

**RECEIVED**

**Mar 04 2026**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA

In The Court of Appeals

Sheena Paige,

Appellant,

V.

INITIAL BRIEF OF APPELLANT

Newberry Animal Control,

Respondent.

Appellate Case No.: 2025-000744

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Table of Authorities:

Rule 208, SCACR

Rule 209, SCACR

applicable statutes or cases, e.g., Smith v. City of Greenville, 378 S.C. 581 (Ct. App. 2008)

## I. STATEMENT OF ISSUES ON APPEAL

Whether the lower court erred in granting summary judgment to Newberry Animal Control where genuine issues of material fact existed regarding the conduct of animal control officers.

Whether the lower court erred in failing to consider Appellant's due process claims under Article I, § 3 of the South Carolina Constitution.

## II. STATEMENT OF THE CASE

This matter arises from Appellant's claims against Newberry Animal Control alleging improper impoundment of animals, Newberry County's Animal Control disregard or failure to comply with an order or directive lawfully issued by the South Carolina Department of Health and Environmental Control (DHEC) which had statutory authority in this case, trial court abusing its discretion by admitting improper evidence to support the charges & restitution. Honorable Bonds not reviewing a case on its merits simply because he was in a different court room (Page 24/25 of transcript) therefore violating appellants due process rights and the verdict not being weighed against the true evidence, and

The action commenced on 06/06/2025 and 03/31/2024 in the Newberry County Court of Common Pleas. After discovery and motions, the circuit court issued an order dated 06/06/2025 affirming a guilty verdict and restitution after a Remand with no justification or regard for factual evidence, except that he is not going against other judges ruling from a different town. Appellant timely filed a Notice of Appeal.

## III. STANDARD OF REVIEW

In reviewing a grant of summary judgment, the appellate court applies the same standard that governs the trial court under Rule 56(c), SCRPC: whether there is any genuine issue of material fact and whether the moving party is entitled to judgment as a matter of law. *Fleming v. Rose*, 350 S.C. 488 (2001).

#### IV. ARGUMENT

##### A. The Circuit Court Erred by Granting Summary Judgment When Disputed Issues of Fact Existed.

Summary judgment is appropriate only when there are no genuine issues of fact. *Baughman v. Am. Tel. & Tel. Co.*, 306 S.C. 101 (1991). Appellant submitted evidence through testimony and exhibits showing the DHEC order was not followed by local authorities. The trial court improperly viewed conflicting evidence in favor of the Respondent rather than the non-moving party.

##### B. The Lower Court Failed to Consider Appellant's Constitutional Rights.

Appellant alleged a deprivation of property and due process rights under Article I, § 3, S.C. Const. The court's order did not address these claims. In South Carolina, due process requires notice and an opportunity to be heard before deprivation of property interests. *Brown v. S.C. Dep't of Health & Env'tl. Control*, 348 S.C. 507 (Ct. App. 2001).

##### C. Relief Requested.

Appellant respectfully requests reversal of the order granting summary judgment, reversal of guilty verdict and remand for trial on the merits.

#### V. CONCLUSION

Based on the foregoing, Appellant respectfully requests that the Court of Appeals reverse the judgment of the Circuit Court and remand for further proceedings.

Respectfully submitted,

Sheena Paige, Appellant

2008 Charles Street, Newberry SC 29108

(803) 269-3037

[Peopleplanetandpeace@gmail.com](mailto:Peopleplanetandpeace@gmail.com)

*Paige Sheena*  
3/4/2026

Date: March 4th 2026

**CERTIFICATE OF SERVICE**

I, Sheena Paige, certify that on March 4, 2026 I served a true and correct copy of the Designation of Matter and the Initial Brief on the following parties by first-class mail, postage prepaid, or as otherwise permitted by the South Carolina Appellate Court Rules:

Counsel/Attorney for Newberry County Animal Control  
Winters Law Firm

Joan Elizabeth Winters

105 Main Street  
Chester SC 29706

/s/ Sheena Paige  
Sheena Paige, Pro Se

2008 Charles Street,

Newberry SC 29108

[peopleplanetandpeace@gmail.com](mailto:peopleplanetandpeace@gmail.com)

(803) 269-3037

Date: March 4, 2026

**RECEIVED**

**Mar 04 2026**

**SC Court of Appeals**

*Paige Sheena*  
*3/4/2026*

Notice of Appeal

April 15, 2024

Charge:

3610113011 – Ordinance / Inoculation

Charge Date: 1/10/2024.

