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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

The Honorable R. Lawton McIntosh, Circuit Court Judge

Unpublished Opinion No. 2025-UP-147 (Ct. App. filed April 30, 2025)

Robert Stro Snipes,

Appellant,

v.

City of Belton and VetCor of Spartanburg, LLC,

Respondents.

PETITION FOR WRIT OF CERTIORARI

August 11, 2025

G. Lee Cole, Jr.
SC Bar Number 100352
COX & COLE, ATTORNEYS AT LAW
P.O. Box 315
Williamston, SC 29697
Tel. (864) 847-9289
Fax (888) 588-3142
LeeCole@CoxandCole.com
Attorney for the Appellant

Other Counsel of Record:

Jeffrey C. Kull, Esq.
SC Bar Number 65449
MURPHY & GRANTLAND, P.A.
P.O. Box 6648
Columbia, SC 29260
Tel. (803) 782-4100
jkull@murphygrantland.com
Attorney for the Respondent, City of Belton

Diana Marie August, Esq.
SC Bar Number 105713
MURPHY & GRANTLAND, P.A.
P.O. Box 6648
Columbia, SC 29260
Tel. (803) 782-4100
dmaugust@murphygrantland.com
Attorney for the Respondent, City of Belton

William J. Blount, Esq.
SC Bar Number 104600
GORDON REES SCULLY MANSUKHANI LLP
40 Calhoun Street, Suite 350
Charleston, SC 29401
Tel. (843) 278-5900
wblount@grsm.com
Attorney for the Respondent, VetCor of Spartanburg, LLC

Peter G. Siachos, Esq.
SC Bar Number 68465
GORDON REES SCULLY MANSUKHANI LLP
40 Calhoun Street, Suite 350
Charleston, SC 29401
Tel. (843) 278-5900
psiachos@grsm.com
Attorney for Respondent, VetCor of Spartanburg, LLC

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Statutes and Court Rules:

Case Law:

QUESTIONS PRESENTED FOR REVIEW

I.

Did the Court of Appeals err in affirming the Circuit Court's grant of Summary Judgment in favor of the Respondent, City of Belton, as to the Appellant's cause of action for Malicious Prosecution based on the Circuit Court's finding that a genuine issue of material fact did not exist as to the existence of probable cause for the arrest and prosecution of the Appellant?

II.

Did the Court of Appeals err in affirming the Circuit Court's grant of Summary Judgment in favor of the Respondent, VetCor of Spartanburg, LLC, as to the Appellant's cause of action for Defamation based on the Circuit Court's finding that a genuine issue of material fact did not exist as to whether said Respondent's statements regarding the Appellant were made with malice?

III.

Did the Court of Appeals err in holding that the Appellant had not demonstrated that further discovery would uncover additional relevant evidence, and thus, affirming the Circuit Court's grant of Summary Judgment in favor of the Respondents when discovery had not been completed?

STATEMENT OF THE CASE

The Appellant filed this action against the Respondents due to injuries he suffered by being defamed, arrested, prosecuted, and jailed for his desperate attempts to save the life of his beloved cat, Skye. The Appellant sought care for and attempted to rehabilitate Skye for months until finally taking the cat to Spartanburg Animal Clinic, a veterinary clinic owned by the Respondent, VetCor of Spartanburg, LLC, (hereinafter referred to as "Respondent VetCor") on or about January 29, 2021. After examining the cat, staff members of the Respondent VetCor demanded that the Appellant allow them to euthanize his pet and threatened to have him arrested if he failed to consent to the same. (R. pp. 200-201). The Appellant, therefore, allowed the Respondent VetCor to euthanize Skye. (R. p. 203, lines 23-25).

Despite the Appellant allowing Skye to be euthanized, agents of the Respondent VetCor made defamatory statements to agents of the Respondent, City of Belton (hereinafter referred to as "Respondent City") and to Spartanburg County Animal Control. (R. p. 358). On or about February 5, 2021, law enforcement officers of the Respondent City arrested the Appellant 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) (1976, as amended). The Appellant was publicly handcuffed outside of his home, placed in a police car, and jailed at the Anderson County Detention Center by the Respondent City. (R. p. 152). After serving approximately twelve (12) hours in jail and being released on his own recognizance, the Appellant was forced to hire counsel to defend against this charge. (R. p. 46).

