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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

The Honorable Charles J. McCutchen

Appellate Case No. 2025-000705

James S. Patton,

Appellant,

v.

Kera R. Selzer and Dustin S. Selzer,

Respondent.

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA)
)
 COUNTY OF _____)

IN THE MAGISTRATES COURT

Kera & Dustin Seher)
)
)

PLAINTIFF(S))

VS.)

James Stephen Patton)
)
)

DEFENDANT(S))

COMPLAINT AND MOTION
 FOR RESTRAINING ORDER
 (Harassment and Stalking)

CIVIL CASE NUMBER

The Plaintiff alleges:

1. The Plaintiff lives in YORK County.
2. The Defendant lives at [REDACTED] Windswept CV, which is in YORK, SC.
3. The Harassment First or Second Degree or Stalking occurred in YORK, SC.
4. Plaintiff further alleges that the following conduct occurred by the defendant on the times, dates, and places listed below, and such conduct falls within the definition of:
☒ HARASSMENT, FIRST DEGREE (§16-3-1700 (A)), or
☐ HARASSMENT, SECOND DEGREE (§ 16-3-1700 (B)), or
☐ STALKING (§ 16-3-1700 (C)).

5. September 22, 2024, at 6 O'clock, A.M./P.M. (circle one), at [REDACTED] Windswept CV, which is in YORK, SC, the conduct complained of occurred when the defendant:

Trespassing on my property and refusing to leave
Police called and told him not to come back

- On September 28, 2024, at 9 O'clock, A.M./P.M. (circle one), at [REDACTED] Windswept CV, which is in YORK, SC, the conduct complained of occurred when the defendant:

Trespassed on property, refusing to leave, taking photos of me

2
and screaming at me. recorded on 911 call.

On September 30, 2024, at 12 O'clock, A.M. (P.M.) (circle one), at [REDACTED] windswept cv, which is in York, SC, the conduct complained of occurred when the defendant: videoing me and my kids from his yard - NO contact order in place from judge.

(State details of harassment/stalking and other facts and circumstances upon which relief is sought above. Attach additional sheets if necessary.)

6. Plaintiff requests: (Check one or more)

- ☐ a. That the defendant be enjoined from abusing, threatening to abuse, or molesting the plaintiff or members of the plaintiff's family.
- ☒ b. That the defendant be enjoined from entering or attempting to enter the plaintiff's place of residence, employment, education, or other location.
- ☒ c. That the defendant be enjoined from communicating or attempting to communicate with the plaintiff in a way that would violate Article 17, Chapter 16 of the 1976 South Carolina Code of Laws, as amended.

SWORN to and Subscribed before me)

This 30 day of September, 2024.)

Nicole L. Sue)

Notary Public for South Carolina)

My Commission expires: 8/6/2030)

[Signature]

Signature of Plaintiff or Person Filing
on Behalf of Plaintiff

NOTICE: THE NON-PREVAILING PARTY IN THIS ACTION IS ASSESSED A FILING FEE OF FIFTY-FIVE DOLLARS (\$55.00). THE COURT MAY HOLD A PERSON IN CONTEMPT OF COURT FOR FAILURE TO PAY THIS FILING FEE. §16-03-170(D).

NOTICE TO DEFENDANT: YOU HAVE THE RIGHT TO EMPLOY COUNSEL TO REPRESENT YOU.

STATE OF SOUTH CAROLINA
COUNTY OF YORK
MAGISTRATE COURT
DOCKET NO. 2024-OR-46-10500025

KERA R. SELZER and DUSTIN S. SELZER

PLAINTIFFS,

vs.

JAMES S. PATTON

DEFENDANT.

H E A R I N G

BEFORE THE HONORABLE DOUGLAS W. SEXTON

DATE: NOVEMBER 5, 2024
TIME: 10:00 A.M.
LOCATION: MAGISTRATE COURT
TRANSCRIBER: JENNIFER JAEGER

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Dustin Selzer	6	27	45	45
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For the Defendant:

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(THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL. SUCH MATERIAL
IS REPRODUCED AS READ OR QUOTED BY THE SPEAKER.)

1 PROCEEDINGS NOVEMBER 5, 2024

2

3 THE COURT: All right. We are here on November the
4 fifth, 2024. It's 10 A.M. This is case number 2024-OR-
5 46-10500025, Cara -- is it Cara or Kera?

6 MS. SELZER: Kera.

7 THE COURT: Kera Selzer versus James Stephen
8 Patton. This is a petition for a restraining order file
9 here on the 30th of September. The defendant was
10 served, and today is the date and time scheduled for the
11 hearing. Present on behalf of Ms. Selzer, is attorney
12 Creighton Hayes, and present on behalf of Mr. Patton his
13 attorney Leland Greeley. And there are some other
14 individuals in the courtroom as well, and I'll just let
15 you introduce them as -- as needed. But we'll go ahead
16 and get started. Is there anything that we need to take
17 up before we begin?

18 MR. HAYES: No, Your Honor but I wanted to point
19 out that Mr. Selzer is also a petitioner, Dustin Selzer.

20 THE COURT: Okay. All right. Dustin Selzer as
21 well? Okay. All right. Yeah, the Court just left that
22 off. So is that you? You are Mr. Selzer?

23 MR. SELZER: Yes.

24 THE COURT: Okay. All right. So Dustin Selzer is
25 present as well. Mr. Greeley?

1 MR. GREELEY: Your Honor, I have a motion to
2 sequester any potential witnesses.

3 THE COURT: All right. Outside of the -- the two
4 named and ---

5 MR. GREELEY: Outside of the (inaudible).

6 THE COURT: All right. All right. Are these two
7 individuals testifying as well?

8 MR. GREELEY: They may be Your Honor. They are
9 here in support of our witness.

10 THE COURT: Okay. Let's go ahead and Doug, if you
11 would take them out to the lobby, and if you do decide
12 to call them, we'll bring them in at that point.
13 Anything else Mr. Greeley?

14 MR. GREELEY: No, Your Honor.

15 THE COURT: Are you ready to proceed, Mr. Hayes?

16 Y MR. HAYES: Yes, Your Honor.

17 THE COURT: All right. Go ahead and call your
18 first witness sir.

19 MR. HAYES: The petitioner calls Dustin Selzer.

20 THE COURT: Please come forward. Stand right here.

21 Whereupon,

22 DUSTIN SELZER

23 was duly sworn and testifies as follows:

24 D I R E C T E X A M I N A T I O N

25 BY MR. HAYES:

1 Q. Mr. Selzer, please introduce yourself.

2 A. Yes, sir. I'm Dustin Selzer, my wife Kera Selzer. We
3 live at [REDACTED] Windswept Cove.

4 Q. Mr. Selzer, how old are you?

5 A. I'm 39 years old.

6 Q. And you said you're married to Kera Selzer?

7 A. Yes, sir.

8 Q. And do you and she have any children?

9 A. We do have a seven year old daughter and nine year old
10 son.

11 Q. And you said that you live at [REDACTED] Windswept Cove?

12 A. No, sir. [REDACTED] Windswept Cove.

13 Q. Thank you. The defendant Mr. Patton lives at [REDACTED]
14 Windswept Cove; is that correct?

15 A. Yes.

16 Q. You're his next door neighbor?

17 A. Yes, sir.

18 Q. And you recently moved to this home?

19 A. Yes, sir, we did.

20 Q. When did you purchase?

21 A. We purchased the home -- we purchased it back on
22 06/06/24, we closed but then we had a lot of
23 renovations, but we didn't actually move in until right
24 about 8/30/24.

25 Q. August 30th you moved in. Prior to August 30 of 2024,

1 you said that you did renovations to the home?

2 A. Yes, sir.

3 Q. And who did you purchase the home from?

4 A. The Walkers.

5 Q. And when you were -- during the process of renovating
6 the home, did you happen to meet Mr. Patton?

7 A. I did meet Mr. Patton. I tried to be cordial with him
8 the way I had to meet him was that the people I bought
9 the home from, they have a circle driveway. Well,
10 they're 91 and 88 years old, and he has -- he had a work
11 truck of some sort parked into their driveway to where
12 they could not -- couldn't use a circle driveway anymore
13 that they didn't for -- for years now. So then I had to
14 go over, knock on the door, introduce myself to him, to
15 get him, to ask him to move that truck so I can actually
16 use the driveway that he forced the elderly people not
17 to be able to use.

18 MR. GREELEY: Objection.

19 THE COURT: I'll sustain.

20 BY MR. HAYES:

21 Q. Go ahead. Yes.

22 A. And then ---

23 Q. Okay, go ahead. Before you keep going, you said that he
24 had a truck parked on the Walker's property at the time?

25 A. Yes.

1 Q. Do you recognize that picture?

2 A. That's it.

3 Q. And is that the Walker's, now your yard?

4 A. Yes, that is my driveway.

5 Q. And so at that point in time, he's parked on your
6 property or on the Walker's property, and you said that
7 you had to go ask him to move it?

8 A. Yes, sir.

9 Q. What was his response?

10 A. He said, "Well, we're going to have to talk about it and
11 get a -- get original explanation, because there is an
12 easement down our road that he has used to harass every
13 neighbor.

14 Q. He's used to harass every neighbor?

15 UNIDENTIFIED SPEAKER: There's no evidence of him
16 harassing anything.

17 THE WITNESS: There's a lot of evidence.

18 THE COURT: Hold on, hold on.

19 BY MR. HAYES: We will move on.

20 THE COURT: Okay, ask your next question.

21 Q. So this is a picture of him parked on the property, and
22 you have to ask him to move in order to get him to
23 leave, to move his truck; is that correct?

24 A. Yes.

25 MR. HAYES: I seek to admit this is as Petitioner's

1 Exhibit One.

2 THE COURT: Any objection?

3 MR. GREELEY: No objection.

4 THE COURT: All right. It will be admitted without
5 objection as exhibit one.

6 BY MR. HAYES:

7 Q. How would you describe that initial conversation?

8 A. It wasn't bad. The initial one wasn't bad. He wasn't
9 just going to move it, and it took him a day or two to
10 move it. But -- and again, he started talking about the
11 easement, or whatever. We can't block a driveway no
12 matter the easement. The easement was there for people
13 to use, not -- not for his personal use. But we agreed
14 anything in front of your house, even if your property
15 gets to the easement. Hey, if you want to park a
16 trailer in front of your house, that's fine. Just leave
17 front of my house alone. I leave front of your house
18 alone.

19 Q. How long did it take him to move the truck?

20 A. About a day or two.

21 Q. And did he say anything to you during the process --
22 during the process of renovating the home, did he say
23 anything to you that was concerning?

24 A. Yes, it was really the first concerning part that I
25 brought to my wife's attention, because he came and told

1 me to my face that he is the reason I was able to
2 purchase this home, because he had ran the old elderly
3 couple off. He personally told me that and that's when
4 we were a little nervous off the rip.

5 Q. And so fast forward to -- you move in on August 30;
6 correct?

7 A. Yes, sir.

8 Q. And then on September the eighth, is there an incident
9 that occurs?

10 A. Yes, sir. It is.

11 Q. This is when, so on -- so September the eighth. This is
12 a weekend. It's a Sunday; is that correct?

13 A. Yes.

14 Q. Okay. And prior to that, on the seventh that you had an
15 (inaudible) Mr. Patton?

16 A. Oh, the seventh. That's when we -- we, he floats out in
17 front of his dock and has done that to seventh. That's
18 the 21st. Sorry, sorry, I might be able with the dates
19 much. Oh, the seventh. Yes, he came over. Her parents
20 was actually at our house, and he came over just, I was
21 actually in the house, and come out. Here he comes,
22 just walking through our yard, bringing cake and ice
23 cream, while her parents was over there and sat it down
24 on the table with us. And he was just kind of like,
25 okay, we're trying to still be cordial at this point.

1 Like, that's you ---

2 Q. He was not invited?

3 A. No, not invited. Not at all.

4 Q. When you say the yard, do you mean, and you're on the
5 lake, right?

6 A. Yeah, he was actually coming on my deck, on my porch, on
7 my table, right there, and set down the ice cream.

8 Q. And I guess which -- what do you call the yard in
9 between your house in the lake? The front yard?

10 A. Front yard.

11 Q. So he comes to your front yard, okay? And you said he
12 wasn't invited, he just came over; correct?

13 A. Yes.

14 Q. And he brought cake and ice cream.

15 A. Yes.

16 Q. And your response was cordial, but a little alarmed?

17 A. Yeah, even her parents were like, okay.

18 Q. Okay. What about following day? On Sunday, on the
19 eighth anything happen?

20 A. Yes. So my kids were outside, and they come running in,
21 saying that Steve's out of your front yard again. So I
22 was in the bedroom, looked out of the bedroom, and he's
23 standing out of my front yard again. He was like waving
24 at us, telling the kids to come out. And all of a
25 sudden, kind of like, she kind of got upset. I got

1 nervous.

2 Like, okay, my wife's -- this guy just thinks he
3 can come into my front yard anytime he wants to. So I
4 go out there. I wasn't mad. I mean, I was -- I was
5 kind of angry, but I wasn't angry towards him. I was
6 like, I don't know what you're doing, Steve, what --
7 what's your purpose of doing it?

8 He was like, I'm just coming by taking the stroll,
9 saying, hey. I was like, well, it makes us
10 uncomfortable. Please don't just walk in my front yard
11 at any time and start waving at my kids and stuff, man.
12 Just, please don't, if you'd like to visit, just call me
13 or whatever. But it's just, it's really weird.

14 That's what I basically what to say, really
15 weird to me. It's really weird to us. I wish you
16 wouldn't do it.

17 Q. Are you comfortable with his behavior at this point?

18 A. No, not at all.

19 Q. Did you ask him to leave your yard at that point?

20 A. Yes.

21 Q. Did he come back that day?

22 A. No.

23 Q. Did you feel that your privacy was disrupted at all that
24 day?

25 A. Yeah. I mean, I've already heard from several neighbors

1 how he is, so I knew that.

2 MR. GREELEY: Objection.

3 THE COURT: Sustained.

4 BY MR. HAYES:

5 Q. But you're uncomfortable at this point?

6 A. Yes.

7 Q. And you're starting to feel like your private life is
8 being attributed upon?

9 A. Big time. I'm frightened to see that I have a seven
10 year old daughter that he's trying to wake up my house
11 that day. And, yeah, it's really scary.

12 Q. He's having contact with your children as well?

13 A. Of course, yes.

14 Q. He sure has.

15 Q. Did you call the cops that day?

16 A. No, I didn't that day. I just told him, "Please don't
17 come back to my house."

18 Q. Okay. And were photos captured on your I guess is it on
19 your security cameras?

20 A. Yes, sir.

21 Q. Okay. I'm gonna show you four photos I believe that are
22 from that day. Do you recognize those photos?

23 A. Yes, sir.

24 Q. Those are from the security camera?

25 A. Yes, sir.

1 Q. And the security cameras on the back of the home or
2 front of the home?

3 A. Yes.

4 Q. They are facing out towards the lake?

5 A. Yes.

6 Q. Is that Mr. Patton, that's caught in the camera?

7 A. Sure.

8 Q. And just for the courts -- okay, will you kind of go
9 through each of these, and so I guess he's walking from,
10 if you're looking at the lake, his house is to your
11 right?

12 A. Yes. He's coming from his house to my house.

13 Q. Okay. So he's out in the water, and then he comes
14 directly in front of the home, and he walks all the way
15 over towards your pier and dock?

16 A. Yes.

17 MR. HAYES: Right. Okay. I will ask to admit
18 these photos collectively as Petitioner's Exhibit Two.

19 THE COURT: Any objection?

20 MR. GREELEY: No objection.

21 THE COURT: All right. They are admitted. There
22 are four pictures in total that will be admitted as
23 exhibit two.

24 (Whereupon, Petitioner's Exhibit No. 2 is marked for
25 identification)

1 BY MR. HAYES:

2 Q. Mr. Selzer, following the eighth, what happens? And
3 just to go back when you renovated the home, did you
4 also do some work to the outside?

5 A. Yes, I did a privacy fence up and a very nice fence,
6 which I discussed with Mr. Patton as well before I did
7 it, so I could be nice as I am. I put this fence up,
8 and I put the whole thing up. He says, "beautiful
9 fence. Love the fence". And everything.

10 And because I told him, I'm going to paint his
11 side, if he would like, and I'm going to paint my side.
12 It was fine at that point when I put the fence in. But
13 then, after you asked, on the eighth, after we told him
14 to stop coming by, then right after that, I get a text
15 about the fence. Telling me some laws or something
16 about it.

17 So I called Mr. Patton and I say, "Sir, man, we
18 talked about this fence. Man, I mean, it was nice. I
19 don't know what you're talking about." He said, "Well,
20 I think it might be too far down in the buffer." I
21 said, "Well, I got dogs and kids, and that's why many
22 made the agreement that it was fine, you know?"

23 I said, "Well", I said, "the only reason they're
24 going to mess with me if you call them, are you going to
25 call Duke on me?" I mean, we're being -- coordinate.

1 "No, I'd never do that." Next morning get a call from
2 Duke, because he called Duke the next day after that
3 conversation. They come out. We discussed the fence.

4 Fence is fine on his side. Don't have to move
5 the fence. And that's when, I think it provoked him,
6 when I called him back and asked him, "Why would you
7 call Duke?" And then that was basically the end of our
8 deal again. Like, just leave my family and me alone.

9 Q. Okay. And so, and is that, I guess, conversation, or do
10 you have a conversation with Mr. Patton, following the
11 complaint being made to Duke?

12 A. Yes.

13 Q. Is that on the 11th of September?

14 A. Yes.

15 Q. Does he acknowledge making the complaint to Duke?

16 A. He didn't at the beginning, but then he finally admitted
17 it, yes.

18 Q. He didn't at first?

19 A. Yeah. He didn't really want to tell me that he did it.
20 He was embarrassed, but then he told me that he didn't
21 call that he emailed.

22 Q. And did you at this point in time, did you request that
23 he not have any further contact with you?

24 A. Yes, I said, "Just -- you've already called them, called
25 the authorities. Do what you ever want to do, just

1 leave my me and my family alone.

2 Q. So he understood the mechanism to make a complaint about
3 you?

4 A. Yep.

5 Q. Okay. And he did -- so, and you've dealt with Duke, and
6 is there any other authorities that you have to deal
7 with?

8 A. Yes. I met with Duke, and they were working through the
9 system and all that other stuff, and didn't want the
10 fence, but he didn't like their answers. So then he
11 went to York County and complained with York County
12 about the fence as well. And I came out and met with
13 the York County people, and we've gone through the whole
14 process with that as well.

15 Q. And what's your understanding of when he, when Mr.
16 Patton, comes onto your property, where he can come and
17 where he can't come?

18 A. He can't come up my front or backyard.

19 Q. Is he -- is he doing that?

20 A. Yes.

21 Q. Okay. And does he do so on the 22nd of September?

22 A. Yes, he sure does.

23 Q. Okay. What happens on 22nd?

24 A. So he comes back. This is when -- so my buddy pulls up
25 on a pontoon, bringing his wife, bringing some pictures

1 for my daughter, for a room we just moved in, right?

2 And I walk out of my dock, and he says, "Who is that?"

3 So I turn around, and I have Mr. Patton in just swimming

4 trunks sitting on my sea wall. Just sitting there, and

5 I'm like, here we go again. So I come in because the

6 wife is getting home. She's very upset at this point

7 now, so she goes and locks our kids in the bedroom.

8 Come out asking, "What is he doing?" He says, "I have

9 the right to be here." He stands there, and my guys on

10 the boat asked him to leave, and they could tell he was

11 acting kind of people say really weird and what was

12 going on with them. Listen, my guys on the pontoon boat

13 called 911 soon as they did, he gets off my sea wall and

14 runs down into the water about knee deep. Is where he

15 stood holding his little cushion thing that he was

16 sitting on my wall with. He sat there and sat there and

17 sat there until the cops arrived.

18 Q. And so this is a little over a week after you asked him
19 not to come to your property you didn't want any further
20 contact; correct?

21 A. That is correct.

22 Q. He comes over again, and he's sitting on your sea wall
23 when you first interact with him on the 22nd; correct?

24 A. Yes, sir.

25 Q. All right. I am going to show you four photos, I

1 believe in 22nd but will you please take a look at
2 those. Do you recognize those photographs?

3 A. Yes, sir.

4 Q. Is that Mr. Patton?

5 A. Yes, sir.

6 Q. And he's sitting in swim trunks on your sea wall;
7 correct?

8 A. Correct.

9 Q. And in the second one, is he looking back at you? Or
10 what's he doing there?

11 A. Yeah, he's looking back at me and my family. At that
12 point, I had the kids to come out again and told them to
13 go back inside. And that's when the (inaudible) looked
14 at.

15 Q. So you're -- at this point, you're concerned enough to
16 tell your kids to go inside?

17 A. Oh, yeah. They've already been put inside. And my my
18 daughter got scared for my for me, so she ran out,
19 saying, "Daddy, Daddy." and I sent her back in. But no,
20 yes, she had to get put in their rooms, because he
21 always likes to look at the kids when they come out.

22 Q. And does he, you said that he refused to leave after you
23 confronted him?

24 A. Yes, he would not leave. He said he had the right to be
25 there. So then he proceeded. When we called 911, he

1 jumps up and runs down in the water. That's his safe
2 place. He can harass you if he's in the water. He
3 don't think he can harass you when he's not in the
4 water. So that's his harassment place.

5 Q. What is he saying?

6 A. Not saying much at all.

7 Q. He's saying, "I don't understand why -- why you're
8 angry. I don't understand why you want me to go." I
9 said you can't talk to him. He starts to say weird
10 stuff to provoke you. Sorry, no problem. Sorry. I get
11 a little excited. This really makes me nervous. No, I
12 just want to make sure I've got my family to this -- my
13 -- our dream home, and this guy's harassing my wife and
14 kids, and I'm sorry if I get upset.

15 Q. Yes, sir. And so the police are called that you call
16 the police or did Kera?

17 A. No, my buddy on the boat actually called police and
18 asked them to please come.

19 Q. And did the police come?

20 A. Yes.

21 Q. And at that point in time, you've asked Mr. Patton not
22 to come, but the police also formally trespass him;
23 correct?

24 A. Yes.

25 Q. Okay. And is a report made with the sheriff's office

1 when the police come?

