:14
Speckles
197:10
speculate
155:4
speculating
157:24
speculation
154:1
spell
125:18 172:16
spelling
133:25
spelt
160:16
spend
46:2 51:1 190:2
spent
49:6 119:9
split
97:24
splitting
17:11 21:6,9
spoke
120:7 135:24
178:10 180:11
196:24 205:25
206:4,5 241:16
249:16 251:9
253:10
spoken
66:13 78:5
131:18 132:18
196:5,10
spread
234:1
Spring
17:15
Springhill
17:14,16
square
133:11
Squeaky
238:7
squirm
213:23
stabilization
87:18

stack
232:22,23
staff
15:6 55:15
224:16
stand
31:3 95:13
stand-alone
133:12
standing
172:10 215:21
216:11 255:8
stands
36:5 87:14
Star
18:16,17
stared
236:4
start
10:19,21 24:21
27:10 53:19,22
148:20
started
12:18 18:9 21:1,
4 24:18 149:11,
12,15 157:7,19
160:19 202:22
231:4 234:4
235:16
starting
128:21 213:23
starved
122:11
starving
122:12
state
5:11 31:23
57:20 58:3
165:3 175:21
statement
187:1 188:15,20
215:10 224:2,4,
6,9
statements
144:2
station
79:25 120:4
stay
19:19 176:4
255:7
stayed
98:7
staying
99:2 190:11
steak
218:3
stellar
62:15,21 63:3,
16 64:3,12
160:11
step
46:13
step-up
80:21
stepping
80:21
stick
170:3 237:20
stitches
197:20
stomatitis
193:16,22
194:3,14,17,20
195:2,4
stomp
233:20 234:2
stomping
233:24
stones
80:21
stool
201:2
stop
11:14 190:22
stopped
16:13 165:1
199:4
store
110:23 133:13
243:18,19,21
stores
110:25
story
134:7,8,13
136:10 139:3
191:9
stove
111:14 112:8
113:14,19,22
114:1 148:22,
23,24 149:1,5,
14,22,25 150:4,
6,12 151:15,16
154:8,9 230:16,
19,25 231:9,13,
14,17,21,23,24
232:9,12,19,23
234:13,16
straight
50:12 250:7
stray
26:19 27:12
33:8,9 199:10
200:2
strays
26:25 34:25
street
29:1 35:6,8
100:5 101:8
132:22 146:20
244:2
strength
55:21
strengths
101:24
Stretch
39:10,22
strip
133:12
Stroder
5:13,14,15,19
125:19
strong
73:25 195:22
stronger
149:18
stuff
41:5 88:10
110:23 111:1,2
113:11 114:7
137:14 138:19
143:1 145:20
149:2 150:23
151:17 152:3
156:12 172:14
185:19 191:5
232:22,23
234:3,6,7,12,13,
16 241:5,8
sub-q
237:16,17,18
238:15
subject
204:1
subjective
78:22 84:17
submerged
191:23
submit
247:5
substance
6:14
success
32:16
successful
134:22 233:9
sucked
236:14
sue
184:13
suffer
130:5 183:20
225:21 251:2
252:8
suffering
8:1 84:17 86:3
105:7,11 152:23
160:2 202:14
225:16 226:5
247:24 252:25
sufficient
21:22
suggest
77:11 256:22
suggested
126:2 156:24
242:6 244:23
suing
184:7
suit
184:15
supplemental
13:18
supposed
6:6 127:12
150:22 199:15
215:20 230:7
supposedly
165:3 180:11
surely
241:3
surgery
41:18 42:4 61:8,
9,16 62:17
64:11 65:14
67:1 77:19
85:24 102:21
164:12,23 167:4

177:14 178:25 179:1,4 197:12, 16,17 198:8,17
surprise 193:20 220:13
surprised 30:17 182:8,11 218:11
surprisingly 131:15
Surrender 116:11
surrendered 124:21
surrendering 117:16
suspect 32:10 72:15 92:12 107:3 115:7 125:3 153:12
swear 11:20 22:3 23:24 68:10,14 92:12 176:23 192:16
swelling 65:23 100:9 162:4 169:22 170:2 174:19,23
swollen 54:4 158:4,7 163:22 169:20
synonymously 238:17
system 122:2,3 228:16

T

T-SHIRT 217:19
T-SHIRTS 217:22
table 213:22
tag 209:2
tail 211:25 226:24 228:5 250:13
takes 179:15
taking 16:23,24 18:9 21:8 22:20 45:24 59:5 65:7 72:5 92:23 98:11 135:18 136:12,13 140:19,21 162:19 166:25 171:24 180:20 207:3,6 212:14 227:25
talk 5:21 6:12,13,16 9:18 10:10 116:1 120:10 131:20 145:17 155:22 164:7 182:18 241:14, 23 242:20 243:22 245:15, 18,19
talkative 202:23
talked 37:24 57:17,19 71:22 79:16 91:25 131:16 132:13,16 133:16,17 134:11 136:1 144:4,13 154:20 156:12,13 197:9 220:3 226:16 239:20 242:9,25 243:7
talking 15:2 20:23 43:23 46:21 50:15 67:2 76:11 85:16 127:4 132:12 142:17 162:23 166:13 182:3 212:2 234:18,24 249:23 250:2 254:10 255:22
talks 57:23 58:14
tapping 109:20
tax 97:23 98:1
tea 111:17
teacher 138:4
teamed 182:22
teapot 111:19,22
tech 33:15 66:19 178:4 179:15 199:18 251:17
technician 12:16
teeth 91:17,18 100:15 158:17 159:23 161:5,7,18,23 163:16 193:14, 17 194:11,12, 14,16,24 195:5
telephone 44:13 126:15 248:14
telling 45:9 77:16 146:14 172:10 182:4
tells 203:24 227:20 236:13
tem 220:20 241:18
temperature 218:17
ten 33:25 60:10 106:17 159:10 197:18 199:3 218:23 237:23
ten-year-old 174:8
tendency 105:1
Tennessee 13:9
terrible 45:17 49:6 75:3 86:6 132:25 173:12 178:21 219:8
test 40:18
testimony 78:24
testing 48:13
tests 13:25 40:8
tethered 134:25
texts 121:3
thanked 70:2
that'd 47:20 55:9 102:2,3
theory 154:9
There'd 99:23
thing 6:23 54:2 77:22 103:2,20 108:10 122:13 126:19 144:17 165:25 166:1,6 185:8 188:22 248:2 249:4
things 8:11 14:3,16 16:4 28:8,9 74:21 88:7,8 101:22 125:10 126:8,14 127:12,17 128:14 168:24 171:15 175:15 184:4 204:7 228:16 235:16 240:21,23,24
think's 46:7
thinking 12:20 13:10 33:21 74:17,22 92:15 138:16 139:21,23 152:2 154:14 163:24 172:17 180:12 181:14 188:22 194:13 201:5

208:12 252:22
Thirty
130:10
thorn
135:20
thought
30:17 39:25 43:11 47:16 53:18 59:24 60:5 64:18,21 72:4 73:23 74:1 81:24,25 82:8,9 84:4,8,22 85:20 90:1 92:22 93:14 94:2 96:9 104:20 124:14 142:16 145:11 154:13 162:11 177:15,16,22,23 178:14 181:6, 13,17 183:9 187:17 198:13 199:1 200:4,7 201:9 207:11 225:4,12 240:18 242:14 248:13, 20
thousand
25:22,23,24
thrift
110:23,24
throat
198:7
thrombus
39:19
throw
241:4
throwing
240:21
thrown
121:21
tidbit
182:20
tied
212:17 226:1 254:7
Tiffany
71:3
tight
235:3
till
51:15
Tim
55:16
time
8:6,12,18 10:11 11:20 12:21 17:11 21:3,7 23:4,5,7,9,21 29:3 37:4 38:16 40:10,13 42:9 46:5 47:8 50:10 51:1 57:5,6,9 61:6 62:4 63:6 65:6,10 81:20 88:9 90:4 97:20 109:2,8 113:22 121:10 130:17 138:20 146:2 147:2,3 155:17 157:23 161:25 167:6 176:14 190:1 191:15 193:13 199:21 208:14 211:15, 19 212:2 213:13 214:8,20 219:18 221:12 229:3 230:10 231:3 236:3,5,19 241:8 242:25 245:4,20 247:24 248:13 250:7
timeframe
180:4 245:4
timeline
162:2 166:18 176:17
times
29:6,9 129:5 135:12
Tiny
37:6 38:11 116:21
tire
243:18,19,21
tissue
44:8 65:24 77:19 85:23 126:17 171:16 175:4 177:14 179:1 195:12
title
185:21
today
7:2,18 8:25 24:4 104:21 144:4 187:23 206:25
today's
76:15
told
25:25 26:1 30:17,23 33:1 36:10 37:16,17 44:15,22 45:15 47:16,17,18 48:2 49:13 63:1, 3,20 64:2 66:15 68:2 69:21 70:3, 7,22 74:25 78:13 89:10 90:17 92:23 97:8 99:19 101:18 104:6 108:19 118:6 120:9 126:14 127:19 129:19 136:9,11 150:2 163:6,9 164:11 168:2 170:8,9, 14 172:19 173:25 176:7 177:4 180:22 182:13 189:2,21 196:9 201:25 202:11 207:23 209:17 222:4,8, 24 223:21 224:16 225:11 226:23 227:13, 19 230:22 237:25 239:15 245:12 246:22, 23 247:6
Tommy
137:19,20 141:8,21
tongue
95:6 169:21 170:1 174:18,24 192:21
tongue's
101:16
tons
234:11
tool
227:21
tools
48:12,21
tooth
31:18 32:1 49:9 54:8 56:3,4,8, 10,11,13 61:18, 24 62:6 91:20 102:8,10,12,15, 24 103:5,7,23 157:22 158:2,13 161:14,21 163:23 164:25 177:21 223:13
Tootsie
33:15 116:22 199:22
top
60:22 66:18 91:17 112:8 113:19,22 114:1 148:23,24 149:1,5,7 151:4 169:9,10 230:25 231:20,21 232:19 233:23
tops
112:6
tore
190:13
torn
191:17
total
47:8 205:3
totally
38:3
touch
180:5 191:21 255:7
town
101:6 123:20 133:11 220:15, 18,21 242:19 243:2 245:15
tracks
82:24
tract
83:11
trainer
19:6
training
10:7 19:15,16 23:12,15,17

transfer
87:18
transferred
11:5,13
transfusion
75:20 85:22
89:23,25 90:10
177:20
translation
223:8
trap
121:21 209:14
trash
114:4,8
travel
230:6
traveling
98:16
treat
30:21 31:18
57:11 67:20
74:5,7,11,12
87:11 107:14,
17,20 170:16,
17,20,24
184:11,15
196:17 222:15
treated
8:3 45:11 61:10
224:10 233:14
treating
31:5 70:5 201:4
treatment
8:8 31:21 40:20
44:14 125:20
132:10 136:8
158:12 160:24
167:1 170:25
171:12,19,24
172:4,25 176:21
177:11 179:8
204:2 224:15
treatments
13:19
treats
193:21
trial
7:5
trick
93:13
trip
107:19
trouble
112:19 113:4,7,
10 182:5 210:2
230:14
true
39:14 125:13
152:10 175:12
186:19 221:1
222:7 240:9
trust
79:10 195:1
truth
28:10 122:9,10
truthful
224:18
tub
191:16
tumor
41:21 197:10
199:9
turn
47:14 154:7
159:8 189:5
192:4 235:14
246:20
turned
24:9,16,18
53:17 142:17
148:21 149:22,
25 157:23
199:7,21
turning
150:4
turns
161:2
TV
46:25
Twenty
8:7,14 10:18
27:18,21
twirl
46:18
two-
98:17
two-step
207:15
two-week
196:4
type
6:22 61:9
169:11
types
16:4
typical
112:5

U

U-TURN
123:14
Uh-huh
25:5 30:23
35:21 53:25
59:13 248:3
ultrasounds
158:24
unable
169:21 170:1
174:18 202:5,10
unacceptable
71:13 170:11
unaware
145:9
undergo
181:12
underlying
86:25
underneath
91:19 217:23
understand
88:12 125:7
126:25 215:5
227:8 229:14
242:21
understanding
142:23 157:21
165:5 184:7,9
220:15 242:22
understood
7:14 71:11
218:7 242:17
unemployed
12:22
uniform
211:16,17
unit
161:10 237:22
unkept
65:17,21
unnecessary
175:14,23,25
181:12 202:2
unplanned
33:6
unreasonable
256:19,24
unrecognizable
129:9
unsuccessful
31:18
unsupervised
230:11
unsure
7:9
untrue
186:8 187:1
188:20
unusual
112:7 137:2
175:1
update
145:19
upper
54:25 109:5
116:6 212:8,11,
13
upset
32:2 47:24 49:1
72:11,12,13
170:15
Upstate
31:16,20,22
32:13,19,22
39:12 40:14
44:5,19,22
47:17 51:7,10,
16,17,24 52:1,4,
6,8,12,16 57:17
62:10 87:14,22,
25 88:24 101:15
102:6 126:4
128:11,13
158:23 161:3
165:4,6,9 166:4,
8,17,22 167:4
171:5,12 172:24
179:4,13 180:6,
11,23 181:14,18
221:25 252:5
255:16
urine
115:5,8,9
usual
46:1
UVS
87:13 164:11

167:13 168:4,13 172:3

V

vaguely 90:2 134:14 211:23
Van 190:17
vast 57:9
verbal 6:21
verbally 177:3 215:24
verify 54:16 207:25
versus 85:15 146:13 254:6
vet 28:20 29:10 32:10,22 33:1, 15 38:6 40:7,10, 25 41:10 43:6, 16 44:19 45:8 47:18 48:10,20 52:2,5 53:7 54:10 59:3 62:16,17,19,23 63:3,12,18,20 64:2,14 66:25 69:14 70:23 71:7,17 73:7,19 76:24 77:11 81:3,21 83:23 85:24 88:17 89:3 90:11 96:5, 14 97:11,12 99:14 104:2,9, 18,21 105:21 110:4 117:10 127:12 144:9 158:15,19 159:15 160:10, 22 161:19 163:9,15 164:24 165:8 176:13,17 178:4,13 189:12,15 194:18 197:23 198:11,16 199:17 201:4 212:9 237:25 247:13 251:17 255:20 256:4,5
vet's 197:15
veterinarian 38:5 160:12 166:4,8 204:6 227:22 228:21, 22
veterinarian's 117:8 125:1
veterinarians 124:16
veterinary 10:8 30:6 31:16 71:8 83:19 87:14 88:24 167:4 169:5 172:24 179:5 180:25
vets 28:22 32:18 43:20,22 49:14, 17 63:2 64:17 72:18 96:8 101:23 105:1 126:1 127:9,15 132:1,6,8 139:16 156:15, 20 171:7 173:10,22 174:2 176:10 181:24 183:2 195:1 210:2 225:2 248:7 251:17
vets' 225:15
vicinity 112:13
victim 142:12
video 94:15,17,19,24 95:5,10,15 105:13 188:24
videos 206:24 207:3,6 247:23 248:9
view 254:11
visible 256:16
visit 63:10,11 121:11 158:10 160:3,6 190:1 196:6 212:15 213:10 228:4 254:24
visits 158:9
vocal 202:18
voluntarily 117:24 212:22
volunteer 13:5,6,8,11 14:8

W

wait 132:23 179:17 190:23 220:6 246:6
waited 216:18
waiting 86:11 220:5 245:17
wake 47:2
walk 79:17,19 95:10 121:11
walked 135:23 178:8 212:6
walking 95:12 216:25
wall 180:7
wanders 214:4
wanted 15:12 64:10 67:3 107:5 109:2 139:3 182:6,7,10,12 206:14,15 212:19 219:13, 18 252:24
wanting 107:1 212:12 213:6 218:12 242:20 245:19
warm 79:23 81:8,10 82:10 188:9,12
warrant 115:22 216:3 227:25 242:13 245:9 253:1
washer 110:17
watch 46:5
watched 14:24 95:16
watching 46:25
water 98:14 191:21, 22,23 230:13
waterless 191:5
waves 192:14
ways 153:23
weak 82:12,13
weaned 200:11
wear 211:10 217:25 218:15,16
wearing 202:22 206:6 211:16
web 217:25
website 36:21 55:19 77:17 118:19 119:11,13,15 121:18 143:14 229:4
websites 124:7
wee 47:1
week 21:6 64:6,8 67:1 76:16 158:9 162:13 164:14, 23 185:6

weekly
249:1
weeks
29:5 41:6,25 72:23 73:1 162:17,19 197:13
weight
42:21,22 58:4,8, 11 75:21,23 76:3,6 157:25 173:7 187:13, 19,22
welcomed
212:24
welfare
197:2 253:12
well-being
108:17
well-lit
50:5
wellness
196:25 197:3 211:21 212:19 253:12,16,21 254:4,15,17
Wendy's
111:12
what'd
20:20 47:23 49:4 72:7 74:4 100:10 134:5
whatever's
14:4 15:8
whatnot
110:20
wheel
13:20
When's
138:20
where'd
53:15 77:6 130:24 140:13
whereabouts
36:24
whichever
213:17,18
white
76:25 77:10 85:21 177:18 200:13,20,21
Who'd
37:15 69:5,7
who've
33:1
William
5:19
wind
118:11 155:14 216:12
window
45:3 221:15
wintertime
188:12
withhold
41:10
wobbling
200:24
woke
81:6
wold
30:9
word
17:16 79:7 107:6 142:12 197:4 211:21
words
72:6 83:14 136:7
work
11:19 13:2,12, 14 14:3,8 18:8 20:8 31:13 40:23 62:12,14, 18,21,22,25 63:16,21 64:3,9, 10,13,16,19 66:10,12 67:3 68:13 72:18 76:25 77:4,6,9, 21,23,24 81:5, 24 87:19 89:12 111:6 160:11 164:1,3,14 194:6,20,21,22 215:6 225:22 255:4
worked
11:20 12:14 13:3 14:6,10 18:19 19:5 20:21,22 23:4,6, 22 24:10 51:13 61:5 134:18 210:23 211:1 229:25 237:13
working
10:21 11:14,21 12:19 15:16,19 22:19,20 108:6 114:10,15 215:7 230:6
workout
46:14
works
69:24 132:25 133:1 153:10 236:18 237:16
worse
49:17 50:1 86:6 92:10 96:23 129:17,24,25 130:1 168:25 219:4
worst
219:6 221:14
wounds
66:5
write
126:12
writing
124:14,15,22 228:16
written
6:24 7:5 80:12 138:10
wrong
8:22 23:23 40:5, 11 132:1 144:17 169:2 183:7,11, 12 189:6,22 196:15 225:1 228:20 244:8 245:22 257:1,4
wrote
66:8 138:14 156:10 167:23, 24,25 168:3 223:4

X

x-ray
100:13,18 158:20 164:6
x-rays
100:16 163:10, 12 164:9,13

Y

yard
106:10 111:6 134:16 200:17 214:4
year
9:21 10:3 11:7 12:25 17:4,8 19:14 23:14,18 24:24 29:4,6,11 34:5,6,7,8 147:10,12,14 148:1 241:25
years
8:7,14,20 11:5 12:9,18 13:13 14:6,7 15:21 18:2,13,20,23 24:5,11 27:4,21 34:3,5,9,11 53:14 111:3 137:12 153:4 237:14 255:5,7
yesterday
159:24 161:7
young
148:6 161:25
younger
20:18
youngest
123:10

Z

zoom
142:20

ELECTRONICALLY FILED - 2023 Oct 09 4:52 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	OF THE TENTH JUDICIAL CIRCUIT
COUNTY OF ANDERSON	)	
	)	
	)	
ROBERT STRO SNIPES,	)	**CONSENT ORDER OF CONTINUANCE**
Plaintiff,	)	
	)	
vs.	)	
	)	CASE NUMBER: 2023-CP-04-00203
CITY OF BELTON and	)	
SPARTANBURG ANIMAL CLINIC, LLC,	)	
Defendants.	)	
_____	)	

A hearing on a Motion for Summary Judgment filed by the Defendant, Vetcor of Spartanburg, LLC, as well as a hearing on a Motion for Summary Judgment filed by the Defendant, City of Belton, in this case is scheduled for October 11, 2023, at 9:30 a.m. The Plaintiff has requested that these hearings be continued in order to have additional time to respond to the Defendants' Motions. The Defendants have consented to this request.

Based upon the consent of the parties and it appearing unto the Court that there is good cause to grant the relief requested by the Plaintiff,

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that this hearing shall be continued to a future date to be scheduled by the Anderson County Clerk of Court.

IT IS SO ORDERED.

[ELECTRONIC SIGNATURE ATTACHED]

_____

R. Scott Sprouse
Chief Administrative Circuit Court Judge
Tenth Judicial Circuit

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WE CONSENT:

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Anderson Common Pleas

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

Case Number: 2023CP0400203

Type: Order/Continuance

s/R. Scott Sprouse, Judge #2752

Tenth Judicial Circuit

ELECTRONICALLY FILED - 2023 Sep 25 9:57 AM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

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 **DEFENDANT CITY OF BELTON'S MOTION FOR SUMMARY JUDGMENT**

YOU WILL PLEASE TAKE NOTCE that this Defendant, City of Belton, by its undersigned attorneys, hereby moves this Court, pursuant to Rule 56 of the South Carolina Rules of Civil Procedure, for an Order granting summary judgment in its favor. The grounds for this motion include that Plaintiff has failed to produce any evidence sufficient to create a genuine issue of material fact as to City of Belton's liability for any cause of action. Defendant City of Belton is entitled to judgment as a matter of law for the following reasons:

FACTS

The attached photos show the horrendous condition of the Plaintiff's cat, "Skye." (Exhibit A). Skye had been stricken with an infection in his mouth for over six months. He lost half his weight. In his recent deposition, the Plaintiff admitted that Skye looked this bad for at least four months.

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 his condition was unacceptable.

ELECTRONICALLY FILED - 2023 Sep 25 9:57 AM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

Two months later in January 2021, Skye's condition remained critical. During that time, the Plaintiff allowed all six (6) of his cats to sleep with him in his bed. When the Plaintiff woke up one morning, Skye was so limp the Plaintiff thought Skye was dead. The 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 Clinic to euthanize Skye.

Spartanburg Animal Clinic thereafter contacted an animal control officer with the City of Belton to report the condition that the Plaintiff had allowed Skye to endure for many months. The Clinic sent numerous photographs of Skye to the City of Belton. The Belton animal control officer learned that the Plaintiff had taken Skye to several other animal clinics in the upstate, so she obtained records from four of the clinics. The officer spoke to one of the veterinarians who reported that what she witnessed with Skye was heartbreaking and she felt it 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 that probable cause existed to arrest the Plaintiff for the ill treatment of an animal. (Exhibit B).[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 on the same day of his arrest.

[1] South Carolina Code §47-1-40 is entitled "Ill-treatment of animals, generally; penalties." There are two crimes outlined in this statute. One crime applies when a person, among other things, ill-treats an animal. The other applies when a person, among other things, inflicts excessive or repeated unnecessary pain or suffering upon an animal. There was probable cause to arrest the Plaintiff on either of these crimes.

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The Plaintiff alleges that no witnesses from the City of Belton appeared at his preliminary hearing and that a Judge – not Judge Bannister -- dismissed the charge against the Plaintiff. (Complaint ¶ 13).

This past summer the Plaintiff's residence in Belton burned. At that time, the Plaintiff had 14 cats in his residence. He believes the fire started after one of his cats turned on one of the eyes of his stove. The Plaintiff was able to get out of his residence once he discovered the fire. However, all 14 of his cats died in the fire.

CLAIMS AGAINST THE CITY OF BELTON

The Plaintiff alleges the following four claims[2] against Belton:

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

ARGUMENT

1. The City of Belton had probable cause to arrest Plaintiff for the ill treatment of Skye. Therefore, Plaintiff cannot establish a cause of action for False Imprisonment, False Arrest, or Malicious Prosecution. Specifically, an essential element in each of these causes of action is lack of probable cause at the time of arrest. *See Carter v. Bryant*, 429 S.C. 298, 306, 838 S.E.2d 523, 528 (Ct. App. 2020) (holding fundamental issue in determining whether arrest lawful is if there was probable cause); *see also Gaar v. North Myrtle Beach Realty Co., Inc*., 287 S.C. 525,

[2] The Plaintiff also alleged two other claims against the City of Belton under the South Carolina Consitituion, but the Plaintiff voluntarily dismissed those claims with prejudice.

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528, 339 S.E.2d 887, 889 (Ct. App. 1986) (listing the elements of malicious prosecution, including "want of probable cause"). The Plaintiff has the burden of demonstrating lack of probable cause. *Jackson v. City of Abbeville*, 366 S.C. 662, 666, 623 S.E.2d 656, 658 (Ct. App. 2005).

2. 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*, 429 S.C. at 306, 838 S.E.2d at 528. 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.

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

4. The Plaintiff's claim 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. The Court of Appeals affirmed summary judgment in favor of the Town on all claims. 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.

CONCLUSION

The photographs clearly show the horrendous physical condition that Skye was in on the day he was euthanized. The Plaintiff admits that this is how Skye looked for at least four months before his death. The City of Belton's investigation revealed other veterinarians recommended euthanasia as the humane response to Skye's critical condition. They believed the Plaintiff was

abusing Skye. Judge Bannister reviewed the evidence and found there was probable cause to arrest the Plaintiff for his ill treatment of Skye pursuant to South Carolina Code §47-1-40. Because there was a good faith belief that the Plaintiff had committed a crime, *see Jackson v. City of Abbeville*, 366 S.C. at 666-67, 623 S.E.2d at 659, all of the Plaintiff's claims against the City of Belton fail as a matter of law.

WHEREFORE, Defendant City of Belton respectfully moves this Court to enter summary judgment in its favor and for all other relief the Court deems appropriate.[3]

s/Jeffrey C. Kull
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Attorneys for Defendant City of Belton

Columbia, South Carolina

[3] This motion will be supported a memorandum of law in support of the motion to be filed by this Defendant at a later date along with supporting evidence like deposition testimony and affidavits, the South Carolina Rules of Civil Procedure, arguments of counsel, and any motions or memorandum filed by the co-defendant.

ELECTRONICALLY FILED - 2023 Sep 25 9:57 AM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

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EXHIBIT A

WARNING

3 Photographs

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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 **DEFENDANT CITY OF BELTON'S MEMORANDUM IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

Now Comes Defendant City of Belton and submits this Memorandum in Support of its Motion for Summary Judgment filed on September 25, 2023.

Overview

Law enforcement officers with the City of Belton were alerted by a veterinarian clinic in Spartanburg that Plaintiff Robert Snipes of Belton had caused one of his cats to suffer unnecessarily for several months. City of Belton animal control officer, Doreen Howe, and police officer, Ross Richey, began their investigation. Attached hereto as Exhibit 1 is the Affidavit of Doreen Howe. Attached hereto as Exhibit 2 is the Affidavit of Ross Richey.

These affidavits outline the information and documentation that the City of Belton obtained in the course of their investigation of Mr. Snipes. In short, the City of Belton learned that Robert Snipes's cat "Skye" was in horrible shape for many months. At least two veterinarian clinics reported that they believed Robert Snipes' treatment of the cat Skye was a clear case of abuse or animal cruelty. See Exhibit 1. The photographs of Skye previously attached to the City's Motion for Summary Judgment demonstrate that Skye was in a condition that any reasonable person would believe he was suffering.

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Based on its investigation, the City of Belton obtained an arrest warrant executed by Judge Bannister. See Exhibit 2.

Argument

The City of Belton incorporates herein the arguments it made in its Motion for Summary Judgment. The Plaintiff's claims for false arrest and false imprisonment fail because Plaintiff Snipes was arrested pursuant to a facially valid arrest warrant.

The only other potentially actionable claim would be for malicious prosecution. The Plaintiff bears the burden of establishing all the essential elements of a claim for malicious prosecution. *Law v. South Carolina Department of Corrections*, 368 S.C. 424, 435, 629 S.E.2d 642, 648 (2006). Among others, two of the elements are lack of probable cause and termination of the criminal process in the Plaintiff's favor. *Id.*

First, the Plaintiff cannot prevail on his malicious prosecution claim because there clearly was probable cause to charge the Plaintiff with a violation of South Carolina Code § 47-1-40, titled the "Ill-treatment of animals." There was more than adequate evidence for a reasonable person to believe that Plaintiff Snipes had abused his cat Skye by causing him to suffer unnecessary pain for an extended period of time. The photographs of Skye's condition are sufficient in and of themselves to support probable cause. Moreover, the reported belief by veterinarians that Snipes was abusing Skye adds more evidence to establish probable cause.

Second, the Plaintiff cannot establish that the criminal charge against him was terminated in his favor. Under South Carolina law, for a termination to be deemed to be in the favor of the Plaintiff, the termination must imply that the Plaintiff was innocent. *Id.* at 648, 629 S.E. 2d at 435. In this case, the Plaintiff asserts the charge against him was dismissed at a preliminary hearing. Even if that is correct, that does not imply that the Plaintiff was innocent of the charge. In

fact, under South Carolina law, the charge for animal cruelty can even now be refiled against Plaintiff Snipes. South Carolina Rule of Criminal Procedure 2(c). In other words, the charge against Snipes has not actually been terminated in a dispositive manner.

WHEREFORE, the City of Belton respectfully requests the Court grant summary judgment in its favor.

s/Jeffrey C. Kull

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Columbia, South Carolina

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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 **AFFIDAVIT OF DOREEN HOWE**

PERSONALLY APPEARED before me Doreen Howe, who being first duly sworn deposes and states:

1. In January and February 2021, I was employed as an animal control officer by the City of Belton and helped investigate an allegation of ill-treatment of a cat known as "Skye." I corroborated with Ross Richey, a police officer employed with the City of Belton.

2. I communicated with a veterinarian clinic in Spartanburg, South Carolina, relating to a resident of the City of Belton, Robert Snipes. I was informed that Skye had suffered for many months before he was euthanized on January 29, 2021.