A preliminary hearing was held on September 15, 2021, and no officers or agents of the Respondent City or other prosecuting officers appeared at said hearing. The charge was,

consequently, dismissed by the Anderson County Magistrate's Court for lack of probable cause. (R. p. 405).

The Appellant filed the Summons and Complaint in this matter on January 31, 2023, alleging causes of action against both Respondents for negligence, false imprisonment, and malicious prosecution, and alleging causes of action against the Respondent VetCor for defamation. (R. p. 3). The Appellant also initially alleged state constitutional claims against the Respondent City, but said claims were dismissed pursuant to a Stipulation of Dismissal, filed April 4, 2023. (R. p. 20).

Both Respondents filed Motions for Summary Judgment as to all of the Appellant's causes of action (R. p. 320 & R. p. 371), and the Circuit Court granted the same in Orders filed on December 18, 2023. (R. p. 440 & R. p. 451). The Appellant filed a Motion to Reconsider, Alter, or Amend as to each of said Order (R. p. 459 & R. p. 474), and the Circuit Court denied the same in an Order filed on January 3, 2024 (R. p. 476).

The Appellant subsequently filed and served the Notice of Appeal in this matter on January 22, 2024 (R. p. 479). The Court of Appeals affirmed the Circuit Court in an Unpublished Opinion filed on April 30, 2025. The Appellant filed a Petition for Rehearing on May 15, 2025, and the Court of Appeals denied the same by Order filed on June 20, 2025.

ARGUMENT

I.

The Court of Appeals erred in affirming the Circuit Court's grant of Summary Judgment in favor of the Respondent, City of Belton, as to the Appellant's cause of action for Malicious Prosecution based on the Circuit Court's finding that a genuine issue of material fact did not exist as to the existence of probable cause for the arrest and prosecution of the Appellant.

The evidence in the Record on Appeal does not support the finding that probable cause existed for the Respondent City to institute and maintain the felony proceedings at issue against the Appellant. 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). The Court of Appeals erred in finding that the only reasonable conclusion yielded by the evidence in the instant case was that the Appellant violated S.C. Code Ann. § 47-1-40(B) (1976, as amended).

The Court of Appeals appears to have based its finding on the photos of the cat at issue and veterinary records in the Record on Appeal. However, the complete record in this case, viewed in light most favorable to the Appellant, could also lead a reasonable person to conclude that probable cause did not exist for the Appellant's arrest and prosecution for this felony charge. In the Appellant's deposition, he sets forth, in detail, the efforts he took to rehabilitate Skye for months prior to the cat being euthanized. (R. pp. 52-53; 65-66). Moreover, the Appellant testified that the cat ate, walked around, jumped, and even slept in the bed with him at night in the months leading up to its euthanasia. (R. p. 66-67). Additionally, the Appellant produced

photographs corroborating his deposition testimony that the cat was eating and drinking right up until his euthanasia. (R. p. 406). This evidence could yield more than one conclusion; thus, the existence of probable cause in this case should be a question of fact to be decided by a jury.

The Court of Appeals did not address, in its Unpublished Opinion, the issue of the criminal charge against the Appellant being dismissed at a preliminary hearing. The sole purpose of a preliminary hearing is for a Magistrate's or Municipal Court "to determine whether sufficient evidence exists to warrant the defendant's detention and trial." Rule 2(a), SCRCrimP. The Magistrate's or Municipal 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. In the instant case, the Anderson County Magistrate's Court dismissed the charge against the Appellant, and in doing so, found that probable cause did not exist. Furthermore, neither the State, the Respondent City, nor any other party has indicted or otherwise sought to reinstate this charge, or any other charges, against the Respondent. (R. p. 403). This ruling by the Magistrate's Court along and lack of subsequent action by the Respondent City constitutes evidence upon which a reasonable jury could find that no probable cause existed for the arrest and prosecution of the Appellant.

II.

The Court of Appeals erred in affirming the Circuit Court's grant of Summary Judgment in favor of the Respondent, VetCor of Spartanburg, LLC, as to the Appellant's cause of action for Defamation based on the Circuit Court's finding that a genuine issue of material fact did not exist as to whether said Respondent's statements regarding the Appellant were made with malice.