2 A. They come and tell him to go home and make him leave my
3 property.

4 Q. All right. Nobody's arrested that day; correct?

5 A. No, sir.

6 Q. Okay. And then, I mean, at this point ---

7 A. You know, and how he has to leave, he has to go out into
8 the water and scooch ---

9 MR. GREELEY: Objection, Your Honor.

10 THE COURT: Hold on. Well, I think he was
11 explaining his prior answers, so I'll let him do that,
12 and we'll see if there's a further objection.

13 A. Yeah, when the cops let him leave, he has to go out in
14 the water and scooch under my dock, because he's not
15 allowed to touch your property, any private property.
16 So I mean, that's how hard it is for him to get to where
17 he is to harass me. He has to do all of this and scoot
18 under my dock and everything to do it. But that's how
19 he left.

20 Q. At this point in time, on 22nd on 22nd September, how
21 are you? How are you feeling?

22 A. Terrible. My wife is so upset. Angry, all types of
23 feelings. My kids are scared. They don't even want to
24 go out in my yard. My wife is scared. She's ready to
25 put the house back up for sale and let him run us off,

1 like he did the elderly people.

2 Q. A week, or close to a week after the 22nd on the 28th
3 does Mr. Patton return to the house?

4 A. He does. So he actually waits till I leave. So I went
5 to the store that morning. So as soon as I get into the
6 grocery store, I get a call from my wife. He's out here
7 on our property, in our front yard again. He's taking
8 pictures of the house. He's taking pictures of me in my
9 pajamas. When I come out of my front porch, I drop my
10 groceries and I fly out of my house, because here we go
11 again. So he waits for you to leave?

12 A. Yeah, and then goes over and takes pictures of my wife
13 and kids while I'm not there. He's trying to provoke,
14 intimidate and drive my family crazy.

15 Q. Are the police called that day?

16 A. Police are called that day, and that day he goes to jail
17 for trespassing, and that's been a blessing for us,
18 because ever since he's done that, it's been a temporary
19 restraining order. He cannot mess with our family. But
20 he has in his property. He takes pictures through my
21 privacy fence with his light shining at night. He takes
22 pictures over the fence with photos of all of this. He
23 still did it from his property just to try to
24 intimidate. He shines laser lights at the houses, and
25 yeah, he's still trying to convoke you, to make you very

1 angry.

2 Q. Are you there when he's arrested?

3 A. I sure am.

4 Q. And a no contact order, he's arrested. You said that
5 he's arrested for trespassing?

6 A. Yes, sir.

7 Q. And a no contact order is put in place?

8 A. Yes.

9 Q. And since that time, has there been any conversations
10 with Mr. Patton?

11 A. No.

12 Q. Is he still harassing you?

13 A. Oh, yeah.

14 Q. How so?

15 A. Pictures -- taking pictures over my privacy fence. When
16 it gets dark, he shines lasers over at your house. He
17 shines his light through the cracks of the fences, like
18 his phone he holds it over the fence. My dog ran over
19 on the riprap. He called the sheriff on my dog.

20 Q. When was that?

21 A. That was actually Friday.

22 Q. So following his arrest, these photos, do you recognize
23 these photos?

24 A. Yes, sir.

25 Q. Coming back to these photos, we would ask, to admit

1 Q. Is it intimidating?

2 A. It's very intimidating that's why we are trying to
3 going through the proper authorities and trying to do
4 the right thing, and it scares my family more, which
5 upsets me, because my little, small children are scared
6 to ride their bike in a neighborhood that is beautiful
7 that we just finally got on the lake, and it's
8 disgusting.

9 Q. What are you afraid of going forward?

10 A. I'm afraid -- I don't know. If you don't have a
11 restraining order, he's just going to come back and
12 harass. He's going to harass. Going to harass, I hope
13 that restraint -- I don't know what he's capable of.
14 You know, they're still scared, the way he acts, the
15 type of person he is that I don't -- I don't know what
16 he's capable of doing.

17 You know, my wife and them scared, but I know it
18 can't hurt me, but I don't ever want to touch my family
19 or nothing. But I don't know what he's capable of, and
20 that's why my wife has bad anxiety. She's actually had
21 to go to get medication to that she can't sleep at
22 night. She can't do nothing, anything for this guy, and
23 he's tormented many others there.

24 Q. You believe his behavior can stop?

25 A. I do not.

1 MR. GREELEY: I want to object to that and ask he'd
2 be stricken, because that would have come from hearsay.

3 THE COURT: Sustained.

4 BY MR. HAYES:

5 Q. Answer the next question. Do you believe it's going to
6 stop?

7 A. No, sir. I do not.

8 MR. HAYES: I have no further questions, Your
9 Honor.

10 THE COURT: Did you want to admit those last ---

11 MR. HAYES: I would, Your Honor. I apologize.

12 THE COURT: Mr. Greeley, any objection to these?
13 These are the last set of photos.

14 MR. GREELEY: I have no objection.

15 THE COURT: Received without objection as exhibit
16 four, once again, four. I'm sorry this time it's five.
17 (Whereupon, Petitioner's Exhibit No. Five is marked for
18 identification)

19 MR. HAYES: Mr. Selzer, please answer any questions
20 that Mr. Greeley has and if you will indulge me for just
21 a minute so I can organize these.

22 THE COURT: Sure, and I will mark these exhibits.

23 C R O S S E X A M I N A T I O N

24 BY MR. GREELEY:

25 Q. Mr. Selzer you bought the house in June; correct?

1 A. Yes.

2 Q. And you moved in on August the 30th; is that correct?

3 A. Yes.

4 Q. You just -- you indicated that my client had brought
5 cake and ice cream over on the seventh; is that correct?

6 Was that not September the second, which was Labor Day?

7 A. That he brought that over? I don't recall my
8 recollection it was the seventh, but that could be. I
9 am not 100 percent on that. I thought was the seventh.

10 Q. And so at that time when the ice cream and the cake came
11 over, you all had either lived in the house for three --
12 you had actually physically lived in the house for three
13 days or for about eight days?

14 A. Okay.

15 Q. You talked about him moving his truck so that you could
16 have the driveway; correct?

17 A. Yes, sir.

18 Q. And did you have to have any work done for that driveway
19 to be made into an arc again?

20 A. No, I just had to move a piece of wood over that he made
21 the neighbors put in to say that they needed
22 (inaudible).

23 Q. So he made the neighbors put in a piece of wood to block
24 their own driveway?

25 A. He did.

1 Q. Do you remember what date it was that he made the
2 neighbors move -- block their own driveway?

3 A. It was before we moved in.

4 THE COURT: Ma'am let -- let this witness answer.
5 You'll have an opportunity. Okay?

6 BY MR. GREELEY:

7 Q. You don't really know?

8 A. I can't remember what the previous neighbor that
9 purchased the home with told me it was, but it's about
10 been about a year since you made her do that.

11 Q. But it's your position that you believe that he made the
12 neighbors block their own driveway?

13 A. That's exactly what they told me. There was still rock.
14 I didn't -- there was rock there. I mean, it was, you
15 could obviously say that they had it.

16 Q. And after you talked with him, he moved his truck;
17 correct?

18 A. Yes, sir.

19 Q. Okay. And you were able to then turn your driveway into
20 sort of arc; correct?

21 A. Yes, sir.

22 Q. And was that before September? Was that in August? Or
23 do you recall, or was it July?

24 A. I really don't recall.

25 Q. Now, who was the person that you had do the outside

1 renovations for your house?

2 A. The outside?

3 Q. Yes.

4 A. Jason Howe (phonetic).

5 Q. Okay. Is he the one who built the fence?

6 A. No, sir.

7 Q. Who built the fence?

8 A. Carolina Fence Company.

9 Q. Carolina Fence Company, and where are they out of? Do

10 you know?

11 A. I'm not really sure.

12 Q. And what conversations did you have with Carolina Fence

13 about where the fence was to go and what the regulations

14 would be in regards to that fence?

15 A. I didn't. I just put it on my property line and make

16 sure it's under seven foot. What the regulations I saw,

17 it's on my property line it wasn't a big deal.

18 Q. Okay. So you're familiar with where your property line

19 is?

20 A. Yes, sir.

21 Q. And where is your property line, in regards to the lake

22 shore?

23 A. My riprap all the way -- my sea wall is basically my

24 property line.

25 Q. So it is your position that the property line the sea

1 wall is actually on your property?

2 A. Yes, and it's my personal property, just like my riprap
3 is my sand because I maintain it, and my rock wall is my
4 personal property, which I gotta do.

5 Q. You may have already told me, just for me, can you tell
6 me what riprap is?

7 A. You know, you gotta put riprap in to save the erosion.
8 That cost a lot of money to put there. Okay, big rock.
9 It's very expensive to self maintain. And yes, that's
10 mine as well.

11 Q. Okay, yes. But as far as the property and the ownership
12 property, you don't own the shore?

13 A. No, that's why he -- that's why he uses Duke's power to
14 harass me. He uses the water to harass me as well. I'm
15 not really here for a trespassing, that's next month.
16 I'm here for the harassment.

17 Q. But my question is, is that the shore is not your
18 property?

19 A. The rip rap is, yes. The riprap is and my sea wall is
20 yes, but no, not down the beach isn't and the water, but
21 the riprap and the sea wall, yes, it is.

22 Q. Tell me what a homeowner --- what conversations did you
23 have with your contractor about the fence and what was
24 legal for you to put on your property at the lake?

25 A. That was on my property line and under seven feet.

1 Q. But it wasn't under seven. It was -- it was seven feet;
2 is that correct?

3 A. Seven feet and under, yes.

4 Q. Yes. And you have found out that seven feet is actually
5 a structure and has to have a building permit; is that
6 correct?

7 A. Yeah.

8 Q. Okay. So if a fence is seven feet, you have to have a
9 building permit built ---

10 A. Which is the maintenance.

11 Q. Yes, and you did not have a building permit, did you?

12 A. No, sir.

13 Q. Okay. And in fact, isn't it true that the county came
14 out and did an inspection at my client's request, and
15 found your fence to be in violation of the ordinances
16 regarding the lake?

17 A. No, they came out and said it wasn't a violation. But I
18 did had to get a permit.

19 Q. They said that you were not in violation?

20 A. No, sir. What I'm being told, I just had to have a
21 permit for it and I've submitted a permit for it.

22 Q. And then let me ask you this, you live at [REDACTED] Windswept
23 Cove?

24 A. Yes, sir.

25 Q. You're Dustin Steven Selzer?

1 A. Yes, sir.

2 MR. HAYES: I am going to object. Whether or not
3 the fence is in violation or whether it has been cited,
4 is not the issue today. The issue today is Mr. Patton's
5 behavior, his harassment, and this has gone a little bit
6 far afield.

7 THE COURT: Why are you offering this Mr. Greeley?

8 MR. GREELEY: I'm offering this, Your Honor, to
9 show that my client had a legitimate purpose for each
10 time that he was on the property of Duke Power, not
11 Mr. Selzer's property, and we're going to show that.

12 THE COURT: I will allow that.

13 MR. HAYES: I want to point out, Your Honor, it's
14 not about whether he's on it's about even if he's on
15 Duke's property, the issue is him harassing them.

16 THE COURT: And I understand, but I'll -- I'll
17 overrule the objection.

18 BY MR. GREELEY:

19 Q. Okay. Now, isn't it true that you received a notice of
20 violation from the county, and the notice of violation
21 told you that you had to correct your violations before
22 November the fourth, which was yesterday; is that
23 correct?

24 A. Well, I've been in contact on the phone with them. I
25 haven't got any more letters, but yes, that's what the

1 letter said.

2 Q. Okay. Have you corrected the violations?

3 A. Yes.

4 Q. You have?

5 A. I submitted my permit. I've corrected what they told me
6 to correct verbally, which I'm on the good side of Duke
7 and York County for my fence right now, of doing the
8 proper thing, they told me to do.

9 Q. Have you -- let me ask you a question. I'm going to
10 show you one of these, which is part of I'm not sure if
11 this has to do with him seated on the wall. That's part
12 of three. Okay. We'll show you this picture of exhibit
13 number three. Now there is some metal fencing that goes
14 into the water; is that correct?

15 A. Yes.

16 Q. And that metal fencing goes up to the edge and connects
17 with the wooden fence that you built; correct?

18 A. Yes, that's my dog training fence.

19 Q. Now, what is the riparian barrier? You don't know what
20 that is? You don't know what the repairing barrier is
21 or does. Has that fence been removed as of today? That
22 metal fence, it is still there?

23 A. Yes, sir.

24 Q. Wasn't that one of the things that you were supposed to
25 change with the county?

1 A. Yes. He said he would come back. He said he would give
2 me time to train my dog and he'd come back and check it
3 out. You can take it down when I come back in front of
4 me, he said and he hasn't been back. So I looked at to
5 train my dog. So they would run in the neighbor's yard
6 and they'd call the cops on him.

7 Q. So you were blocking a public right away so you could
8 train your dog; is that right?

9 A. No, sir.

10 Q. But you did block a public right of way, did you not?

11 A. No.

12 Q. Did you not block the riparian barrier?

13 A. No.

14 Q. Have you ever lived on a lake before this time

15 Mr. Selzer?

16 A. Yes.

17 Q. Do you know how long Mr. Patton has lived there, or his
18 family has lived there?

19 A. Been a long time, because he's been harassing for a long
20 time now.

21 Q. On September the eighth, he was out in front of your
22 home. I think that's when you got these first pictures;
23 is that correct?

24 A. Yes.

25 Q. Okay. And he's walking down on the shoreline; is that

1 correct?

2 A. Yes.

3 Q. All right. And then you, did you go out there while he
4 was there?

5 A. Yes.

6 Q. Okay. And did you engage him while he was there?

7 A. Not when he was right there, when he was already
8 scooched under my whole dock and came up over on the
9 other shoreline. Then I approached him, yes.

10 Q. Okay. And was it your belief that he wasn't allowed to
11 do that?

12 A. Yes. To walk across my riprap, drive and come into my
13 front yard and stare at my children? I didn't think
14 that that was right.

15 Q. Did you think that he was not allowed to walk across the
16 riparian barrier?

17 A. He could stay in the water I heard, and you could walk
18 on and not harass. But I don't think no to answer your
19 question, no.

20 Q. Okay. But he did look at your children?

21 A. Yes.

22 Q. And did he wave at your children?

23 A. Yes.

24 Q. And was anybody out there with your children?

25 A. I'm not sure. We're in the house right there all the

1 time, standing on the screen doors, and I'm not sure.

2 Q. And you had only lived there for a week; correct?

3 A. Yes.

4 Q. So you had a neighbor that came walking down your
5 shoreline, and you didn't like the fact that your
6 neighbor came walking down the shoreline; is that
7 correct?

8 A. Yes.

9 Q. That was about six days after he brought cake and ice
10 cream over on Labor Day; is that correct?

11 A. Yes, sir.

12 Q. Now it was on that day that you asked him, "What the
13 fuck he was doing on your property", didn't you?

14 A. Yes, sir.

15 Q. Okay. That's kind of an aggressive way to begin a
16 conversation?

17 A. It sure was.

18 Q. Okay. And that was after living next door, doing for a
19 week?

20 A. I've renovated and dealt with him for a month, probably
21 living there, yes, sir.

22 Q. And now eventually he went back to his house, right?

23 A. Yes.

24 Q. Now, on September the ninth, the -- he didn't come over
25 on your property; did he?

- 1 A. No.
- 2 Q. Okay. And on September the 10th, to your knowledge he
- 3 didn't come over on your property?
- 4 A. No.
- 5 Q. And on September the 11th, the let me ask you this, when
- 6 did you finish the fence?
- 7 A. I'm not sure.
- 8 Q. You're not sure. I but on September the 11th, did he
- 9 come on your property, to your knowledge?
- 10 A. No.
- 11 Q. Okay. How about September the 12th?
- 12 A. No.
- 13 Q. September the 13th, did he come on your property?
- 14 A. No, he had Duke come on my property.
- 15 Q. Is anything wrong with somebody calling an authority if
- 16 they think there's a violation occurring?
- 17 A. After he gave his word that he wouldn't, I just thought
- 18 it wasn't okay.
- 19 Q. On September the 14th, did he come on your property?
- 20 A. No.
- 21 Q. On September the 15th, did he come on your property?
- 22 A. He didn't come on the property.
- 23 Q. Okay. All right. So we've got, we got about two weeks
- 24 that he didn't come on your property there; is that
- 25 correct?

1 A. Yes.

2 Q. Okay. And then on September the 22nd you said that he
3 came on the property, and that's when you took these
4 pictures of him sitting on the wall; is that correct?

5 A. Yes.

6 Q. Did he say anything aggressive to you when you came down
7 to talk to him?

8 A. No, he was acting very strange.

9 Q. Okay. So he didn't say anything aggressive to you. He
10 was just sitting there; correct?

11 A. Yes.

12 Q. Okay. And we've seen the pictures that there is a
13 pontoon boat. Those were some friends of yours that
14 have come by; is that correct?

15 A. Yes, sir.

16 Q. Those were also friends who had called sheriff; is that
17 correct?

18 A. Yes.

19 Q. All right. And now, what were you saying to him?

20 A. I asked him to get off of my property. Just leave, to
21 leave -- leave my family alone. Just please go back to
22 your property. You live on the lake. You don't have to
23 come over here sit half naked for my seven year old
24 daughter. Please get off of my property. Do you -- why
25 you're just here to provoke me, to harass me, to make me

1 angry. There's no other reason you're here. You're not
2 invited. We have friends over here. All you're doing
3 this for is to upset my family. Please leave. You're
4 scaring my kids and my wife. Go to your lake home over
5 there and leave me alone.

6 Q. In fact, you did most of the talking?

7 A. Yeah, most of the talking. I sure did, because we're
8 not leaving my home and so.

9 Q. And it reached the pitch high enough to where your
10 friends called the sheriff; correct?

11 A. Yes.

12 Q. And then he got up and he walked into the water;
13 correct?

14 A. Yes.

15 Q. But he didn't leave, did he?

16 A. No, sir.

17 Q. Okay. He waited on the sheriff.

18 A. They got off my sea wall, went down to the water.

19 Q. Actually, the sea wall is not on your property; is it?

20 A. It's my property.

21 Q. The sea wall is not on your real estate. It's not on
22 your property.

23 A. Yes.

24 Q. Do you know where your property line is from? Your plat
25 that is filed with the county?

1 A. Yes.

2 Q. You do?

3 A. (Inaudible) My personal property owner off my buffer
4 line there, but it is my property. Yes.

5 Q. And ---

6 A. What is the intention of him sitting in front of my
7 house with no with no reason to harass intimidate my
8 family, my kids? That's what he's doing there.

9 Q. And the sheriff came out?

10 A. Yes.

11 Q. The sheriff came out.

12 A. Yes, but he wouldn't leave for a little bit. He said,
13 "This is my right to stand here. It's my right to stand
14 here." And then he said he's threatening me. And he
15 said, "Well, they're threatening you. Why wouldn't you
16 just leave the threat?"

17 Because he does it. He wants to sit there and
18 provoke us and try to make us angry. That's what he does
19 in life. He tried to provoke people and make you mad.
20 So he didn't just leave right away. And then finally, he
21 scooted under my dock and left.

22 Q. Didn't get on your dock. Didn't get on your dock?

23 A. Yeah, he scoots under it. Yeah, scooter.

24 Q. That was on September 22. Now, September the 28th which
25 was a week later; correct?

- 1 A. Yes.
- 2 Q. All right. You saw him again?
- 3 A. No, I was not there.
- 4 Q. On the 28th you were not there?
- 5 A. No, that's when I went to the store. He waited for me
6 to leave, and then he came over and take pictures of my
7 family. Which we had ---
- 8 Q. So you don't know what happened that day? You weren't
9 there to see it. You only know what people have told
10 you; is that correct?
- 11 A. Yes, and the pictures, evidence, and my cameras, my --
12 my video cameras, and my security system does.
- 13 Q. Sure. But you were not there? That's on the 28th;
14 correct?
- 15 A. I was there. I wasn't there right when he came over, I
16 hauled butt from the store. Came right back.
- 17 Q. Okay. And then you got back, and was he still there?
- 18 A. No. He had gone back over to his property?
- 19 A. Yes.
- 20 Q. Do we have pictures on the 28th? These are the 22nd.
21 We -- okay. Okay. Now on September 30th, you -- you
22 were not involved in regards to that incident; were you?
- 23 A. No.
- 24 Q. You were not there?
- 25 A. Not the morning. I mean, I was there that -- that day,

1 during that day's events, yes. Not the beginning of the
2 event.

3 Q. It says -- it says in the complaint that at 12 P.M. that
4 he allegedly was videotaping me and my kids from his
5 yard. Now ---

6 A. I was home.

7 Q. Who is saying videotaping me and my kids, because the
8 two of you on the complaint?

9 A. What now?

10 Q. All right.

11 A. Sorry.

12 Q. That's okay. September the 30th, at 12 o'clock. It
13 says that my client was, and I quote, "videotaping me
14 and my kids from his yard." Who is that about? You or
15 your wife or both?

16 A. The wife and kids.

17 Q. Okay.

18 A. Videoing all of them.

19 Q. So, "me" would indicate your wife; correct.

20 A. Yes.

21 Q. Okay, that's what I wanted. And you weren't there?

22 A. No, sir.

23 Q. Do you know whether he was on his property when he
24 allegedly did this or not?

25 A. Yes.

1 Q. He was on his own property?

2 A. Well, I don't know that's when it comes -- when he's on,
3 when I see the photos of him going through my fence.
4 Then he is actually probably on my property, because I
5 have that property line. You'll notice the, well,
6 there's several feet, but on his on his side of my
7 fence. So he had to be on my property to video through
8 the fence at that time.

9 Q. Okay. So you're saying that on September the 30th, he
10 did this on your property?

11 A. Some of it, yes.

12 Q. Some of it? Not all of it?

13 A. He was on his dock behind his truck.

14 Q. You weren't there, so ---

15 A. I was there that day.

16 Q. That day. Did you see him videotaping anything?

17 A. Yes, yes. I took the picture of him on his dock. I'm
18 the one who took the picture on my phone.

19 Q. Have you seen the video he took?

20 A. No, I sure haven't.

21 Q. How do you know he was taking a video of you?

22 A. His camera like that, with the light on an arm, unless
23 he's just pretending playing games to harass and scare
24 us again. I don't know it looked like he was taking
25 video.