Disposition Date: 4/04/2024.

Charging Agency → Newberry County Magistrate Court / Newberry County Animal Control

Paige, Sheena

2008 Charles Street

Newberry, SC 29108

Phone: (803) 269-3037 or (803) 537 – 6600

Fax: (803) 274-5656

Email: Peopleplanetandpeace@gmail.com

FILED  
NEWBERRY COUNTY  
2024 APR 15 PM 4:59  
ELIZABETH P. COLE  
CLERK OF COURT

**ERROR OF LAW:**

The defendant Sheena Paige was found NOT GUILTY on April 4, 2024, for a Dog Bite Charged against her on January 10<sup>th</sup>, 2024, Charge 3610196032 (Ordinance / Animal Bite, Notification).

The Inoculation verification “charge” was as a direct result of the dog bite “accusation”. So, any charges against the defendant directly related to the dog bite should have been dismissed by the judge.

As a result of the Dog Bite accusation the Department of Health (DEHEC) automatically requires the animal be quarantined and proof of current rabies vaccination be provided. The DEHEC does not charge a fee to the pet owner for the 10-day mandatory quarantine period. The DHEC does not restrict the quarantine period to a certain location, I the defendant requested animal control to place my dog in a secured, safe, monitored, enclosed/gated area in my backyard and they refused, their exact words to me was “we are not a pet transport service”. As the quarantine fee imposed to the pet owner is a fee associated directly with the Newberry County Animal Control department and they had the discretion to return my dog to quarantine at home which would not have imposed a hefty

fee to the pet owner, this appeared to be a conflict of interest and their interest was to obtain a \$100.00 fee as well as a \$25 pick-up fee from the defendant for the 10 days instead of honoring the request of the dog owner.

The Operations Director of Newberry County Animal Control confirmed twice in court that the defendant was in court because she refused to pay the \$100.00 quarantine fee they requested in order to get the dog back. Leslie Glass the Director of Animal Control confirmed in court that the quarantine fee she mandated be paid prior to recovering the dog was \$100. The defendant challenged the quarantine fee however Animal Control decided to instead impose two charges. Of the two charges "Dog Bite and Inoculation", the Dog Bite is the only charge in which the charging agency could recover the quarantine fee if applicable.

As the jury verdict yielded a "not guilty" verdict for the dog bite the quarantine fee should have been null and the court should have advised the charging agency as such. Additionally, the court confirmed as well as the charging agency that by law the \$100 quarantine fee which was being demanded from the defendant was "unlawful" as the Newberry County Ordinance No. 10-32-05 filed on October 18 2005, Article 3 #3 Page 5 states that the pet owner shall pay \$50.00 for the 10 day quarantine.

Because The Newberry County Animal Control agents were ignorant to the laws that their agency is governed by; that was no excuse for them violating the defendants' rights by way of unlawfully detaining her dog for an additional 90 days outside of the 10 day requirement by DHEC in which case they were acting within their scope of authority.