The evidence in the Record on Appeal does not support the finding that, regarding the Appellant's cause of action for Defamation against the Respondent VetCor, there was no genuine issue of material fact as to whether said Respondent's statements were made with malice. The Appellant avers that the statements at issue were made by Amanda Harvey, agent of the Respondent VetCor, and other unknown agents of said Respondent. However, at the time the Circuit Court granted Summary Judgment in favor of said Respondent, the only statements in evidence were the statements of Ms. Harvey; thus, only her statements are contained in the Record on Appeal. Furthermore, the only item in the Record on Appeal that describes Ms. Harvey's communications to the Respondent City is the incident report attached to the Affidavit of Dorren Howe that is attached, as Exhibit A, to the Respondent City's Memorandum in Support of Summary Judgment (R. p. 332).

Considering the statements of Ms. Harvey contained in the above-referenced incident report with the other evidence in the Record on Appeal in the light most favorable to the Appellant, a reasonable jury could find that Ms. Harvey's statements were made with malice. A statement is made with common law malice when a party makes it with "ill will" or makes it "recklessly or wantonly." *Erickson v. Jones Street Publishers, L.L.C.*, 368 S.C. 444, 466, 629 S.E.2d 653, 675 (2006). The above-referenced incident report indicates that Amanda Harvey told Dorren Howe, agent of the Respondent City, that the cat at issue was "very sick" and that the Appellant "was not cooperating with the doctor because he did not want the animal euthanized." (R. p. 358). In fact, the Appellant had agreed to allow the cat to be 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. (R. pp. 356-367).

The Appellant concedes that the Affidavit of Doreen Howe indicates that she eventually obtained knowledge of the euthanasia of the cat, but it does not indicate when Ms. Howe learned this. Conversely, the incident report, which appears to have been prepared contemporaneously or soon after Ms. Harvey's statements to Ms. Howe, only contains representations by Ms. Harvey that the Appellant refused to euthanize the cat.

When Ms. Harvey, as agent of the Respondent VetCor, initially made the above-described statements to Ms. Howe, as agent of the Respondent City, she knew that the Appellant had agreed to have the cat euthanized and that the Respondent VetCor had euthanized the cat. Despite this knowledge, she reported that the Appellant "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. (R. p. 358). A reasonable jury reviewing these statements and the other evidence included in the Record on Appeal, in light most favorable to the Appellant, could find that Ms. Harvey made these deliberate misrepresentations to law enforcement with ill will towards the Appellant or made the statements recklessly or wantonly. Consequently, a reasonable jury could find that she made said statements with malice.

III.

The Court of Appeals erred in holding that the Appellant had not demonstrated that further discovery would uncover additional relevant evidence, and thus, affirming the Circuit Court's grant of Summary Judgment in favor of the Respondents when discovery had not been completed.

The Appellant has demonstrated that it is likely additional discovery would uncover additional relevant evidence in this matter. 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)). At the time the Circuit Court granted Summary Judgment in favor of the Respondents, the Appellant had been deposed but no agents of either Respondent had been deposed. Evidence critical to the Appellants' claims, including the existence of probable cause for his arrest and prosecution and the exact statements and representations made by the Respondent VetCor, would be obtained if the Appellant were allowed to take such depositions. Therefore, the Court of Appeals should have found that the Circuit Court prematurely granted Summary Judgment in this matter.

CONCLUSION

The Appellant has presented evidence upon which a reasonable jury could find that probable cause did not exist for his arrest and prosecution for the felony charge of cruelty to animals. Moreover, the Appellant has presented evidence upon which a reasonable jury could find that the Respondent VetCor made defamatory, false statements against the Appellant with malice. Therefore, genuine issues of material fact exist as to the Appellant's causes of action, and the Respondents are not entitled to judgment as a matter of law as to the same.

Furthermore, it was not appropriate for the Circuit Court to grant Summary Judgment to the Respondents because discovery was not completed at that time. The Appellant has demonstrated that it is likely additional discovery would uncover additional relevant evidence in this matter.

For the reasons set forth above, the rulings of the Court of Appeals should be reversed, and this case should be remanded to Circuit Court for a jury trial.

Respectfully submitted,

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
Fax (888) 588-3142
LeeCole@CoxandCole.com

Attorney for the Appellant

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PROOF OF SERVICE

I certify that I have served the Petition for Writ of Certiorari on Jeffrey C. Kull, Esq. and Diana August, Esq., Attorneys for the Respondent, City of Belton, by e-mailing copies to them at jkull@murphygrantland.com and dmaugust@murphygrantland.com on August 11, 2025. I further certify that I have served the same 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 August 11, 2025.

August 11, 2025

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
Fax (888) 588-3142
LeeCole@CoxandCole.com

Attorney for the Appellant