1 Mr. Greeley: that's all I had at this point.

2 The court: Mr. Hayes, any redirect?

3 R E D I R E C T E X A M I N A T I O N

4 BY MR. HAYES:

5 Q. Just to be clear, on the 11th, you've had what I would
6 call a first exchange with him previously, on the
7 eighth, again, like Mr. Greeley pointed out, you'd only
8 been in there a week. But on the eighth, his behavior,
9 Mr. Patton's behavior, starts setting off alarm bells?

10 A. Yes, sir.

11 Q. And on the 11th, you essentially tell him, or not
12 essentially, but you tell him, please don't come back on
13 the property and stop having contact with us?

14 A. Yes.

15 Q. Okay. And then after that, he makes a complaint to Duke
16 and to the county, which he's got a right to do;
17 correct?

18 A. Yes.

19 Q. But then he also comes back and has further contact with
20 you, or has further contact with y'all the 22nd the 28th
21 and on the 30th?

22 A. Yes, sir.

23 MR. GREELEY: Briefly.

24 THE COURT: Yes.

25 R E C R O S S E X A M I N A T I O N

1 BY MR. GREELEY:

2 Q. And two days before the 11th, did he not send you a text
3 regarding the fence?

4 A. Yes, sir.

5 Q. On this would be on Monday the ninth. Did he not send
6 you a text that said, "Hi Dustin, as we discussed
7 yesterday, please verify with the deed restrictions,
8 your county building codes and your property survey
9 lines, that the privacy fence on both sides is not
10 encroaching on Duke Power lake bed property, or
11 restricting or obstructing public use of the shoreline
12 lake water or repair zones. I understand that you are
13 new to lake life, lakefront property ownership, but it
14 appears that the privacy fence may not be constructed
15 properly on your property. We've agreed to talk about
16 any concerns, so I just wanted to let you know."

17 A. Yes.

18 THE COURT: Anything else? Thank you, sir. You
19 can have a seat. Call your next witness.

20 MR. HAYES: We call Kera Selzer.

21 THE COURT: Please come forward to be sworn.

22 Whereupon,

23 KERA SELZER

24 was duly sworn and testifies as follows:

25 D I R E C T E X A M I N A T I O N

1 BY MR. HAYES:

2 Q. Will you please state your full name for the record.

3 A. Kera (inaudible) Selzer.

4 Q. Do you live at [REDACTED] Windswept Road?

5 A. Unfortunately.

6 Q. Is that address, it's in the county of York; correct?

7 A. Yes.

8 Q. And you and Mr. Selzer, how long have you all been

9 married?

10 A. Eleven years.

11 Q. And prior to moving there, did you also live in York

12 County?

13 A. Yes.

14 Q. Where'd y'all move from?

15 A. Yes, both from York.

16 Q. And what do you do for work?

17 A. I'm a nurse practitioner.

18 Q. And do you and Mr. Selzer have children together?

19 A. Yes, two children. A seven year old daughter and nine

20 year old boy.

21 Q. You and Mr. Selzer and your family moved in, or you

22 purchased the home in this summer, in June, you closed

23 on it?

24 A. Yes.

25 Q. And then after that, you did a bunch of renovations to

1 the home and moved in, ultimately on August the 30th;
2 correct?

3 A. Yes.

4 Q. Had you prior to moving in to the residence, had you met
5 Mr. James Patton?

6 A. Yes, I had met him once driving by the house, and then
7 we stayed there one Saturday to use our boat before we
8 could move in. And I witnessed him standing on his dock
9 for about 10 hours yelling and screaming at boats to get
10 off his dock. And even at one point that day he came
11 over and said, "I'm sorry if I scared your children."
12 That's the first interaction we had with him.

13 Q. Sometime in July?

14 A. Sometime in July -- July 21 the first day we spent out
15 on our -- our new lake house and got a glimpse of who
16 our neighbor was.

17 Q. Then you move in, and shortly after moving in on the
18 seventh are you there when he comes over with cake and
19 ice cream?

20 A. Yeah, my parents came over to see the house for the
21 first time.

22 Q. How would you describe that interaction?

23 A. Just surprising, I'll be honest. At our closing, they
24 had to legally disclose that there was issues with the
25 neighbor. So at this point, I've already been there

1 that Sunday, seen him yelling and screaming. They told
2 me that they were essentially harassing them, the people
3 we bought it from. So I'm alarmed, because I've only
4 just seen him from a distance. He comes in with cake
5 and ice cream, and again, we're trying to be friends
6 with him, because we've heard about how miserable he can
7 make your life. So we've tried to be cordial. We said,
8 "That's great. Thank you for the cake and ice cream."

9 Q. He hadn't -- hadn't been invited, hadn't texted you or
10 let you know he was coming?

11 A. No.

12 Q. Doesn't come to the door and ring doorbell? Just walks
13 through your front yard?

14 A. He seems to think that he has -- he's obsessed with it.
15 I feel like that property, to me, I don't know, feels
16 like he maybe has some ownership, because he's the
17 reason we got it.

18 Q. Did you call it police that day?

19 A. No, no.

20 Q. Okay. On the eighth, were you present for the events
21 that day?

22 A. Yes.

23 Q. Okay. What happened on the eighth?

24 A. The eighth, we are about to have some company over to
25 have children and I am in the bathroom, and my husband

1 walks into the master bathroom, and our kids come
2 running in, I don't know if they're right on our porch
3 or in our family room, and they say, Steve's in our
4 yard. He's waving at us to come in -- to come outside.
5 And they know better not to just go to a random guy they
6 just met. So they come get us, and we're like, okay,
7 we're going to be calm. This is now our second time
8 he's come over, whether it was that second or almost
9 guaranteed it was the eight, not every day, but the
10 eight.

11 Let's just try to be calm. You just go out there
12 the kids and I will stay in here. Just see what he's
13 doing. Explain that we don't think that's his
14 appropriate behavior, and that please leave because
15 we're about to have people over. We don't want you
16 staring at us in our front yard with young children.

17 Our company does arrive. We end up -- they were
18 out there at least 10 minutes. You know, we're stuck
19 inside our own home before we can go outside before he
20 leaves.

21 Q. And okay ---

22 A. We don't know this guy. We don't know what he's capable
23 of doing. He is out of character. No one else since
24 we've lived there has ever been there, besides family
25 and friends that we invite.

1 Q. What is -- at this point in time, what is your feeling,
2 or how are you feeling at this point?

3 A. I'm scared. I'm a mom. First thing I gotta do is
4 protect my children. If there's a guy in my yard, I'm
5 automatically on the defense. I mean, I'm a mother
6 trying to protect my children, and I have a guy that has
7 no reason to be there besides the fact that he says he
8 can.

9 And that is staring at me and he's intimidating me.
10 He's causing me anxiety. He's causing my children
11 anxiety, And I want everybody to know that I'm scared
12 and I'm seeking help.

13 Q. What is Mr. Patton's response?

14 A. He has the right to be there. He always says -- he says
15 he has a right to be there. And he's actually started
16 yelling at me, telling me that I'm harassing him. He
17 have it on the 911 phone call. That lady told me, he
18 says, "You might want to go back in. It sounds like
19 he's getting aggressive."

20 Q. Going back to -- so after the eighth, you're aware of
21 even just become aware that he's made a complaint
22 regarding the fence; is that correct?

23 A. The 11th, 9/11 is when we're made aware that he's I
24 guess he got mad that Sunday when we asked him to leave
25 because we were having company over. And I guess then

1 that's when he was mad because the fence had been done.
2 We had already talked about the fence being fine. He'd
3 already come over and had cake inside the fence.

4 He walked through the fence that time. He did not
5 come through the wall. He came through the gate of our
6 fence. The fence was fine until we asked him to leave,
7 and then that's when it was not seeing eye to eye.

8 Q. And it's on the 11th at that point, you asked him not to
9 come back and not to have any further contact?

10 A. Yeah. Let's just -- okay. We're done with you. Like
11 the rest of the neighborhood, we will not talk and not
12 just please leave us alone.

13 Q. On the 22nd of September, you're there that day as well?

14 A. Yes.

15 Q. And that's the day that Mr. Patton comes over in a
16 bathing suit and is sitting on your sea wall, on some
17 type of pad, when y'all -- he is confronted; is that
18 correct?

19 A. Yes.

20 Q. And police are called that day. Are you there when the
21 police arrived?

22 A. Yes. I was not.

23 Q. Can you describe that interaction?

24 A. I was not there at first. Me and my kids were walking
25 the dog, and they got back in front of me, and they come

1 back screaming down the road, "Steve's in our yard
2 again. Dad's angry. Help." So I'm like, Oh my gosh, I
3 don't know.

4 Again, we don't know this guy. He just keeps
5 coming in our yard. Like, does he have a gun? What is
6 he doing? I run in there. I have to lock my kids in
7 the bathroom or the bedroom. Like, do not come out. Do
8 not come out. Lock yourselves in here. I don't know
9 what's going on.

10 Our friends are over. My husband's angry. Our
11 friends are angry. They tell me they've already called
12 the cops. I come out just ready to protect my kids, and
13 my kids come screaming at me in fear. It's a problem.
14 It's Sunday evening.

15 I should have just had a walk with my kids and went
16 to bed, but no. This is the kind of stuff we have to
17 deal with on Sunday night because he can't stay on the
18 side of his fence or in front of his home. Doesn't
19 matter where it is. We can't go in front of his house
20 and sit in his driveway and provoke, stare, harass.

21 I don't care if I'm being silent. That's also a
22 way of provoking. He is trying to intimidate me and my
23 family, and he's doing it. So I guess ---

24 Q. At this point -- at this point, your private life is
25 being disrupted by his behavior?

1 A. Absolutely. Who wants to deal with this on Sunday
2 night? The cops come. We're very angry. I'm asking
3 him his intentions at this point. Are you looking at my
4 children? No one knows anything about him. He doesn't
5 -- doesn't have a family. Doesn't have any friends over
6 ever. I don't know what he does for living. I don't
7 know this guy.

8 But when men walk over shirtless to sit in front of
9 my home, I'm thinking the worst, especially in this day
10 and age. What are you doing? Are you looking at my
11 kids? Are you looking at me? Are you looking in my
12 house to get plans to rob me or murder me.

13 I don't know you. Stop coming -- it's very
14 threatening. His behavior. It's bizarre. And I have
15 lived on the lake before, and I have never had anything
16 like this happen.

17 Q. After police are there, nobody's arrested? Mr. Patton,
18 once he speaks to police, he leaves?

19 A. Not easily.

20 Q. Once he speaks to police, he leaves?

21 A. Not easily. They've had to ask him several times to
22 leave, and they said at this point, "Sir, I'm telling
23 you to leave. I don't care if it's your right to be
24 here or not. I'm asking you to leave." And he left,
25 but not willingly. I think he would have stayed there

1 all night.

2 Q. Does he come back a week later?

3 A. Yeah. He comes back. At that point -- and we're
4 hopeful. Like, okay, we asked him to leave. The police
5 told him not to come back over. Like, maybe he'll not
6 come back over.

7 Q. What happens on the 28th?

8 A. The 28th as the night after the hurricane or Helene, my
9 husband, goes to the store. It's like, I think it's
10 around nine or 10, in the morning. I'm in my pajamas.
11 I see him walking over taking pictures and videos of my
12 house. Again, I don't know. Assuming that when someone
13 stands like this with the camera, we assume that he's
14 taking pictures and videos of you.

15 Q. And the pictures -- he's taken off. Do you recognize
16 these?

17 A. Yeah, this is him that day. I'm on the -- again -- see
18 him immediately. Go lock my kids in the room again.
19 This is the second time my kids have to be locked in
20 their room since we've moved in. They're crying. I'm
21 crying. I'm on the phone with 911.

22 Q. Where is your husband?

23 A. The store.

24 Q. Is he photographing the fence?

25 A. No.

1 Q. Photographing the riparian border?

2 A. No.

3 Q. Photographing?

4 A. Me.

5 Q. The beach? Was he?

6 A. No. He's photographing my house and me. It's a picture
7 of him holding it directly at me, taking a picture of
8 me. And even if he was, he is not the authority. He's
9 already called the authority. Let the people, let the
10 authority deal with the fence.

11 Q. Let that play out?

12 A. Yeah, he's not York County. He's not Duke. He's
13 already made his -- his deal. Again ---

14 Q. What is he trying to do?

15 A. He's harassing me. He's taking pictures of me. He
16 screams at me. I'm on the phone with 911. He starts
17 screaming at me to get my dogs back in my house. He
18 starts screaming at me that I'm harassing him.

19 And the 911 operator, I am like, can we get that on
20 the call? She's like, "He's yelling at you." And I was
21 like, "Yes, he's yelling at me." And she's like, "If he
22 seems aggressive, you need to get back in your house."
23 I said "He does seem aggressive. I don't know why he's
24 doing this." I said, "The cops just removed him from
25 this area a week ago, and now he's back." He doesn't

1 obviously respect authority or cops.

2 Q. And the police arrived. What happens?

3 A. He goes to jail because we have videos. I have copies.

4 He couldn't walk through the ---

5 Q. Well, I guess, did he stay -- let me back up. When you
6 called police, did he stay there? Or did he leave
7 before the police got there?

8 A. He leaves once he realizes I'm on the phone with 911. I
9 think he thought I was on the phone with Dustin. But,
10 yeah, he starts to walk -- walk and leave, and screaming
11 at me as he's walking.

12 Q. But leave -- so the police, whenever they arrest him it
13 is at his house?

14 A. Yes.

15 Q. So, but we had put "No Trespassing" signs up from the
16 week before that, they told us to, and we have pictures
17 that he couldn't be walking the shoreline that day. The
18 water was too high. He had to come over our riprap,
19 which is, again, our private property. It doesn't
20 matter if it's outside of our property line, the riprap,
21 and like our dock, is outside of our property line, but
22 it's still our personal property. You cannot come and
23 walk on top of my car if it's parked in the street and
24 harass me.

25 Again, this is not the trespassing court. We'll

1 deal with that later. This is him harassing me from
2 anywhere. Who does that at 10 in the morning after we
3 just asked to leave last week? And waits for my husband
4 to leave. And now again, I don't know why he's there.
5 Why are you there?

6 Q. How do you feel?

7 A. Intimidated, anxious, scared, (inaudible) the bad
8 decision on the house. I don't know.

9 MR. HAYES: Your Honor, I would seek to admit these
10 four photos collectively.

11 BY MR. HAYES:

12 Q. (Inaudible).

13 A. Violated, vulnerable.

14 MR. GREELEY: No objection.

15 THE COURT: All right. Admitted without objection.
16 There are four photos.

17 (Whereupon, Petitioners exhibit No. 5 is marked for
18 identification)

19 BY MR. HAYES:

20 Q. So, at this point, after the arrest of trespass, he's
21 ordered to have no contact; correct?

22 A. Yes.

23 Q. What happens on the 30th?

24 A. I'm already anxious after he went to jail, and I called
25 the Sheriffs -- while he was in there to Sheriff called

1 me and said he's difficult to deal with. They tell me
2 he's -- first and identified ---

3 MR. GREELEY: Objection, hearsay.

4 BY MR. HAYES:

5 A. Okay. Yeah, just difficult. So I'm anxious that he's
6 going to retaliate, that he's angry. He's been to jail
7 already, so I've called the sheriff just let everybody
8 know, help. I need help at this point. This guy's is
9 -- if he comes over and kills my family, I just want it
10 to be known that I've tried to get help. I don't know
11 what this guy's doing.

12 Go up Monday around noon, my kids go out just the
13 front door, which it's hard, but not the lakeside door,
14 but just the other side of our house, to ride their
15 bikes, and they come running back in and say, "Steve's
16 filming them." And I was like, okay, my kids are
17 already scared of him. I go out there, he's, in fact,
18 filming them. I'm already so anxious. I just get my
19 kids in the car.

20 This is supposed to be a Monday of fun. My kids
21 got an extra day off school, another day that's going to
22 be ruined, which, at this point is, you never know. I
23 go get my kids in the car. Literally, as we're driving
24 past the car, he's filming me in my car like this,
25 almost like you would like if you had a gun. Very

1 intimidating. My kids are crying. I'm just like, just
2 ignore him. Just look away. Very intimidating as we
3 drive past him.

4 Q. He is harassing you?

5 A. Yes, what is he doing? Why? What did you do with this
6 pictures or videos? What are you doing? I take my kids
7 to my mom's. I go to the Sheriff's Department. I'm in
8 tears. I'm crying. Help me.

9 They say, "Go to the magistrate's office. File a
10 restraining order." They also -- everybody that I tell
11 him the name, they know him. They know him there. The
12 front desk office knew him from previous neighbors. I
13 file, I think she gave me reports from all the previous
14 complaints that he's had in the neighborhood.

15 MR. GREELEY: Objection, Your Honor. Prior
16 (inaudible).

17 THE COURT: Sustained.

18 BY MR. HAYES:

19 A. And speaking to his character.

20 MR. GREELEY: Objection. Same.

21 BY MR. HAYES:

22 A. Just my observations. They give me their personal cell
23 phone number, the sheriff's -- the non emergent number.
24 Just like if he contacts you, you know, technically,
25 he's not contacting you. He's just harassing you right

1 now. So just call as if it escalates. I'm like, well,
2 what do you want me to wait for? In my bedroom? I
3 mean, I don't know. So I go file the restraining order.
4 I'm feeling sick this point, ready to move. I don't
5 know if you got someone filming all day, but it's ---

6 Q. Yeah, you've already described it, but I mean, what
7 effect has all of this had on you mentally?

8 A. A lot. I'm very anxious. I've had to go seek medical
9 help for anxiety. I can't sleep. I have had to put
10 extra locks in all our doors. I've had to call lawyers.
11 I've had to file restraining orders. Like, I was just
12 supposed to move in my house and start decorating and I
13 haven't even put anything on the walls. I don't want to
14 be there. Sorry. This caused marriage issues.

15 Q. Are you afraid of your safety?

16 A. Yes. My kids want to move back to their old house.
17 They don't like it. Sorry. It's just uncalled for,
18 unnecessary behavior. I just wish that he would leave
19 us alone and stop harassing us. We'll deal with the
20 fence, county and DHEC and Duke with our fence.

21 Q. What are you afraid of going forward?

22 A. I'm afraid of the emotional damage he's already done to
23 myself and my children. I'm afraid he's never gonna
24 stop. And -- and I'm scared that he fits the profile of
25 someone doing something bizarre. He's got obsessive

1 behavior, victim mentality. He doesn't respect
2 authority, and now he's angry at us. Very angry at us,
3 And he apparently likes the First Amendment. So I know
4 he's got guns. I don't know if he's mentally unstable.
5 I'm scared for my safety.

6 Q. Anything else?

7 A. No, I just want him to leave this alone, and I know that
8 he's not going to do it unless we have a court order.
9 He's proved that because he's not -- it's not on his
10 property, or it's not our property. It's apparently his
11 property. I don't it's Duke's property. It doesn't
12 matter whose property it is, you're harassing us. He
13 all the way till 10 o'clock at night. At night, he's
14 filming me. I go to lock my door on the 30th at 10 P.M.
15 he's with his shirt off, standing in the road looking at
16 me through my front door. That's when I text the
17 sheriff. What else is he doing besides trying to
18 intimidate me and scare me? I am worried that my
19 husband's gonna get angry and do so like I'm just --
20 it's got to stop.

21 MR. HAYES: Please answer any other questions they
22 have for you.

23 THE COURT: Thank you, Mr. Hayes. Mr. Greeley?

24 C R O S S E X A M I N A T I O N

25 BY MR. GREELEY:

1 Q. Ms. Selzer, you first talked about the day that he was
2 out in the water and all his dock, yeah, in July?

3 A. Yes.

4 Q. And you said that was July, the 21st; that you recall?

5 A. Yes.

6 Q. Do you remember the next Sunday when your husband and
7 your son swam over to him while he was outside swimming
8 at his dock?

9 A. That's, I believe, the same day.

10 Q. Okay. So that was actually the same day?

11 A. Yeah. They had this -- yeah, to swim away once he
12 started yelling.

13 Q. But they swam over to him that day; right?

14 A. I think, or back.

15 Q. Wasn't that day one -- one of the things that occurred
16 that day was that somebody actually drove their one of
17 these water vehicles. I'm not sure it was something
18 else between his pier and where they were in the water.
19 In other words, came zipping through between them and
20 the pier, and he yelled at them about that? Is that one
21 of the things that you do you recall that?

22 A. No.

23 Q. Okay. You didn't know this guy before you moved there;
24 correct?

25 A. No.

1 Q. Okay. And the you said on the, I may have it wrong, I
2 think it was the 22nd. You said that you put -- you
3 locked your children in their room; is that correct?

4 A. Yes.

5 Q. Okay. And you said that that was the second time that
6 you locked -- at some point, you testified that this was
7 the second time "I had locked the children in their
8 room."

9 A. That's the 28th. The 22nd and the 28th.

10 Q. All right. And so on the 22nd which means that the time
11 before the 22nd would have been the (inaudible);
12 correct?

13 A. I said, I locked my kids in twice on the 28th.

14 Q. Right. The 22nd and the 28th?

15 A. Yeah.

16 Q. Okay. So on September the 22nd the children had not
17 lived there 30 days, but you felt you needed to lock
18 them in their room because of my client?

19 A. Absolutely.

20 Q. And so that was a big impact on the children to fear
21 him, wasn't it?

22 A. Yes.

23 Q. Okay. And then you had you locked the children in their
24 room again on the 28th; is that correct?

25 A. Yes.

1 Q. Okay. And the children would have believed that they
2 needed to be locked in that room because he was such a
3 bad person; correct?

4 A. Yes.

5 Q. Okay.

6 A. They need to know to be fearful of him and when he's
7 approaching them to get inside.

8 Q. Right?

9 A. Yes.

10 Q. Okay. And have you ever seen him assault anybody?

11 A. I've seen him yell and scream at people. What is
12 assault (inaudible)?

13 Q. Okay. Have you ever seen him physically assault
14 anybody?

15 A. Physically? No.

16 Q. Did you ever hear him say anything unkind to your
17 children?

18 A. I'm not. No.

19 Q. All right.

20 A. He hasn't had the opportunity because I locked them
21 away.

22 Q. I understand. Okay. And did you -- you said -- you
23 testified before that you didn't know what he would do;
24 correct?