On March 6, 2024, a pretrial was held and the defendant offered the charging agency a \$65 no contest to settle the case presented to avoid a trial by jury – with a dismissal of the charges. The charging agency rejected the offer and a jury trial was set. According to the billed charges presented to the court at the conclusion of the jury trial, the pickup fee for the dog was \$15 not \$25 and the quarantine fee for 10 days should have been a \$50 boarding fee, the "no contest" amount that was offered and rejected was the fair and correct amount prior to the jury's "not guilty" verdict for the Dog Bite; however Newberry County Animal Control rejected the offer and the judge did not enforce my offer. Animal control went forward with the trial anyway even with the knowledge that they were charging an unlawful fee by description and amount and they never disclosed during the trial that the fee was NEVER supposed be \$100 for a 10 day quarantine. They went forward with the knowledge that there is NO QUANTINE FEE at all – there is a "Bording Fee" that Animal Control imposes on the dog owner as well as an associated boarding fees. The charging of the fee was deceptive in nature as it would appear that the Quarantine Fee was a State

mandated fee which it was not and this was confirmed by witness testimony from the DEHEC representative (the states witness).

I was charged by the court \$250 for the Inoculation charge, and I was charged \$505 for the restitution for the dog detainment which includes the 10 day quarantine period. The judge actually charged the defendant for the restitution of an 'Animal Running At Large' (Newberry County Ordinance No 10-32-05, Article 3 #2 Page 4); which was never a charge as the dog was not running at large when the police officer arrived nor was he running at large when Animal control arrived, he was in his own yard which is where he was caged from.

Article 3, #2 Page 4

Dog Running At Large

1<sup>st</sup> day = \$10

99 Days = \$5 per day

Total 100 days = \$505

Article 3, #3 Page 5

Dog Bite

1<sup>st</sup> 10 days = \$50

90 Days = \$450

Total 100 Days = \$500

According to 2022 South Carolina Code of Laws Title 47 – Animals, Livestock and Poultry, Chapter 5 Rabies Control – Section 47-5-200, Violation Penalty –

A penalty is imposed is a person “refuses” to comply...

Animal Control received the Order from the DEHEC that clearly states Failure to comply with the provisions of the Rabies Control Act including failure to comply with this quarantine notice constitutes a misdemeanor punishable by a fine up to \$500 or imprisonment up to 30 days for each offense.

At no time was the defendant given an opportunity to comply with the quarantine order as the pet (Whisky) was detained by Animal Control because the defendant objected to the fee they imposed because of the amount, because of the type of fee they stated it was and because the DEHEC had no restrictions to the pet being quarantined (at no charge) at the home of the pet owner.

On the quarantine order by the DHEC its says the following:

10 – Day Quarantine – If proof of current vaccination against rabies cannot be verified by the end of quarantine, the pet must receive a rabies vaccination within 10 days after the end of quarantine. The date on the quarantine order provided a date of January 18 2024. Because the dog was detained by the Animal Control agency the defendant was unable to comply with the order as she did not have access to the pet.

In conclusion, the defendant is requesting the appellate court reverse the lower courts decision to mandate the defendant pay \$505 to the charging agency for all of the errors listed above and vacate the jury's verdict of guilty on the Inoculation charge.

*Paisley*

4/15/2024

NEWBERRY CP/CS COURT  
MAR 31 '25 PM 4:36



OFFICIAL NOTICE  
SOUTH CAROLINA RABIES CONTROL ACT  
Bureau of Environmental Health Services

ANIMAL QUARANTINE FOR PETS (CATS, DOGS, AND FERRETS)

Date of Investigation: 12/28/23 Case File Number ID: A36-2023-12-005

Pet Owner: SHEENA PAIGE

Address: 2008 CHARLES STREET City, State, & Zip Code: NEWBERRY, SC 29108

Phone: (home) (803)269-3037 (work) \_\_\_\_\_ Email: \_\_\_\_\_

Is the quarantine location listed below the same as the pet owner's residence?  Yes  No

If no, please provide the following information for the person providing care to and responsible for the pet during quarantine.