3. I was provided photographs of Skye. The photographs depicted a cat that was in terrible condition. The photographs of Skye attached to the City's Motion for Summary Judgment were some of these photographs.

4. I contacted Mr. Snipes and met with him at his Belton residence. I took photographs of the inside of his residence. I spoke with Mr. Snipes' sister. She told me Mr. Snipes was a hoader, and from my inspection of the inside of the house, I would certainly agree. The house smelled

EXHIBIT 1

heavily of cat urine. There were combustibles on the stove stop and opened cat food cans in many locations.

5. I obtained records from several veterinarian clinics relating to Skye. These records showed that Skye was having serious health issues for many weeks before he was euthanized. I spoke with one veterinarian directly who stated that she believed Mr. Snipes' treatment of Skye was a clear case of abuse. In addition, another vet clinic described Skye's case as an "animal cruelty" case. I agreed based on my review of the evidence.

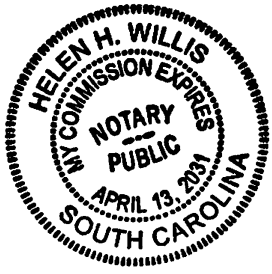
6. Attached to this Affidavit as Exhibit A, which includes photographs I received from the Spartanburg clinic, photographs I took of the Plaintiff's residence in Belton, and records I obtained relating to Skye from several animal clinics.

7. Exhibit B contains a summary of my investigation of Robert Snipes. Exhibit B is a true and accurate copy of my investigative report.

Doreen Howe

SWORN to and subscribed before
me this 29 day of September, 2023

Helen H. Willis
Notary Public for South Carolina
My Commission Expires: 04-13-2031



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Belton Police Department

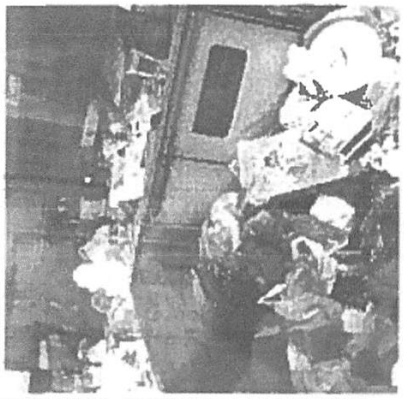
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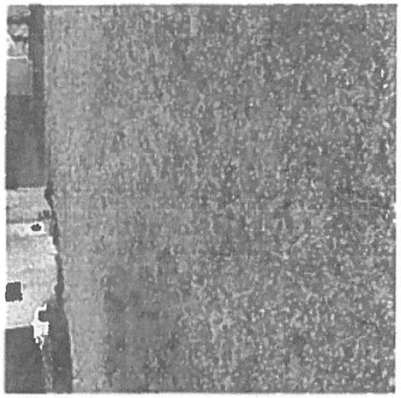
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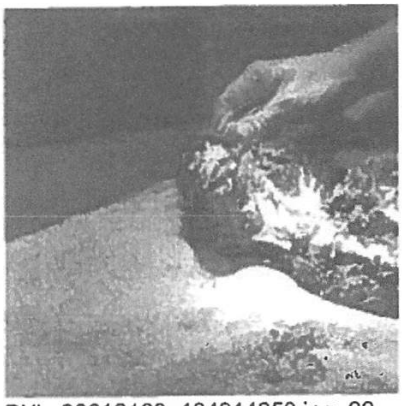
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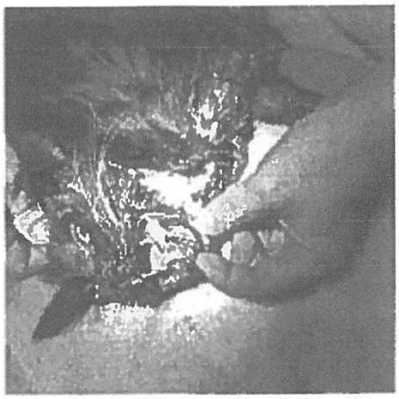
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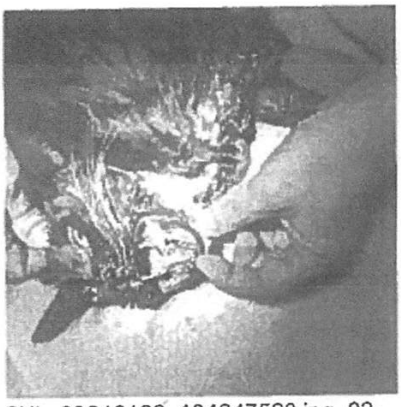
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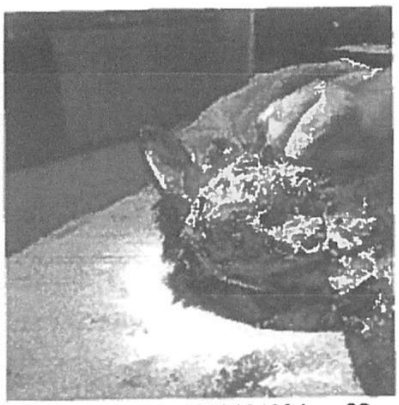
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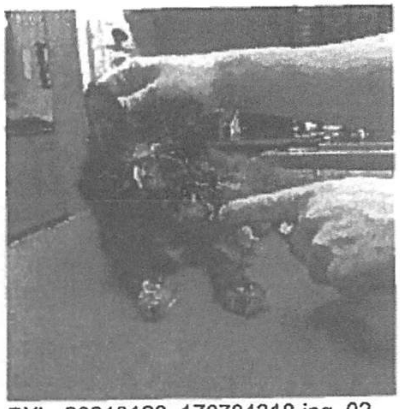
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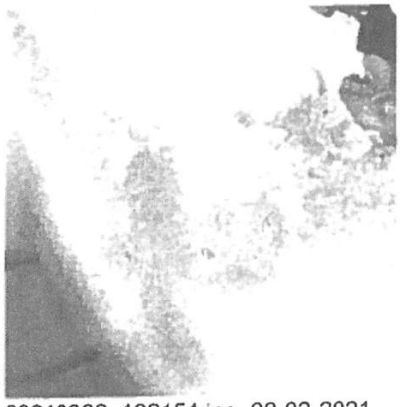
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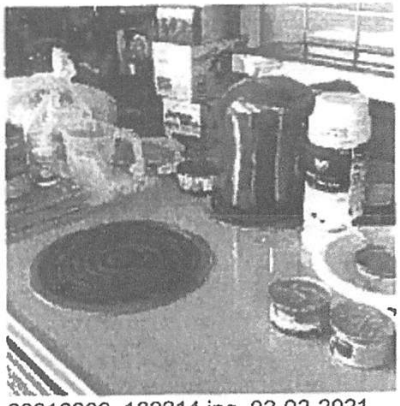
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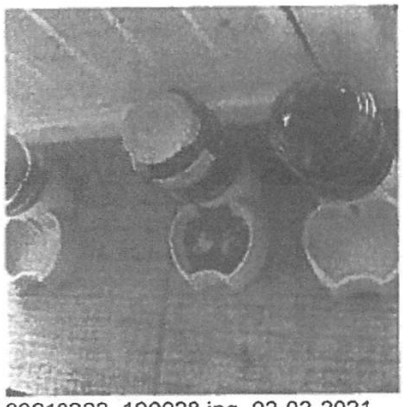
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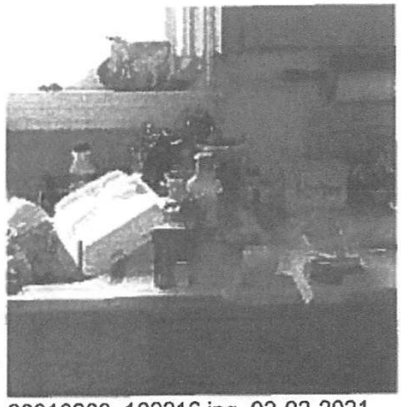
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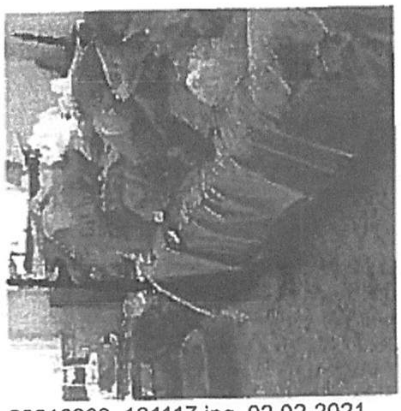
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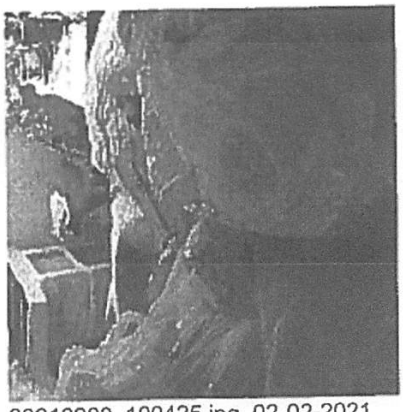
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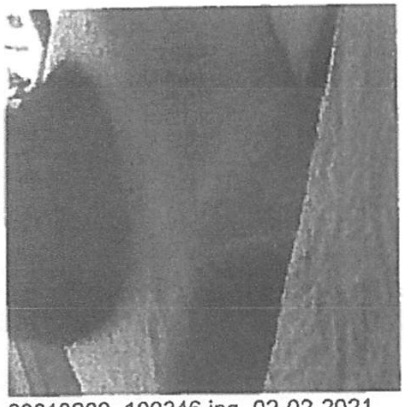
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CAD Detail

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Print Time: 11:01:14
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Incident #2021-00028627

Hide Incident Log; Hide System Messages; Hide Media

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Building:		**Longitude:**	-82.505022
Community:	Belton		
Municipality:	Belton		
Caller Name:	AMANDA HARVEY SPARTANBURG ANIMAL CLINIC	**Disposition:**	3
Caller Location:		**Apt:**	
Call Loc Info:		**Building:**	
Phone:	864-585-5233	**Source:**	ADMIN LINE
Call Back Phone:			
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Create Date/Time:	29-Jan-21 16:18:17	**Sent By:**	ballison
Dispatch Date/Time:	29-Jan-21 16:23:20	**Language:**	
Enroute Date/Time:	*29-Jan-21 16:33:26		
Onscene Date/Time:	01-Feb-21 10:59:45	**Priority:**	1
Clear Date/Time:	29-Jan-21 16:33:26	**Event:**	SIG52A
Closed Date/Time:	29-Jan-21 16:33:26		

Associated Case Numbers:

Unit	Unit Org	Employee	Case #	Date/Time	Received
560	BELTON PD	DOREEN HOWE	2021-00106	01-Feb-21 10:59:47	

Remarks:

User Name	Date/Time	Remark
ballison	29-Jan-21 16:21:29	POSS NEGLECT OF DOGS AT THIS LOCATION / CALL COMPL SHE IS WITH SPARTANBURG ANIMAL CLINIC / SHE HAS QUESTIONS REF THIS ADDRESS
atyoung	01-Feb-21 11:00:04	560 has a new remark: CASE NUMBER FOR ANIMAL CRUELTY.

Unit Activity:

Unit	Employee	Department	Unit Org Department	Status	Location/Remark/Case	Date/Time
505	TIM RICHEY	BELTON PD		Dispatched		29-Jan-21 16:23:20
505	TIM RICHEY	BELTON PD		Available		29-Jan-21 16:32:17
560	DOREEN HOWE	BELTON PD		Dispatched		*01-Feb-21 10:59:43

* Date/Time is Backfilled

FEB/01/2021/MON 11:02 AM FAX No. P. 001

ELECTRONICALLY FILED - 2023 Sep 29 3:05 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400263

#17709

ANIMAL RECORD

Owner's Name Snipes, Stro Home Phone

Address 304 Forest Lane Belton SC 29627 Work Phone

E-mail Address Cell Phone (864)381-0519

Animal's Name Sky Species Feline Referred By

Sex N Age 4y Birthdate 5/2016 Color and Markings Black/White Breed DMH Allergies

Rabies						FVR-CP					
DHLP						FeLV					
Parvo						Chlamydia					
HW						Rabies					
Lyme											
Corona						Dental					
Bordetella						Fecal					

DATE	WEIGHT	TREATMENT AND PROGRESS	CODE	CHARGE
10.15.20		Dr Elledge - Check mouth (vet hx in file) discuss dental No vacc since 1yo old.	OCE	

PHYSICAL EXAM CHECKLIST

1) GENERAL APPEARANCE ☐ NORMAL ☑ ABNORM	2) INTEGUMENTARY ☐ NORMAL ☑ ABNORM	3) MUSCULOSKELETAL ☐ NORMAL ☑ ABNORM
4) RESPIRATORY ☑ NORMAL ☐ ABNORM	5) DIGESTIVE ☐ NORMAL ☑ ABNORM	6) GENITOURINARY ☑ NORMAL ☐ ABNORM
7) EARS ☑ NORMAL ☐ ABNORM	8) NEURAL SYSTEMS ☑ NORMAL ☐ ABNORM	9) LYMPH NODES ☑ NORMAL ☐ ABNORM
10) EYES ☐ NORMAL ☐ ABNORM	11) CIRCULATORY ☐ NORMAL ☐ ABNORM	12) MUCOUS MEMBRANES ☑ NORMAL ☐ ABNORM

T ____ P ____ R ____ Wt ____

1. BCS 2/5
2. Dull, unkempt coat
5. Hard swelling on (R) mandible - necrotic tissue in area of canine tooth w/ odiferous bleeding & open draining wounds caudal mandible & naso area of (R)

A: Severe dental disease, Stomatitis w/ possible osteomyelitis & ruptured infection/ abscesses possible neoplasia underweight

P: Recommend UVS - beyond the scope of our abilities. ~~for~~ Otherwise consider euthanasia. MD

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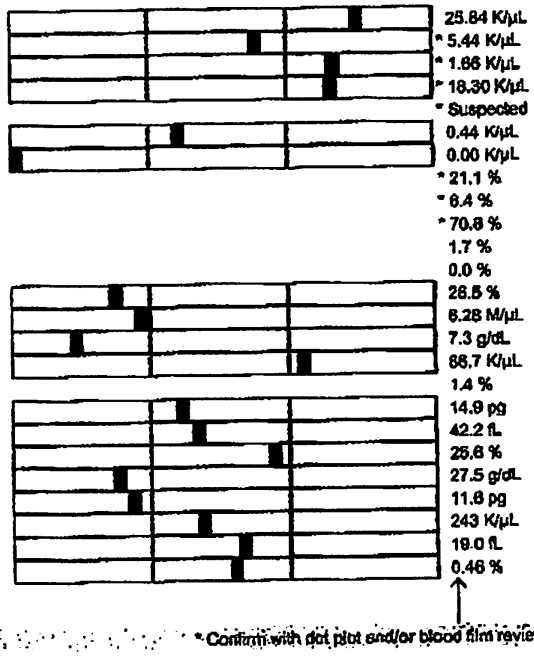
Client: Snipes, Stro (17709)
Patient Name: Sky
Species: Feline
Breed:

Gender: Male/Castrated
Weight: 0.00 lbs
Age: 4 Years
Doctor: Melissa Elledge, DVM

Paw Prints Animal Hospital
1229 Powdersville Rd
Easley SC 29642

ProCyte Dx (November 13, 2020 6:41 PM)

Test	Results	Reference Interval	LOW / NORMAL / HIGH	11/13/20 8:36 PM
WBC	25.90 K/µL	2.87 - 17.02	HIGH	25.84 K/µL
LYM	* 6.56 K/µL	0.92 - 6.88		* 5.44 K/µL
MONO	* 1.76 K/µL	0.05 - 0.67	HIGH	* 1.86 K/µL
NEU	* 18.10 K/µL	2.30 - 10.29	HIGH	* 18.30 K/µL
BAND	* Suspected			* Suspected
EOS	0.48 K/µL	0.17 - 1.57		0.44 K/µL
BASO	0.00 K/µL	0.01 - 0.26	LOW	0.00 K/µL
%LYM	* 21.5 %			* 21.1 %
%MONO	* 6.8 %			* 6.4 %
%NEU	* 69.8 %			* 70.8 %
%EOS	1.9 %			1.7 %
%BASO	0.0 %			0.0 %
HCT	26.6 %	30.3 - 52.3	LOW	26.5 %
RBC	6.33 M/µL	6.54 - 12.20	LOW	6.28 M/µL
HGB	7.3 g/dL	9.8 - 16.2	LOW	7.3 g/dL
RETIC	78.5 K/µL	3.0 - 50.0	HIGH	88.7 K/µL
%RETIC	1.2 %			1.4 %
RETIC-HGB	15.0 pg	13.2 - 20.8		14.9 pg
MCV	42.0 fL	35.9 - 53.1		42.2 fL
RDW	25.8 %	16.0 - 27.0		25.6 %
MCHC	27.4 g/dL	28.1 - 35.8	LOW	27.5 g/dL
MCH	11.5 pg	11.8 - 17.3	LOW	11.8 pg
PLT	325 K/µL	151 - 600		243 K/µL
MPV	18.3 fL	11.4 - 21.6		19.0 fL
PCT	0.59 %	0.17 - 0.86		0.46 %



* Confirm with dot plot and/or blood film review.

* Confirm with dot plot and/or blood film review.

1. Immature and/or toxic neutrophils likely present - consider active inflammation
2. Monocytosis - consider inflammation (if lymphopenia, consider glucocorticoid response)

1. Anemia with reticulocytosis-likely regenerative anemia

IDEXX LABORATORIES

ELECTRONICALLY FILED - 2023 Sep 29 3:05 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

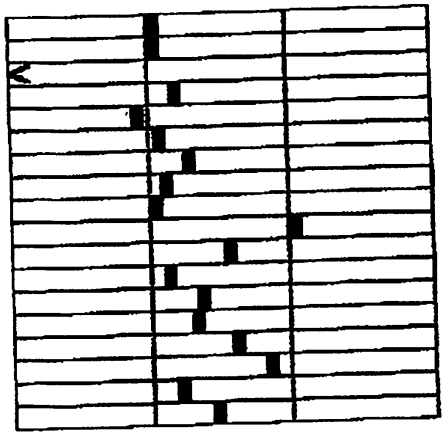
Client: Snipes, Stro (17709)
Patient Name: Sky
Species: Feline
Breed:

Gender: Male/Castrated
Weight: 0.00 lbs
Age: 4 Years
Doctor: Melissa Elledge, DVM

Paw Prints Animal Hospital
1229 Powdersville Rd
Easley SC 29642

Catalyst Dx (November 13, 2020 6:49 PM)

Test	Results	Reference Interval	LOW / NORMAL / HIGH
ALB	2.2 g/dL	2.2 - 4.0	
ALKP	14 U/L	14 - 111	
ALT	< 10 U/L	12 - 130	LOW
AMYL	710 U/L	500 - 1500	
BUN	15 mg/dL	16 - 36	LOW
CA	8.1 mg/dL	7.9 - 11.3	
CHOL	112 mg/dL	65 - 225	
CREA	1.0 mg/dL	0.8 - 2.4	
GGT	0 U/L	0 - 4	
GLOB	5.5 g/dL	2.8 - 5.1	HIGH
GLU	123 mg/dL	74 - 159	
LIPA	286 U/L	100 - 1400	
PHOS	4.8 mg/dL	3.1 - 7.5	
TBIL	0.3 mg/dL	0.0 - 0.9	
TP	7.7 g/dL	5.7 - 8.9	
Na	163 mmol/L	150 - 165	
K	4.0 mmol/L	3.5 - 5.8	
Cl	120 mmol/L	112 - 129	
ALB/GLOB	0.4		
BUN/CREA	15		
Na/K	41		
Osm Calc	323 mmol/kg		



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11/07 Shepherd, Shih Blk/w DMH 5/2016 m/o "Sky"

DATE	WEIGHT	TREATMENT AND PROGRESS	CODE	CHARGI
11.13.20		Vaccs	BW	
		tech appt- bw only- seeing vet dental specialist for Dental SX next week. Wants BW to compare to Original bw		
11.18.20		lm for O about bw (LH)		
11.19.20		lm for O about bw (DS) O to call back for results.		
12.22.20		will not refill apx for O O needs to fix the problem and not treat with abx. O has declined all tx from UVS and Electric city as well as PPMH. per Dr E (LH)		
1.29.21		recs faxed to Spartanburg A.H (AnK)		

#20371 – Medical Arts Press 1-800-628-217

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ELECTRONICALLY FILED - 2023 Sep 29 3:05 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

Spartanburg Animal Clinic

Patient Chart

346 Cedar Springs Rd
Spartanburg, SC 29302
864-585-5233

Printed: 02-03-21 at 9:21a

CLIENT INFORMATION

Name Robert Snipes (4918)
Address 725 Springhill Ave.
Spartanburg, SC 29303

PATIENT INFORMATION

Name	Sky	**Species**	Feline
Sex	Male, Neutered	**Breed**	Domestic Longhair
Deceased	01-29-21	**Age**	D@4y
ID		**Rabies**	
Color	Black & White	**Weight**	4.90
Reminded	(none)	**Codes**	D

HEALTH HISTORY SUMMARY

Date	Diagnosis
10-20-17	REGENERATIVE ANEMIA:FLEA

Sky's weight history

01-29-21	4.90
10-23-17	9.80
10-20-17	9.80

MEDICAL HISTORY

Date	By	Code	Description	Qty (Variance)
10-20-17	DIS	APPT$	Appointment notes for 10-20-17	
walk in laying around, not acting himself KMK: 10-20-17 at 2:51p:				
10-20-17	JR	701	Exam By Doctor	
		WEIGHT	Weight Updated	
Age: 19m **Weight:** 9.80				
		4034	PCV (Packed Cell Volume)	
12%				
		1380	Capstar Blue Single 2#-25# Each	
Given in house				
		1866	Felv/Fiv/Heartworm Feline	
		ZR1580	**REGENERATIVE ANEMIA:FLEA**	
		01991	Doxycycline 50 mg/ml Suspension #17902	21
Shake well and keep refrigerated. Give 1.0 ml orally once daily until finished. Give with or after a meal				
		FORM3	Form - Hospitalization Tx Sheet	
(See attached form)				

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Spartanburg Animal Clinic
346 Cedar Springs Rd
Spartanburg, SC 29302
864-585-5233

Patient Chart for Sky
Date: 02-03-21, Time: 9:21a

Client: Robert Snipes

Date	By	Code	Description	Qty (Variance)
		(See attached form)		
Day 3 Sunday				
10-22-17	JR	FORM3	Form - Hospitalization Tx Sheet	
		(See attached form)		
Day 4 Monday				
10-23-17	CED	4034	PCV (Packed Cell Volume)	
		854	Feline Bath	
		WEIGHT	Weight Updated	
Age: 19m **Weight:** 9.80				
		KBT	Your Technician Today Was Kathy	
		SLC	Your Technician Today was Sharayah	
10-24-17	JR	FORM3	Form - Hospitalization Tx Sheet	
		(See attached form)		
ON: 10-24-17 at 7:32a: Day 5- Tuesday				
		FORM3	Form - Hospitalization Tx Sheet	
		(See attached form)		
Day 6 Wednesday				
10-25-17	HP	655	Medication Administration	5
10-25-17	JR	RTG	Ready to Go	
		3775	Lixotinic / Oz #18034	6
Give 1.0 cc orally once daily until finished. This is for all the cats in the household.				
05-27-20	JR	FNOTE$	By: JR, JR	

O had records for P sent over. O wanted you to review them and talk to him about your recommendations. When the other vet called to get the email address to send them over, the person I spoke with said that O had called a few times and they offered for O to speak to the doctor, but O didn't want to speak with the doctor, he just wanted the records sent over. They also said that O had taken P to another vet before coming to them and that they referred O to UVS, but O said something about not wanting to go there. The records are on your desk.
KMH: 05-27-20 at 8:02a:

JR: 05-27-20 at 5:36p: I had Amanda let him know that the previous vet did a great job and there is nothing more that needs to be done except going to UVS as the vet had recommended. Do not

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Spartanburg Animal Clinic
346 Cedar Springs Rd
Spartanburg, SC 29302
864-585-5233

Patient Chart for Sky
Date: 02-03-21, Time: 9:21a

Client: Robert Snipes

Date	By	Code	Description	Qty (Variance)

KPG: 01-29-21 at 2:37p: The following notes are from today's exam: P is emaciated, severely dehydrated, severe pallor, non-ambulatory, weak, and severely matted. There are 2 draining tracts in the skin of the left cheek overlying a large firm mass with mild hemorrhage and putrid-smelling exudate. There is also a massive right hemi-mandibular mass lesion with exposed necrotic bone. The skin of the right hemimandible has a draining tract of putrid-smelling exudate. There is mucopurulent discharge at the right naris. No murmur. Lungs clear. Abdominal palpation is benign.

ASSESSMENT SECTION

NOTES

Poor QOL
Infected malignancy of the skull vs. less likely proliferative chronic osteomyelitis
Poor prognosis

PLAN SECTION

NOTES

PE
Discussed with O that I cannot fix P's problem, and I believe humane euthanasia is the only acceptable option for P. O asked if we could do fluids for dehydration. I reiterated that I cannot fix P's underlying disease. Discussed that UVS records indicate that O declined an estimate for the emergency service that involved stabilization and transfer to Dr Romig for dental rads and likely CT to evaluate the mass; but primarily she highly recommended humane euthanasia. O said he would go back to UVS. I called UVS and relayed the information that P is here today and this is an animal cruelty case. I asked if Dr. Romig could see P today because that is what O says he wants to do. I was told that Dr. Romig said that she would only recommend humane euthanasia, but he would not be allowed in the building due to Covid. I told O what Dr. Romig said, and I asked if I have his permission to euthanize. He said no, and that he wanted to bring P to UVS to have him euthanized. I asked him why he wanted to do that. He said because maybe Dr. Romig would change her mind. I told him that she has already recommended euthanasia, which I agree with. I asked him again, if he would authorize me to euthanize P and he said no. I told him that he has 2 options: 1. authorize me to euthanize P, or 2. I will call the police for animal cruelty. He reluctantly accepted, but then said it was because I gave him no choice. I reiterated that I gave him a choice and he reiterated that what I gave him is not really a choice. He then asked me if he could sue me. I told him that he could indeed, if he wanted to. He verbally agreed to let me euthanize but said it was because I gave him no choice. I told him that I would euthanize P, but only after he signed consent, which he said he would. He was allowed to be present while wearing a mask. He was brought into room 4, and he signed consent for euthanasia with home burial and he purchased a cardboard burial box and we did a courtesy paw print. The techs placed a courtesy IV catheter and brought him to O in exam room, where he visited with P for about 20-25 minutes.
Administered 1 ml Propofol IV
Administered 1 ml Euthasol IV
Asystole confirmed
Removed IVC
Courtesy paw print

ELECTRONICALLY FILED - 2023 Sep 29 3:05 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

Patient History Report

Client:	Snipes, Robert (35568)	**Patient:**	Sky (35568-1)		
Phone:	(864) 338-8451	**Species:**	FELINE	**Breed:**	DOMESTIC MEDIUM HAIR
Address:	304 Forrest lane Belton, SC 29627	**Age:**	4 Yrs. 6 Mos.	**Sex:**	Neuter
		Color:	black and white		

Date	Type	Staff	History
4/24/2020	R	3	Discharge Instructions (Routine) - CLOSED Apr 28/2020 - Discharge Instructions

Electric City ANIMAL CLINIC
small animals - exotic animals - boarding

Discharge Instructions

Client:	Robert Snipes	Patient Name/ID:	Sky/35568-1
Date:	Friday, April 24, 2020	Weight	9.4
Staff:	Tim Herold, DVM	Breed	DOMESTIC MEDIUM HAIR

Home Care Instructions: It is going to be very important to keep Sky quiet for the next 10 days. Please monitor his urination and defecation and if anything appears unusual please call asap.

Feeding: Please feed soft/canned food for the next 10 days. You can feed a very small meal tonight and a small amount of water tonight is fine as well.

Prescriptions: If your pet has been given medications, please give them according to the following directions. If there is excessive vomiting, diarrhea, or if your pet will not take this medication, please call us immediately.

ITEM DESCRIPTION	DIRECTIONS
Buprenex Oral Soln 0.6mg/ml 60ml btl	**GIVE 0.10 ML BY MOUTH EVERY 12 HOURS AS NEEDED FOR PAIN. ONLY NEEDS TO BE ABSORBED BY ORAL MUCOSA. START SATURDAY AM**

Special Instructions: As we discussed there is major bone changes of the lower jaw and the right side of the face. There are remnants of the lower incisors and lower right k9 tooth. The lower right premolar (407) fell out. I took multiple biopsy samples and submitted for biopsy (looking for cancer) and culture (looking for infection). I also submitted a cryptococcus test. Once we get the results (hopefully in the next

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Patient History Report

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Phone:	(864) 338-8451	**Species:**	FELINE	**Breed:**	DOMESTIC MEDIUM HAIR
Address:	304 Forrest lane Belton, SC 29627	**Age:**	4 Yrs. 6 Mos.	**Sex:**	Neuter
		Color:	black and white		

Date	Type	Staff	History

5-7 days) we will know what we are facing and can decide on the next course of action. We will likely need to refer Sky to a specialist for further action (surgery).

If you have any questions or concerns please do not hesitate to call our office at 864-225-0015.

