

RECEIVED

May 05 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

SHEENA PAIGE

Petitioner,

vs.

NEWBERRY COUNTY

ANIMAL CONTROL

Respondents.

CASE NO: 2025-000744

PETITION FOR WRIT OF MANDAMUS

COMES NOW Sheena Paige, Petitioner, pro se, pursuant to Rule 243, South Carolina Appellate Court Rules (SCACR), and respectfully petitions this Honorable Court for a Writ of Mandamus to compel the Newberry County Magistrate Court, Court of Common Pleas 8th Circuit and Newberry County Animal Control to perform their clear, ministerial duties as set forth below. This extraordinary relief is necessary to remedy a miscarriage of justice in Case No. 2024CP3600502 and Case No. 2024CP3600217, where Respondents & Courts failed to act on evidence that charges against Petitioner should have been dismissed, causing ongoing harm and financial hardship.

I. INTRODUCTION

1. Petitioner seeks a Writ of Mandamus to compel the Newberry County Magistrate Court or Court of Common Pleas 8th District to hold a hearing and dismiss charges and restitution imposed against me, based on a statement by Newberry County Animal Control's counsel (Joanie Winters) that her client, specifically the County Administrator instructed her to drop all charges. Alternatively, Petitioner requests that Animal Control be compelled to clarify and effectuate its intent to dismiss the case.
2. This petition arises from a series of procedural irregularities and misrepresentations in the lower courts, culminating in an affirmed restitution order that Petitioner alleges is unlawful. The failure to dismiss charges, despite the expressed intent from the Respondents per their Counsel, constitutes a clear dereliction of duty, leaving Petitioner without an adequate remedy at law due to financial constraints and an imminent appellate deadline of May 8, 2025.
3. Petitioner faces severe financial hardship, having paid \$755 to retrieve my dog and unable to afford ongoing legal costs. This Court's intervention is urgently needed to prevent further injustice and ensure Respondents fulfill their legal obligations.

II. JURISDICTION

4. This Court has original jurisdiction to issue a Writ of Mandamus under Article V, Section 5 of the South Carolina Constitution and Rule 243, SCACR, which authorizes the Court of Appeals to grant extraordinary writs to compel lower courts or public officials to perform ministerial duties.

5. The Newberry County Magistrate Court, Court of Common Pleas 8th Circuit and Newberry County Animal Control, as lower courts and public entity, respectively, are subject to this Court's supervisory authority in this original proceeding.

III. STATEMENT OF FACTS

6. On **December 27, 2023**, Petitioner's German Shepherd, Whisky, was accidentally left outside my fenced yard and was picked up by Newberry County Animal Control at Petitioner's request for a \$25 fee. A Newberry police officer (Smith) reported a provoked scratch during the pickup (recorded on the officers body camera), but was later mischaracterized as a "non-provoked dog bite" by an Animal Control staff member (Bouknight) – also recorded by the officers body camera.
7. On **January 10, 2024**, Animal Control issued two tickets to Petitioner:
 - a) Inoculation (Ordinance No. 3610113011), for failure to provide 'proof' of current rabies vaccination.
 - b) Animal Bite (Ordinance No. 3610196032), alleging a bite on the officer, which Petitioner disputes, as the officer confirmed it was a provoked scratch.
8. The South Carolina Department of Health and Environmental Control (DHEC) imposed a 10-day quarantine, which could have occurred at Petitioner's home at no cost. Animal Control refused to return Whisky, citing they were "not a transport service," and detained him for 100 days, demanding a \$100 quarantine fee and \$25 pickup fee.
9. The \$100 fee was later admitted to be unlawful, as Newberry County Ordinance No. 10-32-05 specifies a maximum of a \$50 "boarding fee" for the 10 days at the Animal Shelter and

makes no mention in the 17 page county ordinance of a Quarantine “fee” or a “\$100 Quarantine fee”. Animal Control also issued the Inoculation ticket prematurely, as DHEC allowed until January 18, 2024, to provide vaccination proof.

10. On **April 4, 2024**, a jury trial in the Newberry County Magistrate Court resulted in:

- a) Guilty verdict on the Inoculation charge, with a \$250 fine.
- b) Not Guilty verdict on the Animal Bite charge.