Pet Custodian Name: Newberry County Animal Control

Address: 240 Public Works Dr City, State, & Zip Code: Newberry 29108

Phone: (home) \_\_\_\_\_ (work) \_\_\_\_\_ Email: \_\_\_\_\_

2024 JAN -7 PM 4:58  
CLERK OF COURT  
NEWBERRY COUNTY

FILED  
NEWBERRY COUNTY

In accordance with the Rabies Control Act, S.C. Code Section 47-5-10 et seq., you are hereby notified that this pet Whiskey German Shepherd Male Brn/Brwn is being placed under a  10-day,  45-day, or  180-day quarantine and must be confined at your expense at 240 Public Works Dr Newberry 29108. The quarantine will remain effective through 1/8/24 and until the pet is evaluated by a DHEC representative or designated official. Quarantine is required based on a report submitted to DHEC that the pet in question either exposed a person through a bite, scratch, or other means or was itself exposed to another animal known to have or suspected of having rabies on 12/27/23.

Failure to comply with the provisions of the Rabies Control Act, including failure to comply with this quarantine notice, constitutes a misdemeanor punishable by a fine of up to five hundred dollars (\$500) or imprisonment for up to thirty (30) days for each offense.

If pet fails to eat or drink, escapes from confinement, shows signs of illness, or dies, notify your local environmental affairs office immediately at 803-896-0620.

Comments: \_\_\_\_\_

PET VACCINATION

South Carolina law requires a pet to be vaccinated against rabies and documented with a certificate signed by a licensed veterinarian. Proof of vaccination must include the date of vaccination, tag number, and name of veterinarian.

**10-DAY QUARANTINE:** If proof of current vaccination against rabies cannot be verified by the end of the quarantine period, the pet must receive a rabies vaccination within 10-days after the end of the quarantine.

Date of Vaccination Prior to Exposure: \_\_\_\_\_ Vaccine:  1-Year  3-Year Tag No.: \_\_\_\_\_

Veterinarian and Clinic Name: \_\_\_\_\_

**45- OR 180-DAY QUARANTINE:** The pet must receive a rabies vaccination/booster as soon as possible, not to exceed 96-hours from the date of the pet's potential exposure to the rabies virus.

Date of Vaccination Prior to Exposure: \_\_\_\_\_ Vaccine:  1-Year  3-Year Tag No.: \_\_\_\_\_

Veterinarian and Clinic Name: \_\_\_\_\_

Date of Vaccination/Booster Post Exposure: \_\_\_\_\_ Vaccine:  1-Year  3-Year Tag No.: \_\_\_\_\_

Veterinarian and Clinic Name: \_\_\_\_\_

Send proof of certificate of rabies vaccination(s) by 1/18/24 to Midlands Rabies Prevention via email rabiescolumbia@dhec.sc.gov or mail PO Box 156 State Park, SC 29147

Receipt of official notice is hereby acknowledged by the person providing care to and responsible for the pet during quarantine:

Signature: Sent via email (Pet Owner/Custodian) Signature: Lari Hoback DVM (DHEC Representative/Designated Official)

State of South Carolina County of Newberry

Plaintiff:

Sheena Paige

Vs

Defendant:

Newberry County Animal Shelter

In the Court of Common Pleas

All Related Cases:

Civil: 2024-CP-36-00502

Appeal – 2024-CP-36-00217

Appeal – 2024-CP-36-00502

Presiding Judge

March 31, 2025

Thank you for hearing this case, if it's ok with you I would like to read what I would like to say to explain why we are here today as Ms. Joanie Winters communicated to the court that she wasn't sure why we were in court last court appearance.

Point One:

I feel like this entire matter with Animal control and their Attorney falls under Extortion and Lawlessness and here are the reasons why:

We are here today in this courtroom before you with the charging agency (Newberry County Animal Control and their Attorney Joanie Winters) and I want to explain why you should not honor their motion for a dismissal.

Animal Control was contacted by me to pick up my dog from my yard as I had mistakenly left Whiskey out the previous night before leaving to go out of state to pick up some family members to bring them back to South Carolina for an Aunt's funeral who died several days before Christmas and whom was being buried several days after Christmas.

NEWBERRY CP/05 COURT  
MAR 31 '25 PM4:36

Animal Control nor the Police Department received any calls about my dog being loose, in the road, in anyone else's yard or being aggressive the previous night or the next day. I made contact with Animal Control around 10-11am.