4/24/2020	P	3	1.00 ML of Buprenex Oral Soln 0.6mg/ml 60ml btl (864746) Rx #: 307595 0 Of 0 Refills Filled by: 3 GIVE 0.10 ML BY MOUTH EVERY 12 HOURS AS NEEDED FOR PAIN. ONLY NEEDS TO BE ABSORBED BY ORAL MUCOSA. START SATURDAY AM
4/24/2020	V	3	Apr 24, 2020 08:55 AM Staff: 3 --- Weight : 9.40 pounds tx
4/24/2020	L	3	Miscellaneous results from IDEXX Reference Laboratory Requisition ID: 133962163 Posted Final Ascn: 4502296264 RE: BXS1 BIOPSY SOURCE BIOPSY SOURCE ORAL_CAVITY RE: BXTYP1 BIOPSY TYPE BIOPSY TYPE SKIN_PUNCH RE: BXHX1 CLINICAL HISTORY CLINICAL HISTORY MULTIPLE PUNCH SPECIMENS FROM SINGLE LESION, MARKED BONY SWELLING ROSTRAL MANDIBLE (RIGTH SIDE BUT CROSSES MID LINE), LYTIC BONE LESIONS NOTED ON RADS AND ALSO OPEN SORE AND BONE PROLIFERATION RIGHT SIDE OF FACE/SKULL (BELOW RIGHT EAR), NO SAMPLE FROM THIS AREA SUBMITED TODAY. RULE INFECTIOUS VS NEOPLASIA; DUE TO MULTIPLE LESIONS AND AGE SUSPECT INFECTIOUS, CRYTO LATEX TEST SUBMITED TODAY AND AEORBI/ANEROBI/FUNGAL MACERATED TISSUE CULTURE SUBMITTED TODAY RE: 65001 PATHOLOGIST REPORT

B:Billing, C:Med note, CB:Call back, CK:Check-In, CM:Communications, D:Diagnosis, DH:Declined to history, E:Examination, ES:Estimates, I:Departing instr, L:Lab result, M:Image cases, P:Prescription, PA:PVL Accepted, PB:problems, PP:PVL Performed, PR:PVL Recommended, R:Correspondence, T:Images, TC:Tentative medl note, V:Vital signs

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Patient History Report

Client: Snipes, Robert (35568)
Phone: (864) 338-8451
Address: 304 Forrest lane
Belton, SC 29627

Patient: Sky (35568-1)
Species: FELINE
Breed: DOMESTIC MEDIUM HAIR
Age: 4 Yrs. 6 Mos.
Sex: Neuter
Color: black and white

Date	Type	Staff	History
			Anaerobic Culture Status: FINAL No organisms isolated anaerobically
4/24/2020	L	3	Immunology results from IDEXX Reference Laboratory Requisition ID: 133959143 Posted Final Test Result Reference Range CRYPTOCOCC NEGATIVE Ascn: 4502411183 RE: 7180 SAMPLE TYPE: SERUM
4/24/2020	L	3	Microbiology results from IDEXX Reference Laboratory Requisition ID: 133959143 Posted Final Test Result Reference Range SOURCE ORALCAVITY Ascn: 4502411183 RE: 5008 Fungal Culture Fungal Culture Status: FINAL No fungal growth

4/23/2020 C 3 Anesthesia Monitoring Template - CLOSED Apr 27/2020

1. General Appearance ☑ Normal ☐ Abnormal	2. Oral Cavity/Teeth ☐ Normal ☑ Abnormal	3. Mucous Membranes ☑ Normal ☐ Abnormal	4. Eyes ☑ Normal ☐ Abnormal
5. Ears ☑ Normal ☐ Abnormal	6. Cardiovascular ☑ Normal ☐ Abnormal	7. Respiratory ☑ Normal ☐ Abnormal	8. Gastrointestinal ☑ Normal ☐ Abnormal
9. Musculoskeletal ☑ Normal ☐ Abnormal	10. Lymph Nodes ☑ Normal ☐ Abnormal	11. Urogenital ☑ Normal ☐ Abnormal	12. Integumentary ☑ Normal ☐ Abnormal
13. Nervous System ☑ Normal ☐ Abnormal	Temp:	Pulse: 144	Respiration: 36

Pre-Anesthetic Drugs	Dosage (ml)	Route (IV/IM/SQ)	Time	Administered By
Dexdomitor 0.5mg/ml ☑	0.18	IM	10:07	JK/MSW (LR)
Hydromorphone 2mg/ml ☐		IM		
Ketamine 100mg/ml ☑	0.18	IM	10:07	JK/MSW (LR)
Torbugesic 10mg/ml ☑	0.10	IM	10:07	JK/MSW (LR)
Midazolam 5mg/ml ☐		IM		
Induction Drugs	Dosage (ml)	Route (IV/IM/SQ)	Time	Administered By

B:Billing, C:Med note, CB:Call back, CK:Check-in, CM:Communications, D:Diagnosis, DH:Declined to history, E:Examination, ES:Estimates, I:Departing instr, L:Lab result, M:Image cases, P:Prescription, PA:PVL Accepted, PB:problems, PP:PVL Performed, PR:PVL Recommended, R:Correspondence, T:Images, TC:Tentative med note, V:Vital signs

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Patient History Report

Client: Snipes, Robert (35568)
Phone: (864) 338-8451
Address: 304 Forrest lane
Belton, SC 29627

Patient: Sky (35568-1)
Species: FELINE
Breed: DOMESTIC MEDIUM HAIR
Age: 4 Yrs. 6 Mos.
Sex: Neuter
Color: black and white

Date	Type	Staff	History				
	Hydromophone 2mg/ml ☐			IM			
	Torbugesic 10mg/ml ☐			IM			
	Buprenorphine 0.6mg/ml ☐			IM			
	Simbdol 1.8mg/ml ☑		0.40	SQ	1:03		JK
	Dexdomitor 0.5mg/ml ☐			IV			

4/18/2020	I	7	Your pet was given buprenorphine, a long acting opioid pain medication. In cases of declaws, some fractures, etc, we will send home doses of buprenorphine (Buprenex), for your pet to take orally. Cats absorb buprenorpine through their oral mucosa (due to differences in their oral pH), so there is no need for them to swollow the medication.
4/18/2020	P	7	1.00 ML of Buprenex Oral Soln 0.6mg/ml 60ml btl (864746) Rx #: 307040 0 Of 0 Refills Filled by: KR GIVE 0.1 ML BY MOUTH EVERY 12 HOURS AS NEEDED FOR PAIN. ONLY NEEDS TO BE ABSORBED BY ORAL MUCOSA
4/17/2020	I	7	Your pet was given buprenorphine, a long acting opioid pain medication. In cases of declaws, some fractures, etc, we will send home doses of buprenorphine (Buprenex), for your pet to take orally. Cats absorb buprenorpine through their oral mucosa (due to differences in their oral pH), so there is no need for them to swollow the medication.
4/17/2020	V		Apr 17, 2020 12:26 PM --- Weight : 8.30 pounds
4/17/2020	P	7	1.00 ML of Buprenex Oral Soln 0.6mg/ml 60ml btl (864746) Rx #: 306955 0 Of 0 Refills Filled by: MH GIVE 0.1 ML BY MOUTH EVERY 12 HOURS AS NEEDED FOR PAIN. ONLY NEEDS TO BE ABSORBED BY ORAL MUCOSA
4/17/2020	V	7	Apr 17, 2020 11:53 AM Staff: 7 --- Weight : 8.30 pounds Body Score (1-9) : 3 - Slightly Underw Alert/Attitude : QAR Temperature : 102.8 Pulse : 160 Respiration : 36 Mucous Membranes : Pink halatosis Capillary Refill : <2

B:Billing, C:Med note, CB:Call back, CK:Check-in, CM:Communications, D:Diagnosis, DH:Declined to history, E:Examination, ES:Estimates, I:Departing instr, L:Lab result, M:Image cases, P:Prescription, PA:PVL Accepted, PB:problems, PP:PVL Performed, PR:PVL Recommended, R:Correspondence, T:Images, TC:Tentative medl note, V:Vital signs

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Patient History Report

Client:	Snipes, Robert (35568)	**Patient:**	Sky (35568-1)		
Phone:	(864) 338-8451	**Species:**	FELINE	**Breed:**	DOMESTIC MEDIUM HAIR
Address:	304 Forrest lane Belton, SC 29627	**Age:**	4 Yrs. 6 Mos.	**Sex:**	Neuter
		Color:	black and white		

Date Type Staff History

Water Intake?: normal
Vomiting?: no
BM's/Urinations?: normal
Coughing?: no Sneezing?: no
TNT:

General Appearance: Normal

	4/17/2020 11:53 AM
Vital Sign	7
Weight	8.3 pounds
BodyScore	3 - Slightly Underw
e9	
Alert	QAR
Temp	102.8
Pulse	160
Resp	36
Muc Memb	Pink
	halatosis
CRT	<2
Dental	2 - Moderate
Pain	3 - Moderate Pain

Ears: Normal Eyes: Normal Mucus Membranes: Normal CRT: <2 seconds Teeth: drooling, halatosis, swelling rostral mandible with mat ventrally, another matted area R cheek/face with purulent discharge and foul odor. Missing 404 Lymph Nodes: Normal Skin: flea dirt Urogenital: Normal Cardiovascular: Normal Respiratory: Normal Gastrointestinal: Normal Musculoskeletal: Normal Nervous System: Normal

Remarks: abscesses; r/o dental dz, concurrent dz, neoplasia
Recommend dental next week, antibiotics and pain meds through the weekend. Tx plan provided includes biopsy on high end to rule out neoplasia. I did give owner option of sedating today and clipping and cleaning mats but we both felt it could wait until the procedure when he has to be out anyways.
Labwork looks good! No indication of compromised immune system. Triple test negative x 3.
Pain Score (1-4): 2-3
Plan: convenia 0.4mL SQ
Buprinex every12 hours as needed for pain -feed canned food.
No food after 10pm night before dental. Water is okay.
Drop off between 7-8am.

Add Diagnosis Description

ELECTRONICALLY FILED - 2023 Sep 29 3:05 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

HealthPointe
VETERINARY CLINIC
740 Shoals Rd. Duncan, SC 29334 • (864) 486-8177

Robert Snipes
725 Springhill Avenue
Spartanburg,SC 29303

The purpose of this letter is to inform you that HealthPointe Veterinary Clinic will no longer provide you with veterinary care. Our decision was based on the incident that occurred on 11/17/2020 . Skye was brought to the clinic and we understood that he had poor quality of life and his condition was unacceptable . Based on this incident, we will no longer be able to offer our medical services to your pets. We have included all of your pet's medical records.

Sincerely,

Tiffany Ramos
Hospital Manager
HealthPointe Veterinary Clinic

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Patient History Report

Client: Snipes, Robert (5429)
Phone: (864) 381-0519
Address: 725 Springhill Avenue
Spartanburg, SC 29303

Patient: Sky (5429-9)
Species: Feline
Age: 4 Yrs. 9 Mos.
Color: Black and White

Breed: DOMESTIC MEDIUMHAIR
Sex: Neutered Male

Date	Type	Staff	History
2/3/2021	CB	118	Callback - Client Communication (CC) ---- Note from Tiffany M. Ramos Rodriguez on 2/3/2021 at 08:50:56 ---- We will no longer provide services to this client . Our decision was based on the incident that occurred on 11/17/2020 . Skye was brought to the clinic and we understood that he had poor quality life and his condition was unacceptable . The lletter will be attached to the pets record. Sincerely , Tiffany Ramos
11/17/2020	C	89	Patient History - Records - FINAL 11/17/2020 - Patient History - Records Dawson
11/17/2020	C	1	Physical Exam Feline - FINAL 11/17/2020 - Physical Exam

Sue Ann B. Huribert, DVM

Feline Examination Record

Date of Exam: 10/17/2020 **Assistant/Technician:**

Reason for Visit

History: What is the primary reason for today's visit? Owner reports: O requesting physical to become established and requests estimate for dental, O brought recent bloodwork. ☑ Physical examination and vaccinations

What medications and supplements is Sky taking? Refills? Orbax

Any history of adverse reactions to vaccinations or medications? ☑ No ☐ Yes **Explain: Never had vaccines per O.**

Heartworm Prevention/Flea/Tick : ☑ No ☐ Yes

Current on Vaccinations: ☐ Yes ☑ No

Microchip: No If not, do you want your pet micro chipped today? ☑ No ☐ Yes

Vitals:

General Appearance

☐ Normal ☑ Abnormal:

B:Billing, C:Med note, CB:Call back, CK:Check-in, CM:Communications, D:Diagnosis, DH:Declined to history, E:Examination, ES:Estimates, I:Departing instr, L:Lab result, M:Image cases, P:Prescription, PA:PVL Accepted, PB:problems, PP:PVL Performed, PR:PVL Recommended, R:Correspondence, T:Images, TC:Tentative medl note, V:Vital signs

ELECTRONICALLY FILED - 2023 Sep 29 3:05 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

Patient History Report

Client:	Snipes, Robert (5429)	**Patient:**	Sky (5429-9)		
Phone:	(864) 381-0519	**Species:**	Feline	**Breed:**	DOMESTIC MEDIUMHAIR
Address:	725 Springhill Avenue Spartanburg, SC 29303	**Age:**	4 Yrs. 9 Mos.	**Sex:**	Neutered Male
		Color:	Black and White		

Date	Type	Staff	History

B:Billing, C:Med note, CB:Call back, CK:Check-in, CM:Communications, D:Diagnosis, DH:Declined to history, E:Examination, ES:Estimates, I:Departing instr, L:Lab result, M:Image cases, P:Prescription, PA:PVL Accepted, PB:problems, PP:PVL Performed, PR:PVL Recommended, R:Correspondence, T:Images, TC:Tentative medl note, V:Vital signs

ELECTRONICALLY FILED - 2023 Sep 29 3:05 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

PARTIES:

name	party type	arrested	injured	description	DL #	SSN #	lex #
Harvey, Amanda	Complainant	No	No	, F, lbs, 0' 0", DOB:			EP01KYM700000CG9
	346 Cedar Springs Rd, Spartanburg SC 29302						
	864-585-5233 (work)						
Snipes, Robert Stro	Suspect	Yes	No	White, M, 175 lbs, 5' 10", 65 (at time of incident), DOB: 12-06-1955	004767870		EP01KX2D000006U6
	304 Forest Lane, Belton S.C SC 29627						
	864-381-0519 (mobile), 864-338-8451 (home)						
Society/ Public	Victim	No	No				

VEHICLES:

No vehicles specified.

NARRATIVE:

ELECTRONICALLY FILED - 2023 Sep 29 3:05 PM - ANDERSON - COMMON PLEAS - CASE#2023CP040203

ELECTRONICALLY FILED - 2023 Sep 29 3:05 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

On January 29, 2021 at approximately 5 pm an animal complaint come into the Belton City Police Department. Officer Richie (505) initially took the call over the phone. He responded to the complainant telling her that I Doreen Howe the animal control was not in the office at the time. Officer Richie (505) did make a phone call to me and gave me the information he had. I was concerned about the details of the call so I called the complainant immediately. I spoke to a Ms. Amanda Harvey from Spartanburg Animal Clinic. Ms. Harvey had concerns after a client visited her clinic with a very sick cat. The client would be Mr. Robert Snipes of 304 Forest Lane Belton SC 29627. Ms. Harvey spoke in detail of the cat (Skye) in question had suffered for many months. Dr. Garrison was the treating veterinarian on this day. Ms. Harvey said the cat had weighed in at 5 lbs. and was very septic due to an infection that was initially caused by a tooth. Ms. Harvey told me that Mr. Snipes had taken this cat to several veterinarian offices in which one office declined to see him again because he was in denial over the cats sickness. Ms. Harvey reported this situation to Spartanburg Animal Control as well. Spartanburg AC said they would follow up with the case. It appears that Mr. Snipes also has another home in Spartanburg County. That address would be 725 Springhill Ave in Spartanburg SC 29303. Ms. Harvey stated that Dr. Garrison told Mr. Snipes (subject) if he was to take the cat out of the office he would have to report him to the police. Mr. Snipes was not cooperating with the doctor because he did not want the animal euthanized. Ms. Harvey stated that Robert Snipes said the cat was active the night before, eating and the cat actually slept on his chest. She said that would be impossible due to the condition of the cat and the awful odor she had. She said the cats face was literally decaying off with infection. I asked Ms. Harvey if she had pictures of this animal? She stated yes and was happy to send them to me. I received the pictures in my personal email and uploaded them to the computer here at the police department. I assured Ms. Harvey that I would follow up with this call on Saturday January 30, 2021. Due to the importance of the case and the possibility of more cats I wanted to do the welfare check as soon as possible.

On January 30, 2021 I went out to the said address above. The yard appeared to be clean and kept up. I went to the front door and knocked. I would receive no answer at the front door. I then walked around to the side entrance. To the left of the house is a screened in porch. At that time I did not go on the porch I just knocked on the outside door. However I could see trash build up on the porch. Many grocery store bags, cat items and other debris. This was definitely something to be concerned over. I decided to walk around the back of the house to see if there was another door I could get at. I spotted one cat eating something out of a bowl. The cat run when he/she spotted me. I noticed a shed in the back with some sort of doggie door or in this case a cat door on it. I went and looked into the building and did not see cats, but did see many animal carriers. Animal carriers are used to transport animals in. I turned to look at the outside of the back of the house and spotted several trash bags. I also spotted a mound of empty cat food cans. I decided to go on the screened in porch so that I could knock on the door inside of the porch. When I made entrance to the screened in area I immediately could smell something foul. There were several bags of trash and not sure if that where the odor was emitting from. I made my way to the door in which had a glass window in it. I knocked several times. I could see there was a light on and this door led to the kitchen. When I looked inside the window I could see a lot of trash thrown about in the kitchen area. There would be several more bags of trash, cat food containers and debris all over the floor. I did take pictures of every piece of property I walked on. All pictures will be included with this incident report including the pictures of "Skye" the cat. I was not getting anyone to the door. I decided to go back to my truck

ELECTRONICALLY FILED - 2023 Sep 29 3:05 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

and follow up on Monday February 1st, 2021. Before I left the property I did run a 10-28 on a Grey Buick sitting in the driveway. The tag did register to a Mr. Snipes out of Spartanburg. I also noticed a lot of debris in the car. Follow up would come on Monday.

On Monday 02/01/2021 while in the office I made some phone calls trying to get more information on Mr. Snipes. I once again called Ms. Harvey from the Spartanburg Animal Clinic to ask her for a contact phone number. She was able to give me one number they had on file. 1-864-582-4963. I also wanted the name of the Officer in Spartanburg that was going to follow up on this case in that area. Ms. Harvey stated the name of the ACO was Officer Goodson. After hanging up with Ms. Harvey I tried to call Mr. Snipes. This number had no voicemail connected to the line. I then went ahead and called Spartanburg Animal Control and asked to speak to Officer Goodson. Officer Goodson was in the office and we discussed the case. Officer Goodson stated she did go out to the property of Mr. Snipes. She stated the address was 725 Springhill Ave in Spartanburg SC. Officer Goodson stated that she did leave a door hanger on the property and was waiting for a call back from Mr. Snipes. At the time I spoke to Officer Goodson she had not talked to Mr. Snipes at that time. She stated she did have concerns about the outside of the property. Officer Goodson said she would return to the Spartanburg property on 02/02/2021 with her Environmentalist Officers. She had her concerns on what the inside of the home would be. While on the phone Officer Goodson and myself exchanged phone numbers and we would contact each other with our findings. Later in the afternoon I was trying to locate a number outside of the number Ms. Harvey had given me. I called our City Water Department and they were able to provide me with 2 phone numbers. The 1st number was a local number 864-338-8451 and the second number provided was 706-371-7187. I called the local Belton number and left a voice message on the phone. I then called the Georgia number and this number connected me with his sister Ms. Chae Hinson. Ms. Hinson and I talked for several minutes in regards to the home here in Belton. She stated once her father passed away she let her brother Mr. Snipes buy the home. She also said he has another property in Spartanburg. Ms. Hinson claimed her brother was Bipolar She also stated he was a hoarder. I explained to Ms. Hinson the reason I was trying to make contact with Mr. Snipes due to the conditions of his inside home here in Belton and I had to check on any other remaining cats. She said she would call me back with his number. I know Ms. Hinson as well stated that she asked her brother to keep the property up and not to allow it to get filled with junk. I received Mr. Snipes phone number (864-381-0519) and called and received a voice mail. At about 4:15 pm Mr. Snipes called my phone. We discussed the condition of the home. He said he stays at that home a few times a week. He then made the statement that this was about "Skye" the cat that was sick. He proceeded to tell me the cat looked worse than what he was. I asked Mr. Snipes if he had other animals in the home and he said yes he had 4 cats indoors. Mr. Snipes continued to talk about how the vets were wrong and the cat was okay the night before. He told me that the cat eat the night before he took the cat to the doctors. He said we snuggled and knew he was sick but not enough to euthanize him He made the statement he butted heads with Dr. Garrison. After listening to him I expressed my concern. I told him I needed to do a welfare check inside the home. I wanted to be able to see the cats for myself and make sure they were healthy. He was hesitant to meet me and asked me what time would work. I asked him to come down right now and he said he could not do so. He then stated he would come down at 3 pm tomorrow (02/02/2021). I explained to Mr. Snipes that I needed to see him earlier than 3 pm. He then told me to pick a time. I asked if 10 am would be okay? He said he "guessed" it would be.

January 3rd, 2021 I Doreen Howe Belton City Animal Control went to the home of Mr. Snipes. He greeted me at the door and was pleasant. I immediately noticed that the screened porch had been somewhat cleaned up. As I walked through the kitchen door the floor was picked up and trash was moved. I stated to him "Oh you cleaned up" he said somewhat. There was debris still on the counter and stove. There was something that caught my eye. I noticed bird seed in a empty can of cat food. I asked him if he had a bird? He then replied "no I have some mice I feed". I asked him if I could see the cats he had in the house. I definitely smelled the odor of urine. The cat litter was freshly put in. He had feeding stations throughout the home. As I walked through the home the odor of urine still consumed me. One of the bedrooms had and orange cat on the bed. When that cat saw me he took off. The bed shows that nobody sleeps there. There was a black cat on a night stand. I was able to get a picture of the cat. It just laid there until I tried to get close. That cat run away. I walked into a spare bedroom and come across a tortie colored cat. The cat was on the spare bed that was covered in items. It run away as I tried to get a picture. I asked Mr. Snipes where the last cat was and he was not sure. I do not know if the cat is living or hiding in the house. We made our way to the kitchen and talked for a few minutes. Mr. Snipes stated that he keeps the cats in that home but mainly resides in Spartanburg. I asked him how often he comes to the property here in Belton and he stated when SKYE was alive he was here a few times a week to give antibiotics. I requested his license just to get information for my report information. I noticed as well that there was a gold Chevrolet Impala with tag of QGT 541. This car seemed to be his primary transportation. I will be reporting my findings to the Chief Robert Young. I as well will be calling the veterinarian offices that this cat went to since October 2020. I will contact Officer Goodson as well to see if she wanted my information on my findings. This case continues.

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SUPPLEMENTAL:

DATE CREATED	CREATED BY	STATUS	DATE APPROVED	APPROVED BY
02-03-2021 12:09	560 Howe, Doreen	open	-	

SUPPLEMENTAL TEXT

On January 3rd 2021 I Doreen Howe was able to talk to Dr. Hurlbert of Healthpoint Animal Hospital. Dr. Hurlbert was one of the doctors that Mr. Snipes visited with Skye to see if anything could be done without euthanizing the cat. Dr. Hurlbert has treated previous cats of Mr. Snipes and she said they were always in severe shape. She stated that she no longer wanted Mr. Snipes as a client. What she witnessed with "Skye" the cat was absolutely heartbreaking and she felt it was a clear case of abuse. She stated that seeing Skye in this severe shape actually brought tears to her eyes and other staff members as well. Dr. Hurlbert wanted to discuss his unusual behavior. She talked to me about a cat that needed hospitalization. This cat has nothing to do with this case but it is to show just cause of the state of mind of Mr. Snipes. She discussed the weekend that this other cat stayed at her hospital Mr. Snipes would sit in the parking lot waiting for staff members to come in. She stated he would wait to make sure someone was going to show up and make sure the cat was being fed and cared for. Dr. Hurlbert actually told me that he made her and the staff uncomfortable. She no longer wanted him in her building or as a client. When she discussed this with me I did not state in the original report that Mr. Snipes had some very odd behavior when we met at his home. I failed to mention that when I went to leave after doing a welfare check I found the kitchen door locked. When I stepped on the screen porch to leave that door was also locked. I was not aware of the doors being locked behind me. Today I have received via email and fax medical records from Paw Prints Animal Hospital out of Easley SC where Skye was seen. I have received medical records from Spartanburg Animal Clinic in Spartanburg SC. This is the original complainant and the office that euthanized the cat. I was told by Amanda Harvey of this office that Dr. Garrison was not giving Mr. Snipes options the day Skye was euthanized. Dr. Garrison told Mr. Snipes that if he left the office with the cat he would call the police. Mr. Snipes stated he was going to take legal actions against the doctor because he was leaving him no choice. I am waiting for an email from Dr. Hurlbert for medical records for this cat. I was also able to touch base with the Upstate Veterinary Specialist here in Greenville SC. I spoke to a Dr. Virginia Roming. She did not see Skye at the time of visit due to Mr. Snipes going through the emergency room and not following up with Dr. Roming. She states she does have records from the Emergency Room from the doctor that was on call that night. She was happy to get all his medical records to me. I am just waiting on them to come through.When I have all medical records Chief advised me to get with the Judge to see about charges. I will call 510 this evening to see if he will assist me with getting warrants for animal cruelty or animal neglect. We will let the Judge decide what charges to go with. Also I am looking to see about removing the remaining 4 cats at this home.

ELECTRONICALLY FILED - 2023 Sep 29 3:05 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

DATE CREATED	CREATED BY	STATUS	DATE APPROVED	APPROVED BY
02-05-2021 05:04	508 Ellison, Chanc	open	-	

SUPPLEMENTAL TEXT

On 2-5-2021 I Pfc C. Ellison did serve Warrant # 2021A0420100007 on one Robert S. Snipes for III treatment of animals. I did also transport Snipes from 304 Forest Ln in the City of Belton to ACDC with no incident.

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DATE CREATED	CREATED BY	STATUS	DATE APPROVED	APPROVED BY
02-07-2021 11:45 a	560 Howe, Doreen	open	-	

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On Friday February 5th 2021 I Doreen Howe Belton City Animal control went to 304 Forest Lane to meet Mr Snipes and to have Corporal Ross RIchey serve an animal neglect warrant on Mr. Snipes. I made the arrangements the night prior to have Mr. Snipes come back to Belton to said address so that I may get better pictures of the cats. I arrived on scene and Mr. Snipes was at the home inside. I went inside to speak to Mr. Snipes. He was holding one cat that seemed very agitated with him. I asked him to place him in the carrier that was on the table. I wanted to see if the cat showed any symptoms of illness. I was making short talk with Mr. Snipes while waiting for Corporal Richey and Officer Ellison to arrive on scene. Once the officers arrived on scene they entered the home and started talking to Mr. Snipes. Mr Snipes was once again going into detail about Skyes (the cat) condition. He was obviously still in denial and stated the veterinarians were wrong. Corporal Richey stated he was going to place Mr. Snipes under arrest for Ill treatment of Animals. I asked Mr. Snipes if he would sign the cats over. Corporal Richey stated to Snipes that it would look better on him to a judge if he signed them over. If he was not willing to do so we would go to a judge and get a search warrant. I told Mr. Snipes all cats would be vetted and evaluated. Before signing the paper I asked him for his help on getting the cats. The night before he stated to me he had 4 cats. Today he stated to me he had 5 cats.

I went into one of the bedrooms to start and closed the door behind me. I laid on the floor and captured one orange cat myself. I placed this cat in a carrier. I did not notice any more cats in this one bedroom so I moved to the den area where I knew the older fluffier black cat was. Corporal Richey was in the room with me and the door was shut behind us. The cat runs under various pieces of furniture. We turned the furniture over and the cat ran out where I was able to scruff her and place her in a carrier. This cat had medium hair length and appeared to be matted all over. There was another cat in the spare bedroom. This particular cat stayed in this one room. I went into the room alone and tried to catch this cat alone. She ran from the bed, under the bed to under the dresser. The room smelled of cat urine and there was bird seed in various pans where he fed the mice. I eventually called Mr. Snipes to come help me. He entered the room and the cat was on his side of the bed. I pushed a container against the cat to make her move. This is when Mr. Snipes grabbed her. She was trying to get away and I went ahead and scruffed her neck so that I could get her into a carrier peacefully. I was in the hall placing the cat in the carrier and Mr. Snipes reached over to the cat to tell her goodbye and the cat grabbed onto his hands and would not let go. He pulled away and he was bleeding from both hands. I lost my grip with the cat and she ran into the den area. I went into the den area alone and shut the door. Mr. Snipes after getting a wash rag for his wounds came into the den area. I was able to scruff the cat and get her into a carrier. I requested Mr. Snipes not touch the cat because she was stressed. I had 4 cats in the carriers and Snipes stated that there was one left. I did not see this cat on my welfare check that I did earlier in the week. We located the cat in the bedroom under a dresser. I shut the door so that the cat could not escape. Mr Snipes was able to reach under the dresser and grab the cat. I scruffed the cat and placed him into a carrier. We loaded the cats on my truck and Mr. Snipes was taken into custody, I transported these cats to the shelter. We arrived at the shelter. The receiving crew unloaded the cats and they were all calm and

cooperative. They seemed to know they were being helped. 4 of the cats had chips implanted. One of the cats had a different owner and the shelter will contact this owner. One cat had a chip that was from an outside chipping company and they called to get verification and the name of the owner. The shelter manager texted me and stated that Mr. Snipes has 18 other cats in his name. The tortie colored cat will see Dr. Sanders on Monday. She has an issue with her lip that needs to be looked at by the veterinarian.
January 6th 2021 I spoke to Corporal Richey. Mr.Snipes is wanting to get his cats back. He stated to Corporal Richey that he had already been to the shelter and looked around but they were closed. He emailed the director of the shelter as well. He was not happy about some of the cats being placed up for adoption. Per Corporal Richey he asked me to give the shelter staff heads of about Mr. Snipes. We know he will be going to the shelter Monday to check into getting his animals back.