11. An order for \$505 in restitution for 100 days of boarding, which Petitioner alleges was improperly based on an uncharged “Animal Running at Large” offense.

12. Petitioner appealed to the Newberry County Court of Common Pleas on April 15, 2024, arguing:

- a) The Inoculation ticket was premature under DHEC’s order.
- b) The \$100 quarantine fee violated county ordinances.
- c) The \$505 restitution was unlawful, as it relied on an uncharged offense.
- d) Animal Control lacked authority to detain Whisky beyond DHEC’s 10-day quarantine. To the petitioner this bordered on a hostage and ransom scenario or flat-out extortion.

13. The Common Pleas Court remanded the case to the Magistrate Court for an explanation of the restitution. The Magistrate’s response to the remand cited an “Animal Running at Large” ordinance, which Petitioner contends was inapplicable, as Whisky was on my property when

the police officer arrived and when Animal Control picked him up (without incident from my yard).

14. On **March 31, 2025**, a second Common Pleas judge affirmed the Magistrate's order without addressing Petitioner's arguments, issuing a final judgment on **April 1, 2025**.
15. On **March 31st 2025**, during a Common Pleas hearing, counsel for Newberry County Animal Control stated in open court that her client had instructed her to drop all charges against Petitioner. Counsel claimed Petitioner refused to consent, which Petitioner denies, asserting no such conversation occurred.
16. Despite this statement, the Inoculation charge and \$505 restitution were not dismissed, and Animal Control's counsel continued to pursue the case, potentially misrepresenting facts to the court.
17. Petitioner has since faced significant financial strain, having paid \$755 to retrieve Whisky on April 4th 2024 (\$250 fine + \$505 restitution). I cannot afford additional legal costs, including a \$250 fee associated with this appeal, exacerbating the harm caused by Respondents' inaction.
18. The failure to dismiss charges, despite respondents instruction to their counsel, combined with unlawful fees and detention, has caused Petitioner irreparable harm, necessitating this extraordinary writ.

IV. LEGAL GROUNDS FOR RELIEF

19. A Writ of Mandamus is warranted when: (1) the petitioner has a clear right to relief; (2) the respondent has a clear, ministerial duty to act; (3) no other adequate remedy exists; and (4)

the petitioner will suffer irreparable harm absent relief. Ex parte Antonelli, 355 S.C. 346, 585 S.E.2d 289 (2003).

20. Petitioner has a clear right to a fair judicial process, including dismissal of charges when the prosecuting agency (Animal Control/County Administrator) instructs its counsel to drop them. The failure to act violates due process under Article I, Section 3 of the South Carolina Constitution.

21. The Magistrate Court and Court of Common Pleas 8th Circuit has a ministerial duty to ensure justice and prevent abuse of process by investigating counsel's statement that Animal Control/Newberry County Administrator sought to dismiss charges. Failing to address potential misrepresentation neglects this duty. Porter v. Jedziniak, 334 S.C. 16, 512 S.E.2d 497 (1999) (mandamus to compel court action on ignored motion).

22. Newberry County Animal Control has a duty to comply with its ordinances and DHEC orders. By imposing a \$100 quarantine fee (contrary to the maximum \$50 boarding fee for 10 days of being quarantined specified in Ordinance No. 10-32-05), issuing a premature Inoculation ticket, and detaining Whisky unlawfully, Animal Control failed to perform ministerial obligations under South Carolina Code § 47-5-200 and county law.

23. No Adequate Remedy: Petitioner lacks an adequate remedy at law due to financial hardship, which prevents me from pursuing related legal actions fully. The lower courts' failure to address the dismissal instruction cannot be remedied without this Court's intervention, as ongoing litigation perpetuates the harm.

24. Irreparable Harm: Petitioner faces irreparable harm from the \$250 fine, \$505 restitution, and continued expenses related to litigation, compounded by financial strain and emotional

distress over this entire matter about my dog, Whisky when this was originally a call for help and ultimately turned into a regret for reaching out to the charging agency for help on December 27th 2023.