25 A. Correct.

1 Q. Okay. And so since you didn't know what he would do,
2 you thought about the worst things that he could do?

3 A. That's -- that's what a mother does.

4 Q. I understand. But you acted on those as well; didn't
5 you? You locked your children in the room; correct?

6 A. Yes.

7 Q. You acted on the worst possibilities of my client?

8 A. And -- and also, let me add that, since we've been there
9 and have gotten to know other neighbors. I have my
10 anxiety got worse because every other neighbor ---
11 Again, so yeah, I'm not just randomly thinking he's a
12 big bad guy. I'm getting told he's a bad guy by every
13 person I talk to. Do you know any crimes other than
14 what y'all alleged for, the trespassing that he has been
15 arrested for?

16 A. Not rested for.

17 Q. Okay. And do you know how long his family has actually
18 lived there?

19 A. No.

20 Q. And to this day, you still really don't know him, do
21 you, except for the interaction that you've had with
22 him?

23 A. I know all I need to know about him.

24 Q. I understand. And would you agree with the statement
25 that it's best for moms to expect the worst from people

1 they don't know to protect their children?

2 A. I don't know what you mean by that.

3 Q. Listen to it real close. Do you believe that moms
4 should expect the worst from people who they don't know
5 when it comes to their children?

6 A. No.

7 Q. Okay. Would you agree that your fence blocks public
8 access on the shoreline?

9 A. No.

10 Q. Let me show you what's been marked as exhibit number
11 three, and please look at that fence. The black metal
12 fence. Was that put up by the fence builders, or did
13 y'all add that to it yourself?

14 A. We added that.

15 Q. Okay. Where'd you buy that, Lowes?

16 A. I don't know.

17 Q. Okay. But y'all added that yourself; correct?

18 A. Yeah.

19 Q. The fence builders who contracted to build the big
20 wooden fence stopped where the wooden fence stopped;
21 correct?

22 A. Yes. And, and he told us we'd take it down when he came
23 back, that we had several weeks to train our dog.

24 Q. Okay. But y'all were the ones that extended the fence
25 into the water?

1 A. Yes.

2 Q. Does it have a dog wire on it where ---

3 A. No.

4 Q. Okay.

5 A. And the other neighbors don't mind that who are actually
6 on the other side of the fence. Nobody cares about the
7 fence, (inaudible) Steve, which is obsessive again.

8 Q. And so you -- how long has that fence been there now?

9 A. Month, two months, we talked to the guy before we got to
10 court, and I said, "Are we cooperating with you and
11 everything we're supposed to do?" He said, "Yes." I
12 thought he was supposed to be here today.

13 MR. GREELEY: Okay. Thank you. I don't have
14 anything further.

15 THE COURT: Thank you. Mr. Greeley, Mr. Hayes.
16 Thank you, ma'am. You can have a seat. You have any
17 other witnesses you want to call it this time only, if
18 we know that they will put up my case you don't plan to
19 come. Okay, alright, yeah, they can. They can come in.
20 Is okay, let's -- let's take about five minutes. Okay.
21 And everybody take a break, and we'll get started back.

22 (OFF THE RECORD)

23 THE COURT: Mr. Greeley, call your first witness.

24 MR. GREELEY: Your Honor, I will call Mr. Eddie
25 Broom (phonetic).

1 THE COURT: All right. Sir, please come, please
2 come forward be sworn.

3 Whereupon,

4 EDDIE BROOM

5 is duly sworn and testifies as follows:

6 THE COURT: Please have a seat. Answer any
7 questions that Mr. Greeley has for you.

8 D I R E C T E X A M I N A T I O N

9 BY MR. GREELEY:

10 Q. Mr. Broom (phonetic), please state your full name for
11 the record.

12 A. My full name is Boyce Elliot Broom (phonetic) the third.

13 Q. And what do you do?

14 A. I'm a code enforcement officer of York County.

15 Q. How long have you been a code enforcement officer for
16 York County?

17 A. I have been with county the for 21 years, 14 of those
18 have been as code enforcement officer.

19 Q. And what essentially do you do with code enforcement
20 office?

21 A. We're complaint driven department, and I enforce the
22 zoning ordinance.

23 Q. And that also includes property that's located along
24 Lake Wiley?

25 A. Yes.

1 Q. So you've done that for a number of years? You've got
2 experience with Lake Wiley? I will say, you need to
3 answer for the recording.

4 A. Yes, sir.

5 Q. Okay. You received a complaint, I believe, in regards
6 to [REDACTED] Windswept Cove, which is owned by Mr. And Mrs.
7 Selzer; is that correct?

8 A. That's correct. On October 8th.

9 Q. The complaint was on October the eighth?

10 A. That's when I received it.

11 Q. Okay. And I want to show you, and I would like to have
12 this group as number one, and take your time with this.
13 I want you to look at these documents first after you've
14 looked at them, these are general documents from the
15 York County site. After you've had time to look at each
16 one of these, let me know. Okay. This would be Defense
17 number one this group. All right.

18 THE COURT: Well, we'll use -- we'll use letters,
19 so we'll go ahead, or this would be A.

20 (Whereupon, Defendant's Exhibit A is marked for
21 identification)

22 BY MR. GREELEY:

23 Q. Have you, you've had a chance to look at those. Can you
24 tell the court what you had viewed there?

25 A. This is York County property report from our GIS site.

1 Q. And is that of the property that you went to inspect?

2 A. Yes, sir.

3 Q. Okay. Go ahead.

4 A. Some aerial photos from our GIS site with the property
5 lines highlighted.

6 Q. Okay. And that is of the property you inspected?

7 A. Yes, sir.

8 Q. Okay.

9 A. And this looks like to be a survey from 1985.

10 Q. Way back.

11 A. And it's like a plat.

12 Q. Okay. And is that from the county as well? The
13 document?

14 A. Yes, sir.

15 MR. GREELEY: Your Honor, I would like to move at
16 this time for this collection of documents to be defense
17 exhibit A.

18 THE COURT: Mr. Hayes?

19 MR. HAYES: No objection.

20 THE COURT: They will be received without objection
21 as a defense exhibit A. And just for the record, we
22 have the property report, the GIS photos and the survey
23 and plat all A.

24 BY MR. GREELEY:

25 Q. Now I also would like for you to look at this, if you

1 would, Mr. Broom, and this is going to be marked in it's
2 one sheet of paper, and it will be marked as Defense B.

3 Okay. Do you recognize that? What is that?

4 A. This is a notice of violation.

5 Q. And to whom was it sent?

6 A. Dustin Steven Selzer at [REDACTED] Windswept Cove.

7 Q. Okay. And was that following your inspection of the
8 property there?

9 A. Yes.

10 Q. And so was this your result?

11 A. It was.

12 Q. Okay.

13 A. But it's -- it's also -- it was, it's still under the
14 building official to determine the structure, if it's a
15 structure just gonna be a regular residential fence.

16 Q. Okay.

17 A. So it's still ongoing as far as ---

18 Q. Okay. But that was the result of your inspection?

19 A. Yes.

20 Q. Okay. Now that's that is Defense B.

21 THE COURT: Any objection?

22 MR. HAYES: No objection.

23 THE COURT: All right. Received without objection,
24 as Defense B.

25 (Whereupon, Defense Exhibit B is marked for identification)

1 BY MR. GREELEY:

2 Q. I would ask if you would to above the compliance due
3 date, you don't have to go into that. Okay. If you
4 would read the first paragraph and the result that you
5 have there

6 A. Above this right here?

7 Q. Yes, that part.

8 A. Dear Dustin Steven Selzer,
9 This letter serves as official emergency subject.
10 Property under your ownership was found to be non-
11 compliant with the York county code of ordinances.
12 After receipt of a complaint, a site inspection was
13 performed, and it was determined that the property is in
14 violation of the following reference code sections.
15 Violation 1558 49 use of repairing buffer and violation
16 two is International Building Codes required action
17 correct violation on both.

18 Q. And then the second one has to do with the seven foot
19 fence?

20 A. Yes.

21 Q. Okay. All right. Now what I want you to talk about, if
22 you would, is I'm going to show you what's been marked,
23 of course, as Defendants Exhibit A and would you look at
24 these photos in that package there? And do those show
25 the property lines of the property?

- 1 A. They show a GIS input, which aren't going to be 100
2 percent correct satellite image. So it's not going to
3 be exactly where the lines will be in reality.
- 4 Q. But it's close, isn't it?
- 5 A. There's within a meter.
- 6 Q. Within a meter? Okay. And look at the other one. Look
7 at all of those. Okay. And so the property of the
8 Selzers is the property that is highlighted; is that
9 correct?
- 10 A. Correct.
- 11 Q. Okay. That's what would appear on their deed as their
12 property; is that correct?
- 13 A. Yeah.
- 14 Q. Okay. Why does their property not go to the lake
15 shoreline?
- 16 A. There's a 50 foot buffer, and that's mainly enforced by
17 Duke, but we -- we do some zoning enforcement on the
18 buffer as well.
- 19 Q. Okay. And that 50 foot buffer, what -- what is that
20 called? I mean, is there a particular name?
- 21 A. Riparian buffer.
- 22 Q. Okay. The riparian buffer. All right. And who
23 actually is the owner of the riparian buffer?
- 24 A. Duke Energy.
- 25 Q. So the person who buys a lake house, their property is

1 not necessarily going to run all the way to the water;
2 is that correct?

3 A. Yes.

4 Q. Okay. Now you talked about in your first when you gave
5 the notice of violation in the first one regarding the
6 riparian barrier. What was wrong with that?

7 A. Well, let me correct myself too. The property is still
8 owned. It's more like an easement, almost like a Duke
9 Power has a 50 foot easement around the lake.

10 Q. Right.

11 A. So it's the property still owned by the property owners,
12 but the easement is supposed to be like a power line.

13 Q. Is it a public access area? What was wrong with their
14 you said it was a violation of the buffer. How was it
15 violated?

16 A. It's only gonna be a violation of the building, official
17 deeds of the structure, the fence has not it's still,
18 you know, under review from zoning.

19 Q. My question, though, is, what does it mean to violate
20 the riparian buffer? Can somebody block that?

21 A. If a structure has been built in the buffer, and then
22 that's gonna be a violation.

23 Q. Okay. In the buffer if you build a structure?

24 A. Correct.

25 Q. Okay. Can somebody block the buffer?

1 A. That's a big thing. I don't know how to answer that
2 question.

3 Q. Okay. Are people allowed to walk down the buffer there?

4 A. (Inaudible).

5 Q. Okay. All right. That's fine, but you did find in this
6 particular case when you inspected it that the riparian
7 buffer had a violation?

8 A. The fence was built within the buffer.

9 Q. Right. It's not supposed to be, right?

10 A. If it's deemed a structure, it's not supposed to be if
11 it's named the fence, then he can get a buffer permit.

12 Q. But he would have to get a buffer permit?

13 A. Correct.

14 Q. And who would he get that from?

15 A. Zoning.

16 Q. Zoning of the county. So y'all do regulate whether you
17 -- whether you do the buffer or not?

18 A. (Inaudible) asking the people have the right to walk
19 down public access.

20 Q. Okay. All right. But what do these on these -- what
21 does that blue line on this property on this picture
22 show?

23 A. Property.

24 Q. That's the property line.

25 Q. Okay. Whose property line?

1 A. The Selzers. Between the Selzers and Duke.

2 Q. Okay. Between the Selzers and Duke, right? Answer any
3 questions Mr. Hayes may have for you.

4 C R O S S E X A M I N A T I O N

5 BY MR. HAYES:

6 Q. So once Mr. Patton makes the complaint to you, York
7 County takes over from there; correct?

8 A. Yes.

9 Q. He doesn't need to assist you in your investigation,
10 does he?

11 A. No.

12 Q. You can take it from there. Once you tell Mr. and Ms.
13 Selzer, what they need to do, they have a certain amount
14 of time to become -- to come into compliance; is that
15 correct?

16 A. That's correct.

17 MR. HAYES: Okay. All right. No further
18 questions.

19 THE COURT: Anything else?

20 R E D I R E C T E X A M I N A T I O N

21 BY MR. GREELEY:

22 Q. And you received your complaint on October the eighth;
23 is that correct?

24 A. That's what I received. Yes, sir.

25 MR. GREELEY: Thank you.

1 THE COURT: Can this witness be excused?

2 MR. GREELEY: I move that he be excused.

3 All right. Thank you. Mr. Greeley?

4 MR. GREELEY: Yes. Thank you. I call Mr. Patton
5 to the stand.

6 THE COURT: Sir, please come forward to be sworn.
7 Whereupon,

8 JAMES PATTON,
9 being duly sworn testifies as follows:

10 THE COURT: Please have a seat and answer any
11 questions that your attorney has for you.

12 D I R E C T E X A M I N A T I O N

13 BY MR. GREELEY:

14 Q. Mr. Patton, please state your full name for the record.

15 A. James Stephen Patton.

16 Q. What's your address sir?

17 A. [REDACTED] Windswept Cove Road, York, South Carolina.

18 Q. How long have you actually lived there as a resident
19 this time?

20 A. Moved there in June of '21 permanently.

21 Q. Permanently. That's when you took permanent residence?

22 A. Yes.

23 Q. And did you help with the property prior to that time?

24 A. Yes.

25 Q. Who was in the property prior?

1 A. Who was in the property?

2 Q. Yeah.

3 A. It was a family recreational property. You stayed there
4 intermittently. I lived there at one point prior to
5 this, maybe two or three -- two or three years, but
6 mostly we stayed for weekends, holidays. Went down
7 during the week. It was an intermittent vacation/
8 recreation home.

9 Q. Of your family?

10 A. Correct.

11 Q. Do you know when your family acquired it?

12 A. From 1985.

13 Q. So you've been familiar with that property for a number
14 of years?

15 A. Yes, sir.

16 Q. And what do you do for a living?

17 A. I'm an entrepreneur. I have two businesses.

18 Q. What are they? What do you do?

19 A. Industrial distribution of mechanical fasteners. My
20 other business is amusement train company. We supply
21 amusement trains, track, associated equipment.

22 Q. What type of trains is that? Like Southern Railway?

23 A. No, they're people would call them miniature. You'd
24 find them in an amusement park, a zoo, a municipal park,
25 a farm, somewhere like that.

1 Q. And where do you -- what is your market? Is it -- what
2 size is your market?

3 A. Size?

4 Q. Yeah.

5 A. International.

6 Q. Okay. So you -- you sold everywhere. Sold -- sold
7 overseas?

8 A. Yes.

9 Q. Do you work at your house sometimes?

10 A. Yes.

11 Q. Do you also have another facility?

12 A. Yes.

13 Q. Where is that

14 A. It's in Matthews, Indian Trail, Charlotte metro area.

15 Q. What is that?

16 A. It's a 20,000 square foot warehouse with storage and
17 light assembly area.

18 Q. How long have you had that company in Matthews?

19 A. Industrial distribution company, I think, about 12
20 years, and the train business about six years.

21 Q. Now, I want to ask you about in June of 2024 this year,
22 the Selzers purchased the property that is next door; is
23 that correct?

24 A. Yes, sir.

25 Q. And they moved in around August the 30th of 2024; is

1 that correct?

2 A. Yes.

3 Q. Did you have limited contact with them during the period
4 that they were doing the renovations?

5 A. Yes.

6 Q. Okay. What was some of the contact that you had during
7 that time? I think one had to do with your truck?

8 A. Yep, it did.

9 Q. Tell the court what contact you had during that period
10 of time with the Selzers.

11 A. Okay. Well, I did not know at first that they had
12 purchased the property on June 7. It was not ever on
13 the market, to my knowledge. And so I found out about
14 it sometime late June, early July, I think when I first
15 met Mr. Selzer out in the road, right of way. The
16 previous owner of their property had closed the circular
17 driveway sometime prior to that and put a obstruction
18 with, you know, bushes across that area, and my truck
19 was parked in the road right of way. Which is not,
20 which is, you know, not owned by us or the Selzers or
21 the previous owner.

22 Q. Who would that be owned by?

23 A. Well, I'm not sure the synonym of Duke Energy.

24 Q. Okay. Duke Power. Okay, and so you were parked there?

25 A. Yes.

1 Q. Was that okay for you to park there?

2 A. Yes, sir.

3 Q. Okay. How long did you park your truck there before the
4 Selzers bought the property?

5 A. I don't remember. I don't remember how long.

6 Q. A decent period of time?

7 A. Yes, it was an older truck. It was my father's truck.
8 It has transmission problems. I had recently bought a
9 new truck. I can't remember exactly the date. Sometime
10 in I think, April or May, I purchased a new truck. And
11 I've got some other vehicles in the driveway. We do not
12 have a circular driveway, so, you know.

13 Q. And so it actually was not a truck that was running at
14 the time?

15 A. Correct.

16 Q. And you had conversations, Mr. Selzer, about moving that
17 truck?

18 A. Yes, sir.

19 Q. Okay. What'd you do?

20 A. I moved it that day. We had the discussion.

21 Q. And did he go forward and get his -- get his driveway
22 done?

23 A. Yes.

24 Q. In fact, did you get anything done with the contractor
25 who did his driveway?

1 A. I did.

2 Q. What do you do with his -- what do you do with the
3 contractor that had done his driveway?

4 A. We have a boat launch on our property, and the boat
5 launch needed some repairs. And so the contractor that
6 Mr. Selzer had gotten had brought in gravel and had an
7 excavator. So I, you know, Dustin told me that, you
8 know, we were in on good terms. And Dustin said, you
9 know, if you want to have them, I'll let you know when
10 it comes down.

11 And so, you know, he came down same day, I believe
12 it was. And he brought a trailer load of crushed run, I
13 believe it is, and spread that down to smooth out our
14 launch. The launch had collapsed partially because of
15 the erosion from boat wakes.

16 Q. How much did you pay the contractor; do you recall

17 A. I think it was \$900.

18 Q. And then on Labor Day in September, what if anything did
19 you do?

20 A. Well, the Selzers had just moved in the prior Thursday
21 or Friday, I believe it was, and so I wanted to take
22 them a welcome gift and also a Labor Day type thing. It
23 was afternoon, so I walked over there and took a cake,
24 Happy Lake Life, cake and Tillamook ice cream, cookies
25 and cream.

1 Q. How did you go to their house that day?

2 A. That was September 2nd, I think I walked on from the
3 road right of way down their driveway and through the
4 gate on our side of their home, because I knew they were
5 out there. I could hear them out there. I'd seen them
6 out there before earlier that day. And -- and Kera, his
7 mother and father, stepfather, were -- were out there,
8 as were the kids, Ferris and Savannah. And so it was
9 those six, and when I brought the cake and ice cream
10 over, they invited me to sit down. We all had cake and
11 ice cream. We talked for, I don't know, 30-45 minutes.
12 We actually, I think Kera took a picture. Somebody took
13 a picture of all of us together.

14 Q. And eventually, did you go back to your house?

15 A. Yep.

16 Q. Back in July, some point, were you swimming with
17 Mr. Selzer and his son?

18 A. Yes.

19 Q. Okay. What was that about?

20 A. I was swimming out directly out in front of our pier. I
21 don't know, 75 feet out maybe. I don't know exactly how
22 far. And my jet ski was anchored out there, and Dustin
23 and his son Ferris came swam over from their dock, and
24 we were out there talking. And I don't know how long
25 they were out there, maybe 15 minutes.

1 And at that time, a boat did come between, a wake
2 boat came between us and the pier, which is in violation
3 of the 50 foot no wake zone. And it's dangerous, very
4 dangerous, and there's over 1000 feet from our dock to
5 the other side, so it's not necessary.

6 Q. And did you yell?

7 A. I did.

8 Q. At that person?

9 A. Absolutely.

10 Q. And is it there a 50 foot no wake zone on the lake as a
11 whole?

12 A. Correct. From any pier, dock, moored boat or anchored
13 boat, or any swimmer.

14 Q. Okay.

15 A. There's a 50 foot no wake zone.

16 Q. That is very particular. Do you know that rule?

17 A. I do.

18 Q. And have you tried to have an understanding of most of
19 the rules and regulations of lake life?

20 A. I have.

21 Q. Okay. Let me ask you this, what is full pond mean?

22 A. Full pond is 569.4 feet above sea level.

23 Q. Okay.

24 A. Some people call it the 570 rule, or elevation. That is
25 where the water theoretically would flow over the dam on

1 the south end of the lake.

2 Q. Okay. And do you check that from time to time?

3 A. I do. I have an interest in the water level.

4 Q. You have an interest in the water level. Why?

5 A. Because it I like to see what it's doing to our docks
6 and how it -- how it is in relation to the seawall and
7 the -- the piers, as well as the riparian buffer.
8 Starts at the full pond contour.

9 Q. I want to show you, first of all, real quick. I'm going
10 to show you. You have -- I'm showing you a picture
11 here; is that correct?

12 A. Yes.

13 Q. That picture -- when was that picture taken?

14 A. January 20, 2024.

15 Q. Now this is before the Selzers bought this property?

16 A. About five months, yes.

17 Q. Okay. And who took that picture?

18 A. I took the picture.

19 Q. Okay. And of course, there's no leaves on the trees; is
20 that right? It is January. Why did you take that
21 picture?

22 A. Because I wanted to see where the water level was in
23 relation to the property line. The property line is
24 marked by the stake on the very far left side. You can
25 see it in the bottom left quadrant.

1 Q. Yeah.

2 A. And the lake level there was probably about 99 percent.
3 That's the first picture.

4 MR. GREELEY: I move that this be C.

5 (Whereupon, Defendant's Exhibit C is marked for
6 identification)

7 BY MR. GREELEY:

8 Q. That's the first one. What's the second one?

9 A. Second picture is, is on our property, looking straight
10 -- straight across the water line, where the property
11 line, the imaginary property line, would be there. The
12 property line goes from right here, where the stake is
13 right under my finger. You saw where it was before,
14 right there. And from that point there, it goes over
15 here, and then it goes along here, and then over to
16 these trees.