ADMINISTRATION:

disposition	reviewed by	review date	cleared by	cleared date
Arrested 18 and Over	503 Smith, Anthony	02-02-2021 09:18 am GMT -5.00		-

Cover Page Printed: 02-23-2021 03:22 pm GMT -5 00

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Belton Police Department

Officer Incident Report for Incident # 21-0106

Disposition: **ARRESTED 18 AND OVER**

Incident Date:	01-29-2021 05:00 pm	**Report Created:**	02-02-2021 08:28 am GMT -5.00
Incident Type:	Animal Cruelty (720)	**Reported By:**	560 Howe, Doreen (US013DJL0000001I)
Origination:	911 Call	**Reporting Agency:**	Belton Police Department
Current Status:	Approved, Access Level 1	**Reported From:**	IP ADDR 66.191.210.50
Incident Location:	304 Forest Lane Belton, SC 29627	**Jurisdiction:**	This Jurisdiction
Incident Lex #:	IN01JI12000001H2	**Assigned To:**	560 Howe, Doreen (US013DJL0000001I)
		Agency:	Belton Police Department

Jacket Notes: Arrest

INCIDENT DESCRIPTOR:

Welfare Check/Animal Neglect

LOCATION:

Address:	304 Forest Lane Belton, SC 29627	**Location Lex #:**	LO014CRT00000ISJ
Latitude / Longitude:	34.515109 / -82.504972	**Units Entered:**	
Location Type:	Residence/Home (include nursing homes) (20)	**Forced Entry:**	No
Zone / Beat:	/	**Location Notes:**	

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INCIDENT OFFENSES:

off code	offense description	victim	offender	completed	use of force	auto weapon
720	Animal Cruelty (720)	Society/ Public	Snipes, Robert Stro	Y	-	-

ARRESTS / ARREST OFFENSES:

name	party type	offense code	statute	description	off status
Snipes, Robert Stro	Suspect	720	n/a	Animal Cruelty	Completed
Snipes, Robert Stro	Suspect	2804	47-1-40(B)	ILL TREATMENT OF ANIMALS (TORTURE) (DNA REQ)	Completed

ELECTRONICALLY FILED - 2023 Sep 29 3:05 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

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 **AFFIDAVIT OF ROSS RICHEY**

PERSONALLY APPEARED before me Ross Richey, who being first duly sworn deposes and states:

1. In January and February 2021, I was employed as a police officer by the City of Belton, and I corroborated with Doreen Howe on the City's investigation of Robert Snipes.

2. I took the initial telephone call from an employee of a veterinarian clinic in Spartanburg, who reported that Robert Snipes of Belton had brought his cat named Skye to its clinic. This individual was concerned Mr. Snipes had allowed Skye to suffer for many months.

3. I discussed this case with Officer Howe on several occasions. I reviewed the photographs and veterinarian clinic records that Officer Howe obtained. The photographs filed with the City's Motion for Summary Judgment were some of the photographs taken by the Spartanburg veterinarian clinic before Skye was euthanized.

4. Based on the evidence obtained, it was my belief that Mr. Snipes had seriously mistreated Skye and caused Skye to suffer unnecessarily. One of the veterinarian records described this as a matter of animal cruelty, and I agreed.

5. Based on the evidence, I discussed the case with Judge Bannister. I showed Judge Bannister photographs of Skye and vet clinic records. In my view, these photographs and

EXHIBIT 2

documents showed that Skye was in terrible condition and had most likely been suffering for many weeks.

6. I drafted the arrest warrant, and I signed the arrest warrant in the presence of Judge Bannister. A copy of the arrest warrant is attached to this Affidavit.

7. I went to Mr. Snipes' residence in Belton and witnessed the terrible condition inside his residence. The smell of cat urine was intense.

8. I informed Mr. Snipes that he was being arrested and charged for the ill-treatment of Skye. There were several other cats in the house. Mr. Snipes signed a document allowing us to take the other cats to the local shelter.

9. Thereafter, Mr. Snipes was transported to the Anderson County Detention Center. There are two different crimes specified in South Carolina Code § 47-1-40. One is a felony, and the other is a misdemeanor. Regardless of whether Mr. Snipes was charged with the felony or misdemeanor, he would have been transported to and booked at the Anderson County Detention Center.

10. The cats were delivered to the animal shelter the same day. The City of Belton does not own or operate the shelter. After the cats were delivered to the shelter, the City of Belton had no authority to decide whether Mr. Snipes should be allowed to reclaim the cats or not.

Ross Richey

SWORN to and subscribed before
me this 28 day of September, 2023

Helen H. Willis
Notary Public for South Carolina
My Commission Expires: 04-13-2031

HELEN H. WILLIS
NOTARY PUBLIC
MY COMMISSION EXPIRES
APRIL 13, 2031
SOUTH CAROLINA

ELECTRONICALLY FILED - 2023 Sep 29 3:05 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

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ARREST WARRANT

2021A0420100007

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Belton

THE STATE

against

Robert Stro Snipes

Address [redacted]

Belton, SC 29627-

Phone: (864)381-0519 SSN

Sex: M Race: W Height: 5 10 Weight 175

DL State: DL #: [redacted]

DOB: [redacted] Agency ORI #: SC0040200

Prosecuting Agency: Belton Police Department

Prosecuting Officer: James R Richey - S00673

Offense: Animals / Ill treatment of animals in general, torture

Offense Code: 2804

Code/Ordinance Sec: 47-01-0040(B)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law

(L.S.)

Signature of Judge

Date.

RETURN

A copy of this arrest warrant was delivered to defendant Robert Snipes on 2-5-2021 @ 1149 hrs

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Belton Municipal Court
306 Anderson Street
PO Box 828
Belton, SC 296270828

AUDIT COPY AUDIT COPY AUDIT COPY AUDIT COPY

AFFIDAVIT

AUDIT COPY

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Belton

Personally appeared before me the affiant James R Richey who being duly sworn deposes and says that defendant Robert Stro Snipes did within this county and state on or about 10/15/2020 violate the criminal laws of the State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of Belton) in the following particulars:

DESCRIPTION OF OFFENSE: Animals / Ill treatment of animals in general, torture

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on October 15, 2020, in the city of Belton, one Robert Stro Snipes did commit the crime of Animals / Ill treatment of animals in general. The defendant sought treatment for the cat at Paw Prints Animal Hospitial in Easley, SC. Mr. Snipes failed to follow medical advice and adquate care for the animal until January 29, 2021. At this time the cat was euthanized, the cat suffered for 3 months. At the time of euthanasia the cat was severely emaciated, dehydrated, weak and matted. The cat's left side of his face was beyond recongnition due to all the infection and face decaying off.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Belton

Affiant's Address 306 Anderson St
Belton, SC 29627-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 10/15/2020 defendant Robert Stro Snipes did violate the criminal laws of the State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of Belton) as set forth below:

DESCRIPTION OF OFFENSE: Animals / Ill treatment of animals in general, torture

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me on 2/4/2021

(L.S.)

Signature of Issuing Judge

Dennis Calhoun Bannister (Belton) Jr.

Judge Code 8387

Judge's Address Post Office Box 828
Belton, SC 29627-

Judge's Telephone [redacted]

Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

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ELECTRONICALLY FILED - 2023 Sep 21 4:11 PM - ANDERSON - COMMON PLEAS - CASE#2023CP040203

STATE OF SOUTH CAROLINA **COUNTY OF ANDERSON**	) **IN THE COURT OF COMMON PLEAS**) **CASE NO.: 2023-CP-04-00203**)
Robert Stro Snipes, Plaintiff, v. City of Belton and Spartanburg Animal Clinic, LLC, Defendants.	) **DEFENDANT VETCOR OF SPARTANBURG, LLC'S NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGEMENT**

YOU WILL PLEASE TAKE NOTICE that Defendant VetCor of Spartanburg, LLC ("VetCor"), improperly named as Spartanburg Animal Clinic, LLC, by and through its undersigned counsel, hereby moves this Court, pursuant to Rule 56 of the South Carolina Rules of Civil Procedure, for an order granting summary judgement to VetCor. The grounds for this motion include that Plaintiff has failed to produce any evidence sufficient to create a genuine issue of material fact as to VetCor's liability for any cause of action. Vet Cor is entitled to judgement as a matter of law for the following reasons:

1. Plaintiff is unable to provide evidence sufficient to establish a cause of action for False Imprisonment, False Arrest, or Malicious Prosecution. Specifically, an essential element in each of these causes of action is lack of probable cause at the time of arrest. See *Gist v. Berkeley County Sheriff's Dep't*, 336 S.C. 611, 615, 521 S.E.2d 163, 165 (Ct.App. 1999) ("An action for false imprisonment may not be maintained where the plaintiff was arrested by lawful authority . . . the fundamental issue in determining the lawfulness of an arrest is whether there was `probable cause' to make the arrest."); See also *Gaar v. North Myrtle Beach Realty Co., Inc.*, 287 S.C. 525,

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528, 339 S.E.2d 887, 889 (Ct.App. 1986) (listing the elements of malicious prosecution, including "want of probable cause"). Additionally, Plaintiff cannot produce evidence to show that Defendant VetCor directed authorities to take any action in any wrongful or actionable manner.

2. Plaintiff cannot establish a valid cause of action for defamation against VetCor. The elements of a defamation claim are "(1) a false and defamatory statement was made; (2) the unprivileged publication was made to a third party; (3) the publisher was at fault; and (4) either actionability of the statement irrespective of special harm or the existence of special harm caused by the publication." *Argoe v. Three Rivers Behavioral Health, LLC*, 392 S.C. 462, 469; 710 S.E.2d 67, 74 (2011). Reports to law enforcement are generally privileged. See *Bell v. Bank of Abbevill*e, 208 S.C. 490, 495; 28 S.E.2d 641, 646 (S.C. 1946) ("The protection of privilege extends generally to remarks made in the prosecution of an inquiry regarding a crime which has been committed; and for the purpose of detecting and bringing the criminal to punishment"). Plaintiff's claim should be dismissed because he is unable to produce evidence to establish the falsity, the unprivileged nature of any statements made by VetCor employees, or any the requisite malice.

3. Plaintiff cannot produce evidence sufficient to establish a claim against VetCor for negligence. Negligence requires proof that "(1) the defendant owes a duty of care to the plaintiff; (2) defendant breached the duty by a negligent act or omission; (3) defendant's breach was the actual or proximate cause of the plaintiffs injury; and (4) plaintiff suffered an injury or damages." *Doe ex Rel. Doe v. Wal-Mart Stores, Inc.* 393 S.C. 240, 244; 711 S.E.2d 908, 912 (S.C. 2011). As a matter of law, Plaintiff is unable to establish the existence of any actionable duty, breach of a duty, or proximate causation as a result of any actions by VetCor employees. Moreover, to the extent Plaintiff's claim for negligence is merely a repackaging of his defamation claim, it should be dismissed.

This motion will be supported by the pleadings that have been filed in this action, discovery conducted or to be conducted in the future, a memorandum of law in support of the motion to be filed at a later date, the South Carolina Rules of Civil Procedure, arguments of counsel, applicable common and statutory law, and any motions or memorandum filed by co-defendants.

WHEREFORE, Defendant VetCor respectfully requests that summary judgement be granted in VetCor's favor on all claims asserted by Plaintiff in the Complaint against VetCor.

Dated: September 21, 2023

GORDON REES SCULLY MANSUKHANI LLP

By *s/William J. Blount*

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ELECTRONICALLY FILED - 2023 Sep 21 4:11 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

ELECTRONICALLY FILED - 2023 Oct 03 1:49 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

STATE OF SOUTH CAROLINA	)	**IN THE COURT OF COMMON PLEAS**
	)	**CASE NO.: 2023-CP-04-00203**
COUNTY OF ANDERSON	)	
	)	
Robert Stro Snipes,	)	
	)	**DEFENDANT VETCOR OF SPARTANBURG, LLC'S MEMO IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGEMENT**
Plaintiff,	)	
	)	
v.	)	
	)	
City of Belton and Spartanburg Animal Clinic, LLC,	)	
	)	
Defendants.	)	
	)	

VetCor of Spartanburg, LLC ("VetCor"), improperly named as Spartanburg Animal Clinic, LLC, by and through its undersigned counsel, hereby submits this Memorandum of Law in support of its Motion for Summary Judgement on all claims against it. In support of the motion, Defendant states as follows.

INTRODUCTION

This case arises from the February 5th, 2021 arrest of Plaintiff Robert Snipes for the ill treatment of animals. Prior to his arrest, Mr. Snipes took one of his many cats, Sky, to Spartanburg Animal Clinic where the cat was euthanized as a result of its extremely debilitated condition. Following the encounter, Spartanburg Animal Clinic staff contacted animal control for the City of Belton. Animal control performed an independent investigation, obtained a warrant, and arrested Mr. Snipes for needlessly inflicting excessive or repeated unnecessary pain or suffering upon an animal. Following the dismissal of the charge at a preliminary hearing, Mr. Snipes brought suit against the Defendants for false imprisonment, false arrest, malicious prosecution, defamation, and negligence.

ELECTRONICALLY FILED - 2023 Oct 03 1:49 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

Summary Judgement should be granted to VetCor because Mr. Snipes did in fact mistreat his cat Sky. Critically, the cat was in was in atrocious condition when it was finally euthanized on January 29, 2021 at Spartanburg Animal clinic. See **Exhibit A**, *three 1/29/21 photos of Sky*. The cat was forced to unnecessarily suffer in this pitiful condition for at least three months due to Mr. Snipes' refusal to either permit euthanization or provide the cat with necessary treatment when he visited separate veterinary clinics in October of 2020. See **Exhibit B** *10/15/20 Paw Prints records*; **Exhibit C** *10/17/20 Healthpointe Vet records*. A necessary element of Plaintiff's claims for false arrest, false imprisonment, and malicious prosecution is the lack of probable cause. Mr. Snipes was arrested after a diligent investigation and the issuance of a facially valid warrant on the basis that probable cause existed. Moreover, the evidence produced by Defendants in this suit independently demonstrates the existence of probable cause that Mr. Snipes mistreated his cat Sky. Correspondingly, it follows that any potentially defamatory statements made by Spartanburg Animal Clinic employees were true and therefore cannot form the basis of an actionable defamation claim. For these reasons and for additional reasons set forth below, all of the claims against VetCor should be dismissed *with prejudice*.

RELEVANT FACTS

Plaintiff Robert Snipes was arrested on February 5, 2021 for violating S.C. Code §41-1-40(B). *See* Arrest warrant attached as **City of Belton's Exhibit B to its Motion for Summary Judgement**. S.C. Code §41-1-40(B) prescribes punishment for a person who "…inflicts excessive or repeated unnecessary pain or suffering upon an animal or by omission or commission causes these acts to be done…" (*Id).* The date of Mr. Snipes violation was given as October 15, 2020 and the grounds was Mr. Snipes failure "to follow medical advice and

ELECTRONICALLY FILED - 2023 Oct 03 1:49 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

adequate care for the animal" which caused the cat to suffer for "3 months." (*Belton Ex. B to MSJ*.**)**

On October 15, 2020 Mr. Snipes had taken Sky to Paw Prints Animal Hospital in Spartanburg for treatment of severely progressed dental disease. *(Ex. B)*. The disease was the result of multiple dental abscesses that had plagued Sky since at-least April 2020. **Exhibit D**. *9/15/23 Deposition of Robert Snipes Pg. 103*. On October 15th, Sky was in severe condition and presented with a "dull unkempt coat, hard swelling on right mandible, necrotic tissue in area of the canine tooth" and "two open draining wounds." (*Ex. B Pg. 1.*) Dr. Ellege recommended Mr. Snipes either take Sky to Upstate Veterinary Specialists ("UVS"), a clinic with advanced surgical capabilities, or consider euthanasia since further care for Sky was "beyond the scope of our abilities." (*Id)*.

Instead of following Dr. Ellege's recommendations, Mr. Snipes took Sky to HealthPointe Veterinary Clinic ("HealthPointe") on October 17, 2020. (*Ex C)*. At HealthPointe, Sky's condition was described by Dr. Hurlbert as "emaciated matted and covered in purulent discharge. Right side of face swollen with the skin and fur piling off and purulent material. Unable to put tongue in mouth due to swelling." (*Ex. C Pg. 2)*. Dr. Hurlbert further described the condition as "unacceptable." (*Id)*. Dr. Hurlbert instructed Mr. Snipes to consider Euthanasia, take Sky to UVS, or provide her with a thousand dollar deposit and freedom to treat Sky at her discretion. (*Id)*. Mr. Snipes again refused Euthanasia and took Sky home. (*Id)*. As a result of Sky's "poor quality of life" and "unacceptable condition," HealthPointe sent Mr. Snipes a letter informing him that they would no longer provide him with veterinary services. (*Id)*.

Also on October 17, 2020, Mr. Snipes took Sky to UVS but refused to allow UVS to treat Sky upon learning that any treatment they could provide Sky would leave him with an even

ELECTRONICALLY FILED - 2023 Oct 03 1:49 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

worse quality of life. *(Ex D Pg. 44).* As a result, Sky was forced to suffer in the above described condition for several months. Mr. Snipes testified that Snipes condition in October 2020 actually looked even worse than the photos taken at Spartanburg Animal Clinic. *(Ex. D Pg. 49).* Mr. Snipes maintains that Sky was able to eat, drink, and sleep on his chest. (*Ex. D Pgs. 186-188*). He did admit that the day before the visit to Spartanburg Animal Clinic, he thought Sky was dead and testified Sky's recovery was "like Lazarus." *(Ex Pg. 81*).

On January 29, 2021, Mr. Snipes brought Sky to Spartanburg Animal Clinic. See **Exhibit E**. 1/29/2021 *Spartanburg Animal Clinic Records*. Sky was observed to be "emaciated, severely dehydrated, severe pallor, non-ambulatory, weak, and severely matted" with "two draining tracks in skin of left cheek overlying a large firm mass with mild hemorrhage and putrid-smelling exudate" - among other equally repulsive afflictions. (*Ex E. Pg. 3).* Sky's weight was documented to be half of his healthy body weight - having decreased from 9.80 pounds, measured at a previous visit to Spartanburg Animal Clinic in 2017, to 4.90 pounds. (*Id*. Pg. 1). Three photographs were taken that document Sky's wretched condition. **(***Ex. A).* Following a dispute with the attending veterinarian Dr. Garrison, Mr. Snipes finally agreed to permit the Euthanization of Sky. *Id.*

After Mr. Snipes left Spartanburg Animal Clinic, Amanda Harvey, the hospital manager at Spartanburg Animal Clinic, called City of Belton Police to request a welfare check on Mr. Snipes additional cats. *See* **City of Belton's Exhibit B to Exhibit 1 of its Memorandum of Law**. *Incident Report # 21-0106.* Ms. Harvey was called by City of Belton Animal Control officer Doreen Howe and questioned about Mr. Snipes cat Sky at which point Mrs. Harvey provided a detailed description of Sky's condition. (*Belton's Ex B to Ex 1. Pg. 5).* Mr. Snipes testified that the only false statement made by Mrs. Harvey listed in the report (which is the only

ELECTRONICALLY FILED - 2023 Oct 03 1:49 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

record of the conversation) is the following statement recorded by Officer Howe: "Ms. Harvey stated that [Mr. Snipes] said the cat was active the night before, eating and the cat actually slept on his chest. *She said that would be impossible due to the condition of the cat and the awful odor she had*." Quoted text in (*Belton's Ex B to Ex 1. Pg. 2)* emphasis added; Mr. Snipes Testimony *(Exhibit D Pg. 186-188).* Ms. Harvey also sent photos of Sky's condition to officer Howe. (*Belton's Ex B to Ex 1.).*

Following the phone call with Ms. Harvey, Animal Control officer Howe conducted her own independent investigation of Mr. Snipes that included multiple visits to Mr. Snipes' house, the procurement of Sky's past veterinary records, and phone calls to other veterinary clinics. (*Belton's Ex B to Ex 1.).* The investigation concluded with the arrest of Mr. Snipes after police officer Ross Richey applied for an arrest warrant that was approved by Judge Dennis Calhoun Bannister Jr. on the basis that probable cause existed to charge Mr. Snipes with ill treatment of his car Sky. (*Belton's Ex B).*

STANDARD OF REVIEW

Summary judgment is appropriate if there is no genuine issue as to any material fact and the moving party is entitled to a judgment as a matter of law. Rule 56(c), SCRCP; also *Kitchen Planners, LLC v. Friedman*, Appellate Case No. 2020-001669, 2023 WL 5420401 (Supreme Court August 23, 2023). Once a moving party establishes the absence of a genuine issue of material fact, the opponent must present specific facts showing a genuine issue for trial. *Gauld v. O'Shaugnessy Realty Co.*, 380 S.C. 548, 558-59, 671 S.E.2d 79, 85 (Ct. App. 2008). Mere speculation or conjecture does not create a sufficient factual dispute. *McKnight v. S.C. Dep't of Corr.*, 385 S.C. 380, 390, 684 S.E.2d 566, 571 (Ct. App. 2009). The opponent cannot simply rest on the allegations in the complaint to defeat a motion for summary judgment. *Gauld*, 380 S.C. at 559, 671 S.E.2d at

ELECTRONICALLY FILED - 2023 Oct 03 1:49 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

85. Further, a failure to establish an element of the cause of action "necessarily renders all other facts immaterial," and the moving party is entitled to summary judgment. *Baughman v. AT&T*, 306 S.C. 101, 116, 410 S.E.2d 537, 546 (1991). "The plain language of Rule 56(c), SCRCP, mandates the entry of summary judgment, after adequate time for discovery against a party who fails to make a showing sufficient to establish the existence of an element essential to the party's case and on which that party will bear the burden of proof at trial." Boone v. Sunbelt Newspapers, Inc. (Citing *Carolina Alliance for Fair Employment*, 337 S.C. at 485, 523 S.E.2d at 800).

ARGUMENT

Plaintiff is unable to present sufficient evidence to establish a genuine issue of material fact as to the existence of any claim against VetCor. Specifically, Plaintiff cannot produce evidence capable of rebutting the overwhelming evidence that he did in fact engage in the ill-treatment of animals. The record establishes the existence of probable cause leading to his arrest and the truth of the allegedly defamatory statements. Additionally, the reports made by Spartanburg Animal Clinic employees to law enforcement are privileged and not actionable due to animal control's independent investigation.

A. Plaintiff's False Arrest, False Imprisonment, and Malicious Prosecution Claims Should be Dismissed due to the Existence of Probable Cause

False Imprisonment and False Arrest share the same elements, which are "(1) the defendant restrained the plaintiff, (2) the restraint was intentional, and (3) the restraint was unlawful. *Argoe v. Three Rivers Behavioral Health, L.L.C.*, 392 S.C. 462, 473, 710 S.E.2d 67, 73 (2011). The elements of malicious prosecution are: "(1) the institution or continuation of original judicial proceedings; (2) by or at the instance of the defendant; (3) termination of such proceedings in [the] plaintiff's favor; (4) malice in instituting such proceedings; (5) lack of probable cause; and (6) resulting injury or damage." *Pallares v. Seinar*, 407 S.C. 358, 756 S.E.2d

ELECTRONICALLY FILED - 2023 Oct 03 1:49 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

129 (2014). An essential element in each of these causes of action is lack of probable cause at the time of arrest. See *Gist v. Berkeley County Sheriff's Dep't*, 336 S.C. 611, 615, 521 S.E.2d 163, 165 (Ct.App. 1999) ("An action for false imprisonment may not be maintained where the plaintiff was arrested by lawful authority . . . the fundamental issue in determining the lawfulness of an arrest is whether there was `probable cause' to make the arrest."); See also *Gaar v. North Myrtle Beach Realty Co., Inc*., 287 S.C. 525, 528, 339 S.E.2d 887, 889 (Ct.App. 1986) (listing the elements of malicious prosecution, including "want of probable cause"). Moreover, Probable cause is a good faith belief that a person is guilty of a crime when the belief rests on such grounds as would induce an ordinary, prudent, and cautious person under the circumstances to believe likewise. *Gathers v. Harris Teeter Supermarket, Inc.*, 282 S.C. 220, 228, 317 S.E.2d 748, 754 (Ct.App.1984). Consequently, the existence of probable cause warrants summary judgement in favor of the Defendants.

Here, Defendants VetCor and the City of Belton have produced overwhelming evidence that demonstrates the existence of probable cause to conclude that Mr. Snipes violated S.C. Code §41-1-40(B) by causing his cat Sky to suffer unnecessary pain as a result of his refusal to Euthanize or otherwise treat the animal in October of 2020. The photos of Sky prove that Sky was in a wretched condition at the time of his death. (*Ex. A).* The records from Paw Prints and HealthPointe Animal clinics demonstrate that the cat had suffered in that wretched condition for at least three months. (*Exs. B & C).* During those visits, Mr. Snipes was counseled to either euthanize Sky or permit drastic medical intervention – he refused both options. (*Exs. B & C).* By the time Sky was taken to Spartanburg Animal Clinic, he weighed only half of his healthy body weight. (*Ex. E).*

The only evidence Plaintiff can muster to rebut the existence of probable cause is his own

ELECTRONICALLY FILED - 2023 Oct 03 1:49 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

testimony that Sky "miraculously" continued to eat, drink, and carry on a normal existence. *(Ex. D Pg.43).* Plaintiff has no photos, no witnesses, or any other documentation to support these claims that contradict the opinions of at least three separate veterinarians. (*Ex. D Pg. 248).* Consequently, Plaintiff cannot establish the lack of probable cause, and for this reason alone summary judgement should be granted on his False Arrest, False Imprisonment, and Malicious Prosecution causes of action.

B. Plaintiff's False Arrest, False Imprisonment, and Malicious Prosecution Claims Should be Dismissed Because VetCor Staff Merely Alerted Law Enforcement to the Possibility of Crime

Additionally, VetCor cannot be liable for these three causes of action when its employees simply reported valid concerns to law enforcement. Critically, "[w]here a person merely directs the attention of a police officer to what he supposes to be a [crime] ... and the officer, without other direction, arrests the offender on his own responsibility, the person who did nothing more than communicate the facts to the officer is not liable for causing the arrest". *Wingate v. Postal Tel. & Cable Co*., 204 S.C. 520, 528, 30 S.E.2d 307, 311 (1944).

The evidence shows that VetCor employees merely reported concerns to law enforcement and did not otherwise direct or request the arrest or prosecution of Mr. Snipes. When Amanda Harvey called the City of Belton Police, she requested a welfare check. (*Belton's Ex B to Ex 1*). When contacted by animal control, she stated her concerns and described the condition of Sky on January 29, 2021, but there is no evidence indicating that she requested the arrest or prosecution of Mr. Snipes. (*Belton's Ex B to Ex 1*). Instead, the evidence establishes that she merely requested an investigation. An investigation was independently performed which further established the existence of probable cause, and lead to the independent decision of law enforcement to arrest Mr. Snipes. (*Belton's Ex B to Ex 1*). Therefore, Plaintiff cannot establish

ELECTRONICALLY FILED - 2023 Oct 03 1:49 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

the necessary participation of VetCor employees in Mr. Snipes' arrest and prosecution sufficient to create a viable claim for False Imprisonment, False Arrest, or Malicious Prosecution.

C. Plaintiff's Defamation Claim Should Be Dismissed Because the Statements were both True and Privileged

To establish a claim defamation, a Plaintiff must prove "(1) a false and defamatory statement was made; (2) the unprivileged publication was made to a third party; (3) the publisher was at fault; and (4) either actionability of the statement irrespective of special harm or the existence of special harm caused by the publication." *Argoe v. Three Rivers Behavioral Health, LLC*, 392 S.C. 462, 469; 710 S.E.2d 67, 74 (2011). "A communication is defamatory if it tends to harm the reputation of another as to lower him in the estimation of the community or to deter third persons from associating or dealing with him." *Fleming v. Rose*, 350 S.C. 488, 494, 567 S.E.2d 857, 860 (2002). Furthermore, "In addition to being defamatory, the statement must be false." *Id.* A sufficient defense is made out where the evidence establishes that the statement was substantially true. *Ross v. Columbia Newspapers, Inc*., 266 S.C. 75, 80, 221 S.E.2d 770, 772 (1976). "It is not necessary to establish the literal truth of the precise statement made." Restatement (Second) of Torts § 581A (1977). "Slight inaccuracies of expression are immaterial provided that the defamatory charge is true in substance." *Id*.

Ordinarily, when the Plaintiff is a private citizen, they need not prove actual malice and the fault requirement can be established by mere negligence. *Jones v. Sun Pub. Co*., 278 S. C. 12, 16-17, 292 S. E. 2d 23, 24 (1982). However, under the doctrine of qualified privilege, the Plaintiff can be required to prove malice even when they are a private citizen. *Swinton Creek Nursery v. Edisto Farm Credit*, ACA, 334 S.C. 469, 484, 514 S.E.2d 126, 134 (1999) ("Where the occasion gives rise to a qualified privilege, there is a prima facie presumption to rebut the inference of malice, and the burden is on the plaintiff to show actual malice or that the scope of

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the privilege has been exceeded one") "Common law malice" means the defendant acted with ill will toward the plaintiff, or acted recklessly or wantonly, i.e., with conscious indifference of the plaintiff's rights." *Erickson v. Jones Street Publishers, L.L.C.*, 368 S.C. 444, 466, 629 S.E.2d 653, 675 (S.C. 2006). Critically, Communications made in the investigation of a crime for the purpose of detecting the participants in the crime are privileged. *Bell v. Bank of Abbeville*, 208 S.C. 490, 494, 38 S.E.2d 641, 643 (1946) ("The protection of privilege extends generally to remarks made in the prosecution of an inquiry regarding a crime which has been committed; and for the purpose of detecting and bringing the criminal to punishment"); See also *Switzer v. Am. Ry. Express Co.*, 119 S.C. 237, 241, 112 S.E.110, 111 (1922).