25. The premature Inoculation ticket violates South Carolina Code § 47-5-200, which allows 10 days post-quarantine to vaccinate. Animal Control's ticketing on January 10, 2024, before the January 18, 2024, deadline, creates a duty to dismiss the charge.

V. ARGUMENT

26. The Court of Common Pleas 8th Circuit failure to address Animal Control's counsel's statement on March 31st 2025 that her client instructed her to drop all charges constitutes a ministerial failure to ensure a fair proceeding. Courts have a duty to prevent misrepresentation and abuse of process, particularly when a prosecuting agency expresses intent to dismiss. By affirming the restitution without inquiry, the court neglected its obligation to uphold justice.

27. Animal Control's imposition of a \$100 quarantine fee, later admitted to be unlawful (Ordinance No. 10-32-05 specifies a max \$50 boarding fee for 10 days), and detention of Petitioner's dog for 90 days beyond DHEC's 10-day quarantine violated statutory and ordinance-based duties. This misconduct, coupled with the failure to dismiss charges, supports mandamus to compel corrective action.

28. Petitioner's payment of \$755 to retrieve my dog and the requesting of a \$250 appellate fee, underscores the need for extraordinary relief. Dismissing my appeal for non-payment would perpetuate the injustice caused by Respondents' inaction.

29. The opposing counsel's claim that Petitioner refused to consent to dismissal, which Petitioner denies, raises concerns of misrepresentation. While counsel is not directly subject to mandamus, the court's failure to investigate this statement is a ministerial error redressable by this Court.
30. The cumulative effect of these errors—unlawful fees, premature charges, unauthorized detention, and failure to dismiss—demonstrates a pattern of procedural unfairness that only a writ can remedy, given the time-sensitive nature of Petitioner's appeal.

VI. RELIEF REQUESTED

WHEREFORE, Petitioner respectfully requests that this Honorable Court:

1. Issue a Writ of Mandamus compelling the Newberry County Magistrate Court or Court of Common Pleas 8th circuit to:
 - a) Hold a hearing to determine why charges and restitution were not dismissed, given Respondents instruction to their counsel.
 - b) Dismiss the Inoculation charge and \$505 restitution if warranted by the evidence.
2. Alternatively, compel Newberry County Animal Control to clarify its position on dropping charges and take necessary actions to effectuate dismissal in accordance with their instructions to counsel.
3. Waive the filing fee for this petition, pursuant to Rule 213, SCACR, due to Petitioner's financial hardship, as evidenced by my inability to pay the \$250 appellate fee and prior payment of \$755 in restitution and this case was filed as Criminal in both lower courts. The remedy for the tickets were a fine or jail time.

4. Grant such other and further relief as the Court deems just and proper.

Petitioner certifies that the facts stated herein are true to the best of my knowledge, based on court proceedings, documents, and my personal recollection. This petition is filed in good faith and not for purposes of delay or harassment.

Dated: May 5, 2025

Respectfully submitted,

By: 

Sheena Paige, Pro Se
2008 Charles Street
Newberry, SC 29108
Telephone: (803) 269-3037
Email:
Peopleplanetandpeace@gmail.com

RECEIVED

May 05 2025

SC Court of Appeals

**PROOF OF SERVICE FOR A PETITION FOR A
WRIT OF MANDAMUS**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM NEWBERRY COUNTY
Court of Common Pleas

Robert Bonds, Circuit Court Judge and

Frank R Addy Jr Circuit Court Judge

Case No. 2024-CP-36-00217

Case No. 2024-CP-36-00502

Newberry County Animal Control Respondent,


v.

Sheena Paige Appellant.

PROOF OF SERVICE

I certify that I have served this Petition for Writ of Mandamus on Newberry County Animal Control by depositing a copy of it in the United States Mail & Certified Mail, on May 5th, 2025, addressed to their attorney of record, Joanie Winters of Winters Law Firm, 105 Main Street, Chester, South Carolina 29706.

May 05, 2025


Sheena Paige
2008 Charles Street
Newberry, South Carolina 29108
(803) 269-3037
Pro Se
Email: Peopleplanetandpeace@gmail.com