17 Q. All right. Okay.

18 A. And then the third picture?

19 Q. Yeah.

20 A. The third picture is taken from what I call the sandbox
21 at this time. It's not dated, but I'm assuming it was
22 the same time, January 20th. That was when the Walkers
23 owned the property, and I was standing on the sandbox,
24 which is on Duke Energy property, photographing the --
25 photographing the sand the beach over there.

1 MR. HAYES: Your Honor, I object. It all this
2 testimony seems to be more regarding whether he's
3 trespassing or not -- not whether he's harassed my
4 clients. I mean, I think it needs to do. We need to
5 get somewhere with it. I think it's irrelevant, really,
6 to this issue.

7 THE COURT: Well, I think I know where you -- Mr.
8 Greeley, is going with it, but you can respond.

9 MR. GREELEY: But Your Honor, what we've got is
10 I've got prior things that he was doing, he was doing
11 the same thing, and he's been accused of doing wrong
12 stuff. And he's doing the same thing, and we're going
13 to have three sets of things that were prior to them,
14 even owning the property of that year. And I want court
15 be able to see that goes towards the legitimate purpose
16 that's in the statute. Okay?

17 THE COURT: Overruled.

18 MR. HAYES: I do want to object too about him
19 testifying where the property lines are. He's not --
20 he's not from the county. He's not with GIS. He can't
21 testify to where the property lines are. And again,
22 this is, we're not here on trespassing. We're here on
23 whether his conduct is harassment or not, and whether
24 (inaudible).

25 MR. GREELEY: Right. And this gets back to a

1 legitimate purpose, and it not being harassing.

2 THE COURT: Well I think, well, I'm gonna allow it,
3 just because I think that on your client side, they were
4 able to testify with regard to what their belief was as
5 to the property line. So I'll allow him to testify to
6 the same and ultimately, I'll make a decision. I will
7 allow it.

8 MR. GREELEY: We'll go through these quickly. I'm
9 going to show, make this exhibit C.

10 THE COURT: This would be as and I know, I think,
11 and I know you objected to the testimony, but any
12 objection to the exhibit?

13 MR. HAYES: I haven't seen it, Your Honor.

14 THE COURT: All right. I'll receive it as a
15 Defense C. There are three photos. Dated 1/20/2024.

16 MR. GREELEY: And in fact, I'm going to cut down on
17 my numbers that I will use to make the point. Thank
18 you.

19 BY MR. GREELEY:

20 Q. I want to show you -- what is this? Counsel -- that --
21 tell me what that is?

22 A. That is a Duke Energy website that tracks the water
23 level, the water level at a specific date and time, and
24 it references the full 100 percent which is 99.9 is just
25 below the 100 percent which is 569.4 which is 100

1 percent of full pond.

2 MR. GREELEY: I would move for that to be E, Your
3 Honor.

4 THE COURT: Any objection, Mr. Hayes?

5 MR. HAYES: No objection, Your Honor.

6 THE COURT: Received without objection. This is
7 three pages, Exhibit D.

8 BY MR. GREELEY

9 Q. And if you can identify what this photo is? Would you
10 identify what that is?

11 A. This is a photo that I took on Sunday June 2, 2024 at
12 5:27 P.M. sitting on the -- the stone wall that's on
13 Duke Energy property, facing the lake.

14 MR. HAYES: I object to him testifying to what
15 property this is on, and we've already established that
16 he's not capable of doing so, Your Honor.

17 THE WITNESS: Just, can I answer?

18 MR. GREELEY: Remove that? No, we're not
19 (inaudible) about that.

20 MR. HAYES: We put that into evidence so ---

21 THE COURT: Well, wait a minute. This is not, this
22 is not into evidence yet.

23 THE WITNESS: Okay. This will be me sitting on the
24 wall.

25 MR. GREELEY: So you're sitting on the wall? And

1 that was before the Selzer's owned the property?

2 THE WITNESS: Correct.

3 MR. GREELEY: This would be we've moved this as E.

4 THE COURT: All right. Let me mark that.

5 (Whereupon, Defendant's Exhibit E is marked for
6 identification)

7 BY MR. GREELEY:

8 Q. Let's go on and go to after Labor Day, September, the
9 second. Okay?

10 A. Okay.

11 Q. What if anything did you have any concern at all in
12 regards to the fence that was being built?

13 A. Yes.

14 Q. What -- tell the court what your concern was.

15 A. So my concern was the height, the fact that it obstructs
16 the view. It's a violation of the riparian buffer. It
17 also goes on to what I believe to be Duke Energy
18 property, as well as the metal fence goes into the
19 shoreline, which that involves the Department of Natural
20 Resources, obstructs the water, depending on the water
21 level.

22 Q. Well, you know, the fishermen have the right to fish off
23 of somebody's beach?

24 A. Yes, sir.

25 Q. And if somebody wanted to come and fish off of the

1 Selzer's beach -- sandy beach there, would they have the
2 ability to do that?

3 A. Yes.

4 Q. Now I want to show you some pictures here. Okay. Would
5 you look at these and see if you recognize this?

6 A. Yes.

7 Q. What were those -- who took those pictures?

8 A. I took these pictures.

9 Q. Do you remember when you took those particular pictures?

10 A. I believe I took those on the morning of September 28th.

11 Q. Is that the day that you were arrested?

12 A. Yes, sir.

13 Q. Okay. Now you took those on September the 28th. Why
14 were you taking those pictures again?

15 A. Because I was looking, I was wanting to document the
16 full pond contour, how high the water level was. That
17 was the day after Hurricane Helene had come through. We
18 had lost power for seven hours. This was about 9:10 to
19 9:15, in the morning, and the water level had was
20 greatly elevated. It was about 99.43 percent so it was
21 within six -- six or eight inches of full pond contour.

22 Q. That means going over the dam down there?

23 A. Almost, yes. Yep. And this, this first picture is me
24 standing on our property, documenting the water land
25 line, the water level at our on our sea wall.

1 Q. Okay. Let me ask you this. Why did you go and do this
2 that, well, you said this was the day after, right?

3 A. Yes.

4 Q. Did you know whether or not the Selzers were home?

5 A. I did not know, but there were no when I walked my dog
6 earlier that morning, there were no vehicles in the
7 driveway, and that historically, they had parked their
8 vehicles in the driveway when they first moved in. So I
9 felt like there was nobody there. I didn't want to have
10 a confrontation. So I wanted to do that when nobody was
11 home. I wanted to document this. And the wall had been
12 built. It had been completed at that time in the
13 riparian buffer.

14 Q. All right. And so was this the first time you had the
15 opportunity to take picture of the wall in the riparian
16 buffer?

17 A. Well, I mean, the wall is, I can see it from our
18 property. I can take that, but from the other side,
19 it's hard to get a picture of it.

20 Q. Would you go there to harass your neighbors, and the
21 children -- harass the children, harass Ms. Selzer?

22 A. No, absolutely not.

23 Q. All right. So those were the pictures that you took?

24 A. That's correct. This one was about 9:13 A.M., before I
25 left our property.

1 Q. And there was -- you were engaged by the Selzers when
2 they saw you there; correct?

3 A. I was engaged by Kera Selzer, right. And I was frankly
4 surprised I was by that. There's more pictures.

5 Q. Go ahead, you need to identify each and every one.

6 A. So this picture is, you see the tree here, these two
7 trees. This is me standing next to the tree that's
8 right in front of our property stake taking a picture of
9 the water line.

10 UNIDENTIFIED SPEAKER: (Inaudible).

11 THE COURT: Sir, please don't interject anything.

12 BY MR. GREELEY:

13 A. You can see the property line stake. This is the stake
14 that my dad had surveyed in 1985. And there was a
15 survey done by the previous owners, the Walkers, on
16 November 22nd and these pink flags were put by their
17 surveyor. So I know for a fact that is the property
18 line, the boundary. So this part of the fence is on
19 Duke Energy property.

20 Q. To your belief?

21 A. To my belief, correct. So I have not gone off of our
22 property at this point. Now in between the two trees,
23 and again, I'm documenting the water -- the water line.
24 It's almost full pond contour. You can see how high it
25 is regarding the bottom of the pier.

1 Again, another picture right next to the tree. On
2 Duke Energy property. What I believe is Duke Energy
3 property. Now I'm standing in the sandbox on our side
4 of their pier, and I've taken a picture of the -- the
5 wall they built, which on which I believe is Duke Energy
6 property, and the fence they installed all the way down
7 into the water.

8 You can see it goes down to right there. And the
9 water would come all the way up to about here. It was
10 full pond. And then a more closer picture of the of the
11 same area. Now I'm standing on our side of their pier.
12 I never I did not get on their pier. That's the last
13 one, and there's a picture of the wall that I was
14 sitting on.

15 We saw a picture of before I was sitting right on
16 this edge on September 22 when the sheriff was called
17 the first time. Again, I'm documenting the water level,
18 and I'm documenting the fact that this has not been
19 removed. I mean, they had installed that, and they had
20 further installed the metal fence down into the water --
21 the shoreline. I think that's the last picture. Yeah.

22 MR. GREELEY: I would move to have these as F.

23 MR. HAYES: No objection.

24 THE COURT: There are one, two, three, four, five,
25 six, seven, eight photos exhibited.

1 (Whereupon, Defense Exhibit F is marked for identification)

2 BY MR. GREELEY:

3 Q. And now we'd like for you to look at two more and
4 identify those photos. Can you identify those two
5 photos?

6 A. Yes.

7 Q. What are they?

8 A. The first photo, I call this the sandbox. This is a
9 picture of me after I turned back around on December
10 28th and I'm going back, going to walk down between the
11 wall and the water back to our property. This is Duke
12 Energy property ---

13 MR. HAYES: Objection.

14 BY MR. GREELEY:

15 A. I am sorry. I believe it's Duke Energy property. And I
16 was on the sand -- what I call the sandbox. It was
17 about this time, if I remember that, that Kera came out.
18 I can't remember exactly when she came out, but she had
19 come out, and I had not taken any pictures or videos of
20 the house at all to that point when she came out and
21 started telling me to leave.

22 I addressed her at that point, and I did video. I
23 do have one video of that interaction. And then the
24 second picture is, as I'm moving to get I'm getting
25 ready to step off the sandbox and walk down the rocks,

1 riprap between the trees. I can't go over here. I have
2 to go between the trees. This is our pier.

3 Q. Okay.

4 MR. GREELEY: We'd move for this to be F -- G.

5 MR. HAYES: No objection.

6 THE COURT: Okay. Two photos, Exhibit G.

7 BY MR. GREELEY:

8 Q. Now on September the ninth, did you send Mr. Selzer the
9 the text that we -- he testified that you did?

10 A. Yes.

11 Q. Okay. Why did you send him that?

12 A. I sent it because of my concerns of the fence being
13 built in the riparian buffer and into the shoreline.
14 And we had talked about it the prior day, which I
15 alluded to in the text, when he confronted me while I
16 was walking down the shoreline. And I told him at that
17 time that the fault wall or the fence they were building
18 was -- was in violation, in my opinion, of the Duke
19 Energy shoreline and the riparian buffer, because it
20 wasn't on their property, also not on their property.
21 And so that was the interaction there.

22 And so I followed that up the next morning, in part
23 because they were not finished with the fence at that
24 point. They had the post up on the eighth on the other
25 side of the property, but the fence was not completed on

1 the eighth when I was over there.

2 Q. And so did you want to give them heads up before they
3 continued to build the fence?

4 A. Yes.

5 Q. That you believe they were in violation?

6 A. Yes.

7 Q. At any time did you have anything other -- did you have
8 any other motivation going on their property, taking
9 pictures other than your perceived violation of these
10 ---

11 A. The only other motivations -- the only other motive
12 would be for personal enjoyment and exercise down the
13 shoreline.

14 Q. Can you walk down the shoreline when the shoreline is
15 fenced?

16 A. No. Kind of hard.

17 Q. And had the shoreline been fenced prior their arrival --
18 had the shoreline been fenced prior to the Selzers
19 purchasing the property?

20 A. It was not there when they purchased the property, there
21 was no fence.

22 Q. There was no fence. You were able to walk down
23 shoreline?

24 A. Yes.

25 MR. GREELEY: Answer any questions Mr. Hayes has

1 for you.

2 THE COURT: Mr. Hayes?

3 C R O S S E X A M I N A T I O N

4 BY MR. HAYES:

5 Q. Mr. Patton, did you purchase the home?

6 A. No, sir.

7 Q. Did you inherit it or?

8 A. Yes.

9 Q. So you said it was family property was owned by your
10 father or extended family here?

11 A. Father, mother, mother and father, and then father, yes.

12 Q. You don't have any siblings.

13 A. Yes.

14 Q. You do?

15 A. Yes.

16 Q. Did you buy them out or anything?

17 A. No.

18 Q. Okay. You parked your truck in front of the Selzers
19 property; is that correct? For a while?

20 A. It was in the road right of way in front of their house.
21 I guess you would consider that, yes.

22 Q. And do you have a driveway?

23 A. Do I have a driveway? Yes.

24 Q. Do you have room to park your vehicle in your driveway?

25 A. Well, not without obstructing access to get in and out.

1 I have several trailers, three -- two trucks and another
2 vehicle.

3 Q. And so you decide to park the truck that doesn't work,
4 is what you said?

5 A. Correct.

6 Q. On the street in front of your neighbor's property?

7 A. Correct.

8 Q. Okay. You don't think that's a bit of a nuisance, just
9 to leave a inoperable truck in front of your neighbor's
10 house?

11 A. No.

12 Q. Not a nuisance?

13 A. No.

14 Q. Okay. Not a -- not an eyesore at all.

15 A. No, other than the transmission being (inaudible) the
16 truck is not an eyesore.

17 Q. Truck currently parked in front of your house is not an
18 eyesore?

19 A. No.

20 MR. GREELEY: I'm going to object that. I believe
21 he was asked to move it.

22 THE COURT: Overruled. You can answer. You can
23 answer. I can overrule you can answer the question.

24 BY MR. HAYES:

25 A. Can you repeat the question again?

1 Q. You don't think it's a nuisance to your neighbors to
2 leave your truck that doesn't work currently or not
3 permanently, because you did move it, but for an
4 extended period of time in front of your neighbor's
5 house?

6 A. I don't, no sir.

7 Q. And you didn't -- previously, the Walkers didn't have
8 any problem with it?

9 A. They didn't necessarily like it, not as far as I know.
10 I don't know what their thoughts are.

11 Q. They didn't like it? Why do you say that they didn't
12 like it?

13 A. Because they I mean, I can't read their mind. I don't
14 know.

15 Q. Because they've expressed to you they didn't like it;
16 correct?

17 A. They didn't like it.

18 Q. Okay. All right. And you got a 20,000 square foot
19 warehouse in Matthews?

20 A. Yes, sir.

21 Q. Okay. What about parking your trailer and your truck
22 that doesn't work up in there?

23 A. I can't park -- the warehouse is full, and there is no
24 fence in the in the yard, so I can't park there. It's
25 not secure.

1 Q. The ---

2 A. It's difficult to get, almost impossible -- I could not
3 get my trailers in the building because the angle of the
4 door.

5 Q. You have an extreme interest in your neighbor's
6 property, don't you?

7 A. No.

8 Q. You have a lot of pictures of your of your -- the buffer
9 area in front of your house?

10 A. Absolutely.

11 Q. Okay. Did you make a complaint to Duke on September the
12 eighth, September the ninth?

13 A. September the eighth, after a conversation with
14 Mr. Selzer?

15 A. No.

16 Q. No? You did not make a complaint to do ---

17 A. I made a complaint on September 11, not on September 8.

18 Q. Okay.

19 A. And September 8th was a Sunday.

20 Q. Okay. So you made a complaint to Duke on September the
21 11th. Did Mr. Selzer confront you about the complaint
22 that you made?

23 A. Definitely, yes.

24 Q. And did you at first deny making the complaint?

25 A. No.

1 Q. You acknowledged it?

2 A. Yes.

3 Q. Okay. And once Duke has the complaint, isn't it their
4 job to investigate it?

5 A. They can investigate it, but I have an interest in it
6 because it affects my ability.

7 Q. Do you work for Duke?

8 A. No, sir.

9 MR. GREELEY: Objection. Let him finish his
10 answer.

11 BY MR. HAYES:

12 A. I'm a Duke Energy stockholder, so I have a vested
13 interest.

14 Q. You're not a Duke employee, are you?

15 A. No, sir.

16 Q. They haven't imparted any duties to you to investigate
17 any complaints, have they?

18 A. No, sir.

19 Q. Okay. And your neighbors, the Selzers, had previously
20 on -- on the eighth had asked you not to come over or,
21 excuse me, they yeah -- they'd ask you not to come over
22 unannounced; correct?

23 A. I don't remember exactly what the discussion was, but
24 ---

25 Q. You don't remember being asked not to come over to that

1 property?

2 A. Dustin was not happy that I was on the -- the shoreline
3 on September 8th.

4 Q. And so in your response, on the and then he was very
5 explicit with you on the 11th after the complaint to
6 Duke was made, he didn't want any further contact;
7 correct?

8 A. I don't remember that specifically.

9 Q. But your response a couple weeks later was to go on what
10 you believe is Duke property, but sit in a bathing suit
11 on their retaining wall; is that correct?

12 A. I believe the retaining wall is on Duke property.
13 Matter of fact, I know where the survey lines are.

14 Q. Okay. But you don't think that your behavior bothered
15 them?

16 A. It might have bothered them.

17 Q. You weren't -- that wasn't your intent?

18 A. It was not.

19 Q. Why would you, why would you need to go sit in your
20 bathing suit on their seawall?

21 A. Because we don't have a beach and it's -- it's public
22 access beach.

23 Q. It's not public access, is it?

24 A. Yes, sir.

25 Q. Is it labeled public access beach?

1 A. Well, anybody has the right to be on the shoreline or
2 Duke or Duke property.

3 Q. And so you live on the lake, but you decide you're just
4 going to hang out in your bathing suit and swim and hang
5 out in your neighbor's front yard?

6 A. Anybody can swim -- anybody can swim anywhere in the
7 lake they want to. I also went down to the neighbors
8 beyond the Selzers, and there was no complaint filed by
9 them, to my knowledge.

10 Q. Okay. It was clear on the 22nd that they didn't want
11 you hanging out in front of their house, isn't it?
12 Police had to be called?

13 A. Yes, the sheriff's office was called.

14 Q. You didn't leave until the police asked you to?

15 A. That's correct.

16 Q. Okay. And then on 28th you returned, and Kera confronts
17 you about being again in their front yard?

18 A. She, in my opinion, she harassed me. I was not on their
19 property.

20 Q. I'm sorry. Go ahead.

21 A. I was not on their property.

22 Q. Do they maintain the sandbox?

23 A. I don't know.

24 Q. Had the Walk -- did the Walkers maintain it before that?

25 A. I assume they did. Yes.

1 Q. You lived there for awhile?

2 A. I didn't observe them. They blew the leaves off there.

3 Q. You don't know if they maintained the sandbox?

4 A. I'm not looking over there all the time.

5 Q. You're not? You take pictures all the time?

6 THE COURT: Ma'am, ma'am, please don't react.

7 Okay?

8 BY MR. HAYES:

9 Q. You're saying, don't observe the property all the time?

10 A. No, sir.

11 Q. Why do you take pictures constantly?

12 A. I don't.

13 Q. What do you call this? In January and June? What do
14 you call that?

15 A. Months apart.

16 Q. But constantly, continually, you're taking, I take
17 pictures of our property.

18 A. I take pictures of water. I take pictures of all sorts
19 of things, of the road right of way.

20 Q. And when confronted, your response was to take pictures
21 of her; correct?

22 A. When she is screaming at me and telling me to leave
23 property that's not theirs. I videoed it, yes. I told
24 her that it was not their property, that their property
25 line is behind the stone wall.

1 Q. That's your belief?

2 A. That's my belief.

3 Q. And she confronted you and you continued to take
4 pictures of her?

5 A. I videoed the interaction. I was documenting her
6 telling me to leave, which I believe is harassment.

7 Q. And then you were subsequently arrested; correct?

8 A. Yes, sir.

9 Q. And then two days later, you're filming Kera and her
10 family again; were you not?

11 A. From my property.

12 Q. With the intent of harassing?

13 A. No, absolutely not. To document her videoing me on my
14 property.

15 Q. You're not standing on the other side of the fence
16 videoing it and photographing it in the middle of the
17 night?

18 A. No.

19 Q. This is not you on the other side? That's not your
20 camera phone through there?

21 A. I don't know what that is. I have lights on the house.
22 I have a dog. I have a flashlight when I go out with
23 the dog.

24 Q. Sitting on that side of your truck filming?

25 A. That's right next to my house. That's correct. I was

1 not.

2 Q. That's a that's a phone light coming through the fence,
3 isn't it?

4 A. I can't tell what it is we have how we have 12 like,
5 spotlights on our house, and I have a flashlight I take
6 my dog out.

7 Q. Okay.

8 A. I mean, I was on my property.

9 Q. After being told not to have any contact with them?

10 A. I wasn't contacting them.

11 Q. Just filming her in her yard; correct?

12 A. Filming her in her yard when?

13 Q. There on the camera in the photo, you're filming them as
14 they drive by, you're filming them as they're standing
15 in their yard behind your truck, filming them -- why
16 they -- why the need to film them all the time?

17 A. I'm not filming now all the time I was standing there
18 listening to a radio, my music on the phone. The other
19 picture of me on my dock where I had the phone up there
20 was listening to music.

21 Q. Did you tell Mr. Selzer when he first bought the
22 property that he got the house because, basically,
23 because of you?

24 A. No.

25 Q. You didn't?

1 A. No.

2 Q. Okay.

3 MR. HAYES: I have no further questions, Your
4 Honor.

5 THE COURT: Mr. Greeley?

6 MR. GREELEY: You might come down. Thanks, sir,
7 you can have a seat.

8 THE COURT: Anything further, Mr. Greeley?

9 MR. GREELEY: No, Your Honor.

10 THE COURT: We're going to proceed with closings at
11 this time.

12 MR. HAYES: Your Honor, you heard the testimony
13 here of the Selzers, not more than a couple months after
14 moving into the home. They've had enough interactions
15 with Mr. Patton to the point where my client has
16 testified that she's had to get anxiety and medication
17 to go to the doctor because the neighbor Mr. Patton will
18 not stop pestering him. Though he's made he's
19 acknowledged making complaints to Duke and to the
20 county, and that's where his involvement should end.
21 Your Honor. Him continuing to come onto their property
22 again, we're not litigating whether he's trespassing or
23 he's been charged with it, but that's not really the
24 issue today.