1. All Alleged Defamatory Statements by VetCor Employees were True

In his Complaint, Plaintiff alleges that VetCor made multiple false statements to law enforcement accusing him of animal abuse. However, during Mr. Snipes' deposition, he testified that the only known false statement made by a VetCor employee to law enforcement was Amanda Harvey's statement that it was "impossible" Sky "was active the night before, eating and the cat actually slept on his chest." (*Ex. D Pg. 186-188)***.** It is doubtful this statement was defamatory even if false, but more importantly, it was true. Mr. Snipes has testified that the night before the visit to Spartanburg Animal Clinic he though Sky was dead due to his inactivity. (*Ex D Pg. 82).* Furthermore, there is ample evidence that Sky could not eat: he weighed only 4.9 pounds at the time of his visit – half of his healthy body weight – and Dr. Hurlbert at HealthPointe concluded three months prior that he was unable to eat. (*Exs. E & C).* Lastly, given the condition of Sky's face - with exposed necrotic tissue, purulent discharge, and a foul odor - it seems reasonable to conclude that Mr. Snipes did not in fact allow Sky to sleep on his chest the night prior to his visit to Spartanburg Animal Clinic. (*Exs. A & E).* Therefore, Amanda Harvey's

ELECTRONICALLY FILED - 2023 Oct 03 1:49 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

statement was true and cannot be the basis of an actionable defamation claim.

Moreover, there is no evidence that any VetCor employee made any other false statements. As discussed above, the record plainly shows that Sky was forced to suffer as a result of Mr. Snipes' refusal to Euthanize or treat Sky. All other recorded statements of Ms. Harvey are true. Even if a VetCor employee pointedly accused Mr. Snipes of mistreatment, that statement would be true. Consequently, the Plaintiff cannot establish the falsity of any statement and VetCor should be granted summary judgment on the defamation claim.

2. All Alleged Defamatory Statements by VetCor Employees were Privileged

The allegedly defamatory statements by VetCor employees were made to law enforcement for the purpose of reporting a crime. As such, they were privileged communications that cannot form the basis of a defamation claim. *Bell v. Bank of Abbeville*, 208 S.C. 490, 494, 38 S.E.2d 641, 643 (1946). Moreover, Plaintiff cannot carry his burden of establishing malice. Plaintiff must show that "defendant acted with ill will toward the plaintiff, or acted recklessly or wantonly, i.e., with conscious indifference of the plaintiff's rights." *Erickson v. Jones Street Publishers, L.L.C.*, 368 S.C. 444, 466, 629 S.E.2d 653, 675 (S.C. 2006). However, the evidence demonstrates that the report made by VetCor employees was not for the purpose of harming the Plaintiff, but out of concern for his other cats.

When Amanda Harvey called the City of Belton Police, they labeled the report as a request for a "Welfare check/animal neglect." (*Belton's Ex B to Ex 1*). Mr. Snipes even understood that the purpose of animal control's initial visit was to perform a "wellness check" on his animals. (*Ex. D Pg. 196-197)*. Moreover, for the reasons discussed above that demonstrate probable cause and the truth of the statements made, the reporting of mere facts to law enforcement is not actionable merely because the facts reported do in fact constitute a crime.

ELECTRONICALLY FILED - 2023 Oct 03 1:49 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

Consequently, the alleged defamatory are privileged and therefore not actionable and summary judgement should be granted.

D. Plaintiff's Negligence Claim Should Be Dismissed Because Plaintiff cannot Establish the Existence of a Duty or A Breach of a Duty by VetCor

The truthfulness of the statements made by VetCor employees to animal control precludes any claim for negligence. Claim for negligence requires proof that "(1) the defendant owes a duty of care to the plaintiff; (2) defendant breached the duty by a negligent act or omission; (3) defendant's breach was the actual or proximate cause of the plaintiffs injury; and (4) plaintiff suffered an injury or damages." *Doe ex Rel. Doe v. Wal-Mart Stores, Inc*. 393 S.C. 240, 244; 711 S.E.2d 908, 912 (S.C. 2011). It is essential the plaintiff establish that a legal duty of care was owed to the plaintiff by the defendant. *Denson v. Nat'l Cas. Co.*, 439 S.C. 142, 886 S.E.2d 228 (2023). "For negligent conduct to become actionable, it must violate some specific legal duty *owed to the plaintiff*." *Rice v. School district of Fairfield*, 317 S.C. 87, 93, 452 S.E.2d 352, 358 (Ct. App. 1994) (citing *Foster v. Greenville Medical Soc*., 95 S.C. 190, 367 S.E.2d 468 (Ct. App. 1988) (emphasis added). In determining whether a particular act is negligent, the test depends on what a person of ordinary reason and prudence would do under those circumstances at that time and place. *Berberich v. Jack*, 392 S.C. 278, 287, 709 S.E.2d 607, 612 (2011). "Absent a legally recognized duty, the defendant in a negligence action under South Carolina law is entitled to a judgment as matter of law." *Humphrey v. Day & Zimmerman Intern., Inc.*, 997 F. Supp. 2d 388 (D.S.C. 2014). Here, Plaintiff cannot establish the existence of a duty or any breach.

To the extent Plaintiff can make a claim for negligence, it must be based on allegedly false statements made to law enforcement. However, as demonstrated above, the statements made by VetCor employees were true. No breach can exist without a wrongful act. The mere reporting of a crime to police is not wrongful. Consequently, the Plaintiff cannot establish a

claim for negligence.

CONCLUSION

For the reasons stated above, as well as any additional arguments to be made at the hearing, the Court should Grant Defendant VetCor's Motion for Summary Judgement.

Dated: October 3, 2023

GORDON REES SCULLY MANSUKHANI LLP

By *s/William J. Blount*

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Attorneys for Defendant VetCor of Spartanburg, LLC

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#17709

ANIMAL RECORD

Owner's Name Snipes, Stro — Home Phone

Address 304 Forest Lane Belton SC 29627 — Work Phone

E-mail Address — Referred By — Cell Phone (864) 381-0519

Animal's Name Sky — Species Feline — Breed DMH

Sex N Age 4y Birthdate 5/2016 Color and Markings Black/White Allergies

Rabies						FVR-CP						
DHLP						FeLV						
Parvo						Chlamydia						
HW						Rabies						
Lyme												
Corona						Dental						
Bordetella						Fecal						

DATE	WEIGHT	TREATMENT AND PROGRESS	CODE	CHARGE
10-15-20		Dr Elledge - Check mouth (vet hx in file) discuss dental No vacc since 1yo old	~~DCE~~	

PHYSICAL EXAM CHECKLIST

1) GENERAL APPEARANCE ☐ NORMAL ☒ ABNORM	2) INTEGUMENTARY ☐ NORMAL ☒ ABNORM	3) MUSCULOSKELETAL ☐ NORMAL ☒ ABNORM
4) RESPIRATORY ☒ NORMAL ☐ ABNORM	5) DIGESTIVE ☐ NORMAL ☒ ABNORM	6) GENITOURINARY ☒ NORMAL ☐ ABNORM
7) EARS ☒ NORMAL ☐ ABNORM	8) NEURAL SYSTEMS ☒ NORMAL ☐ ABNORM	9) LYMPH NODES ☒ NORMAL ☐ ABNORM
10) EYES ☒ NORMAL ☐ ABNORM	11) CIRCULATORY ☒ NORMAL ☐ ABNORM	12) MUCOUS MEMBRANES ☒ NORMAL ☐ ABNORM

T ____ P ____ R ____ Wt ____

1. BCS 2/5
2. Dull, unkempt coat
5. Hard Swelling on (R) mandible — necrotic tissue in area of canine tooth w/ serosanguinous bleeding & open draining wounds caudal mandible & near area of R K-9

A: Severe dental disease, Stomatitis w/ possible osteomyelitis & ruptured infection/ abscesses possible neoplasia
Underweight

P: Recommend UVS — beyond the scope of our abilities. For Otherwise consider euthanasia. AM

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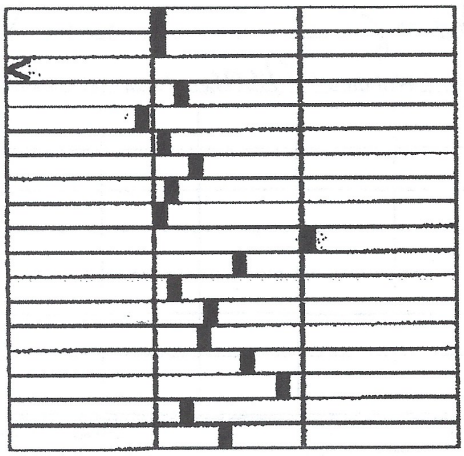
Client: Snipes, Stro (17709)
Patient Name: Sky
Species: Feline
Breed:

Gender: Male/Castrated
Weight: 0.00 lbs
Age: 4 Years
Doctor: Melissa Elledge, DVM

Paw Prints Animal Hospital
1229 Powdwersville Rd
Easley SC 29642

Catalyst Dx (November 13, 2020 6:49 PM)

Test	Results	Reference Interval	LOW / NORMAL / HIGH
ALB	2.2 g/dL	2.2 - 4.0	
ALKP	14 U/L	14 - 111	
ALT	< 10 U/L	12 - 130	LOW
AMYL	710 U/L	500 - 1500	
BUN	15 mg/dL	16 - 36	LOW
CA	8.1 mg/dL	7.8 - 11.3	
CHOL	112 mg/dL	65 - 225	
CREA	1.0 mg/dL	0.8 - 2.4	
GGT	0 U/L	0 - 4	
GLOB	5.5 g/dL	2.8 - 5.1	HIGH
GLU	123 mg/dL	74 - 159	
LIPA	286 U/L	100 - 1400	
PHOS	4.8 mg/dL	3.1 - 7.5	
TBIL	0.3 mg/dL	0.0 - 0.9	
TP	7.7 g/dL	5.7 - 8.9	
Na	163 mmol/L	150 - 165	
K	4.0 mmol/L	3.6 - 5.8	
Cl	120 mmol/L	112 - 129	
ALB/GLOB	0.4		
BUN/CREA	15		
Na/K	41		
Osm Calc	323 mmol/kg		



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IDEXX LABORATORIES

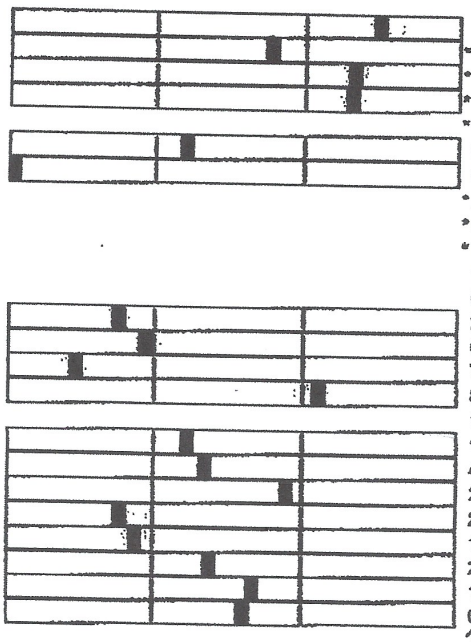
Client: Snipes, Stro (17709)
Patient Name: Sky
Species: Feline
Breed:

Gender: Male/Castrated
Weight: 0.00 lbs
Age: 4 Years
Doctor: Melissa Elledge, DVM

Paw Prints Animal Hospital
1229 Powdwersville Rd
Easley SC 29642

ProCyte Dx (November 13, 2020 6:41 PM)

Test	Results	Reference Interval	LOW / NORMAL / HIGH	11/13/20 6:36 PM
WBC	25.90 K/µL	2.87 - 17.02	HIGH	25.84 K/µL
LYM	* 5.56 K/µL	0.92 - 6.88		* 5.44 K/µL
MONO	* 1.76 K/µL	0.05 - 0.67	HIGH	* 1.66 K/µL
NEU	* 18.10 K/µL	2.30 - 10.29	HIGH	* 18.30 K/µL
BAND	* Suspected			* Suspected
EOS	0.48 K/µL	0.17 - 1.57		0.44 K/µL
BASO	0.00 K/µL	0.01 - 0.26	LOW	0.00 K/µL
%LYM	* 21.5 %			* 21.1 %
%MONO	* 6.8 %			* 6.4 %
%NEU	* 69.8 %			* 70.8 %
%EOS	1.9 %			1.7 %
%BASO	0.0 %			0.0 %
HCT	26.6 %	30.3 - 52.3	LOW	26.5 %
RBC	6.33 M/µL	6.54 - 12.20	LOW	6.28 M/µL
HGB	7.3 g/dL	9.8 - 16.2	LOW	7.3 g/dL
RETIC	78.5 K/µL	3.0 - 50.0	HIGH	86.7 K/µL
%RETIC	1.2 %			1.4 %
RETIC-HGB	15.0 pg	13.2 - 20.8		14.9 pg
MCV	42.0 fL	35.9 - 53.1		42.2 fL
RDW	25.8 %	15.0 - 27.0		25.6 %
MCHC	27.4 g/dL	28.1 - 35.8	LOW	27.5 g/dL
MCH	11.5 pg	11.8 - 17.3	LOW	11.6 pg
PLT	325 K/µL	151 - 600		243 K/µL
MPV	18.3 fL	11.4 - 21.6		19.0 fL
PCT	0.59 %	0.17 - 0.86		0.46 %



* Confirm with dot plot and/or blood film review.

* Confirm with dot plot and/or blood film review.

1. Immature and/or toxic neutrophils likely present - consider active inflammation
2. Monocytosis - consider inflammation (if lymphopenia, consider glucocorticoid response)

1. Anemia with reticulocytosis-likely regenerative anemia

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IDEXX LABORATORIES

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ELECTRONICALLY FILED - 2023 Oct 03 1:49 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

Patient History Report

Client: Snipes, Robert (5429)
Phone: (864) 381-0519
Address: 725 Springhill Avenue
Spartanburg, SC 29303

Patient: Sky (5429-9)
Species: Feline
Age: 7 Yrs. 1 Mos.
Color: Black and White

Breed: DOMESTIC MEDIUMHAIR
Sex: Neutered Male

Date	Type	Staff	History
2/8/2021	CB	1	Callback - Client Communication (CC) ---- Note from Sue Ann B. Hurlbert, DVM on 2/8/2021 at 16:25:07 ---- sabh ---- Note from Victoria Mort on 2/4/2021 at 11:51:45 ---- Officer Doreen Howe (864) 245-5471 Reports she is putting out a felony warrant against Mr. Snipes for the ill treatment of animals.
2/3/2021	CB	118	Callback - Client Communication (CC) ---- Note from Tiffany M. Ramos Rodriguez on 2/3/2021 at 08:50:56 ---- We will no longer provide services to this client . Our decision was based on the incident that occurred on 11/17/2020 . Skye was brought to the clinic and we understood that he had poor quality life and his condition was unacceptable . The letter will be attached to the pets record. Sincerely , Tiffany Ramos
11/17/2020 Dawson	C	89	Patient History - Records - FINAL Nov 17/2020 - Patient History - Records
11/17/2020	C	1	Physical Exam Feline - FINAL Nov 17/2020 - Physical Exam **Sue Ann B. Hurlbert, DVM** **Feline Examination Record** **Date of Exam: 10/17/2020** **Assistant/Technician:** **Reason for Visit** **History:** What is the primary reason for today's visit? Owner reports: O requesting physical to become established and requests estimate for dental, O brought recent bloodwork. ☑ Physical examination and vaccinations **What medications and supplements is Sky taking? Refills? Orbax** **Any history of adverse reactions to vaccinations or medications?** ☑ No ☐ Yes **Explain: Never had vaccines per O.** **Heartworm Prevention/Flea/Tick :** ☑ No ☐ Yes **Current on Vaccinations**: ☐ Yes ☑ No

B:Billing, C:Med note, CB:Call back, CK:Check-in, CM:Communications, D:Diagnosis, DH:Declined to history, E:Examination, ES:Estimates, I:Departing instr, L:Lab result, M:Image cases, P:Prescription, PA:PVL Accepted, PB:problems, PP:PVL Performed, PR:PVL Recommended, R:Correspondence, T:Images, TC:Tentative medl note, V:Vital signs

Patient History Report

Client: Snipes, Robert (5429)
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Breed: DOMESTIC MEDIUMHAIR
Sex: Neutered Male

Date	Type	Staff	History

Microchip: No If not, do you want your pet micro chipped today? ☑ No ☐ Yes

Vitals:

General Appearance
☐ Normal ☑ Abnormal:
☐ Comments: EmaciateD matted and covered in purulent discharge. Right side of face swollen with the skin and fur piling off and purulent material. Unable to put tongue in mouth due to the swelling. Owner reports is doing well and eating. He does not think he has poor quality of life. I told owner that Skye did have poor quality of life and that her condition was unacceptable. Euthanasia should be considered. I told him I was very upset with the condition of the cat and would not treat if unless he gave at least a 1000.00 deposit and allowed me to treat to my discretion. Best option to go to UpSTate. He would need the other doctor he saw in Powdersville to handle the referral. I sent the cat back to the owner. No PE. beyond visual.

Skin, Nose & Hair Coat ☐ Did Not Examine
☐ Normal: ☑ Abnormal:
Comments: Matted and covered in purulent material, sloughing skin.

Diagnosis/Assessment/Departing instructions/Patient follow up care:

Poor quality of life.
Told owner to have other veterinarian to refer to UpState. Dr. Hurlbert

11/17/2020 C Tiffany Ramos		118	Patient History - HPVC Records - FINAL Feb 03/2021 - Patient History - Records

We will no longer provide services to this client . Our decision was based on the incident that occurred on 11/17/2020 . Skye was brought to the clinic and we understood that he had poor quality life and his condition was unacceptable . The letter will be attached to the pets record.
Sincerely ,
Tiffany Ramos

10/26/2020 T		31	Image: Sky Snipes Electric City 04161
10/22/2020 C Jenny Self		31	Patient History - Records - FINAL Oct 22/2020 - Patient History - Records

B:Billing, C:Med note, CB:Call back, CK:Check-in, CM:Communications, D:Diagnosis, DH:Declined to history, E:Examination, ES:Estimates, I:Departing instr, L:Lab result, M:Image cases, P:Prescription, PA:PVL Accepted, PB:problems, PP:PVL Performed, PR:PVL Recommended, R:Correspondence, T:Images, TC:Tentative medl note, V:Vital signs

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Patient History Report

Client: Snipes, Robert (5429)
Phone: (864) 381-0519
Address: 725 Springhill Avenue
Spartanburg, SC 29303

Patient: Sky (5429-9)
Species: Feline
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Breed: DOMESTIC MEDIUMHAIR
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Date	Type	Staff	History

B:Billing, C:Med note, CB:Call back, CK:Check-in, CM:Communications, D:Diagnosis, DH:Declined to history, E:Examination, ES:Estimates, I:Departing instr, L:Lab result, M:Image cases, P:Prescription, PA:PVL Accepted, PB:problems, PP:PVL Performed, PR:PVL Recommended, R:Correspondence, T:Images, TC:Tentative medl note, V:Vital signs

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Spartanburg Animal Clinic

Patient Chart

346 Cedar Springs Rd
Spartanburg, SC 29302
864-585-5233

Printed: 05-25-23 at 8:27a

CLIENT INFORMATION

Name Robert Snipes (4918)
Address 725 Springhill Ave.
Spartanburg, SC 29303

PATIENT INFORMATION

Name	Sky	**Species**	Feline
Sex	Male, Neutered	**Breed**	Domestic Longhair
Deceased	01-29-21	**Age**	D@4y
ID		**Rabies**	
Color	Black & White	**Weight**	4.90
Reminded	(none)	**Codes**	D

HEALTH HISTORY SUMMARY

Date	Diagnosis
10-20-17	REGENERATIVE ANEMIA:FLEA

Sky's weight history

01-29-21	4.90
10-23-17	9.80
10-20-17	9.80

MEDICAL HISTORY

Date	By	Code	Description	Qty (Variance)
01-18-23	HP	CCNOTE	Note - Client Communication	
01-29-21	KPG	CCNOTE	Note - Client Communication	
		4475	Beuthanasia D	
		MCR	MEDICAL CONDITION RECORD	

Age: 4y **Weight:** 4.90 **Temp:** 95.00 **Respiration:** 28.00 **Pulse:** 120.00

SUBJECTIVE SECTION

P presents for ADR.
P has been seen at several vets offices for tooth/gum infection.
O says P is very weak today, and O thought P was dead this morning.
P is very lethargic.
O states that P is still eating, and still grooms himself.
P looks very skinny recently.
P jumped out of a chair last night and seemed unsteady on feet.

JCR: 02-01-21 at 8:40a:

OBJECTIVE SECTION

KPG: 01-29-21 at 2:37p: The following notes are from today's exam: P is emaciated, severely

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Spartanburg Animal Clinic
346 Cedar Springs Rd
Spartanburg, SC 29302
864-585-5233

Date	By	Code	Description	Qty (Variance)

dehydrated, severe pallor, non-ambulatory, weak, and severely matted. There are 2 draining tracts in the skin of the left cheek overlying a large firm mass with mild hemorrhage and putrid-smelling exudate. There is also a massive right hemi-mandibular mass lesion with exposed necrotic bone. The skin of the right hemimandible has a draining tract of putrid-smelling exudate. There is mucopurulent discharge at the right naris. No murmur. Lungs clear. Abdominal palpation is benign.

ASSESSMENT SECTION

NOTES

Poor QOL
Infected malignancy of the skull vs. less likely proliferative chronic osteomyelitis
Poor prognosis

PLAN SECTION

NOTES

PE
Discussed with O that I cannot fix P's problem, and I believe humane euthanasia is the only acceptable option for P. O asked if we could do fluids for dehydration. I reiterated that I cannot fix P's underlying disease. Discussed that UVS records indicate that O declined an estimate for the emergency service that involved stabilization and transfer to Dr Romig for dental rads and likely CT to evaluate the mass; but primarily she highly recommended humane euthanasia. O said he would go back to UVS. I called UVS and relayed the information that P is here today and this is an animal cruelty case. I asked if Dr. Romig could see P today because that is what O says he wants to do. I was told that Dr. Romig said that she would only recommend humane euthanasia, but he would not be allowed in the building due to Covid. I told O what Dr. Romig said, and I asked if I have his permission to euthanize. He said no, and that he wanted to bring P to UVS to have him euthanized. I asked him why he wanted to do that. He said because maybe Dr. Romig would change her mind. I told him that she has already recommended euthanasia, which I agree with. I asked him again, if he would authorize me to euthanize P and he said no. I told him that he has 2 options: 1. authorize me to euthanize P, or 2. I will call the police for animal cruelty. He reluctantly accepted, but then said it was because I gave him no choice. I reiterated that I gave him a choice and he reiterated that what I gave him is not really a choice. He then asked me if he could sue me. I told him that he could indeed, if he wanted to. He verbally agreed to let me euthanize but said it was because I gave him no choice. I told him that I would euthanize P, but only after he signed consent, which he said he would. He was allowed to be present while wearing a mask. He was brought into room 4, and he signed consent for euthanasia with home burial and he purchased a cardboard burial box and we did a courtesy paw print. The techs placed a courtesy IV catheter and brought him to O in exam room, where he visited with P for about 20-25 minutes.
Administered 1 ml Propofol IV
Administered 1 ml Euthasol IV
Asystole confirmed
Removed IVC
Courtesy paw print
Deceased P was secured in burial box and released to O along with his cat carrier and paw print.

01-29-21		KPG	EXAMURG	Exam Urgent Care
			EUTH	Humane Euthanasia
			1888	Euthanasia- Small Animal Group
01-29-21		DIS	APPT$	Appointment notes for 01-29-21

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Spartanburg Animal Clinic
346 Cedar Springs Rd
Spartanburg, SC 29302
864-585-5233

Patient Chart for Sky Client: Robert Snipes
Date: 05-25-23, Time: 8:27a

Date	By	Code	Description	Qty (Variance)
			urgent care - exam, ADR, P has been dealing with dental issue, O said that P is dehydrated; he had BW done at rDVM and P's WBC is high; P has been on antibiotics O said that P had a tooth/gum infection and that it morphed into a mass KMH: 01-29-21 at 7:43a:	
06-01-20	JR	FNOTE$	By: JR, JR - Rads	
			Skull rads have been attached to P for review LSW: 05-30-20 at 8:38a:	
			JR: 06-01-20 at 4:29p: See client communication 5/27/20	
05-30-20	JR	NOTEDVM	Note - General Information	
			Skull rads attached LSW: 05-30-20 at 8:36a:	
05-29-20	JR	CCTECH	Note - Client Communication, Tech	
			O called to ask if we had received dental rads from rDVM and I relayed that we hadn't, but that I'd give rDVM a call to request they be sent over. Called and requested from Electric City. Will be emailed to us later. ON: 05-29-20 at 12:42p:	
05-27-20	JR	FNOTE$	By: JR, JR	
			O had records for P sent over. O wanted you to review them and talk to him about your recommendations. When the other vet called to get the email address to send them over, the person I spoke with said that O had called a few times and they offered for O to speak to the doctor, but O didn't want to speak with the doctor, he just wanted the records sent over. They also said that O had taken P to another vet before coming to them and that they referred O to UVS, but O said something about not wanting to go there. The records are on your desk. KMH: 05-27-20 at 8:02a:	
			JR: 05-27-20 at 5:36p: I had Amanda let him know that the previous vet did a great job and there is nothing more that needs to be done except going to UVS as the vet had recommended. Do not make an appointment for him here. He should go thru the previous vet for a UVS referral.	
10-25-17	JR	3775	Lixotinic / Oz #18034	6
			Give 1.0 cc orally once daily until finished. This is for all the cats in the household.	
		RTG	Ready to Go	
10-25-17	HP	655	Medication Administration	5
10-24-17	JR	FORM3	Form - Hospitalization Tx Sheet (See attached form)	
			Day 6 Wednesday	
		FORM3	Form - Hospitalization Tx Sheet	

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Spartanburg Animal Clinic
346 Cedar Springs Rd
Spartanburg, SC 29302
864-585-5233

Patient Chart for Sky
Client: Robert Snipes
Date: 05-25-23, Time: 8:27a

Date	By	Code	Description	Qty (Variance)
			(See attached form)	
			ON: 10-24-17 at 7:32a:	
			Day 5- Tuesday	
10-23-17	CED	SLC	Your Technician Today was Sharayah	
		KBT	Your Technician Today Was Kathy	
		WEIGHT	Weight Updated	
Age: 19m **Weight:** 9.80				
		854	Feline Bath	
		4034	PCV (Packed Cell Volume)	
10-22-17	JR	FORM3	Form - Hospitalization Tx Sheet	
			(See attached form)	
			Day 4 Monday	
10-21-17	JR	FORM3	Form - Hospitalization Tx Sheet	
			(See attached form)	
			Day 3 Sunday	
		JMR	Your Doctor Today Was Dr. Ray	
		KBT	Your Technician Today Was Kathy	
		FORM1	Form - Discharge Instructions	
			(See attached form)	
		NOTE	Note - General Information	
			JR: 10-20-17 at 6:46p: Conversation during pets PE. Likely flea anemia. Flea control in house, Bravecto on cats. Cannot rule out hemobart too so he will be treated for it. Owner going out of town tonight, tomorrow afternoon at the latest. Owner was at first given the option to take the kitty with him and take him to an e clinic. The next option was to go home tomorrow after the kitty's pcv. Finances tight so no other bw. est 6-700 if stays thru boarding until wed. No payment plan offered or asked for.	
		4034	PCV (Packed Cell Volume)	
10-20-17	JR	608	Hospitalization Feline	
		BRAVM	Bravecto Feline 6.3-13.8 lbs. #17909	
			Please read the enclosed directions. Rotate the cap until it clicks; do not remove it. Part the fur on the back of the neck and place the Bravecto directly on the skin in one spot. Reapply in 90 days for continued flea control.	
		2762	DKT (Dexdor/Torb/Ketamine) Sed/Anes	0.35
			Donor sedation	
		805	Technician/Hr	
		2433	Blood Transfusion: Blood Product/ml	60
		0539	Catheter Butterfly 21 G	

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Spartanburg Animal Clinic
346 Cedar Springs Rd
Spartanburg, SC 29302
864-585-5233

Patient Chart for Sky Client: Robert Snipes
Date: 05-25-23, Time: 8:27a

Date	By	Code	Description	Qty (Variance)
10-20-17	JR	570	Syringe 60 Cc	
		2432	Blood Transfusion: Donor Sedate/Collect	
		8503	Dexamethasone Sod. Phos. Inj.	0.50
		2429	Blood Transfusion Group:	
		4013	Epsiprantel 12.5 Mg	
		3775	Lixotinic / Oz #17904	
Give 1.0 cc orally once daily until finished.				
		FORM3	Form - Hospitalization Tx Sheet	
		(See attached form)		
Day 2- Sat 10/21/17				
		0577	Pyrantel / Cc #17903	6
Give one syringe by mouth once weekly until finished This is a dewormer for roundworms. Begin Saturday 10/28/17.				
		FORM3	Form - Hospitalization Tx Sheet	
		(See attached form)		
Admission day				
		01991	Doxycycline 50 mg/ml Suspension #17902	21
Shake well and keep refrigerated. Give 1.0 ml orally once daily until finished. Give with or after a meal				
		ZR1580	**REGENERATIVE ANEMIA:FLEA**	
		1866	Felv/Fiv/Heartworm Feline	
		1380	Capstar Blue Single 2#-25# Each	
Given in house				
		4034	PCV (Packed Cell Volume)	
12%				
		WEIGHT	Weight Updated	
Age: 19m **Weight:** 9.80				
		701	Exam By Doctor	
10-20-17	DIS	APPT$	Appointment notes for 10-20-17	
walk in laying around, not acting himself KMK: 10-20-17 at 2:51p:				

ELECTRONICALLY FILED - 2023 Nov 28 12:48 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	OF THE TENTH JUDICIAL CIRCUIT
COUNTY OF ANDERSON	)	
	)	
	)	
ROBERT STRO SNIPES,	)	**MEMORANDUM IN OPPOSITION TO**
Plaintiff,	)	**MOTIONS FOR SUMMARY JUDGMENT**
	)	
vs.	)	
	)	CASE NUMBER: 2023-CP-04-00203
CITY OF BELTON and	)	
SPARTANBURG ANIMAL CLINIC, LLC,	)	
Defendants.	)	
_____	)	

SUMMARY OF FACTS AND NATURE OF THE CASE

The Plaintiff filed this action against the Defendants due to injuries he suffered in being defamed, arrested, prosecuted, and jailed. The Plaintiff desperately sought care for and attempted to rehabilitate his beloved cat, Skye, for months until finally taking Skye to Spartanburg Animal Clinic, a veterinary clinic owned by the Defendant, VetCor of Spartanburg, LLC, erroneously identified in the Complaint as Spartanburg Animal Clinic, LLC (hereinafter referred to as the "Defendant VetCor"), on or about January 29, 2021. After examining the cat, staff members of the Defendant VetCor advised the Plaintiff that he must allow them to euthanize the cat or that they would have him arrested. The Plaintiff, therefore, allowed the Defendant VetCor to euthanize Skye.