\*\*\* Whiskey was NEVER at large per Animal Control (Audio from Katrina Bouknight @ Trial on 4/4/2024 @ 2:13:40 ) her exact words were "We are not in court today for a Dog at Large, we are here today because of a Quarantine Fee". If you notice she did not mention that we were in court for an Animal Bite or Inoculation.

The rabies section of the Newberry County Animal Control ordinances state that the following reasons call for Fees for Boarding, Time limits for Quarantine, and proof of rabies vaccination and those reasons are:

Animal Bite - \$50 for 10 days of Quarantine at the Animal Shelter and \$5 each additional day.

Animal At Large -

- 1st Offense - \$10 first day and \$5 every day after
- 2nd Offense - \$25 first day and \$5 every day after
- 3rd Offence - \$50 first day and \$5 every day after

Respectfully, I was charged a \$100 Quarantine Fee which I refused to pay because that fee in name or amount was not relevant to me or my dog. Once I refused or challenged the fee - then I was threatened with tickets, fines and court dates and they decided to hold my dog hostage until I agreed to pay this fee.

I agreed to pay what they told me was a \$25 pick-up fee and they (animal control) rejected the payment.

A sheriff deputy was called by Animal Control Katrina Bouknight and I was issued the two criminal tickets and was not allowed to take my dog home for 100 days.

To be clear my dog was quarantined for 10 days under The Animal Bite charge and they kept my dog against my will and certainly against the will of my dog for an additional 90 days (not under any quarantine order) as a form of retaliation for me challenging them on an unlawful fee they imposed on me in order to retrieve my dog after the 10 days quarantine.

**Point 2:**

There is no such thing as a Quarantine fee let alone a \$100 quarantine fee with the state agency DHEC now known as DPH and not within the Ordinances that Animal Control are governed by in Newberry County & not within any statute or ordinances with the City of Nby.

**Error in law:**

During the moment Magistrate Judge Barry Koon charged me with restitution at the request of the animal control director Leslie Glass and Katrina Bouknight both advised the judge that he had to remove the \$100 Quarantine fee from a list they had with some calculations on it and their reasoning was they were not allowed to charge that fee. 2:31:45 to 2:40:30 Additionally the Judge acknowledged that he had no law he could use to process or calculate fees for the "Quarantine Fee" Judge Koon also had nothing he could use to justify the restitution as a whole because the Jury stated there was no dog bite and if your honor watches the body camera footage you will say the same thing.

If Animal Control and their council wanted to uphold the Inoculation and the Restitution they would have needed to appeal the jury's not guilty verdict and retry the Animal Bite charge, because both the restitution and the inoculation was a direct result of the Animal Bite charge.

Beginning 2:14:25 to 2:19:40 Magistrate Judge Koon advised the jury that they have 2 cases to decide (This statement was not correct as this was one case - an Animal Bite case with subsequent related charges of Inoculation and Restitution. Providing Animal Control or DHEC with proof of rabies proof and restitution in this case were all directly related to the Animal Bite charge.

I truly have much respect for Magistrate Judge Koon as well as Circuit Court Judge Addy. My issue stands that each judge was following the direction of the Animal Control Agency instead of simply following the laws that the Animal Control Agency are governed by.

If Animal Control did not want to follow the rules, they are governed by then the Judges should have explained to them that they MUST!

I feel like the judges were misled by the Agency as well - just like the Quarantine order from DHEC advised the Animal Control Agency to return the dog to the owner and allow 10 days for the owner to get into compliance with inoculating the dog or re-inoculating the dog and sending proof of it to DHEC. The dog was not released to me after the 10 days so I was charged for non-compliance.

Once the Animal Bite charge received a not guilty verdict the Magistrate Judge had no authority to enforce the Inoculation or Restitution charges as they were the direct result of the Animal Bite charge, which is why they were trying to use the only other option under the rabies ordinance of Animal At Large to justify the Restitution and the Inoculation fines.