25 But his behavior is a pattern of behavior that is

1 unreasonable. Is intentional. It was intended to
2 harass the Selzers. And it did, in fact, cause them a
3 great deal of distress that they testified to. And I
4 think that it rises to the level of harassment,
5 certainly to the point of harassment in the second
6 degree, if not harassment in the first degree.

7 But I think it's certainly sufficient to grant a
8 restraining order in this case to my clients, just by
9 that, you know there's currently by conditions in place
10 in the trespassing case, but as soon as that case is
11 resolved, and we know it won't take too long for that
12 case probably to resolve, there will be no bond
13 conditions in place, and this behavior is going to, we
14 believe it's going to start again. So I think it's
15 really necessary that there be a restraining order put
16 in place so that there is protection for them and their
17 family once the bond conditions are no longer in place.
18 But their testimony, I think, establishes that there was
19 a pattern.

20 They've asked the court, and I would ask the court
21 to issue an order or restraining order, and joining the
22 defendant from entering their place of residence or on
23 their property, and also having any contact or attempt
24 to communicate with -- with Mr. And Mrs. Selzers.

25 THE COURT: Thank you. Mr. Greeley?

1 MR. GREELEY: Your Honor, may it please the court.
2 Plaintiffs in this case, the complainants in this case,
3 have asked the court to find that on three particular
4 occasions, my client has committed the crime of
5 harassment in the first degree, you have to go and you
6 have to look at that statute, the definition of that in
7 regards as to whether or not that they have approved, it
8 be by clear and convincing evidence in this court. Now
9 also under harassment first degree, there can't be a
10 legitimate purpose for somebody doing what they were
11 doing. I find it interesting in this particular case
12 that we're here on a restraining order, and the people
13 have not even lived next to each other for 30 days. And
14 what my client was doing, and what the Selzers did not
15 like was that my client was trying to live by the laws
16 and regulations.

17 And yes, those can be at times annoying if you have
18 a neighbor who does that. But annoying is not
19 harassment, and in this particular situation, they have
20 not proved their case. They have to prove three or more
21 for this court to be able to issue it by clear and
22 convincing evidence. Also, I don't think a family unit
23 can apply for a restraining order and get it per the
24 family. It has to be looked at each individual, which
25 they've done in this case.

1 Each individual has said that this happened.
2 However, when you look at the complaint, especially the
3 last one on September 30th, they're accusing my client
4 of first degree harassment because he was on his own
5 property, and they believed that he was videotaping
6 Ms. Selzer, who was outside and he was on his own
7 property. Mr. Selzer was not there, so he is not part
8 of that. And besides, on September the 30th, was there
9 a legitimate purpose?

10 Yes, there was, Your Honor. On September the 28th
11 they had my client put in jail. And so I believe that
12 he was just being actually smart to make sure that if
13 there was going to be any engagement by her with him,
14 then he would have it. He would have something that he
15 could say, "No, what she is saying did not happen.
16 Here's what happened."

17 He had already been to jail, and so what they want
18 to do is now say that he they he has completed his
19 scheme of harassment by videotaping. But they don't
20 know. They haven't proved whether he was videotaping
21 her or not, but if he was, I think it was a wise thing
22 to do. It was a legitimate thing that he could do.
23 Your Honor, he has shown -- they don't like the fact
24 that they disagree about the nature of shoreline.

25 They don't like the fact that it could end up

1 costing them some money in regards to a fence they put
2 up, which the county has said was in violation. And
3 these are things, and he's being criticized for taking
4 pictures before the Selzers ever moved in. I don't know
5 what he is supposed to do. Is he an annoying neighbor?
6 Perhaps. But he -- certainly there's no evidence of any
7 harassment first degree. None. And that's what they
8 have to show. He had no intention of actually harassing
9 them. They have taken this to the point to where they
10 have said he may kill our family. And here's a man that
11 owns two businesses.

12 His family's on this property, and his next door
13 neighbors had gotten to the point to where they have
14 become so fearful of somebody for no legitimate reason
15 as of this point in time. Is he annoying? Do they not
16 like what he did? Sure it's going to cost them some
17 money.

18 And maybe they didn't understand what lake
19 ownership was going to be, but I hate to think of what's
20 going to happen if the court does give a restraining
21 order and all the leverage to the Selzers over my client
22 in regards to this. And so, Your Honor, I would ask
23 that they have not met their burden of proof. Right
24 now, there is a bond order he can have no contact with
25 them. That is in place.

1 It's going to continue in place. I don't know
2 whether Mr. Hayes is accurate about how quickly the
3 trespassing will be done. It was brought by the state.
4 My client has indicated he is not guilty of trespassing.
5 And so we anticipate at some point in time, in the
6 future, that there will be a trial.

7 And however, until that time comes, there is
8 already something in place. And so I don't understand
9 they have said he, I mean, since that time, there wasn't
10 anything except for the September the 30th, you know,
11 they said he -- he filmed her while he was on his own
12 property, standing next to his truck. Okay, they both
13 were outside. They live next door, and yet, they see
14 him doing something, they assume he's doing something in
15 particular, and they make that part of a petition to get
16 a restraining order against him after he's been taken to
17 jail, based on their -- their desires with the sheriff's
18 office.

19 So I would ask that you find in favor of my client
20 that they have not by clear and convincing evidence
21 presented three incidences of harassment, first degree
22 against my party.

23 THE COURT: I need -- I need a few minutes to
24 consider everything, so let's take about a 15 or 20
25 minute break. I'll come back with my decision.

1 (OFF THE RECORD)

2 THE COURT: All right. Thank you all for your
3 patience. We are back on the record now with regard to
4 my decision, I'm considering the statute 16-3-1700,
5 subsection A defines harassment in the first degree,
6 states a pattern of intentional, substantial and
7 unreasonable intrusion into the private life of a
8 targeted person that serves no legitimate purpose and
9 causes the person and would cause a reasonable person in
10 his position to suffer mental or emotional distress.
11 Harassment in the first degree, may include, but is not
12 limited to, number one, following the targeted person as
13 he moves from location to location.

14 Number two, visual or physical contact that is
15 initiated, maintained or repeated after a person has
16 been provided oral or written notice that the contact is
17 unwanted, or after the victim has filed an incident
18 report with a law enforcement agency. Number three,
19 surveillance of or the maintain, or the maintenance of a
20 presence near the targeted person's residence, place of
21 work, school or another place regularly occupied or
22 visited by the targeted person. And vandalism and
23 property damage. Statute defines pattern in subsection
24 D, pattern means two or more acts occurring over a
25 period of time, however short, evidencing a continuity

1 of purpose. So with regard to everything that I've
2 heard and considered, I am going to issue the
3 restraining order.

4 I do find, Mr. Patton, that your conduct, I believe
5 that was intended to cause them emotional distress.
6 We've got a an objective standard, a reasonable person
7 standard, and then a subjective standard. Mrs. Selzer,
8 I believe, clearly she's suffered emotional distress
9 based on your conduct. I believe the other plaintiff,
10 Mr. Selzer has as well.

11 And specifically, I believe that I do find that you
12 have trespassed on their property. I believe the -- the
13 photos that were admitted show you sitting on the sea
14 wall, and I believe the testimony that that is on their
15 property. So I do find that that would be an incident.
16 There are other photos of you coming onto their
17 property. The sandbox specifically was mentioned.
18 There was some testimony listed about the sandbox, and
19 in the past, you believe the prior owners maintain that
20 sandbox, and apparently now they maintain the sandbox.
21 And I believe you're going over there, you know, with
22 the intention of causing them emotional distress,
23 specifically also the visual under subsection two of the
24 statute, the visual contact that is initiated,
25 maintained or repeated. I believe that by you walking

1 onto their property, I believe that by you using your
2 cell phone to record them. There was testimony from
3 Dustin Selzer about laser lights.

4 I believe that's shown by one of the photos that
5 was admitted as well that you're pointing over there.
6 And there's also pictures of you pointing a cell phone
7 at them. And I think it's important here that you know
8 they're on their own private property when you're --
9 when you're doing these things. If they were out in
10 public, and you know, you were filming something out in
11 public, there's not a reasonable expectation of privacy
12 out in public. So, you know, people can film out in
13 public like that.

14 When you point cell phones at individuals on their
15 own property, I think it's reasonable that they would --
16 would find that offensive. And I think that a
17 reasonable person would find that offensive, I think
18 they certainly subjectively find it offensive. I think
19 you would find that offensive if someone did that to you
20 while you were on your property. Again, I don't feel
21 like you had a legitimate purpose, even though your
22 testimony was that you were monitoring the lake levels.

23 That may be true, but you could have done that
24 without going onto their property. And when you did
25 that, I think you did that with the intention of causing

1 them emotional distress. It did, in fact, do so. So I
2 am going to grant the petition of the plaintiffs for the
3 restraining order.

4 I've prepared an order. I've got copies for both.
5 And this is just the standard order that comes from the
6 state case management website. And just merely
7 prohibits Mr. Patton from going on the property of the -
8 - the plaintiffs, prohibits him from communicating with
9 them in any way, including their children, of course.
10 So essentially the same as the no contact order, but
11 this will last until November the fifth, 2025. A period
12 of one year, which is what the statute requires.

13 MR. HAYES: Thank you.

14 THE COURT: Anything further from the petitioners?
15 Anything further from the defense, Mr. Greeley?

16 MR. GREELEY: Nothing at this time.

17 THE COURT: All right. Thank you all. Thank you
18 so much.

19

20

21

22

23

24

25 (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED)

CERTIFICATE OF TRANSCRIBER

State of South Carolina

County of Richland

I, JENNIFER JAEGER, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the hearing of the captioned case, relative to appeal, in York County Magistrate Court, York County, South Carolina, on the 5th day of November, 2024.

That I am not related to nor the employee of any of the parties hereto, nor related to or employed by any attorney or counsel employed by the parties hereto, nor interested in the outcome of this action.

Jennifer Jaeger

Jennifer Jaeger, Reporter

Notary Public for S.C.

Commission Expires: 10/28/2032

Exhibit 1

Exh. 1

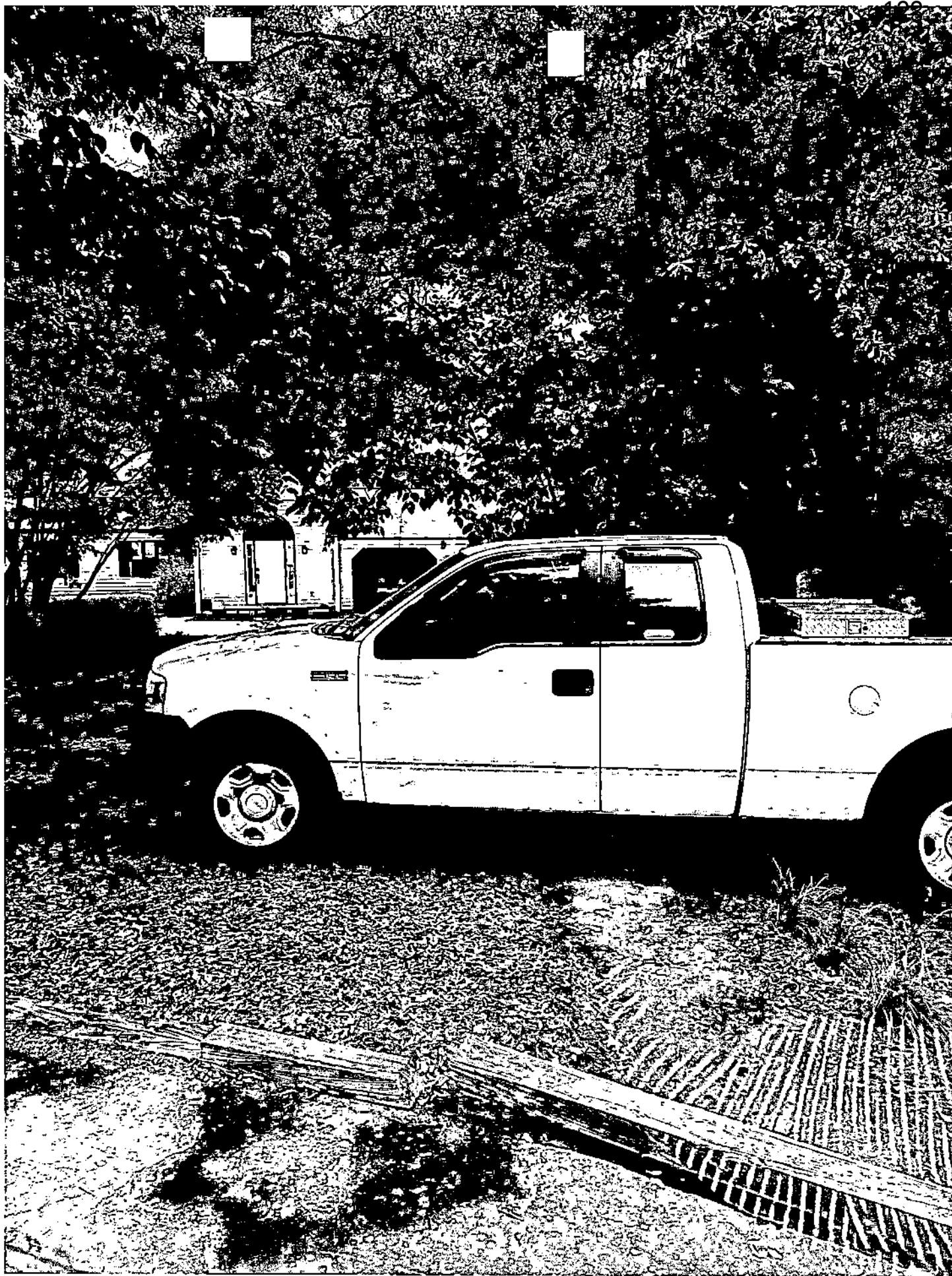
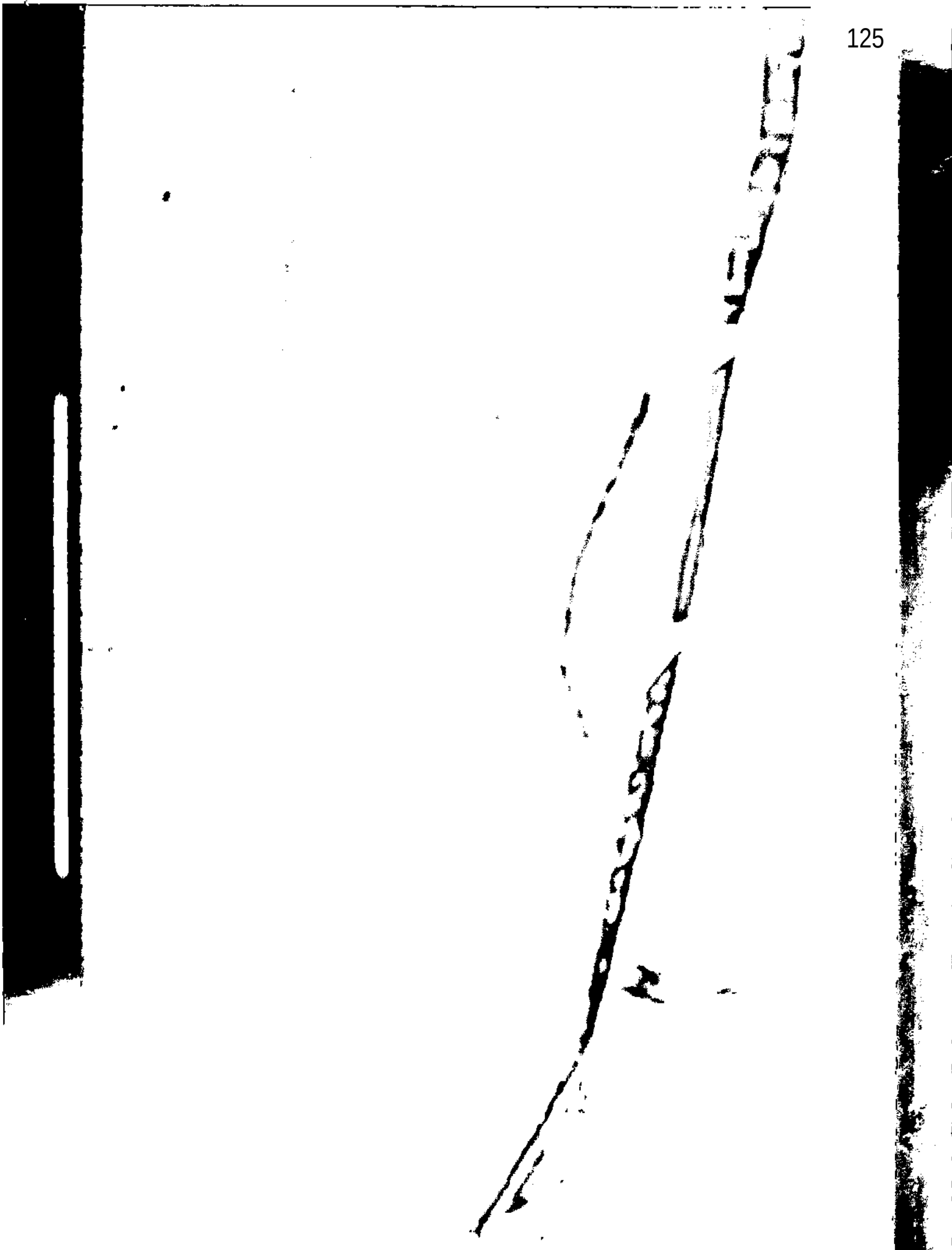