Despite the Plaintiff allowing Skye to be euthanized, agents of the Defendant VetCor still made defamatory statements to agents of the Defendant, City of Belton (hereinafter referred to as the "Defendant Belton") and to Spartanburg County Animal Control. On or about February 5, 2021, the Defendant Belton then arrested the Plaintiff and charged him with the felony of torturing, tormenting, needlessly mutilating, cruelly killing, or inflicting excessive or repeated unnecessary pain or suffering upon an animal in violation of S.C. Code Ann. § 47-01-40(B). The Plaintiff was publicly handcuffed outside of his home, placed in a police car, and jailed at the Anderson County Detention Center by the Defendant Belton. After serving approximately one (1) day in jail and being released on his own recognizance, the Plaintiff was forced to hire counsel to defend against this charge. A preliminary

ELECTRONICALLY FILED - 2023 Nov 28 12:48 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

hearing was held on September 15, 2021, no officers or agents of the Defendant Belton or other prosecuting officers appeared at said hearing, and the charge was dismissed by the Anderson County Magistrate's Court for lack of probable cause. The public index record of the charge being dismissed at the preliminary hearing is attached as Exhibit A.

The Plaintiff filed the instant case on January 31, 2023. The Plaintiff is alleging causes of action against the Defendant VetCor for negligence, false imprisonment, malicious prosecution, and defamation. The Plaintiff is alleging causes of action against the Defendant Belton for gross negligence, false imprisonment, false arrest, and malicious prosecution.

STANDARD

Summary judgment is proper when there is no genuine issue as to any material fact, and the moving party is entitled to judgment as a matter of law. *Flemming v. Rose*, 350 S.C. 488, 567 S.E.2d 857 (2002). "In determining whether any triable issues of fact exist, the evidence and all inferences which can be reasonably drawn from the evidence must be viewed in the light most favorable to the nonmoving party." *Hancock v. Mid-S. Mgmt. Co.*, 381 S.C. 326, 329-330, 673 S.E.2d 801, 802 (2009) *citing Koester v. Carolina Rental Ctr.*, 313 S.C. 490, 493, 443 S.E.2d 392, 394 (1994). In a case such as this in which the required burden of proof is preponderance of the evidence, summary judgment must not be granted if the nonmoving party submits even a "mere scintilla of evidence." *Hancock* at 330, 803.

ARGUMENT

Both of the Defendants' Motions for Summary Judgment should be denied because, with all evidence and inferences viewed in light most favorable to the Plaintiff, the Plaintiff has submitted at least a mere scintilla of evidence that there is genuine issue of fact for trial for at least one of its causes of action against each Defendant. Further, the Motions for Summary Judgment should be denied because discovery is not yet complete in this case.

ELECTRONICALLY FILED - 2023 Nov 28 12:48 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

The foundational element of the Defendants' arguments in favor of summary judgment is that probable cause did exist for the Plaintiff to be arrested on the above-referenced felony charge. However, the Plaintiff has presented at least a mere scintilla of evidence that probable cause did not exist for his arrest. The existence of probable cause is a factual question that must be decided by a jury unless the Court finds, as a matter of law, that "the evidence yields only one conclusion." *Pallares v. Seinar*, 407 S.C. 359, 367, 756 S.E.2d 128, 132 (2014). At this stage in this case, there is a mere scintilla of evidence upon which a jury could find that no probable cause existed for the Plaintiff's arrest or the continuation of the prosecution of the Plaintiff. For example, in the Plaintiff's deposition he sets forth, in detail, the efforts he took to rehabilitate Skye for months prior to the cat being euthanized. Moreover, although the photos taken on the cat's last day alive are shocking, the Plaintiff has testified that the cate ate, used the bathroom, walked around, jumped, and even slept in the bed with him at night in the months leading up to the cat's euthanasia. Additionally, the Plaintiff has provided two photographs, attached as Exhibit B, corroborating his deposition testimony that the cat was eating and drinking right up until his euthanasia.

The record in underlying criminal case against the Plaintiff and the actions of the Defendant Belton in regards to that case are also evidence that there was no probable cause for the Plaintiff to be charged or prosecuted. The charge at issue was dismissed at a preliminary hearing. The sole purpose of a preliminary hearing is for a Magistrate Court "to determine whether sufficient evidence exists to warrant the defendant's detention and trial." Rule 2(a), SCRCrimP. The Court may only dismiss a charge if it finds that probable cause does not exist; however, this does not preclude the State from later seeking an indictment for the same charge. Rule 2(c), SCRCrimp. The Magistrate Court's dismissal of the charge in this case is a finding that probable cause did not exist. Furthermore, neither the State, the Defendant Belton, nor any other party has indicted or otherwise sought to reinstate this charge, or any other charges, against the Defendant. This ruling by the Magistrate Court along and lack of subsequent action by the Defendant Belton constitutes, at the very least, a mere scintilla of evidence upon which a jury could find that no probable cause existed for the arrest and prosecution of this charge.

ELECTRONICALLY FILED - 2023 Nov 28 12:48 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

The Defendant VetCor has also argued that Summary Judgment should be granted for the Plaintiff's causes of action for defamation and negligence because the statements made by its agent, Amanda Harvey, regarding the Plaintiff were true or privileged. However, the Defendant VetCor has presented no deposition testimony or affidavits from Ms. Harvey to support this argument. The only item in the record that describes Ms. Harvey's communications to the Defendant Belton is in the incident report attached to the Affidavit of Dorren Howe that the Defendant Belton has attached, as Exhibit 1, to its Memorandum in Support of Summary Judgment. The incident report, prepared by an agent of the Defendant Belton, Doreen Howe, states that Amanda Harvey contacted her with "concerns after [the Plaintiff] visited her clinic with a sick cat." Ms. Harvey further reported that the Plaintiff "was not cooperating with the doctor because he did not want the animal euthanized." In fact, the Plaintiff allowed the Defendant VetCor to euthanize Skye, and the cat had already been euthanized at the time Ms. Harvey made this report. Thus, there is at least a mere scintilla of evidence upon which a jury could find that the statements were not true, not privileged, made with malice, or that the Defendant VetCor acted negligently in making these statements.

CONCLUSION

Based on the aforementioned reasons and the record in this case, the Defendants' Motions for Summary Judgment should be denied.

s/ G. Lee Cole, Jr.
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ATTORNEY FOR THE PLAINTIFF

Dated: **November 28, 2023**

ELECTRONICALLY FILED - 2023 Nov 28 12:48 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

Anderson County
Tenth Judicial Circuit
Public Index



Switch View

The State of South Carolina VS Robert Stro Snipes

Case Number:	**2021A0420100007**	**Court Agency:**	**General Sessions**	**Filed Date:**	**02/09/2021**
Case Type:	**Criminal-Clerk**	**Case Sub Type:**			
Status:	**Disposed**	**Assigned Judge:**	**Clerk Of Court C P, G S, And Family Court**	**Disposition Judge:**	**Magistrates General Sessions Court**
Disposition:	**Dismissed at Preliminary Hearing**				
Disposition Date:	**09/15/2021**	**Date Received:**	**02/09/2021**	**Arrest Date:**	**02/05/2021**
Law Enf. Case:		**True Bill Date:**		**No Bill Date:**	
Prosecutor Case:		**Indictment Number:**	**0000GS04**	**Waiver Date:**	
Probation Case:					

Case Parties **Charges** **Sentencing** **Associated Cases** **Actions** **Financials** **Bonds**

Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
Snipes, Robert Stro	**2804-Animals / Ill treatment of animals in general, torture**	**2804-Animals / Ill treatment of animals in general, torture**	**09/15/2021**

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STATE OF SOUTH CAROLINA)
) IN THE COMMON PLEAS COURT
COUNTY OF ANDERSON)

Robert Stro Snipes,)
) TRANSCRIPT OF RECORD
Plaintiff,) 2023-CP-04-00203
)
-vs-)
)
City of Belton, et al,)
) November 28, 2023
Defendants.) Anderson, South Carolina

B E F O R E:

HONORABLE R. LAWTON McINTOSH, JUDGE

A P P E A R A N C E S:

GREGORY LEE COLE, JR., ESQUIRE
Attorney for the Plaintiff

JOHN M. GRANTLAND, ESQUIRE
Attorney for the City of Belton

WILLIAM JAMES BLOUNT, ESQUIRE
Attorney for the Spartanburg Animal Clinic

Linda D. Moffitt
Circuit Court Reporter

INDEX

Motion -- page 3.
No sworn testimony.
No exhibits entered into evidence.

(Proceedings November 28, 2023)

THE COURT: All right. Snipes vs. City of Belton.

We have Belton has a motion for summary judgment, and so does the Spartanburg Animal Clinic, LLC. Is that correct?

MR. GRANTLAND: Yes, Your Honor.

THE COURT: All right. Mr. Grantland, who do you represent?

MR. GRANTLAND: I represent the City of Belton.

MR. BLOUNT: And I'm Will Blount. I represent Spartanburg Animal Clinic.

THE COURT: Very good. Who wants to go first?

MR. GRANTLAND: I'm happy to go if you don't mind. May it please the Court.

THE COURT: Yes, sir.

MR. GRANTLAND: Your Honor, it's good to see you. It's nice to see Mr. Kenzey. It's nice to be in this room. I haven't been in here since 1979.

THE COURT: A long time.

MR. GRANTLAND: Yes, sir.

But, Your Honor I represent the City of Belton, and this is a motion for summary judgment.

And this case is, unfortunately, about a cat in terrible condition and whether the City of Belton and the Spartanburg Veterinarian Clinic had probable cause to have

a warrant issued for ill treatment of an animal under section 41-7-40 of the South Carolina Code.

And I'm a wreck lawyer, so that's not a code I'm familiar with, but I got very familiar with it for this case.

The plaintiff has sued Belton for malicious prosecution, false arrest and negligence. And I'll let -- and he's essentially sued the veterinarian for the same cause of action. Also for slander.

Each cause of action, Your Honor, rests on one key question. Did Belton or did the veterinarian have probable cause to issue a warrant for ill treatment of an animal? Probable cause, as the Court knows, is a good-faith belief that a crime occurred.

So what does section 41 -- let's first look at the statute. What does the statute say? And I have the statute pulled if the Court needs to see it.

THE COURT: Let me ask you this.

So, I assume these arrest warrants have not been -- has been to the grand jury indictments?

MR. GRANTLAND: No, no, Your Honor. It was dismissed at the prelim, and I'll get to that. The charge was actually dismissed at prelim.

THE COURT: Okay.

MR. GRANTLAND: But, you know, the statute, Your

Honor, 47-1-40 says a person who tortures, torments, needlessly mutilates, cruelly kills, or inflicts excessive or repeated unnecessary pain or suffering upon an animal, or by omission or commission causes these acts to be done, is guilty of a felony." It's a broad statute.

And the buzz words, the key words, for us, Your Honor, are by omission or commission causing unnecessary pain or suffering upon an animal. That's the question.

And, Your Honor, in our brief we have, you know -- we have the pictures of the cat taken before the cat was euthanized. And I don't know if you've seen them.

May I approach?

THE COURT: Yes, sir.

Mr. Cole, have you seen these?

MR. COLE: Yes, Your Honor.

THE COURT: Yes, sir.

MR. GRANTLAND: I'm handing the Court our Exhibit A, which are photos of the cat the day it was taken to the veterinarian in January before the cat was euthanized.

And, Your Honor, if a picture speaks a thousand words, this picture shows probable cause of ill treatment to a cat, I mean, and there's no question of fact about that's how that cat looked when it was taken to the vet and when the vet called Belton.

So, how did he get here? So, Mr. Snipes in 2020,

according to his testimony, he owned about 15 cats, including this male cat named Skye.

In January of 2021 he took Skye to the Spartanburg Animal Clinic. Mr. Snipes said, and it's in his deposition, that the cat had been in that condition for at least two months.

The vet conferred with another vet and said you got to put this cat down, this cat can't be in this -- you can't -- you got -- we have to put this cat down. And -- and he reluctantly agreed to have the cat put down.

And then Mr. -- and then the vet contacted City of Belton and said, hey, we got a case of animal abuse here, get animal control involved and reached out to Officer Richey.

And the court also has Officer Richey's affidavit. Officer Richey contacted Doreen Howe who was the animal control officer for Belton. She did an investigation, which the Court has, which has been filed.

She talked to the vets. She went to his house. She took pictures, and she confirmed this was a clear case of abuse.

She presented her findings to Officer Richey. He went to Judge Bruce Bannister in Belton -- magistrate judge there -- in February and presented the photos of the cat and -- and animal control --

THE COURT: Who is the magistrate over there?
MR. GRANTLAND: Bruce Bannister.
THE COURT: From Greenville?
MR. GRANTLAND: I think he's in -- I think Greenville, yes, sir.
THE COURT: I didn't know that.
MR. GRANTLAND: Yes, sir. I mean, but different Bannister. Different Bruce Bannister.
THE COURT: Oh, okay.
MR. GRANTLAND: Not the Greenville Bannister. Not -- different. The big Bannister family.
Anyway, he -- Officer Richey presented findings to Judge Bannister, and Judge Bannister signed a warrant for a violation of 47-1-40.
Mr. Snipes was arrested, booked and released on the same day. He did not spend a night in jail.
When he had his preliminary hearing Ms. Howe, the animal control officer, had moved. She was not available. And Officer Richey did not have a witness at the animal control hearing, I mean, at the preliminary hearing, and the judge dismissed -- the judge -- not Judge Bannister but a different judge -- dismissed the case. And, you know, it was dismissed at prelim, so the City of Belton could refile it if they wanted to, but Ms. Howe has moved. So, they chose not to refile it. And then we got -- then the City

of Belton and the veterinarian were sued. That's -- that's the facts, Your Honor.

THE COURT: Well, let me ask you this, Mr. Grantland.

You have -- you said there's three causes of action.

MR. GRANTLAND: Right.

THE COURT: Malicious prosecution, false arrest and negligence.

MR. GRANTLAND: Right.

THE COURT: In the malicious prosecution case, false arrest case, if there's a finding of probable cause --

MR. GRANTLAND: Right.

THE COURT: -- does that not end those cases?

MR. GRANTLAND: Exactly. That's exactly right, Your Honor.

In fact, under -- under false arrest if there's a Carter vs. Bryant, if there's an arrest under a valid warrant, there's no -- there's no false arrest, so. And I have that case.

THE COURT: That wouldn't extend to the negligence claim though, would it?

MR. GRANTLAND: And -- well, actually, Your Honor, you can't negligently prosecute somebody.

If you're negligently prosecuting or negligently prosecuting without probable cause, that's malicious prosecution. So, there's also case law.

The Seabrook vs. Town of Mount Pleasant case says you can't do -- you can't have a negligent prosecution.

This is all malicious prosecution and that -- and you can't have -- with all due respect to my friend Mr. Cole, you can't have a false arrest if there's a valid -- a valid police officer gets a valid warrant from a valid judge.

All of that's -- I mean, that's -- there's no false arrest in that scenario and there's no negligent prosecution because, you know, there's -- there's only malicious prosecution. You can't have -- you can't have -- it's one or the other. You can't have both.

So, it boils down to is there -- did City of Belton and the veterinarian, do they have a good-faith basis that a crime occurred.

And, again, Your Honor, if you look at the statute it says by omission or commission ill treatment of an animal, you know, and the animal can't talk, but you have the photos. I mean, no animal should be treated that way. No animal should have to look like that. And that animal's alive and that --

THE COURT: And I hear you, but that's not the issue. Really, I mean, whether they went forward to get the warrant is the issue, whether they had probable cause to have those warrants issued is the issue, right?

MR. GRANTLAND: And that's all about a good-faith

belief that that statute was violated.

THE COURT: Based on the photographs?

MR. GRANTLAND: Yeah. Based on the photos and based on the interview with the veterinarians who are the experts.

THE COURT: All right. Mr. Cole, may I ask you something?

MR. COLE: Yes, Your Honor.

THE COURT: I don't have it in front me, but seems to me that in my prior reading of cases if there's probable cause, a claim for malicious prosecution or false arrest just doesn't stand. Do you disagree with that?

MR. COLE: Yes, Your Honor. I respectfully disagree. I would agree to concede as to the false arrest as to the City of Belton.

However, Carter vs. Bryant that counsel just referenced doesn't specifically state that malicious prosecution is the remedy if there is a warrant that is found, that their probable cause is found on and the arrest is subject to that warrant, but then it later is determined that there was no probable cause going behind the warrant.

THE COURT: Say that to me again.

Mr. Grantland, I know I cut you off.

MR. GRANTLAND: No, no. I'm good. This is your courtroom.

MR. COLE: Your Honor, my reading of Carter vs. Bryant is that the false arrest that the Court and that counsel is correct, in that if there was a facially valid warrant that was issued that we can't -- we can't recover on false arrest. So, we would concede as to that, Your Honor.

However, Carter vs. Bryant also says that if there's -- even if there's a facially valid warrant, to go behind that warrant and say that warrant should have never been signed because there was not probable cause, then the proper cause of action is malicious prosecution.

And so our theory of the case is that by the City of Belton continuing on that prosecution, even after that warrant was issued, that we could recover for malicious prosecution. And there's at least a mere scintilla of evidence that we have -- we have at this point that could go to a jury.

THE COURT: I don't think scintilla is an issue any more, is it?

MR. GRANTLAND: No, Your Honor. I mean, the --

THE COURT: Don't have an issue with material facts.

MR. GRANTLAND: It's a Kitchen Planners case. It's a reasonable inference standard, Your Honor, and, again, I ask the Court to look at that photo. I mean, there's no other reasonable inference than that this is not how a cat should be treated.

THE COURT: Yeah. I don't necessarily disagree with the picture. I don't know if that's making me a fact-finder or not. The issue --

MR. GRANTLAND: I mean, I'm not asking you to be a fact-finder, Your Honor. It's -- I mean, this is -- this is -- there's -- I mean, that is our evidence of probable cause. That is our evidence of a good-faith belief --

THE COURT: You brought this under a motion?

MR. GRANTLAND: Motion for summary judgment.

THE COURT: Summary judgment.

MR. GRANTLAND: Yes, sir.

THE COURT: Okay.

MR. GRANTLAND: I mean, that's -- that in addition to the affidavits of the Officer Richey and Officer Howe, which have been submitted, I mean, that's -- in a nutshell that's it. I mean, there's no other -- from our perspective without trying to be argumentative to anybody, there's no other reasonable inference you can come to when you look at that picture than that.

That cat was not the way any cat should be treated, even if you don't like cats. And, I mean, and that's why we believe that his claim for malicious prosecution, in addition to negligence and false arrest, should all be dismissed.

THE COURT: All right. What's the Carter cite, Mr.

Cole?

MR. GRANTLAND: I have the case for you, Judge.

THE COURT: Okay. Do you disagree with Mr. Cole? He says, well, I agree that the false arrest should be dismissed, but the remedy in this case is to go behind and see if there's probable cause in the first place is malicious prosecution --

MR. GRANTLAND: He sued us for both. I mean, all I'm saying about the Carter vs. Bryant is --

THE COURT: He said I agree with false arrest. It's gone.

MR. GRANTLAND: Yeah. And malicious --

THE COURT: He said go behind it.

MR. GRANTLAND: And malicious prosecution, again, rests on did we have probable cause to believe that a crime -- did we have a good-faith belief that a crime occurred. This is Carter.

THE COURT: You've seen that case, I'm sure.

MR. COLE: Yes, Your Honor.

THE COURT: Okay. Thank you. I appreciate it.

MR. GRANTLAND: Yes, sir.

And then the Seabrook case addresses a negligent prosecution, which there isn't one.

THE COURT: Mr. Cole, do you challenge the fact that there's not a negligent prosecution or negligence based on

something else?

MR. COLE: Your Honor, it would be -- I don't challenge that there's not a negligent prosecution in that case that he cited.

However, I believe that there are -- there is a duty as to a -- a duty as to even a public body to exercise care.

In this case we of course pled gross negligence, that care in dealing with citizens and then, specifically, in exercising a duty like arresting somebody, which takes their liberty. And, so, I believe, and I argue to the Court, that there's a distinction between --

THE COURT: I'm not seeing the distinction between what you're arguing. Quite frankly, sounds like it's a negligent prosecution.

MR. GRANTLAND: Your Honor, I don't want to interrupt you, but I have the Seabrook case which is exactly on point. It was a malicious prosecution.

THE COURT: Show it to Mr. Cole, please.

MR. COLE: Thank you, Your Honor. Yes.

THE COURT: Okay. Go ahead.

I mean, it sounds like, quite honestly, you're saying even though I'm not saying negligent prosecution, you're saying really it's a negligent prosecution, because you're saying duty and all of these.

Is there other negligence other than the prosecution itself that you are claiming in this case?

MR. COLE: Well, Your Honor, I think the negligent -- you can look at not just the prosecution but the negligence in -- in arresting my client, putting him in the car, taking him to jail.

THE COURT: Well, then that's all one in the same, I think, as prosecution. Don't you think?

MR. COLE: Your Honor, I think there's an element of it, but there's a different -- different actions that the City of Belton took as part of the prosecution but that there's a distinction in that we could take those actions if they were negligent in any of those actions against my client and he suffered damages because of those, then that, the negligence claim --

THE COURT: So, what would be just pure negligence for putting him in jail?

MR. COLE: Yes, Your Honor, negligence for the arrest and for the -- for putting him in jail, for the public record that was produced, for him being arrested in public at his home, that there -- I believe that there's enough for a finder of fact to determine that the City of Belton was negligent.

THE COURT: Let me ask you this.

These pictures are pretty grotesque, and I'm not a --

I've been around for a little bit and I've seen a lot of grotesque pictures.

Mr. Grantland says this in and of itself, these pictures, establish anything they need to go towards the good faith part of the vet or the city to pursue these claims. Am I hearing you right on that?

MR. GRANTLAND: Absolutely. Yes, Your Honor.

THE COURT: And, so, you don't have to look at anything beyond these photographs, and we're done.

What's your position on that?

MR. COLE: Your Honor, I respectfully disagree with that. I understand that those pictures are shocking, Your Honor, and that's -- you know, as they're --

THE COURT: Could you think of any circumstances anywhere at any time somebody could look at these photographs and say, well, no, that cat's okay, there's nothing wrong with that cat?

MR. COLE: Your Honor, I think you have to look at the totality, not just those photographs.

THE COURT: I mean, the totality, I don't see how it would change. That's just grotesque.

MR. COLE: Well, Your Honor, we -- it's our position, and then we have, Your Honor, Pallares vs. Seinar.

THE COURT: Okay.

MR. COLE: That's 407 S.C. 359. That the -- that the

issue of probable cause is an issue for the jury unless that the evidence yields only one conclusion.

Our position in this case first, Your Honor, and we do -- we filed a memo today, Your Honor, and I have a copy of that I can pass forward for opposing counsel, but it sets forth this in detail, but to hit the high points, Your Honor, the -- our position first is that the discovery is not complete in this case, that we need to -- that there's depositions that we would like to take of officers of the City of Belton.

THE COURT: Let me ask you this.

Normally, that's a very strong argument for me, but in this case you've got the magistrate issuing a probable cause warrant for arrest. You have photographs of this cat. I mean, what is -- what is discovery going to change about any of that?

MR. COLE: Your Honor, it would be -- we want to see -- specifically, we don't know the exact -- and it's getting into the other side of the motion but the -- we don't have any sworn testimony either by affidavit, deposition of anybody from the vet as to what they told Doreen Howe.

We don't -- we would like to depose Doreen Howe to see exactly, again, what the -- what the basis of -- was the basis just for the pictures that she received or all of the

other investigation that she did.

Also, Your Honor, as part of our motion we have another picture that we're offering today as supplemental to our response to interrogatories or response to request for production that I just received, Your Honor, my client had been trying to obtain from his records.

THE COURT: Have you shown it to Mr. Grantland or --

MR. COLE: I emailed it to them earlier today, but I have copies of it, Your Honor.

THE COURT: Go ahead and show it to them.

MR. COLE: And, Your Honor, this was another picture if I may pass this up that was taken of the cat --

THE COURT: Hang on. Let them look at it first. I'm going to let y'all argue as to whether or not I should look at it. Any objection to me looking at it?

MR. GRANTLAND: We just got it.

MR. BLOUNT: We just got it. We don't know when these pictures were taken because there's no date.

During Mr. Snipe's deposition I actually asked him did he take any photos of the cat Skye. He told me no. And now we just got these today.

We don't know if these are the same cat. This could be another one of his 15 cats. We really -- we don't know what we're looking at here.

THE COURT: Where -- where did these pictures come

from?

MR. COLE: Your Honor, my client has advised that he took --

THE COURT: You've got to let your lawyer argue. I'm sorry.

MR. COLE: -- that he took these, that he took this photo, a couple of days before he took the cat to the vet, that it was -- that he was just -- he had a house fire in July of this year that's kind of disheveled everything, and he's been still -- also, he's not the best record keeper, Your Honor. Admit that. We've gone through a lot of things and he has found these, and regrettably it is late to have those.

However, Your Honor, I believe that we have the right to supplement our response to production. Again, this also, because it's supplemented, would be another reason that discovery is not complete in this matter.

There may be -- as my client is -- hopefully, there's nothing else, but there may be. He's continuing his looking through all of his records.

THE COURT: I'm going to let it in. Let me look at it.

MR. GRANTLAND: Yes, sir. That's fine, Your Honor. Again, just to note our objection there's -- we don't know the date. We don't know -- there's no confirmation that

this is the cat that was euthanized or the date this photo was taken.

MR. COLE: And, Your Honor, this corroborates though his deposition testimony that is in -- it's in the record, Your Honor, that the cat -- the idea, Your Honor, is the cat looks bad but that the cat in his day-to-day reaction -- interactions with the cat, that the cat acted much better than it looked. And he still held out hope that he would be able to find a vet that would be able to treat this cat and to bring this cat back.

The cat was eating and drinking, it was his deposition testimony. The deposition testimony was that the cat slept in the bed with him the night before the cat was euthanized.

His deposition testimony was that the cat played with other cats, that it jumped up on things.

This photo is to corroborate that, that it shows the cat eating and drinking. So, that -- I think that's part of it as well, Your Honor, that where another inference could be drawn.

And then also, Your Honor, from this issue with the preliminary hearing, that the only reason -- and we've touched on this in our memorandum, Your Honor -- that the only reason for a case to be dismissed at a preliminary hearing is if there's no probable cause.

Now, no one from the City of Belton or otherwise showed up to prosecute this case, even though, you know, proper -- there's been no allegation proper notice wasn't given or anything like that. So, the magistrate judge had to make a finding that there was no probable cause in order to dismiss the case.

Now, they could bring it back. They haven't done so in two years.

THE COURT: It's not the case, look at the warrant stage when the warrant was issued, not necessarily the preliminary hearing stage?

MR. COLE: Your Honor, but I believe as far as the malicious prosecution if the magistrate -- if we have a finding -- you know, we had the finding by the city judge that there was probable cause, and then later we have a finding by a magistrate judge that there's no probable cause that there can't be -- the case just can't just be determined by that first -- that first finding.

THE COURT: I don't think I agree with you, but anyway let me look at the cases.

Anything, Mr. Cole, further from which -- from your argument, from your defense?

MR. COLE: As far as the City of Belton, Your Honor, I believe that that's everything. Then of course in more detail in our -- in the memorandum that we presented.

THE COURT: Anything further?

MR. GRANTLAND: Your Honor, just, I mean, the -- the statute -- the statute says what it says, and that photo -- I mean, in all -- we're not saying Belton should have, would have gotten a conviction or that there was evidence beyond reasonable doubt.

All we're saying is a good-faith belief the statute was violated. And when you look at that photo -- and we know -- we don't know when -- when this photo was taken, but we know the photos you have were taken before the cat was put down after two -- after he says the cat was in that condition for over two months and that's -- if there's a good-faith belief, then there's no malicious prosecution, Your Honor. That's -- that's how we see it, but I'll defer to my friend from Charleston.

THE COURT: Glad to hear from you.

MR. BLOUNT: Yeah. On behalf of VetCor of Spartanburg, which is named Spartanburg Animal Clinic, I'm going to try not to repeat too much because he nailed the main point for the malicious prosecution and false imprisonment, false arrest, is probable cause.

For a little bit of extra factual background, it will play into the defamation argument.

THE COURT: Don't argue false arrest. They've already agreed to that, so that's gone.

MR. BLOUNT: All right. Just being probable cause, but so Skye's condition had lasted for almost a year. It began with a tooth abscess that wasn't probably treated, turned into a --

THE COURT: Is that in the record in this case?

MR. BLOUNT: It is. It's in these exhibits. We've got a lot of the past records and we've got deposition testimony that had been filed with those exhibits.

But I wanted to point out that the date of the violation of the statute, the ill-treatment-of-animal statute, in the warrant is given as October 15th, 2020. The date Mr. Snipes took Skye to Spartanburg Animal Clinic was January 29th of 2021.

That's important because on October 15th of 2020 Mr. Snipes took his cat Skye to a separate vet at Dr. Eledge at Paw Prints Animal Hospital.