Point 3:

During the appeal with Circuit Court Judge Addy - He turned to Animal Control agents and Attorney Joanie Winters and said you guys "Paige is Right" and went further into detail on why I was right. He then stated he was going to reduce the fine to \$50 but then he realized I believe that the magistrate possibly had no authority to move forward on the Rabies or Restitution once the Animal Bite charge was removed from this case.

The only instances where proof of Rabies is required per the Animal Control Ordinances is when there is an Animal at Large and Animal Control captures that animal and/or an Animal Bite.

I understand if the Magistrate Judge was misled by the Animal Control Agency the 1st time but when this case was remanded back to him - that was the time that he should have reviewed all of the laws and facts of the case he would have had more than enough evidence that supported a reversal of both the Inoculation Charge and the restitution as they both fell under the Animal Bite Charge.

If myself or Attorney Joanie Winters is unsure of what Judge Addy meant by "Explain" maybe your honor could ask him to testify as to what he meant.

Surely a judge would not need to process a "remand" order for an "explanation of fees" as the Attorney or Animal Control should have been able to provide the "explanation" since they are the ones requesting and collecting the fees I had to pay before they released my dog back to me.

I am respectfully asking the court to deny the Dismissal Motion in its entirety as Attorney Winters was NOT the attorney of record for the original Magistrate trial on 4-4-24 so there is no way I could have known who would be representing the NCAC agency with a new trial if anyone at all. Additionally, Attorney Winters advised me that she was an "interim" lawyer for the county, so I served the charging agency for the new trial.

I am also asking this court to review all evidence (court transcripts, body camera footage and ticket dates, why the tickets were issued, when the tickets were issued, why my dog was held hostage for 100 days and the Animal Control Ordinances) and reverse the Inoculation Guilty Verdict and Reverse the Restitution in Full so that we can all move forwards with our lives and put this behind us. I have learned a lesson, not to call Animal Control when I specifically need help for or with any of my dogs and I'm sad about that but I understand what people not being accountable looks like but they want the rest of us to be responsible and accountable and that is a high level of hypocrisy that I am not interesting in running into again.

Thank You, your honor for your time.

Paige

NEWBERRY CP/GS COURT  
MAR 31 '25 PM4:36

State of South Carolina County of Newberry

Plaintiff: Sheena Paige

Vs

Defendant: Newberry County Animal Shelter

In the Court of Common Pleas

All Related Cases: \* Civil: 2024-CP-36-00502 \* Appeal – 2024-CP-36-00217 \* Appeal – 2024-CP-36-00502

Presiding Judge

March 31, 2025

Thank you for hearing this case today. I would like to request the circuit court to enforce Attorney Winters statement that the County gave her the authority to drop all charges(s) which include - (inoculation and restitution) which would do 2 things:

- Give the Circuit Court Judge the authority or jurisdiction to reverse the inoculation charge that Judge Addy affirmed and reverse the restitution instead of needing further explanation.
- Reversing both charges would give the circuit court judge the ability to honor the County Administrators instructions to their attorney J. Winters (Interim Attorney for the County of Newberry) to in fact drop all charges per Attorney Winters own testimony in court today March 31<sup>st</sup> 2025.
  - There is no evidence that Attorney Winter ever made this offer directly to Paige or made it clear to Paige of what the offer was if Paige had any challenges with hearing or comprehension. This was the 1<sup>st</sup> time Attorney Winters communicated to the Circuit Court with all of her fillings and written communication that an offer was made to Paige that she was given the approval to drop all charges which would have subsequently initiated a full refund of the \$755.

I thank the court and your honor for his time and fairness in review.

I was raised by a single father and he told never to Admit to Something you did not do and always be sure to do what needs to be done to communicate to the top what's going on at the bottom when it doesn't seem proper or right! He was a wise man and a great father and He taught me accountability and he told me if I am wrong own it, learn from it and don't do it again. My dad forgot to tell me how hard it would be to hold others accountable.