Exhibit 2

Exn 2



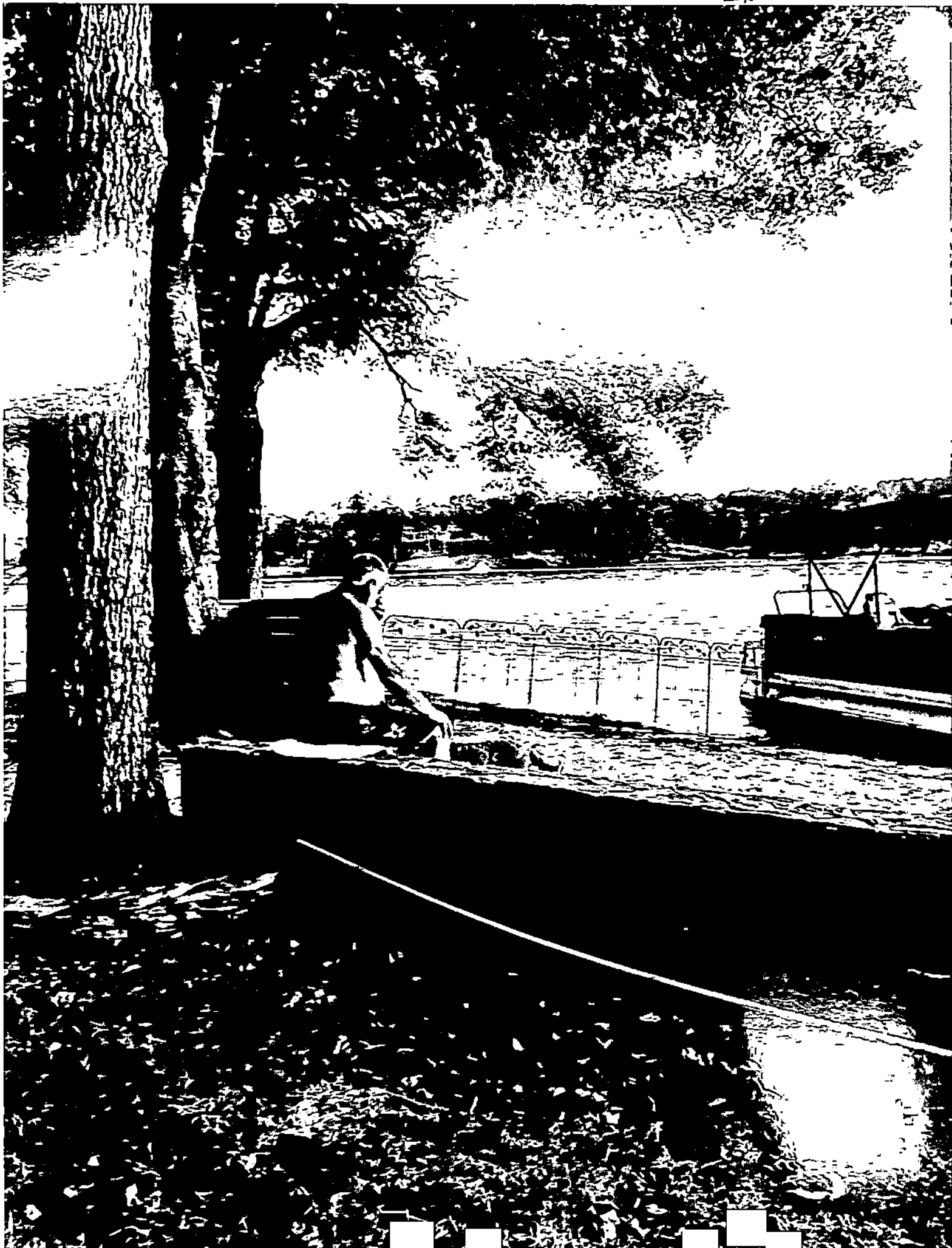




Ex 2



Exhibit 3





Exh 3





Exhibit 4





Ex 4



Ex. 4

Exh. 4



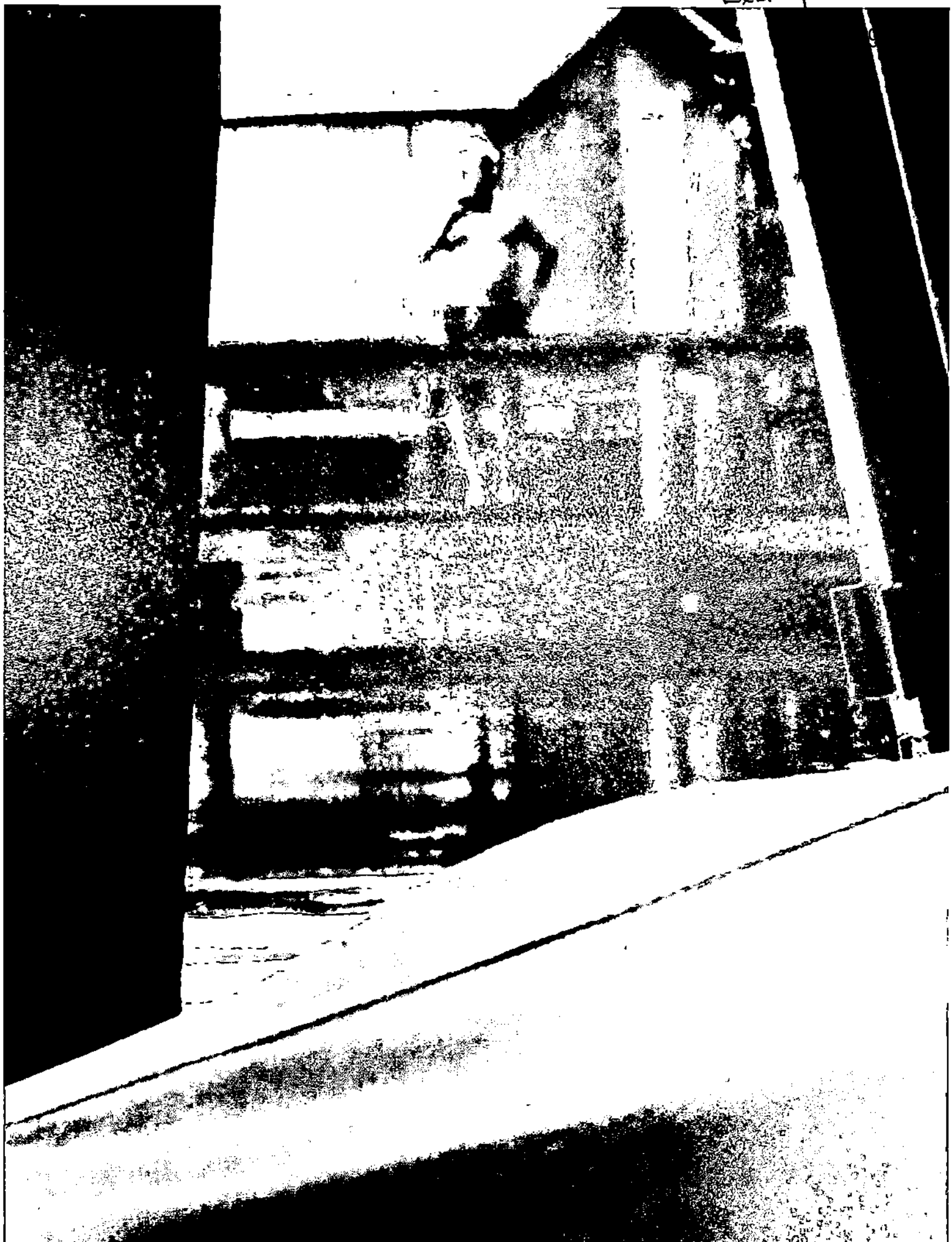


Exhibit 5







Ex. 5

Exh. 5

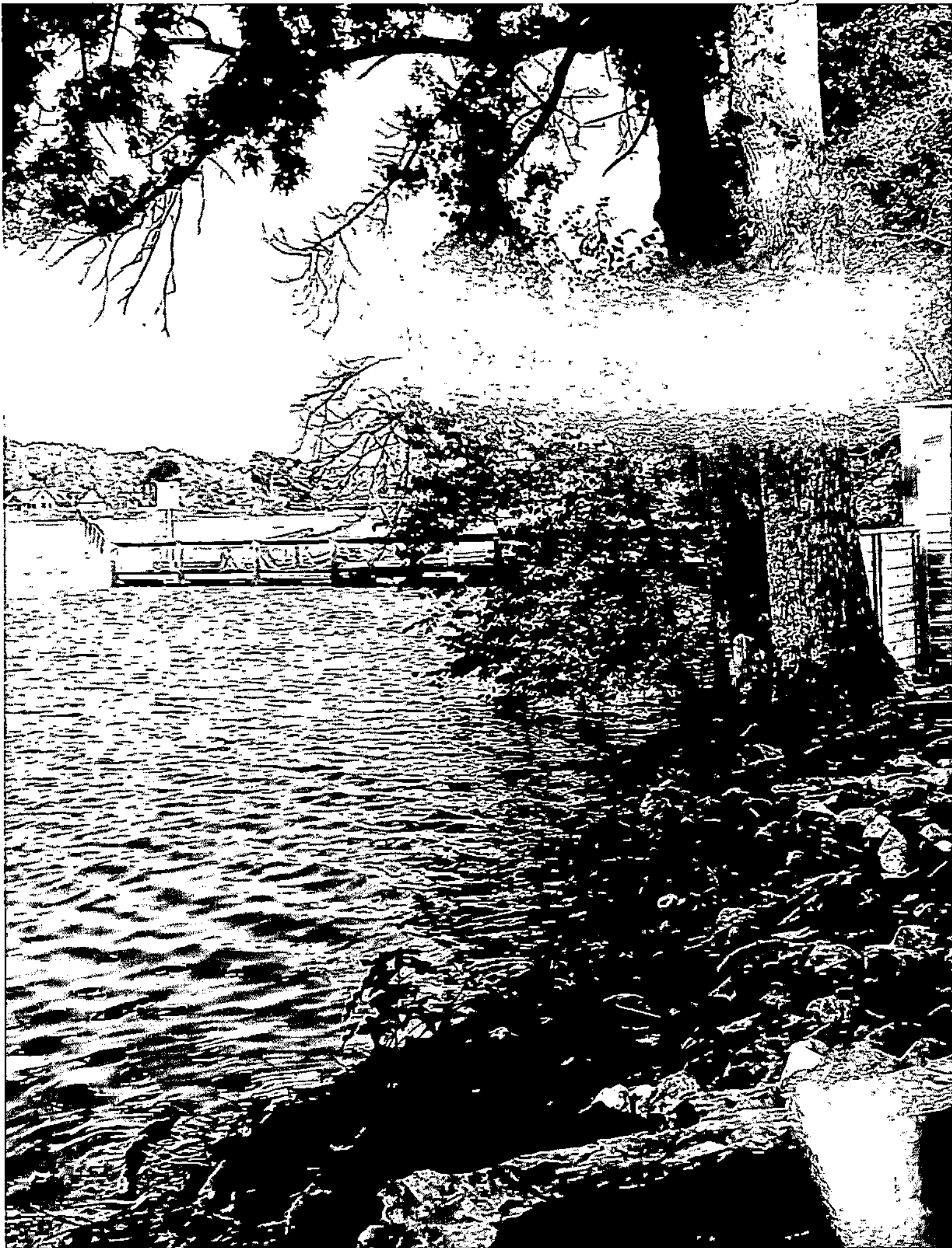


Exhibit A











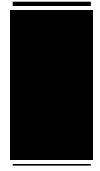




Def A

Summary

Parcel Number
Account #



Tax District

2LKW

Land Unit Classification

RIL



(Note: Not zoning info)

Acres / Lot

1

Legal Description

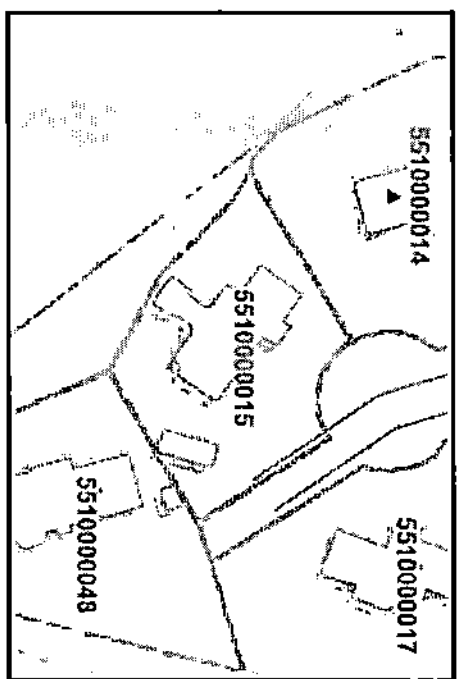


LAKE WYLIE

(Note: Not to be used on legal documents.)

Neighborhood

LAKE WYLIE SDV
section 7



Scanned Property Card



Property cards were last updated on 12/31/2019

Owner(s)

SELZER DUSTIN STEPHEN

SELZER KERA ROSE



YORK SC 29745

US

Valuation

Market Land Value	350000
+ Market Improvement Value	129374
+ Market Misc Value	0
= Total Market Value	479374
Taxable Land Value	350000
+ Taxable Improvement Value	129374
+ Taxable Misc Value	0
- Ag Credit Value	0
= Total Taxable Value	479374
Assessed Land Value	14000
+ Assessed Improvement Value	5175
+ Assessed Misc Value	0
= Total Assessed Value	19175

Sales

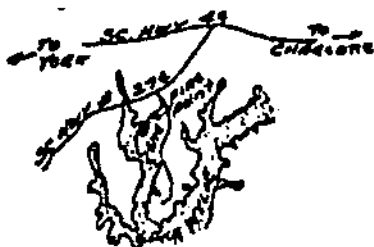
Sale Date	Sale Price	Book	Page	Grantor	Grantee
03/14/1989	163000	1083	267	WELLS ROBERT DENNIS SR	WALKER JOSEPH STEVENS JR
08/28/2023		20920	179	WALKER JOSEPH STEVENS JR	WALKER JOSEPH STEVENS JR TRUSTEE
06/07/2024	910000	21342	307	WALKER JOSEPH STEVENS JR TRUSTEE	SELZER DUSTIN STEPHEN

Buildings

Land Use	Number of Units	Unit Type	Land Type
RES IMPROVED LETTER	1	Lot	Site
Buildings			
Style	Residential	Roof Type	
Gross Sq Ft	3244	Roof Coverage	
Finished Sq Ft	2420	Flooring Type	
Stories	1.0	Heating Type	
Interior Walls		Bedrooms	
Exterior Walls	Siding/Shingles	Full Bathrooms	2
Year Built		Half Bathrooms	0
Garage		3/4 Bathrooms	
Porch		Fireplaces	1
Foundation			
Area Description	Sketch Area	Finished Area	

THIS IS TO CERTIFY THAT ON THE 31ST DAY OF December 1984 I SURVEYED THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE TITLE LINES AND THE WALLS OF THE BUILDINGS IF ANY, ARE AS SHOWN HEREON.

SIGNED Hugh E. White Jr.
REGISTERED SURVEYOR



VICINITY MAP
1" = 2 MILES

FILED-RECEIVED
BOOK 76 PAGE 266
JAN 21 12 36 PM '85
M.H. CANNON, JR.
C.C. & G.S.
YORK COUNTY, S.C.

66' R/W

PINE POINT
ROAD

unimproved

LOT 30

LOT 33

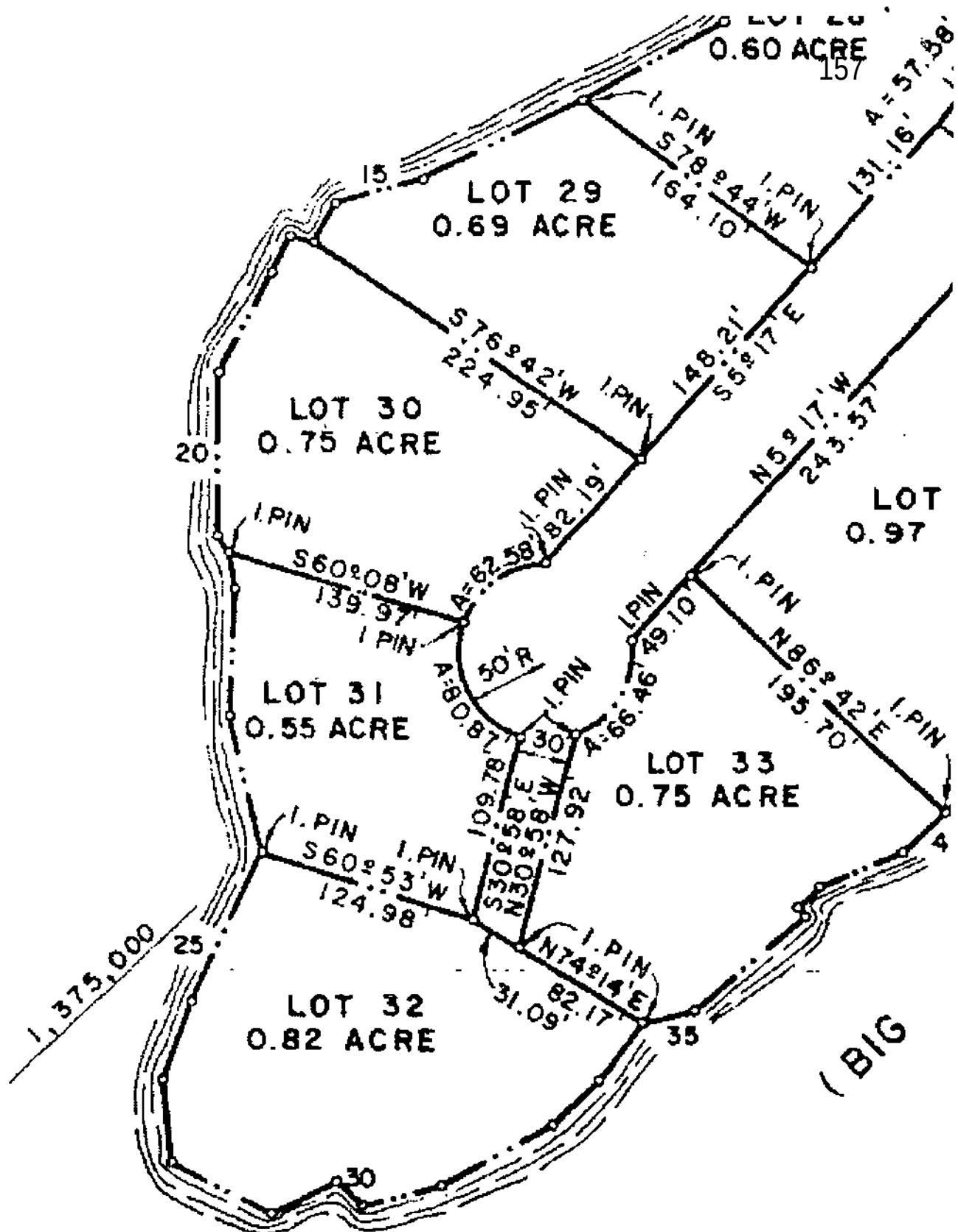
LOT 31

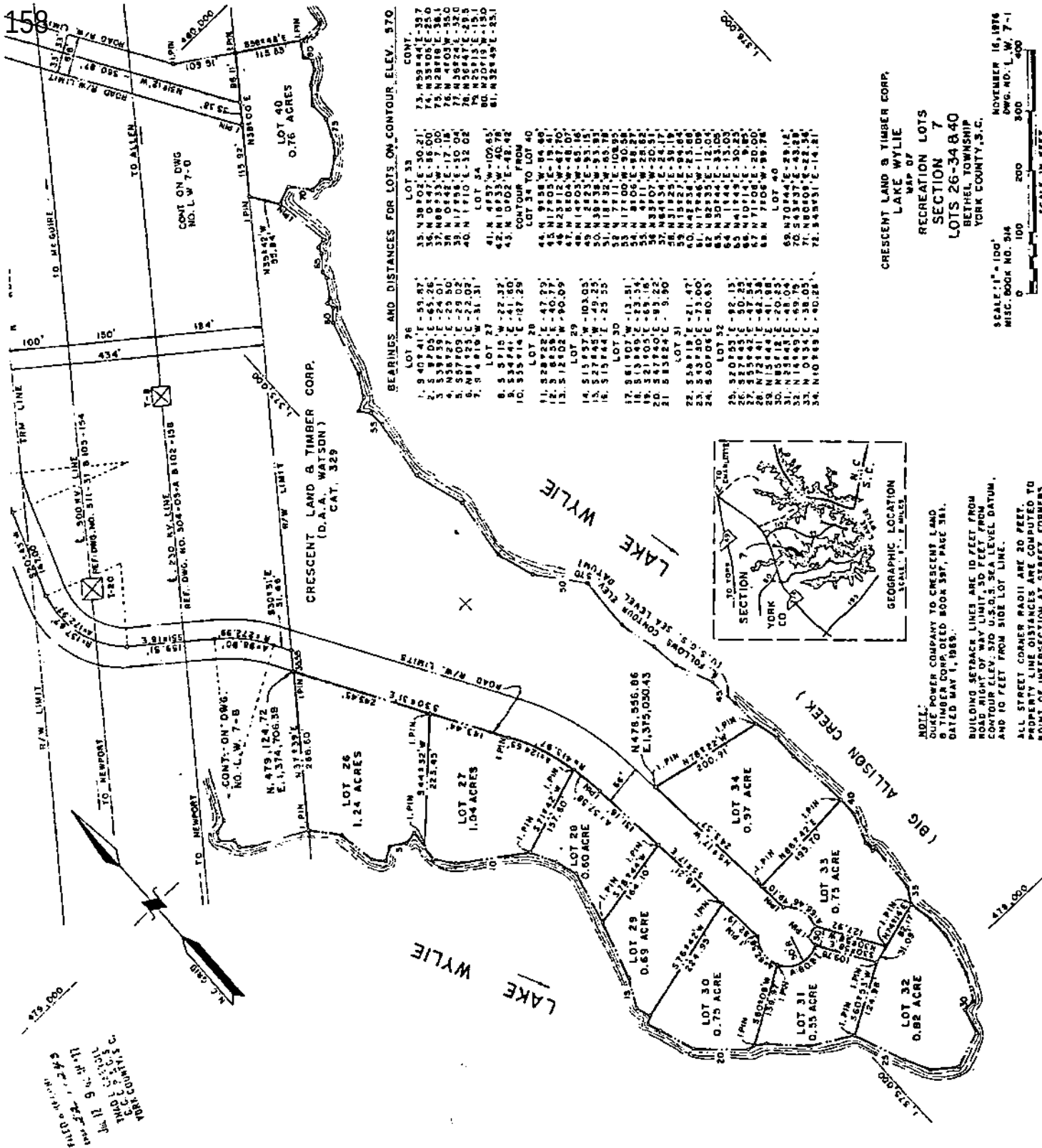
LOT 32

LAKE WYLIE

Physical SURVEY

LOT 31 CRESCENT LAND & TIMBER CORP.





CENT LAND & TIMBER CORP.,
 LAKE WYLIE
 REP OF
 RECREATION LOTS
 SECTION 7
 LOTS 26-34 & 40
 BETHEL TOWNSHIP
 YORK COUNTY, N.Y.

NOTE:
DUKE POWER COMPANY TO CRESCENT LAND
8 TIMBER CONVEY DEED BOOK 357, PAGE 361.
DATED MAY 1, 1985.

BUILDING STRAP LINE ARE 10 FEET FROM
ROAD RIGHT OF WAY LIMIT 50 FEET FROM
CONTOUR CLEV: 570 U.S.D. 364 LEVEL DATUM.
ALL FEET FROM SIDE LOT LINE.

ALL STREET CORNER PAVI ARE 20 FEET.
PROPERTY LINE DISTANCES ARE CONFORM TO

SECTION N. 31621 200
Book 52 Page 243

Exhibit B



Def. B

Planning and Development Services
18 W. Liberty Street
York, SC 29745
Office: (803) 909-7200

Code Enforcement

NOTICE OF VIOLATION Notice of Code Violation

DUSTIN STEPHEN SELZER

October 9, 2024

[REDACTED]
YORK, SC 29745

Location	[REDACTED]
Parcel ID	[REDACTED]
Case Number	CE-20240326
Inspection Date	10/9/2024

Dear DUSTIN STEPHEN SELZER,

This letter serves as official notice that the subject property, under your ownership, was found to be noncompliant with the York County Code of Ordinances. After receipt of a complaint, a site inspection was performed and it was determined that the property is in violation of the following referenced code sections:

- 1 Violation: 155.849 (A)(1) Use of Riparian Buffer

Required Action: Correct the violation

- 2 Violation: International Building Code (IBC)

Required Action: Correct the Violation

COMPLIANCE BY: November 04, 2024

Per the International Building Code fences above 7' in height are considered a structure, therefore will require a building permit. The building division will need to make sure appropriate footers are installed in order to ensure it can withstand various wind loads. Additionally, the fence, since it is considered a structure, will need to meet the setbacks of the zoning district. Your property is zoned RMX-10 and has the following setbacks:

- Front: 25'
- Side: 5'
- Rear: 25'

This property is encumbered by the Lake Wylie buffer. The setback from the full pond level (569.4' contour line) is 50 feet. Installation of any new structures within the buffer is prohibited. Please submit an application for a permit for the fence. Please be sure the fence meets all setbacks and is not located within the Lake Wylie Buffer. Please feel free to call 803-417-5680 if you have any questions.

You have until November 4, 2024 to address the violation on your property to avoid further enforcement action by the Planning & Development Services Department. Should you require additional time, please contact the assigned Code Enforcement Officer below.