At Paw Prints Animal Hospital Skye was observed to be in severe condition with a dull unkept coat, had swelling on his --

THE COURT: Hang on -- hang on. Do that again. You're looking down. I missed it.

MR. BLOUNT: I'm sorry. I was trying to read the quote, but I'll just say it.

So, he goes. He takes the cat Skye to Paw Prints Hospital on October 15th. He's observed to be in the same

condition as the photos -- dull, unkept coat, massive swelling, necrotic tissue, bad smell.

Dr. Elledge tells Mr. Snipes you essentially have two options. You can put this cat down or you can take him to Upstate Veterinary Specialist because they're -- they do advanced animal surgery, that's what this cat needs.

Mr. Snipes doesn't do that. Two days later he takes him to a third vet now, third if you consider Spartanburg Animal Clinic one.

THE COURT: Two days later to the October 2020 date?

MR. BLOUNT: Exactly. It's October 17th, 2020. He takes him to HealthPointe Veterinary Clinic and sees Dr. Hurlbert. Dr. Hurlbert describes the cat's condition as unacceptable, describes the condition in all of this kinda gross details.

She also tells Mr. Snipes you can take this cat to Upstate Veterinary Clinic, you can put it down or you can give me a thousand-dollar deposit to do -- take drastic action.

Mr. Snipes takes the cat. He testified -- I haven't seen records of this yet. He testified that he took the cat that day to Upstate Veterinary Specialists and when they told him if we're going to do anything we have to remove the cat's lower jaw and he's going to have a bad quality of life, he took the cat home and didn't get

treatment for it.

Then the few months go by. He goes to Spartanburg Animal Clinic. He's in the condition you see in the photos.

THE COURT: Sounds like it's more close to a year.

MR. BLOUNT: Well, it's three months.

THE COURT: Is that what it was?

MR. BLOUNT: October 2020 to January of 2021. Yes, Your Honor.

So, that three-month span is kinda the critical issue of we know he was in this bad condition for at least three months, he didn't get the necessary treatment for it. That's the omission that led to the unnecessary repeated --

THE COURT: Is there any evidence in the record that anybody has opined the opinion as to how long the cat took to get in this condition? I thought I heard you say about a year.

MR. BLOUNT: We know he started getting treatment for the digital abscess in, I think, April of 2020. And then it's just kind of sporadic as we've seen when he goes to get treatment, gets antibiotics that apparently doesn't do any help or --

THE COURT: I'm sorry?

MR. BLOUNT: It appears the antibiotics apparently don't do any good, assuming they were administered.

THE COURT: I mean, how long did the cat -- how long that condition had to persist for that cat to look and act like that?

MR. BLOUNT: No one has opined on that yet.

THE COURT: Nobody's -- can they even opine on that? Do you know?

MR. BLOUNT: I do not know.

THE COURT: All right. So, your causes of action is you have defamation?

MR. BLOUNT: Yes, Your Honor.

THE COURT: Malicious prosecution; false arrest, which is out. What else?

MR. BLOUNT: And negligence.

THE COURT: Okay.

MR. BLOUNT: Yeah. So, for defamation our basic position is that the statements the vet staff made, which were made to Doreen Howe of Belton Animal Control, and they're recorded in Ms. Howe's investigative reports, which are attached as an exhibit, our position is those statements were substantially true.

They -- when I deposed Mr. Snipes I asked him which one -- what of these statements made by Amanda Harvey, the vet staff, do you believe is untrue. And the statement, one statement, he identified as untrue was her statement that it was impossible that the cat Skye was able

to eat and drink the night before due to the condition he was in.

I believe the photos you have show the giant mass in his mouth. The notes from Dr. Hurlbert from two months prior say he can't put his tongue in his mouth.

We think all of this indicates that it's substantially true that he could not eat or drink.

Another point. When he got euthanized on the 29th, January 29th, of 2021, his weight was 4.9 pounds. His prior, previous, healthy weight was over 9 pounds, which means he's lost half of his body weight. Indicates he was not eating and drinking well, if at all.

We think that points to being substantially true additionally for defamation, goes to qualified privilege. In South Carolina law if you report what you believe to be a crime to police, those statements are qualifiedly privileged. That doesn't --

THE COURT: Does 41-7-40 have a mandatory reporting requirement?

MR. BLOUNT: No, Your Honor. But so --

THE COURT: That qualified privilege would apply regardless?

MR. BLOUNT: Yes, Your Honor. And qualified privilege is an absolute immunity. It doesn't say, you know, off the hook, but what it does require --

THE COURT: You say it's a qualified or absolute?

MR. BLOUNT: Qualified.

THE COURT: Okay.

MR. BLOUNT: Qualified, yeah. What it does require is that malice to be proved when normally defamation for a private individual is not proved.

There's no evidence of malice, we don't think, any indication. Nothing's been produced in discovery.

The possibility of additional discovery coming out later upon the eve of the hearing isn't convincing to us when the case was filed over a year ago, or not over a year ago. Almost a year ago. In January it will be a year.

Additionally, for the negligence cause of action, same basic argument.

One, we don't believe we had a duty to -- to not report what we believe to be a crime to the police.

Two, there wasn't any breach, because it was true, the statements we made this cat was in a bad condition. This cat wasn't able to eat and drink, and that there is a possibility of other cats at his house were being kept in poor condition.

Third point for negligence, we don't believe there's proximate cause. We merely told --

THE COURT: Proximate cause is inherently a question of fact.

MR. BLOUNT: Okay.

THE COURT: I mean, I've charged that to the jury so many times it's just -- I don't see how I could make it, but in most extreme circumstances a question of law. I think it's certainly a question of fact. So let's go past that.

MR. BLOUNT: Okay. All right. Then I don't think I have anything else to add until Mr. Lee speaks. Do you have any questions for me?

THE COURT: Fine. Thank you, sir.

MR. BLOUNT: Thank you.

THE COURT: Mr. Cole.

MR. COLE: Thank you, Your Honor. May it please the Court.

This -- as far as the allegations against the vet, Your Honor, we have -- you know, at this stage, Your Honor, there has been no affidavit presented from the person, the agent of the vet, who's identified as Amanda Harvey who made the statements to the City of Belton.

There's -- we have not had -- don't have deposition testimony from her. All we have are the statements or the police report and the statement from the animal control officer of the City of Belton that's attached to the City of Belton's memorandum in -- that they submitted for this hearing today.

This police report, Your Honor, it says that Ms. Harvey who was from the vet's office contacted the City of Belton. And it doesn't say anywhere in the report that Ms. Harvey said that my client did not allow them to euthanize the cat.

In fact, it says that she has concerns and that the -- my client was not being cooperative in allowing the doctor to euthanize the cat.

That's not -- that's on -- the record we have right now, Your Honor, it's in the report, and so to me that implies, Your Honor, that this person did not say he did let them euthanize the cat, which he did.

And so if that's -- I think that she did not say that. That's not only -- I think that gets -- that -- I disagree with the qualified privilege and disagree with the truth, but that's not true and that that's actual malice, Your Honor, because it's -- if you omitted that when you made the police report but then added he didn't cooperate with -- he was being uncooperative with the euthanasia, they have deposition testimony my client, yes, he argued with the doctor.

He went through in detail in the deposition testimony the lengths he had taken, the vets he had went to, the reasons that he did do some treatment, the reasons he didn't do some other treatment and the reason that he did

it. And he just was trying to save this cat's life instead of allowing it to be euthanized.

But then he finally when he gets to the point of this vet, they went back and forth, and the vet tells him in deposition testimony if you don't let me euthanize the cat, I'm going to call the police on you. And finally he felt, okay, I'll euthanize the cat.

But that -- I think that's -- at least the record suggests that that's omitted that the cat was euthanized. So, I think that there's enough there at this stage for there to be a substantial issue of fact as far as deformation.

Then as far as the negligence, Your Honor, we would argue that there is a -- that it was just the general duty not to do harm to others when you take affirmative action.

In this case they took -- she took the action of making a police report, that in doing so to omit material facts would be a violation of that duty.

So, that's our position as far as those two causes of action with the vet.

THE COURT: All right. Thank you, sir.

Anything in response briefly?

MR. BLOUNT: I'll be brief.

I would just point out, again, omitting whether euthanized or not, the date of the violation for the

ill-treatment-of-animal statute is October 15th of 2020. It's not January 29th of 2021.

He wasn't charged for refusing to put down the cat on January 29th of 2021, and he did put down the cat on January 29th of 2021.

He was charged for refusing to put down the cat in October and refusing to give it necessary treatment. So, we don't -- we don't think that's really relevant. That's it.

THE COURT: First, I'm granting the motion as to false arrest. I think that's conceded.

As to City of Belton, I'm granting it as to the negligence cause of action as to the vet. I'm not going to grant it yet. I want to look at submissions and see. I'm going to look at the submissions about the malicious prosecution and defamation as well.

I'll issue an order on those. Thank you.

END OF REQUESTED TRANSCRIPT OF RECORD

CERTIFICATE

I, the undersigned Linda D. Moffitt, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned cause, relative to appeal, in the Common Pleas Court for Anderson County, South Carolina, on the 28th day of November 2023.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

February 7, 2024

s/Linda D. Moffitt

Linda D. Moffitt
Circuit Court Reporter

ELECTRONICALLY FILED - 2023 Dec 18 3:40 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

STATE OF SOUTH CAROLINA	)	**IN THE COURT OF COMMON PLEAS**
	)	**CASE NO.: 2023-CP-04-00203**
COUNTY OF ANDERSON	)	
	)	
Robert Stro Snipes,	)	
	)	**ORDER GRANTING VETCOR OF SPARTANBURG, LLC'S MOTION FOR SUMMARY JUDGEMENT**
Plaintiff,	)	
	)	
v.	)	
	)	
City of Belton and Spartanburg Animal Clinic, LLC,	)	
	)	
Defendants.	)	
	)	

THIS MATTER CAME BEFORE THE COURT upon the motion of Defendant VetCor of Spartanburg, LLC ("VetCor"), improperly named as Spartanburg Animal Clinic, LLC, for an order granting summary judgement. The Court conducted an in-person hearing on this motion on November 28, 2023. For the reasons set forth below, VetCor's motion is GRANTED.

FACTUAL FINDINGS

This action concerns allegations of negligence, false imprisonment, false arrest, malicious prosecution, and defamation arising out of the February 5th, 2021 arrest of Plaintiff Robert Snipes for violating S.C. Code §41-1-40(B). S.C. Code §41-1-40(B) prescribes punishment for a person who "…inflicts excessive or repeated unnecessary pain or suffering upon an animal or by omission or commission causes these acts to be done…" (*Id).* Prior to his arrest, on January 29, 2021, Mr. Snipes took his cat, Sky, to Spartanburg Animal Clinic where the cat was euthanized. Following the encounter, Spartanburg Animal Clinic staff contacted animal control for the City of Belton. Animal control performed an independent investigation, obtained a warrant, and arrested Mr. Snipes for needlessly inflicting excessive or repeated unnecessary pain or suffering

ELECTRONICALLY FILED - 2023 Dec 18 3:40 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

upon an animal. The date of the offense on the arrest warrant was given as October 15, 2020. The criminal charge was later dismissed at a preliminary hearing.

At the time the cat was brought to Spartanburg Animal Clinic, its condition was dire. Photographs taken of the cat at Spartanburg Animal Clinic at the time of its euthanization demonstrate that the cat was suffering from a severely progressed dental disease that caused the growth of a large mass inside its mouth and open, necrotic wounds on its face. The Plaintiff's own testimony during his deposition and medical records from other veterinary clinics, HealthPointe Veterinary Clinic and Paw Prints Animal Hospital, showed that the cat had suffered in this condition since at least October 15, 2020. Furthermore, when the Plaintiff took his cat to these other vets, he was advised to either permit the euthanization of the cat, or seek surgical intervention. The Plaintiff did not follow either course of action but instead chose to allow the cat to remain in its pitiful condition.

SUMMARY JUDGEMENT STANDARD

Summary judgment is appropriate if there is no genuine issue as to any material fact and the moving party is entitled to a judgment as a matter of law. Rule 56(c), SCRCP; also *Kitchen Planners, LLC v. Friedman*, Appellate Case No. 2020-001669, 2023 WL 5420401 (Supreme Court August 23, 2023). Once a moving party establishes the absence of a genuine issue of material fact, the opponent must present specific facts showing a genuine issue for trial. *Gauld v. O'Shaugnessy Realty Co.*, 380 S.C. 548, 558-59, 671 S.E.2d 79, 85 (Ct. App. 2008). Mere speculation or conjecture does not create a sufficient factual dispute. *McKnight v. S.C. Dep't of Corr.*, 385 S.C. 380, 390, 684 S.E.2d 566, 571 (Ct. App. 2009). The opponent cannot simply rest on the allegations in the complaint to defeat a motion for summary judgment. *Gauld*, 380 S.C. at 559, 671 S.E.2d at 85. Further, a failure to establish an element of the cause of action "necessarily renders all other

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facts immaterial," and the moving party is entitled to summary judgment. *Baughman v. AT&T*, 306 S.C. 101, 116, 410 S.E.2d 537, 546 (1991). "The plain language of Rule 56(c), SCRCP, mandates the entry of summary judgment, after adequate time for discovery against a party who fails to make a showing sufficient to establish the existence of an element essential to the party's case and on which that party will bear the burden of proof at trial." *Boone v. Sunbelt Newspapers, Inc*. (Citing *Carolina Alliance for Fair Employment*, 337 S.C. at 485, 523 S.E.2d at 800).

ANALYSIS

Plaintiff is unable to present sufficient evidence to establish a genuine issue of material fact as to the existence of any claim against VetCor. Specifically, Plaintiff cannot produce evidence capable of rebutting the overwhelming evidence that he did in fact engage in the ill-treatment of animals. The record establishes the existence of probable cause leading to his arrest and the truth of the allegedly defamatory statements. Additionally, the reports made by Spartanburg Animal Clinic employees to law enforcement are privileged and not actionable due to animal control's independent investigation.

A. Plaintiff's False Arrest, False Imprisonment, and Malicious Prosecution Claims Fail due to the Existence Probable Cause

False Imprisonment and False Arrest share the same elements, which are "(1) the defendant restrained the plaintiff, (2) the restraint was intentional, and (3) the restraint was unlawful. *Argoe v. Three Rivers Behavioral Health, L.L.C.*, 392 S.C. 462, 473, 710 S.E.2d 67, 73 (2011). The elements of malicious prosecution are: "(1) the institution or continuation of original judicial proceedings; (2) by or at the instance of the defendant; (3) termination of such proceedings in [the] plaintiff's favor; (4) malice in instituting such proceedings; (5) lack of probable cause; and (6) resulting injury or damage." *Pallares v. Seinar*, 407 S.C. 358, 756 S.E.2d 129 (2014). An essential element in each of these causes of action is lack of probable cause at

ELECTRONICALLY FILED - 2023 Dec 18 3:40 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

the time of arrest. See *Gist v. Berkeley County Sheriff's Dep't*, 336 S.C. 611, 615, 521 S.E.2d 163, 165 (Ct.App. 1999) ("An action for false imprisonment may not be maintained where the plaintiff was arrested by lawful authority . . . the fundamental issue in determining the lawfulness of an arrest is whether there was `probable cause' to make the arrest."); See also *Gaar v. North Myrtle Beach Realty Co., Inc.*, 287 S.C. 525, 528, 339 S.E.2d 887, 889 (Ct.App. 1986) (listing the elements of malicious prosecution, including "want of probable cause"). Moreover, Probable cause is a good faith belief that a person is guilty of a crime when the belief rests on such grounds as would induce an ordinary, prudent, and cautious person under the circumstances to believe likewise. *Gathers v. Harris Teeter Supermarket, Inc.*, 282 S.C. 220, 228, 317 S.E.2d 748, 754 (Ct.App.1984). Consequently, the existence of probable cause warrants summary judgement in favor of the Defendants.

Here, Defendants VetCor and the City of Belton have produced overwhelming evidence that demonstrates the existence of probable cause to conclude that Mr. Snipes violated S.C. Code §41-1-40(B) by causing his cat Sky to suffer unnecessary pain as a result of his refusal to Euthanize or otherwise treat the animal in October of 2020. The photos of Sky prove that Sky was in a pitiful condition at the time of his death. The records from Paw Prints and HealthPointe Animal clinics demonstrate that the cat had suffered in that wretched condition for at least three months. During those visits, Mr. Snipes was counseled to either euthanize Sky or permit drastic medical intervention – he refused both options. By the time Sky was taken to Spartanburg Animal Clinic, he weighed only half of his healthy body weight – having decreased from a healthy body weight of 9.80 pounds to 4.90 pounds.

The only evidence Plaintiff can muster to rebut the existence of probable cause is his own testimony that Sky "miraculously" continued to eat, drink, and carry on a normal existence.*)*.

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Plaintiff has no witnesses, or any other sufficient documentation to support these claims that contradict the opinions of at least three separate veterinarians. Consequently, Plaintiff cannot establish the lack of probable cause, and for this reason alone summary judgement should be granted on his False Arrest, False Imprisonment, and Malicious Prosecution causes of action.

B. Plaintiff's False Arrest, False Imprisonment, and Malicious Prosecution Claims Fail Because VetCor Staff Merely Alerted Law Enforcement to the Possibility of Crime

Additionally, VetCor cannot be liable for these three causes of action when its employees simply reported valid concerns to law enforcement. Critically, "[w]here a person merely directs the attention of a police officer to what he supposes to be a [crime] ... and the officer, without other direction, arrests the offender on his own responsibility, the person who did nothing more than communicate the facts to the officer is not liable for causing the arrest". *Wingate v. Postal Tel. & Cable Co.*, 204 S.C. 520, 528, 30 S.E.2d 307, 311 (1944).

The evidence shows that VetCor employees merely reported concerns to law enforcement and did not otherwise direct or request the arrest or prosecution of Mr. Snipes. When Amanda Harvey called the City of Belton Police, she requested a welfare check. When contacted by animal control, she stated her concerns and described the condition of Sky on January 29, 2021, but there is no evidence indicating that she requested the arrest or prosecution of Mr. Snipes. Instead, the evidence establishes that she merely requested an investigation. An investigation was independently performed which further established the existence of probable cause, and lead to the independent decision of law enforcement to arrest Mr. Snipes. Therefore, Plaintiff cannot establish the necessary participation of VetCor employees in Mr. Snipes' arrest and prosecution sufficient to create a viable claim for False Imprisonment, False Arrest, or Malicious Prosecution.

ELECTRONICALLY FILED - 2023 Dec 18 3:40 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

C. Plaintiff's Defamation Claim Fails Because the Statements were both True and Privileged

To establish a claim defamation, a Plaintiff must prove "(1) a false and defamatory statement was made; (2) the unprivileged publication was made to a third party; (3) the publisher was at fault; and (4) either actionability of the statement irrespective of special harm or the existence of special harm caused by the publication." *Argoe v. Three Rivers Behavioral Health, LLC*, 392 S.C. 462, 469; 710 S.E.2d 67, 74 (2011). "A communication is defamatory if it tends to harm the reputation of another as to lower him in the estimation of the community or to deter third persons from associating or dealing with him." *Fleming v. Rose*, 350 S.C. 488, 494, 567 S.E.2d 857, 860 (2002). Furthermore, "In addition to being defamatory, the statement must be false." *Id*. A sufficient defense is made out where the evidence establishes that the statement was substantially true. *Ross v. Columbia Newspapers, Inc*., 266 S.C. 75, 80, 221 S.E.2d 770, 772 (1976). "It is not necessary to establish the literal truth of the precise statement made." Restatement (Second) of Torts § 581A (1977). "Slight inaccuracies of expression are immaterial provided that the defamatory charge is true in substance." *Id.*

Ordinarily, when the Plaintiff is a private citizen, they need not prove actual malice and the fault requirement can be established by mere negligence. *Jones v. Sun Pub. Co*., 278 S. C. 12, 16-17, 292 S. E. 2d 23, 24 (1982). However, under the doctrine of qualified privilege, the Plaintiff can be required to prove malice even when they are a private citizen. *Swinton Creek Nursery v. Edisto Farm Credit*, ACA, 334 S.C. 469, 484, 514 S.E.2d 126, 134 (1999) ("Where the occasion gives rise to a qualified privilege, there is a prima facie presumption to rebut the inference of malice, and the burden is on the plaintiff to show actual malice or that the scope of the privilege has been exceeded one") "Common law malice" means the defendant acted with ill will toward the plaintiff, or acted recklessly or wantonly, i.e., with conscious indifference of the

ELECTRONICALLY FILED - 2023 Dec 18 3:40 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

plaintiff's rights." *Erickson v. Jones Street Publishers, L.L.C.*, 368 S.C. 444, 466, 629 S.E.2d 653, 675 (S.C. 2006). Critically, Communications made in the investigation of a crime for the purpose of detecting the participants in the crime are privileged. *Bell v. Bank of Abbeville*, 208 S.C. 490, 494, 38 S.E.2d 641, 643 (1946) ("The protection of privilege extends generally to remarks made in the prosecution of an inquiry regarding a crime which has been committed; and for the purpose of detecting and bringing the criminal to punishment"); See also *Switzer v. Am. Ry. Express Co.*, 119 S.C. 237, 241, 112 S.E.110, 111 (1922).

1. All Alleged Defamatory Statements by VetCor Employees were True

In his Complaint, Plaintiff alleges that VetCor made multiple false statements to law enforcement accusing him of animal abuse. However, during Mr. Snipes' deposition, he testified that the only known false statement made by a VetCor employee to law enforcement was Amanda Harvey's statement that it was "impossible" Sky "was active the night before, eating and the cat actually slept on his chest." It is doubtful this statement was defamatory even if false, but more importantly, it appears to be substantially true. Mr. Snipes testified that the night before the visit to Spartanburg Animal Clinic he though Sky was dead due to his inactivity. Furthermore, there is ample evidence that Sky could not eat: he weighed only 4.9 pounds at the time of his visit – half of his healthy body weight – and Dr. Hurlbert at HealthPointe concluded three months prior that he was unable to eat. Therefore, Amanda Harvey's statement was true and cannot be the basis of an actionable defamation claim.

Moreover, there is no evidence that any VetCor employee made any other false statements. As discussed above, the record plainly shows that Sky was forced to suffer as a result of Mr. Snipes' refusal to Euthanize or treat Sky. Consequently, the Plaintiff cannot establish the falsity of any statement and VetCor should be granted summary judgment on the

ELECTRONICALLY FILED - 2023 Dec 18 3:40 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

defamation claim.

2. All Alleged Defamatory Statements by VetCor Employees were Privileged

The allegedly defamatory statements by VetCor employees were made to law enforcement for the purpose of reporting a crime. As such, they were qualifiedly privileged communications that cannot form the basis of a defamation claim absent a showing of malice. *Bell v. Bank of Abbeville*, 208 S.C. 490, 494, 38 S.E.2d 641, 643 (1946). Moreover, Plaintiff cannot carry his burden of establishing malice. Plaintiff must show that "defendant acted with ill will toward the plaintiff, or acted recklessly or wantonly, i.e., with conscious indifference of the plaintiff's rights." *Erickson v. Jones Street Publishers, L.L.C.*, 368 S.C. 444, 466, 629 S.E.2d 653, 675 (S.C. 2006). However, the evidence demonstrates that the report made by VetCor employees was not for the purpose of harming the Plaintiff, but out of concern for his other cats.

When Amanda Harvey called the City of Belton Police, they labeled the report as a request for a "Welfare check/animal neglect." Mr. Snipes even understood that the purpose of animal control's initial visit was to perform a "wellness check" on his animals according to his deposition tesimony. Moreover, for the reasons discussed above that demonstrate probable cause and the truth of the statements made, the reporting of mere facts to law enforcement is not actionable merely because the facts reported do in fact constitute a crime. Consequently, the alleged defamatory are privileged and therefore not actionable and summary judgement should be granted.

D. Plaintiff's Negligence Claim Should Be Dismissed Because Plaintiff cannot Establish the Existence of a Duty or A Breach of a Duty by VetCor

The truthfulness of the statements made by VetCor employees to animal control precludes any claim for negligence. Claim for negligence requires proof that "(1) the defendant owes a duty of care to the plaintiff; (2) defendant breached the duty by a negligent act or

ELECTRONICALLY FILED - 2023 Dec 18 3:40 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

omission; (3) defendant's breach was the actual or proximate cause of the plaintiffs injury; and (4) plaintiff suffered an injury or damages." *Doe ex Rel. Doe v. Wal-Mart Stores, Inc*. 393 S.C. 240, 244; 711 S.E.2d 908, 912 (S.C. 2011). It is essential the plaintiff establish that a legal duty of care was owed to the plaintiff by the defendant. *Denson v. Nat'l Cas. Co.*, 439 S.C. 142, 886 S.E.2d 228 (2023). "For negligent conduct to become actionable, it must violate some specific legal duty *owed to the plaintiff*." *Rice v. School district of Fairfield*, 317 S.C. 87, 93, 452 S.E.2d 352, 358 (Ct. App. 1994) (citing *Foster v. Greenville Medical Soc*., 95 S.C. 190, 367 S.E.2d 468 (Ct. App. 1988) (emphasis added). In determining whether a particular act is negligent, the test depends on what a person of ordinary reason and prudence would do under those circumstances at that time and place. *Berberich v. Jack*, 392 S.C. 278, 287, 709 S.E.2d 607, 612 (2011). "Absent a legally recognized duty, the defendant in a negligence action under South Carolina law is entitled to a judgment as matter of law." *Humphrey v. Day & Zimmerman Intern., Inc.*, 997 F. Supp. 2d 388 (D.S.C. 2014). Here, Plaintiff cannot establish the existence of a duty or any breach.

To the extent Plaintiff can make a claim for negligence, it must be based on allegedly false statements made to law enforcement. However, as demonstrated above, the statements made by VetCor employees were true. No breach can exist without a wrongful act. The mere reporting of a crime to police is not wrongful. Consequently, the Plaintiff cannot establish a claim for negligence.

CONCLUSION

For the reasons stated above, VetCor's Motion for Summary Judgement is hereby **GRANTED**.

Signature on following pages

SO ORDERED, this ____ day of _____, 2023

_____
The Honorable Lawton, R McIntosh
Court of Common Pleas
Fourth Judicial Circuit

ELECTRONICALLY FILED - 2023 Dec 18 3:40 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

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Anderson Common Pleas

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

Case Number: 2023CP0400203

Type: Order/Summary Judgment

S/R. LAWTON McINTOSH

S/R.LAWTON McINTOSH

ELECTRONICALLY FILED - 2023 Dec 18 4:03 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

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**

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

ELECTRONICALLY FILED - 2023 Dec 18 4:03 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

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.

ELECTRONICALLY FILED - 2023 Dec 18 4:03 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

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 action[2] 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.

ELECTRONICALLY FILED - 2023 Dec 18 4:03 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

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.

ELECTRONICALLY FILED - 2023 Dec 18 4:03 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

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

ELECTRONICALLY FILED - 2023 Dec 18 4:03 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

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

ELECTRONICALLY FILED - 2023 Dec 18 4:03 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

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Anderson Common Pleas

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

Case Number: 2023CP0400203

Type: Order/Summary Judgment

S/R. LAWTON McINTOSH

S/R.LAWTON McINTOSH

ELECTRONICALLY FILED - 2023 Dec 28 11:56 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	OF THE TENTH JUDICIAL CIRCUIT
COUNTY OF ANDERSON	)	
	)	
	)	**MOTION TO RECONSIDER, ALTER, OR AMEND ORDER GRANTING VETCOR OF SPARTANBURG, LLC'S MOTION FOR SUMMARY JUDGMENT**
ROBERT STRO SNIPES, Plaintiff,	)	
	)	
vs.	)	
	)	
CITY OF BELTON and SPARTANBURG ANIMAL CLINIC, LLC, Defendants.	)	CASE NUMBER: 2023-CP-04-00203

TO: WILLIAM J. BLOUNT, ATTORNEY FOR THE DEFENDANT, VETCOR OF SPARTANBURG, LLC

YOU WILL PLEASE TAKE NOTICE that pursuant to Rule 59(e), SCRCP, and other applicable law, the Plaintiff, by and through his undersigned attorney, hereby moves this Honorable Court to reconsider, alter, or amend its Order Granting Vetcor of Spartanburg, LLC's Motion for Summary Judgment, filed December 18, 2023. This Motion is based upon the following:

1. Summary Judgment should not have been granted in favor of the Defendant, Vetcor of Spartanburg, LLC, as to the Plaintiff's causes of action for False Arrest, False Imprisonment, or Malicious Prosecution due to the existence of probable cause for the Plaintiff's arrest. The existence of probable cause is a factual question that must be decided by a jury unless the Court finds, as a matter of law, that "the evidence yields only one conclusion." *Pallares v. Seinar,* 407 S.C. 359, 367, 756 S.E.2d 128, 132 (2014).
2. In this case, photographs of the cat at issue and medical records could lead a jury to conclude that probable cause did exist for the Plaintiff's arrest. However, the Plaintiff's sworn deposition testimony regarding the health and behavior of the cat, the Plaintiff's responses to the Defendant's interrogatories regarding the health and behavior of the cat, photographs of the cat produced by the Plaintiff, and the entirety of the medical records related to the cat, all considered together and viewed in light most favorable to the Plaintiff, could reasonably lead

ELECTRONICALLY FILED - 2023 Dec 28 11:56 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

a jury to conclude that probable cause did not exist for the Plaintiff's arrest. Thus, the existence of probable cause for the Plaintiff's arrest is a genuine issue of material fact that should be decided at trial.