Paige

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF NEWBERRY )  
 )  
Sheena Paige, )  
 )  
Appellant, )  
 )  
vs. )  
 )  
Magistrate Court Newberry County and )  
Newberry County Animal Control, )  
 )  
Respondents. )  
\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
EIGHTH JUDICIAL CIRCUIT  
CIVIL CASE NO. 2024CP3600217

**RESPONDENT’S ANSWER**

Now comes Respondent Newberry Animal Control (hereinafter “Answering Respondent” ), by and through the undersigned attorney, responding to pleading filed by Appellant, Sheena Paige as follows:

I. (a): Each and every allegation not specifically admitted herein is denied in its entirety and strict proof demanded thereof.

(b): Answering Respondent responds to the allegations of the pleading by corresponding to the paragraphs listed in the pleading as follows:

1. Answering Respondent admits the allegations contained in the first paragraph of the pleading but would submit that the verdict was improper.

2. Answering Respondent denies the allegations contained in the second paragraph of the pleading and therefore demands strict proof thereof.

3. Answering Respondent denies the allegations contained in the third paragraph of the pleading and therefore demands strict proof thereof. Appellant repeatedly refers to the Department of Health, DEHEC or DHEC as the prevailing regulations in this matter but regrettably ignores S.C. Code §47-5-210 that permits any political subdivision to regulate and control further and to enforce other and additional measures for the restriction and control of rabies.

4. Answering Respondent denies the allegations contained in the fourth paragraph of the pleading and therefore demands strict proof thereof. Appellant repeatedly refers to the Department of Health, DEHEC or DHEC as the prevailing regulations in this matter but regrettably ignores S.C. Code §47-5-210 that permits any political subdivision to regulate and control further and to enforce other and additional measures for the restriction and control of rabies.

5. Answering Respondent denies the allegations contained in the fifth paragraph of the pleading and therefore denies the same and demands strict proof thereof. Appellant refers to the Newberry County Ordinance No. 10-32-05. Newberry County does not have such an ordinance with that number. With reference to the “not guilty” verdict, Answering Respondent believes that verdict to be in error. Further, Answering Respondent does not have the authority to ignore the measures put into place by the South Carolina Department of Health and Environmental Control (SCDHEC) when it comes to rabies, albeit given discretion to regulate **further** (emphasis added). Thus, the County is required to follow the foundational measures of SCDHEC but permitted to include steeper fines, higher enforcement measures, etc. The County did not have the discretion to ignore quarantine requirements.

6. Answering Respondent denies the allegations contained in the sixth paragraph of the pleading and therefore demands strict proof thereof. No rights were violated, Newberry County Animal Control is very much aware and educated in the laws they are governed by, including their ability to “regulate and control further and to enforce other and additional measures for the restriction and control of rabies.”<sup>11</sup>

7. Answering Respondent the allegations contained in the seventh paragraph of the pleading and therefore demands strict proof thereof. Appellant is confused by the laws under which animal control is permitted in the State of South Carolina and its political subdivisions.

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<sup>11</sup> S.C. Code of Law §47-5-210.

8. Answering Respondent denies the allegations contained in the eighth paragraph of the pleading and therefore demands strict proof thereof. Appellant again refers to a Newberry County Ordinance No. 10-32-05, an ordinance which does not exist.

9. Answering Respondent denies the allegations contained in the ninth paragraph of the pleading and therefore demands strict proof thereof.

10. Answering Respondent is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in the tenth paragraph of the pleading and therefore demands strict proof thereof.

11. Answering Respondent denies the allegations contained in the eleventh paragraph of the pleading and therefore demands strict proof thereof.

12. Answering Respondent denies the allegations contained in the twelfth paragraph of the pleading and therefore demands strict proof thereof.

**BY WAY OF AN ANSWER AND AS A FIRST DEFENSE**

Answering Respondent would appeal the decision of the Magistrate Trial Court jury as inappropriate. Answering Respondent provided more than sufficient evidence and testimony of violations by the Appellant but upon information and belief, saw the jury bring a “not guilty” verdict because of an improper belief by that jury that a “guilty” verdict would end in the animal being euthanized. The County would ask that the “not guilty” verdict be set aside and either a guilty verdict from this court be ordered or to order a new trial be conducted. Since the Magistrate Court is not a court of record, there is no transcript of testimony and/or evidence and thus a new trial would permit the representation of same.

**BY WAY OF AN ANSWER AND AS A SECOND DEFENSE**

Appellant names the Newberry Animal Control as a “charging agency”. Newberry Animal Control is not a proper party since it is merely a department of a political subdivision of the State of South Carolina. Thus, this matter should be dismissed under SCRCP 12(b)(5).

**BY WAY OF AN ANSWER AND AS A THIRD DEFENSE**

The Appellant failed to properly serve this Complaint. SCRCP 4(d)(6) requires that any state-created governmental organization that is subject to suit must be served by delivering a copy of the summons and of the complaint to its chief executive officer. This action was mailed via U.S. Mail to the Animal Control Department. There was no service to the County Administrator, the chief executive officer for the County. Thus, service of process was improper, particularly since the appropriate party was not identified and this action should be dismissed in accordance with SCRCP 12(b)(5).

**BY WAY OF AN ANSWER AND AS A FOURTH DEFENSE**

Appellant has failed to state facts sufficient to constitute a cause of action, and has failed to state a cause of action upon which relief can be granted, and therefore this action must be dismissed pursuant to SCRCP Rule 12(b)(6).

**BY WAY OF AN ANSWER AND AS A FIFTH DEFENSE**

Appellant has failed to state damages with any specificity. The Answering Respondent alleges, upon information and belief, that any damages allegedly suffered by the Appellant, without admitting same to be true, were due to and caused by the recklessness, willfulness, wantonness, and complete disregard for her employment or her employer, and were not caused by the Answering Respondent.

**BY WAY OF AN ANSWER AND AS A SIXTH DEFENSE**

Appellant’s claims are barred, in whole or in part, by the applicable principles of waiver, ratification, laches and/or estoppel.

**BY WAY OF AN ANSWER AND AS A SEVENTH DEFENSE**

Answering Respondent, at all times, acted in good faith, within the scope of their official duties, and pursuant to lawful authority, and without malice or intent to harm.

**BY WAY OF AN ANSWER AND AS AN EIGHTH DEFENSE**

Appellant’s claims are barred, in whole or in part, by the doctrine of unclean hands.

**BY WAY OF AN ANSWER AND AS A NINTH DEFENSE**

Answering Respondent Newberry County is merely the alter ego of the State of South Carolina, and therefore is entitled to sovereign immunity from suit.

**WHEREFORE**, having fully answered the Appellant’s pleading and asserted its defenses, Answering Defendant would ask that this Court reverse the lower court’s ruling of not guilty on the dog bite charge of the County against the Appellant, uphold the fees and fines against the Appellant for her violation of State and Local laws in the interest of animal control and deny the relief she seeks.

Respectfully submitted this 25 day of April, 2024, at Newberry, South Carolina.

S/ Joan Elizabeth Winters

Joan Elizabeth Winters

WINTERS LAW FIRM

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**ATTORNEY FOR ANSWERING RESPONDENT**

**NEWBERRY COUNTY ANIMAL CONTROL**

STATE OF SOUTH CAROLINA  
COUNTY OF NEWBERRY  
IN THE COURT OF COMMON PLEAS  
C.A. NO.: 2024CP3600502

PAIGE SHEENA,

PLAINTIFF,

VS.

NEWBERRY COUNTY ANIMAL CONTROL,

DEFENDANT.

H E A R I N G  
BEFORE THE HONORABLE ROBERT J. BONDS

DATE: MARCH 31, 2025

LOCATION: SOUTH CAROLINA CIRCUIT COURT

TRANSCRIBER: PAM GRAY

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PRO SE

JOAN E. WINTERS, ESQUIRE  
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CHESTER, SOUTH CAROLINA 29706

REPRESENTING THE DEFENDANT

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EXHIBITS

(NONE MARKED)

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