3. Summary Judgment should not have been granted in favor of the Defendant, Vetcor of Spartanburg, LLC, as to the Plaintiff's cause of action for defamation. The truthfulness of the statements made by Amanda Harvey, agent of said Defendant, is a genuine issue of material fact that should be decided by a jury. Said Defendant provided no affidavit of Amanda Harvey, and her deposition has not been taken at this time. Therefore, it appears that the only evidence of her statements in the record at this time is the summary of her statements contained in the incident report of the Defendant, City of Belton. The Defendant, City of Belton, included said incident report as an exhibit to its Memorandum in Support of Summary Judgment, and it is also attached to this Motion as Exhibit A.
4. The incident report indicates that Amanda Harvey told Dorren Howe, agent of the Defendant, City of Belton, that the cat at issue was "very sick" and that the Plaintiff "was not cooperating with the doctor because he did not want the animal euthanized." In fact, the Plaintiff had agreed to allow the cat euthanized and the animal had been euthanized prior to Amanda Harvey making this report. Further, the incident report contains no indication that Amanda Harvey ever told agents of the City of Belton that the cat had been euthanized. Based on this incident report, a jury could reasonably find that Amanda Harvey's statements were not truthful; therefore, Summary Judgment would not be appropriate at this stage in the case.
5. Even if the assertion of the Defendant, Vetcor of Spartanburg, LLC, that Amanda Harvey's statements were protected by a qualified privilege, a jury could reasonably find that the statements were made with malice. When Amanda Harvey made her report to the Defendant, City of Belton, she knew that the Plaintiff had agreed to have the cat euthanized and that Vetcor of Spartanburg, LLC had euthanized the cat. Despite this knowledge, it appears from the above-referenced incident report, which is the only record of her statements in evidence,

ELECTRONICALLY FILED - 2023 Dec 28 11:56 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

that she reported that the Plaintiff "was not cooperating with the doctor because he did not want the animal euthanized," and she failed to report that the cat had, in fact, been euthanized. A jury could reasonably find that Amanda Harvey, as an agent of Vetcor of Spartanburg, LLC, made these statements with ill will towards the Plaintiff or made the statements recklessly or wantonly.

6. Summary Judgment should not have been granted to the Defendant, Vetcor of Spartanburg, LLC, as to any of the Plaintiff's causes of actions because discovery has not been completed in this case. Summary judgment is a "drastic remedy" that "must not be granted until the opposing party has had a full and fair opportunity to complete discovery." *Doe ex rel. Doe v. Batson*, 345 S.C. 316, 321-322, 548 S.E.2d 854, 857 (2001) citing *Baughman v. American Tel. & Tel. Co.*, 306 S.C. 101, 112, 410 S.E.2d 537, 543 (1991). Specifically, the Plaintiff has not yet been able to depose agents of the Defendants which would lead to additional evidence that the Plaintiff reasonably believes would support his claims.

I SO MOVE.

s/ G. Lee Cole, Jr.
G. Lee Cole, Jr.
SC Bar Number 100352
COX & COLE, ATTORNEYS AT LAW
P.O. Box 315
Williamston, SC 29697
Tel. (864) 847-9289
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LeeCole@CoxandCole.com

ATTORNEY FOR THE PLAINTIFF

Williamston, South Carolina
Dated: **12/28/2023**

ELECTRONICALLY FILED - 2023 Sep 29 01:56 PM - ANDERSON - COMMON PLEAS - CASE# 2023CP0402083

PARTIES:

name	party type	arrested	injured	description	DL #	SSN #	lex #
Harvey, Amanda	Complainant	No	No	, F, lbs, 0' 0", DOB:			EP01KYM700000CG9
	346 Cedar Springs Rd, Spartanburg SC 29302						
	864-585-5233 (work)						
Snipes, Robert Stro	Suspect	Yes	No	White, M, 175 lbs, 5' 10", 65 (at time of incident), DOB: 12-06-1955	004767870		EP01KX2D000006U6
	304 Forest Lane, Belton S.C SC 29627						
	864-381-0519 (mobile), 864-338-8451 (home)						
Society/ Public	Victim	No	No				

VEHICLES:

No vehicles specified.

NARRATIVE:

ELECTRONICALLY FILED -- 2023 Sep 28 3:56 PM -- ANDERSON - CONWAY COMMON PLEAS - CASE#2023CP0400203

ELECTRONICALLY FILED -- 2022-Sep-29 13:05 PM -- ANDERSON -- COMMON PLEAS -- CASE#2022CP0402003

On January 29, 2021 at approximately 5 pm an animal complaint come into the Belton City Police Department. Officer Richie (505) initially took the call over the phone. He responded to the complainant telling her that I Doreen Howe the animal control was not in the office at the time. Officer Richie (505) did make a phone call to me and gave me the information he had. I was concerned about the details of the call so I called the complainant immediately. I spoke to a Ms. Amanda Harvey from Spartanburg Animal Clinic. Ms. Harvey had concerns after a client visited her clinic with a very sick cat. The client would be Mr. Robert Snipes of 304 Forest Lane Belton SC 29627. Ms. Harvey spoke in detail of the cat (Skye) in question had suffered for many months. Dr. Garrison was the treating veterinarian on this day. Ms. Harvey said the cat had weighed in at 5 lbs. and was very septic due to an infection that was initially caused by a tooth. Ms. Harvey told me that Mr. Snipes had taken this cat to several veterinarian offices in which one office declined to see him again because he was in denial over the cats sickness. Ms. Harvey reported this situation to Spartanburg Animal Control as well. Spartanburg AC said they would follow up with the case. It appears that Mr. Snipes also has another home in Spartanburg County. That address would be 725 Springhill Ave in Spartanburg SC 29303. Ms. Harvey stated that Dr. Garrison told Mr. Snipes (subject) if he was to take the cat out of the office he would have to report him to the police. Mr. Snipes was not cooperating with the doctor because he did not want the animal euthanized. Ms. Harvey stated that Robert Snipes said the cat was active the night before, eating and the cat actually slept on his chest. She said that would be impossible due to the condition of the cat and the awful odor she had. She said the cats face was literally decaying off with infection. I asked Ms. Harvey if she had pictures of this animal? She stated yes and was happy to send them to me. I received the pictures in my personal email and uploaded them to the computer here at the police department. I assured Ms. Harvey that I would follow up with this call on Saturday January 30, 2021. Due to the importance of the case and the possibility of more cats I wanted to do the welfare check as soon as possible.

On January 30, 2021 I went out to the said address above. The yard appeared to be clean and kept up. I went to the front door and knocked. I would receive no answer at the front door. I then walked around to the side entrance. To the left of the house is a screened in porch. At that time I did not go on the porch I just knocked on the outside door. However I could see trash build up on the porch. Many grocery store bags, cat items and other debris. This was definitely something to be concerned over. I decided to walk around the back of the house to see if there was another door I could get at. I spotted one cat eating something out of a bowl. The cat run when he/she spotted me. I noticed a shed in the back with some sort of doggie door or in this case a cat door on it. I went and looked into the building and did not see cats, but did see many animal carriers. Animal carriers are used to transport animals in. I turned to look at the outside of the back of the house and spotted several trash bags. I also spotted a mound of empty cat food cans. I decided to go on the screened in porch so that I could knock on the door inside of the porch. When I made entrance to the screened in area I immediately could smell something foul. There were several bags of trash and not sure if that where the odor was emitting from. I made my way to the door in which had a glass window in it. I knocked several times. I could see there was a light on and this door led to the kitchen. When I looked inside the window I could see a lot of trash thrown about in the kitchen area. There would be several more bags of trash, cat food containers and debris all over the floor. I did take pictures of every piece of property I walked on. All pictures will be included with this incident report including the pictures of "Skye" the cat. I was not getting anyone to the door. I decided to go back to my truck

and follow up on Monday February 1st, 2021. Before I left the property I did run a 10-28 on a Grey Buick sitting in the driveway. The tag did register to a Mr. Snipes out of Spartanburg. I also noticed a lot of debris in the car. Follow up would come on Monday.

On Monday 02/01/2021 while in the office I made some phone calls trying to get more information on Mr. Snipes. I once again called Ms. Harvey from the Spartanburg Animal Clinic to ask her for a contact phone number. She was able to give me one number they had on file. 1-864-582-4963. I also wanted the name of the Officer in Spartanburg that was going to follow up on this case in that area. Ms. Harvey stated the name of the ACO was Officer Goodson. After hanging up with Ms. Harvey I tried to call Mr. Snipes. This number had no voicemail connected to the line. I then went ahead and called Spartanburg Animal Control and asked to speak to Officer Goodson. Officer Goodson was in the office and we discussed the case. Officer Goodson stated she did go out to the property of Mr. Snipes. She stated the address was 725 Springhill Ave in Spartanburg SC. Officer Goodson stated that she did leave a door hanger on the property and was waiting for a call back from Mr. Snipes. At the time I spoke to Officer Goodson she had not talked to Mr. Snipes at that time. She stated she did have concerns about the outside of the property. Officer Goodson said she would return to the Spartanburg property on 02/02/2021 with her Environmentalist Officers. She had her concerns on what the inside of the home would be. While on the phone Officer Goodson and myself exchanged phone numbers and we would contact each other with our findings. Later in the afternoon I was trying to locate a number outside of the number Ms. Harvey had given me. I called our City Water Department and they were able to provide me with 2 phone numbers. The 1st number was a local number 864-338-8451 and the second number provided was 706-371-7187. I called the local Belton number and left a voice message on the phone. I then called the Georgia number and this number connected me with his sister Ms. Chae Hinson. Ms. Hinson and I talked for several minutes in regards to the home here in Belton. She stated once her father passed away she let her brother Mr. Snipes buy the home. She also said he has another property in Spartanburg. Ms. Hinson claimed her brother was Bipolar She also stated he was a hoarder. I explained to Ms. Hinson the reason I was trying to make contact with Mr. Snipes due to the conditions of his inside home here in Belton and I had to check on any other remaining cats. She said she would call me back with his number. I know Ms. Hinson as well stated that she asked her brother to keep the property up and not to allow it to get filled with junk. I received Mr. Snipes phone number (864-381-0519) and called and received a voice mail. At about 4:15 pm Mr. Snipes called my phone. We discussed the condition of the home. He said he stays at that home a few times a week. He then made the statement that this was about "Skye" the cat that was sick. He proceeded to tell me the cat looked worse than what he was. I asked Mr. Snipes if he had other animals in the home and he said yes he had 4 cats indoors. Mr. Snipes continued to talk about how the vets were wrong and the cat was okay the night before. He told me that the cat eat the night before he took the cat to the doctors. He said we snuggled and knew he was sick but not enough to euthanize him He made the statement he butted heads with Dr. Garrison. After listening to him I expressed my concern. I told him I needed to do a welfare check inside the home. I wanted to be able to see the cats for myself and make sure they were healthy. He was hesitant to meet me and asked me what time would work. I asked him to come down right now and he said he could not do so. He then stated he would come down at 3 pm tomorrow (02/02/2021). I explained to Mr. Snipes that I needed to see him earlier than 3 pm. He then told me to pick a time. I asked if 10 am would be okay? He said he "guessed" it would be.

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January 3rd, 2021 I Doreen Howe Belton City Animal Control went to the home of Mr. Snipes. He greeted me at the door and was pleasant. I immediately noticed that the screened porch had been somewhat cleaned up. As I walked through the kitchen door the floor was picked up and trash was moved. I stated to him "Oh you cleaned up" he said somewhat. There was debris still on the counter and stove. There was something that caught my eye. I noticed bird seed in a empty can of cat food. I asked him if he had a bird? He then replied "no I have some mice I feed". I asked him if I could see the cats he had in the house. I definitely smelled the odor of urine. The cat litter was freshly put in. He had feeding stations throughout the home. As I walked through the home the odor of urine still consumed me. One of the bedrooms had and orange cat on the bed. When that cat saw me he took off. The bed shows that nobody sleeps there. There was a black cat on a night stand. I was able to get a picture of the cat. It just laid there until I tried to get close. That cat run away. I walked into a spare bedroom and come across a tortie colored cat. The cat was on the spare bed that was covered in items. It run away as I tried to get a picture. I asked Mr. Snipes where the last cat was and he was not sure. I do not know if the cat is living or hiding in the house. We made our way to the kitchen and talked for a few minutes. Mr. Snipes stated that he keeps the cats in that home but mainly resides in Spartanburg. I asked him how often he comes to the property here in Belton and he stated when SKYE was alive he was here a few times a week to give antibiotics. I requested his license just to get information for my report information. I noticed as well that there was a gold Chevrolet Impala with tag of QGT 541. This car seemed to be his primary transportation. I will be reporting my findings to the Chief Robert Young. I as well will be calling the veterinarian offices that this cat went to since October 2020. I will contact Officer Goodson as well to see if she wanted my information on my findings. This case continues.

ELECTRONICALLY FILED - 2022-Sep-29 13:05 PM - ANDERSON - COMMON PLEAS - CASE #2022CP0402083

SUPPLEMENTAL:

DATE CREATED	CREATED BY	STATUS	DATE APPROVED	APPROVED BY
02-03-2021 12:09	560 Howe, Doreen	open	-	

SUPPLEMENTAL TEXT

On January 3rd 2021 I Doreen Howe was able to talk to Dr. Hurlbert of Healthpoint Animal Hospital. Dr. Hurlbert was one of the doctors that Mr. Snipes visited with Skye to see if anything could be done without euthanizing the cat. Dr. Hurlbert has treated previous cats of Mr. Snipes and she said they were always in severe shape. She stated that she no longer wanted Mr. Snipes as a client. What she witnessed with "Skye" the cat was absolutely heartbreaking and she felt it was a clear case of abuse. She stated that seeing Skye in this severe shape actually brought tears to her eyes and other staff members as well. Dr. Hurlbert wanted to discuss his unusual behavior. She talked to me about a cat that needed hospitalization. This cat has nothing to do with this case but it is to show just cause of the state of mind of Mr. Snipes. She discussed the weekend that this other cat stayed at her hospital Mr. Snipes would sit in the parking lot waiting for staff members to come in. She stated he would wait to make sure someone was going to show up and make sure the cat was being fed and cared for. Dr. Hurlbert actually told me that he made her and the staff uncomfortable. She no longer wanted him in her building or as a client. When she discussed this with me I did not state in the original report that Mr. Snipes had some very odd behavior when we met at his home. I failed to mention that when I went to leave after doing a welfare check I found the kitchen door locked. When I stepped on the screen porch to leave that door was also locked. I was not aware of the doors being locked behind me. Today I have received via email and fax medical records from Paw Prints Animal Hospital out of Easley SC where Skye was seen. I have received medical records from Spartanburg Animal Clinic in Spartanburg SC. This is the original complainant and the office that euthanized the cat. I was told by Amanda Harvey of this office that Dr. Garrison was not giving Mr. Snipes options the day Skye was euthanized. Dr. Garrison told Mr. Snipes that if he left the office with the cat he would call the police. Mr. Snipes stated he was going to take legal actions against the doctor because he was leaving him no choice. I am waiting for an email from Dr. Hurlbert for medical records for this cat. I was also able to touch base with the Upstate Veterinary Specialist here in Greenville SC. I spoke to a Dr. Virginia Roming. She did not see Skye at the time of visit due to Mr. Snipes going through the emergency room and not following up with Dr. Roming. She states she does have records from the Emergency Room from the doctor that was on call that night. She was happy to get all his medical records to me. I am just waiting on them to come through.When I have all medical records Chief advised me to get with the Judge to see about charges. I will call 510 this evening to see if he will assist me with getting warrants for animal cruelty or animal neglect. We will let the Judge decide what charges to go with. Also I am looking to see about removing the remaining 4 cats at this home.

ELLECTRONICALLY FILED - 2022-23 Sep 29 13:05 PM - ANDERSON - COMMON PLEAS - CASE#2022CP0402003

DATE CREATED	CREATED BY	STATUS	DATE APPROVED	APPROVED BY
02-05-2021 05:04	508 Ellison, Chanc	open	-	

SUPPLEMENTAL TEXT

On 2-5-2021 I Pfc C. Ellison did serve Warrant # 2021A0420100007 on one Robert S. Snipes for III treatment of animals. I did also transport Snipes from 304 Forest Ln in the City of Belton to ACDC with no incident.

ELECTRONICALLY FILED -- 2023 Sep 28 13:56 PM -- ANDERSON -- COMMONWEALTH FILE ASS -- CASE #2023CF04000203

DATE CREATED	CREATED BY	STATUS	DATE APPROVED	APPROVED BY
02-07-2021 11:45 a	560 Howe, Doreen	open	-	

ELECTRONICALLY FILED -- 2022-Sep-29 13:05:56 PM -- ANNDERSSON -- COMMON PLEAS -- CASE #2022CFP04002033

On Friday February 5th 2021 I Doreen Howe Belton City Animal control went to 304 Forest Lane to meet Mr Snipes and to have Corporal Ross RIchey serve an animal neglect warrant on Mr. Snipes. I made the arrangements the night prior to have Mr. Snipes come back to Belton to said address so that I may get better pictures of the cats. I arrived on scene and Mr. Snipes was at the home inside. I went inside to speak to Mr. Snipes. He was holding one cat that seemed very agitated with him. I asked him to place him in the carrier that was on the table. I wanted to see if the cat showed any symptoms of illness. I was making short talk with Mr. Snipes while waiting for Corporal Richey and Officer Ellison to arrive on scene. Once the officers arrived on scene they entered the home and started talking to Mr. Snipes. Mr Snipes was once again going into detail about Skyes (the cat) condition. He was obviously still in denial and stated the veterinarians were wrong. Corporal Richey stated he was going to place Mr. Snipes under arrest for Ill treatment of Animals. I asked Mr. Snipes if he would sign the cats over. Corporal Richey stated to Snipes that it would look better on him to a judge if he signed them over. If he was not willing to do so we would go to a judge and get a search warrant. I told Mr. Snipes all cats would be vetted and evaluated. Before signing the paper I asked him for his help on getting the cats. The night before he stated to me he had 4 cats. Today he stated to me he had 5 cats.

I went into one of the bedrooms to start and closed the door behind me. I laid on the floor and captured one orange cat myself. I placed this cat in a carrier. I did not notice any more cats in this one bedroom so I moved to the den area where I knew the older fluffier black cat was. Corporal Richey was in the room with me and the door was shut behind us. The cat runs under various pieces of furniture. We turned the furniture over and the cat ran out where I was able to scruff her and place her in a carrier. This cat had medium hair length and appeared to be matted all over. There was another cat in the spare bedroom. This particular cat stayed in this one room. I went into the room alone and tried to catch this cat alone. She ran from the bed, under the bed to under the dresser. The room smelled of cat urine and there was bird seed in various pans where he fed the mice. I eventually called Mr. Snipes to come help me. He entered the room and the cat was on his side of the bed. I pushed a container against the cat to make her move. This is when Mr. Snipes grabbed her. She was trying to get away and I went ahead and scruffed her neck so that I could get her into a carrier peacefully. I was in the hall placing the cat in the carrier and Mr. Snipes reached over to the cat to tell her goodbye and the cat grabbed onto his hands and would not let go. He pulled away and he was bleeding from both hands. I lost my grip with the cat and she ran into the den area. I went into the den area alone and shut the door. Mr. Snipes after getting a wash rag for his wounds came into the den area. I was able to scruff the cat and get her into a carrier. I requested Mr. Snipes not touch the cat because she was stressed. I had 4 cats in the carriers and Snipes stated that there was one left. I did not see this cat on my welfare check that I did earlier in the week. We located the cat in the bedroom under a dresser. I shut the door so that the cat could not escape. Mr Snipes was able to reach under the dresser and grab the cat. I scruffed the cat and placed him into a carrier. We loaded the cats on my truck and Mr. Snipes was taken into custody, I transported these cats to the shelter. We arrived at the shelter. The receiving crew unloaded the cats and they were all calm and

ELLECTRONICALLY FILED -- 2022-Sep-28 13:05 PM -- ANNDEERSON -- CONWAY DISTRICT -- CASE #2022-CP-04002083

cooperative. They seemed to know they were being helped. 4 of the cats had chips implanted. One of the cats had a different owner and the shelter will contact this owner. One cat had a chip that was from an outside chipping company and they called to get verification and the name of the owner. The shelter manager texted me and stated that Mr. Snipes has 18 other cats in his name. The tortie colored cat will see Dr. Sanders on Monday. She has an issue with her lip that needs to be looked at by the veterinarian.
January 6th 2021 I spoke to Corporal Richey. Mr.Snipes is wanting to get his cats back. He stated to Corporal Richey that he had already been to the shelter and looked around but they were closed. He emailed the director of the shelter as well. He was not happy about some of the cats being placed up for adoption. Per Corporal Richey he asked me to give the shelter staff heads of about Mr. Snipes. We know he will be going to the shelter Monday to check into getting his animals back.

ADMINISTRATION:

disposition	reviewed by	review date	cleared by	cleared date
Arrested 18 and Over	503 Smith, Anthony	02-02-2021 09:18 am GMT -5.00		-

Cover Page Printed: 02-23-2021 03:22 pm GMT -5 00

ELECTRONICALLY FILED -- 2022-Sep-29 13:05:56 PM -- ANNDERSON -- COMMON PLEAS -- CASE#2022CP0402103

Belton Police Department

Officer Incident Report for Incident # 21-0106

Disposition: **ARRESTED 18 AND OVER**

Incident Date:	01-29-2021 05:00 pm	**Report Created:**	02-02-2021 08:28 am GMT -5.00
Incident Type:	Animal Cruelty (720)	**Reported By:**	560 Howe, Doreen (US013DJL0000001I)
Origination:	911 Call	**Reporting Agency:**	Belton Police Department
Current Status:	Approved, Access Level 1	**Reported From:**	IP ADDR 66.191.210.50
Incident Location:	304 Forest Lane Belton, SC 29627	**Jurisdiction:**	This Jurisdiction
Incident Lex #:	IN01JI12000001H2	**Assigned To:**	560 Howe, Doreen (US013DJL0000001I)
		Agency:	Belton Police Department

Jacket Notes: Arrest

INCIDENT DESCRIPTOR:

Welfare Check/Animal Neglect

LOCATION:

Address:	304 Forest Lane Belton, SC 29627	**Location Lex #:**	LO014CRT00000ISJ
Latitude / Longitude:	34.515109 / -82.504972	**Units Entered:**	
Location Type:	Residence/Home (include nursing homes) (20)	**Forced Entry:**	No
Zone / Beat:	/	**Location Notes:**	

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INCIDENT OFFENSES:

off code	offense description	victim	offender	completed	use of force	auto weapon
720	Animal Cruelty (720)	Society/ Public	Snipes, Robert Stro	Y	-	-

ARRESTS / ARREST OFFENSES:

name	party type	offense code	statute	description	off status
Snipes, Robert Stro	Suspect	720	n/a	Animal Cruelty	Completed
Snipes, Robert Stro	Suspect	2804	47-1-40(B)	ILL TREATMENT OF ANIMALS (TORTURE) (DNA REQ)	Completed

ELECTRONICALLY FILED - 2023-Sep-28 13:05 PM - ANDERSON - COMMON PLEAS - CASE #2023CP0402003

ELECTRONICALLY FILED - 2023 Dec 28 11:56 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	OF THE TENTH JUDICIAL CIRCUIT
COUNTY OF ANDERSON	)	
	)	
	)	**MOTION TO**
ROBERT STRO SNIPES,	)	**RECONSIDER, ALTER, OR AMEND ORDER**
Plaintiff,	)	**GRANTING SUMMARY JUDGMENT**
	)	**IN FAVOR OF CITY OF BELTON**
vs.	)	
	)	CASE NUMBER: 2023-CP-04-00203
CITY OF BELTON and	)	
SPARTANBURG ANIMAL CLINIC, LLC,	)	
Defendants.	)	
_____	)	

TO: JEFFREY C. KULL, ATTORNEY FOR THE DEFENDANT, CITY OF BELTON

YOU WILL PLEASE TAKE NOTICE that pursuant to Rule 59(e), SCRCP, and other applicable law, the Plaintiff, by and through his undersigned attorney, hereby moves this Honorable Court to reconsider, alter, or amend its Order Granting Summary Judgment in Favor of Defendant City of Belton, filed December 18, 2023. This Motion is based upon the following:

1. Summary Judgment should not have been granted in favor of the Defendant, City of Belton, as to the Plaintiff's cause of action for Malicious Prosecution due to the existence of probable cause for the Plaintiff's arrest. The existence of probable cause is a factual question that must be decided by a jury unless the Court finds, as a matter of law, that "the evidence yields only one conclusion." *Pallares v. Seinar*, 407 S.C. 359, 367, 756 S.E.2d 128, 132 (2014).
2. In this case, photographs of the cat at issue and medical records could lead a jury to conclude that probable cause did exist for the Plaintiff's arrest. However, the Plaintiff's sworn deposition testimony regarding the health and behavior of the cat, the Plaintiff's responses to the Defendant's interrogatories regarding the health and behavior of the cat, photographs of the cat produced by the Plaintiff, and the entirety of the medical records related to the cat, all considered together and viewed in light most favorable to the Plaintiff, could reasonably lead a jury to conclude that probable cause did not exist for the Plaintiff's arrest. Thus, the

ELECTRONICALLY FILED - 2023 Dec 28 11:56 PM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

existence of probable cause for the Plaintiff's arrest is a genuine issue of material fact that should be decided at trial.

3. Summary Judgment should not have been granted as to the Defendant, City of Belton, because discovery has not been completed in this case. Summary judgment is a "drastic remedy" that "must not be granted until the opposing party has had a full and fair opportunity to complete discovery." *Doe ex rel. Doe v. Batson*, 345 S.C. 316, 321-322, 548 S.E.2d 854, 857 (2001) citing *Baughman v. American Tel. & Tel. Co.*, 306 S.C. 101, 112, 410 S.E.2d 537, 543 (1991). Specifically, the Plaintiff has not yet been able to depose agents of the Defendants which would lead to additional evidence that the Plaintiff reasonably believes would support his claims.

I SO MOVE.

s/ G. Lee Cole, Jr.
G. Lee Cole, Jr.
SC Bar Number 100352
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Williamston, SC 29697
Tel. (864) 847-9289
Fax (888) 588-3142
LeeCole@CoxandCole.com

ATTORNEY FOR THE PLAINTIFF

Williamston, South Carolina
Dated: **12/28/2023**

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Anderson
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2023CP0400203

Robert Stro Snipes
PLAINTIFF(S)

City Of Belton et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

☐ **JURY VERDICT**. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☑ **DECISION BY THE COURT**. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

☐ **ACTION DISMISSED** (*CHECK REASON*): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other

☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other

☐ **STAYED DUE TO BANKRUPTCY**

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (*CHECK APPLICABLE BOX*): ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☑ Statement of Judgment by the Court:

Plaintiffs motions to reconsider are denied without the necessity of a hearing as to Defendant City of Belton and Vector of Spartanburg. No formal order is required.

ORDER INFORMATION

This order ☑ ends ☐ does not end the case. ☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 01/02/2024 .

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

ELECTRONICALLY FILED - 2024 Jan 03 8:46 AM - ANDERSON - COMMON PLEAS - CASE#2023CP0400203

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

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Anderson Common Pleas

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

Case Number: 2023CP0400203

Type: Order/Electronic Form 4

S/R. LAWTON McINTOSH

S/R.LAWTON McINTOSH

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Jan 31 2024
SC Court of Appeals

NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

The Honorable R. Lawton McIntosh, Circuit Court Judge

Case No. 2023-CP-04-00203

Robert Stro Snipes,
Appellant,

v.

City of Belton and VetCor of Spartanburg, LLC (improperly named in pleadings as Spartanburg Animal Clinic, LLC),
Respondents,

NOTICE OF APPEAL

The Appellant, Robert Stro Snipes, appeals the Order Granting VetCor of Spartanburg LLC's Motion for Summary Judgment of the Honorable R. Lawton McIntosh, filed December 18, 2023, and the Order Granting Summary Judgment in Favor of the Defendant City of Belton of the Honorable R. Lawton McIntosh, filed December 18, 2023. The Appellant received written notice of entry of said orders on December 18, 2023.

The Appellant filed a Motion to Reconsider, Alter, or Amend as to each of the above-referenced orders on December 28, 2023. The Appellant further appeals the Order denying said Motion to Reconsider, Alter, or Amend of the Honorable R. Lawton McIntosh, filed January 3, 2024, and written notice of the entry of which was received by the Appellant on January 3, 2024.

January 22, 2024

s/ G. Lee Cole, Jr.

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ATTORNEY FOR THE APPELLANT

Other Counsel of Record:

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Attorney for the Respondent, City of Belton

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SC Bar Number 104600
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Attorney for the Respondent, VetCor of Spartanburg, LLC

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Attorney for Respondent, VetCor of Spartanburg, LLC

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

The Honorable R. Lawton McIntosh, Circuit Court Judge

Case No. 2023-CP-04-00203

Robert Stro Snipes,
Appellant,

v.

City of Belton and VetCor of Spartanburg, LLC (improperly named in pleadings as Spartanburg Animal Clinic, LLC),
Respondents,

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Jeffrey C. Kull, Esq., Attorney for the Respondent, City of Belton, by e-mailing a copy to him at jkull@murphygrantland.com on January 22, 2024. I further certify that I have served the Notice of Appeal on William J. Blount, Esq. and Peter G. Siachos, Esq., Attorneys for the Respondent, VetCor of Spartanburg, LLC, by e-mailing copies to them at wblount@grsm.com and psiachos@grsm.com on January 22, 2024.

January 22, 2024

s/ G. Lee Cole, Jr.

G. Lee Cole, Jr.
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ATTORNEY FOR THE APPELLANT

Gmail Lee Cole <gleecolejr@gmail.com>

Notice of Appeal, Snipes v. City of Belton, et al, 2023-CP-04-00203

Lee Cole <LeeCole@coxandcole.com> Mon, Jan 22, 2024 at 3:32 PM
To: "Jeff C. Kull" <jkull@murphygrantland.com>, Will Blount <wblount@grsm.com>, psiachos@grsm.com

Jeff, Will, and Peter:

Please find attached a Notice of Appeal that I am filing on behalf of my client in this matter.

Thanks,

Lee Cole

--
G. Lee Cole, Jr., Esq.
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SC Court of Appeals

Certificate of Counsel

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

July 11, 2024

s/ G. Lee Cole, Jr.

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