Sincerely,

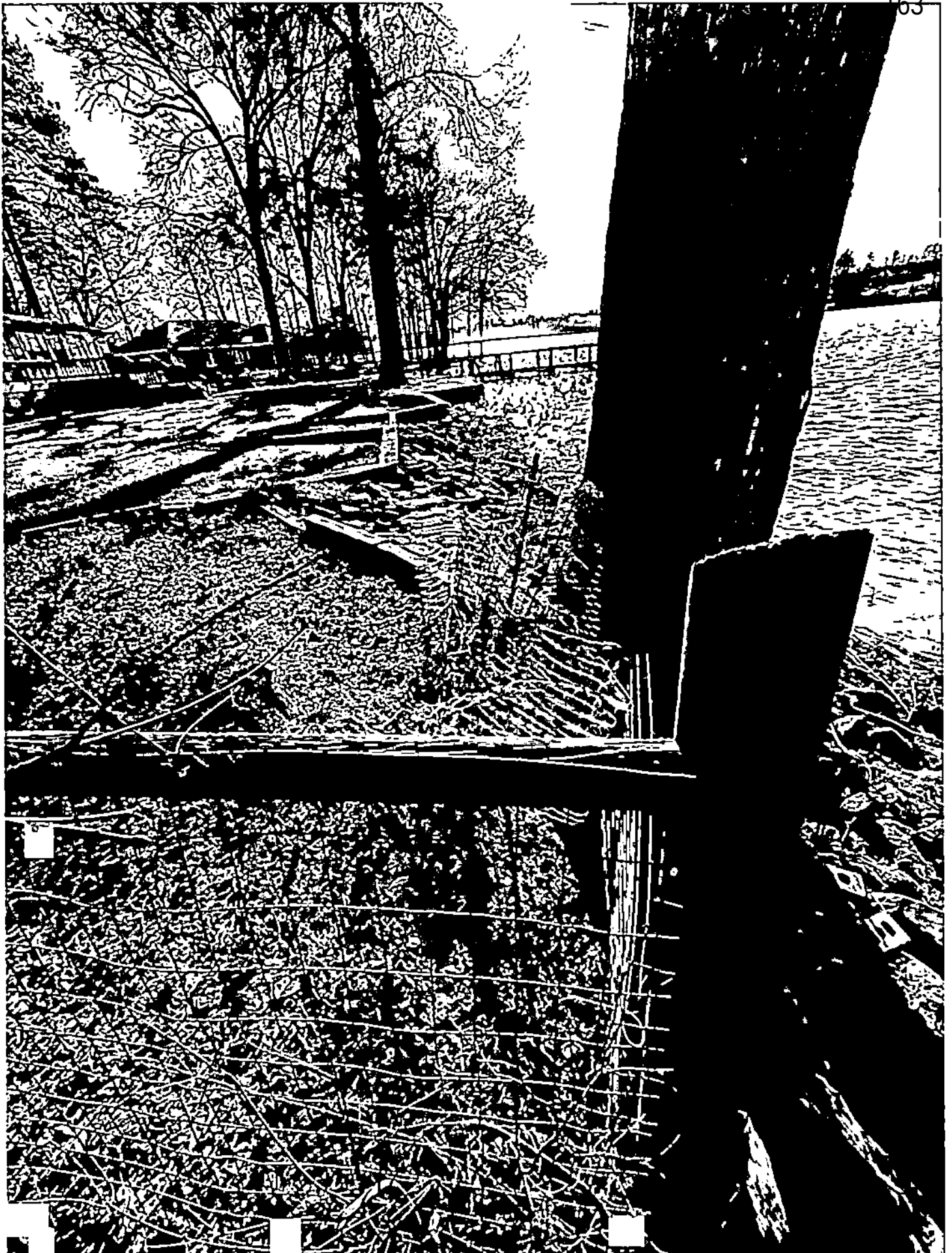
Eddie Broome
Code Enforcement Officer
803-417-5680
eddie.broome@yorkcountygov.com

Exhibit C



01/20/24

Dee Ex C



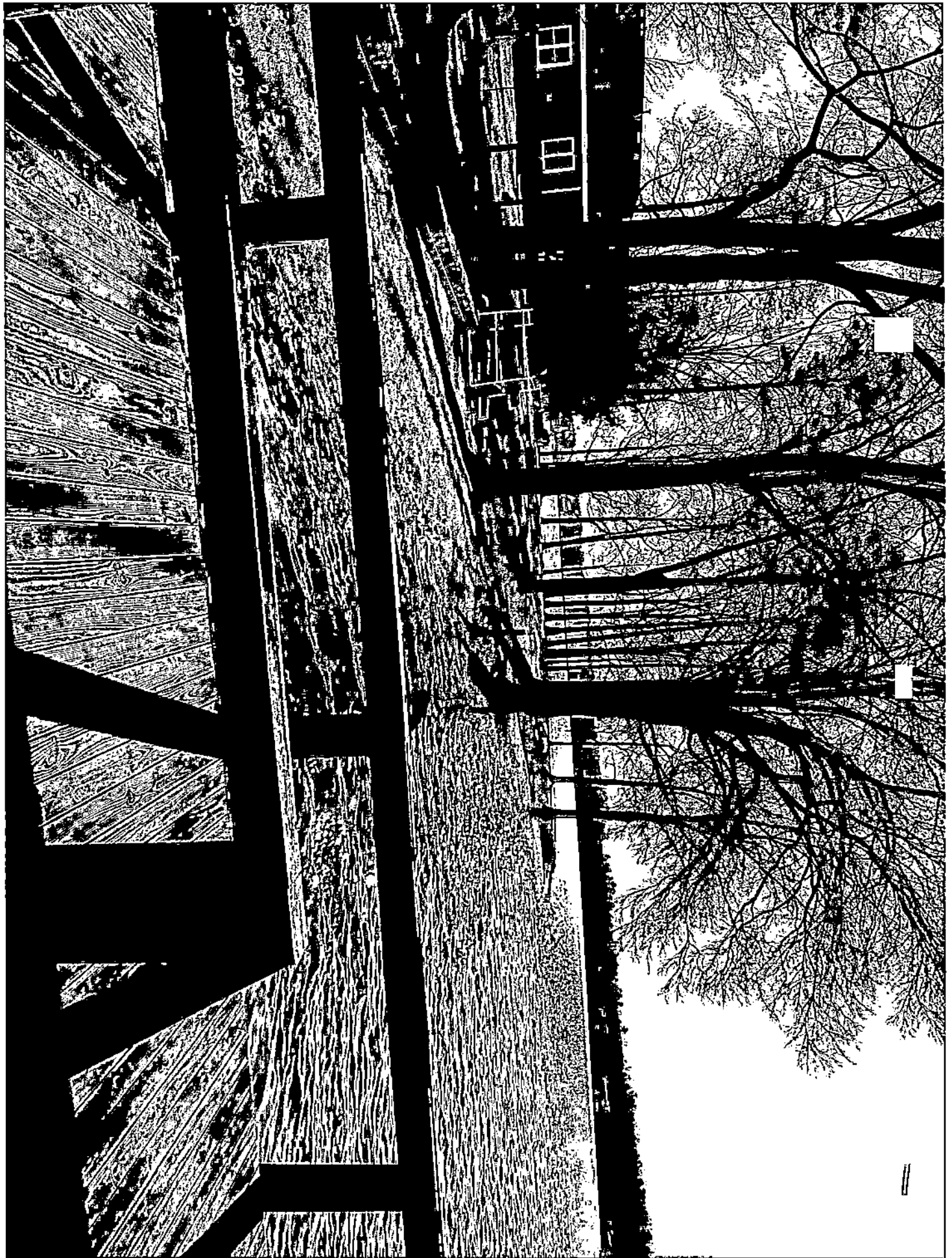


Exhibit D

7:40

5G

Lake Wylie



27-DEC-23

Lake Wylie is higher than normal due to recent rainfall. Hydro Operations is moving water through the river system. Individuals who live along lakes and rivers and in flood-prone areas should pay close attention to local media and changing weather conditions via the National Weather Service and take any necessary precautions. Real-time lake level information is available at duke-energy.com/lakes, by calling 800-829-5253 and via the Duke Energy Lake View mobile app.

99.9 ft.

As of 12/28/2023 at 07:35AM

Normal Full Pond Elevation = 100ft = 569.4
ft (AMSL, NGVD 29 datum)

AA

lakes.duke-energy.com



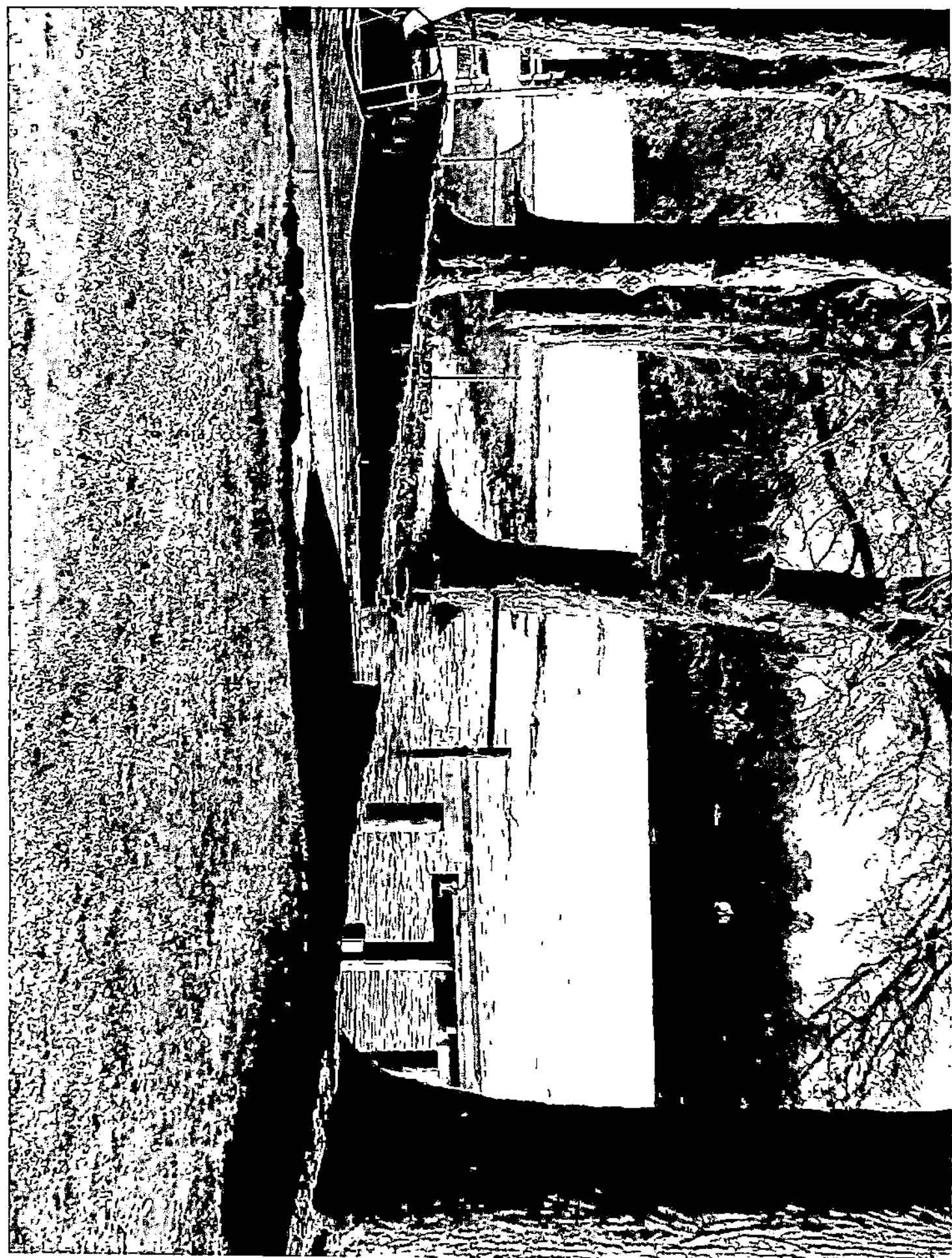
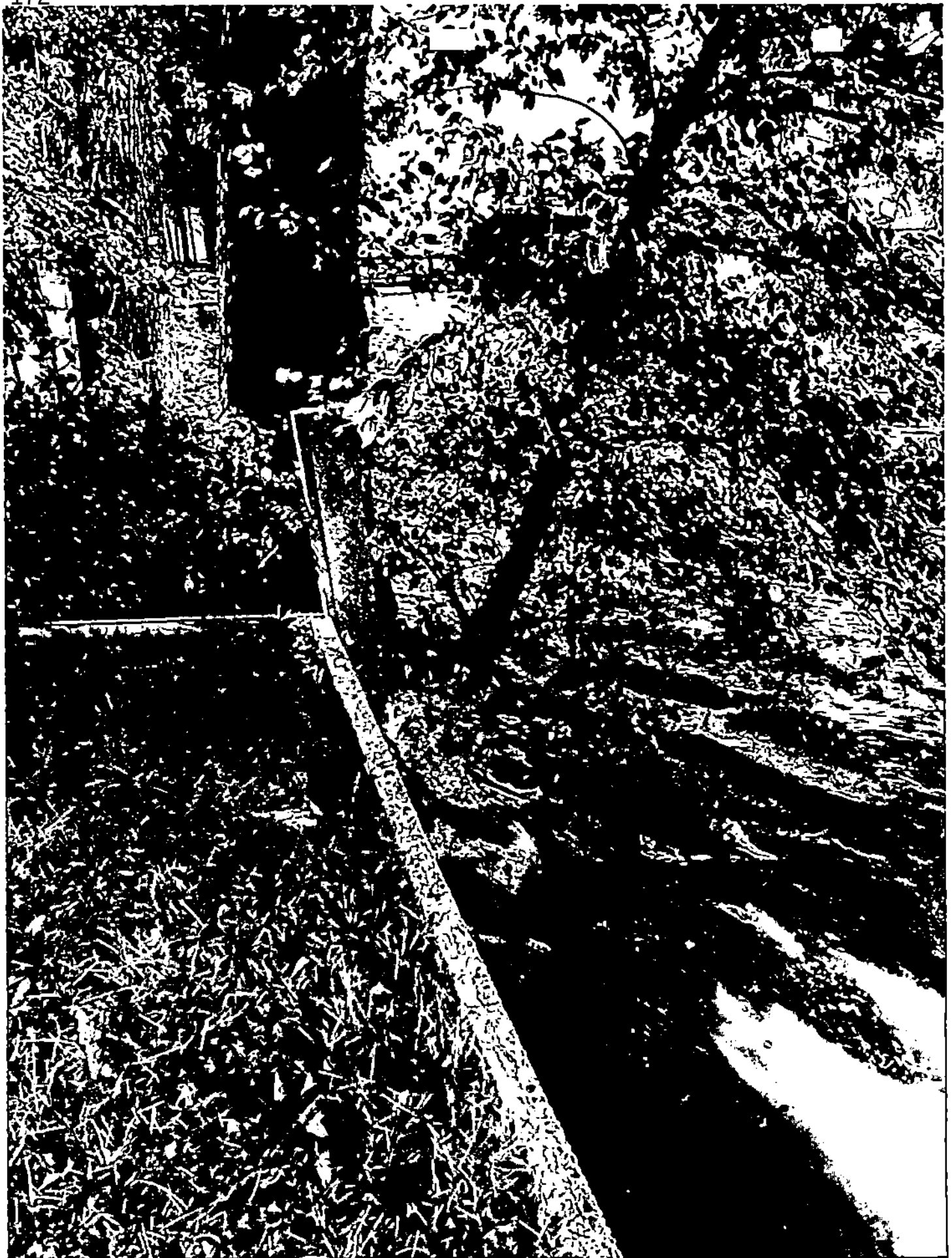


Exhibit E

Sun 06/02/24 5:27 PM = JSP sitting on DE wall 5 days B4 Selzer Purchase Exd E



Exhibit F



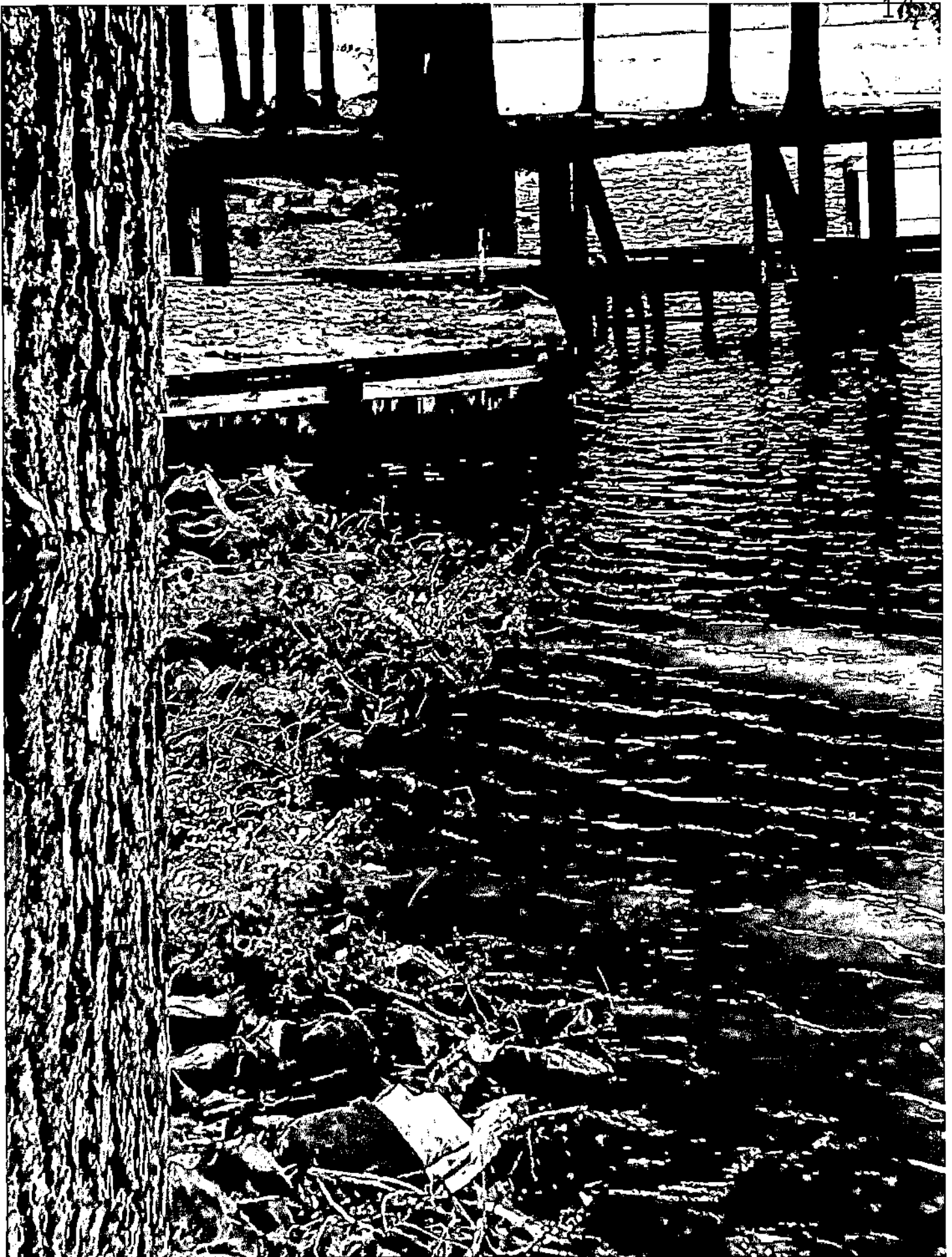
EC-5. 4

Ex. 4



Exp. 4

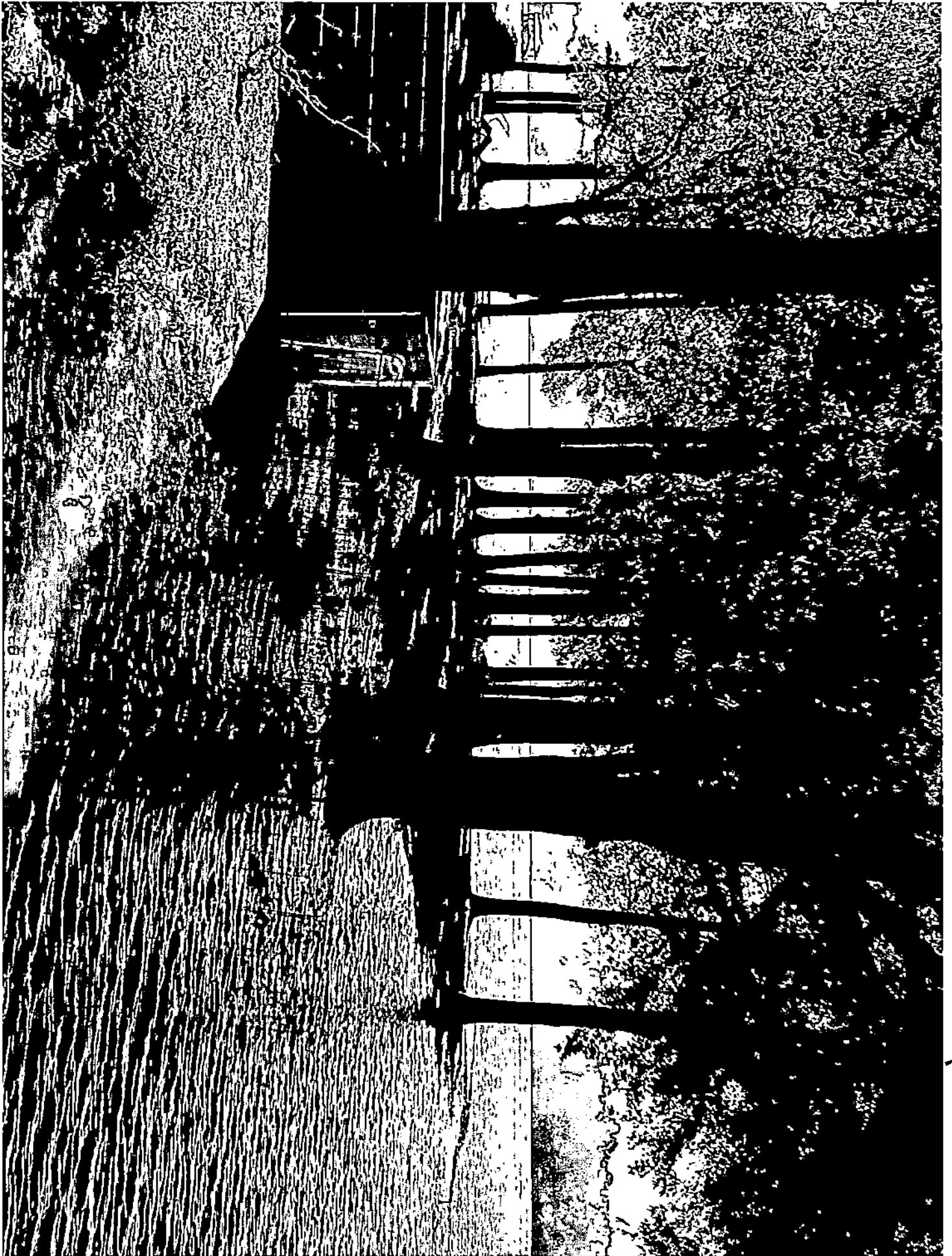




Ext. E



Ex 5 F





178

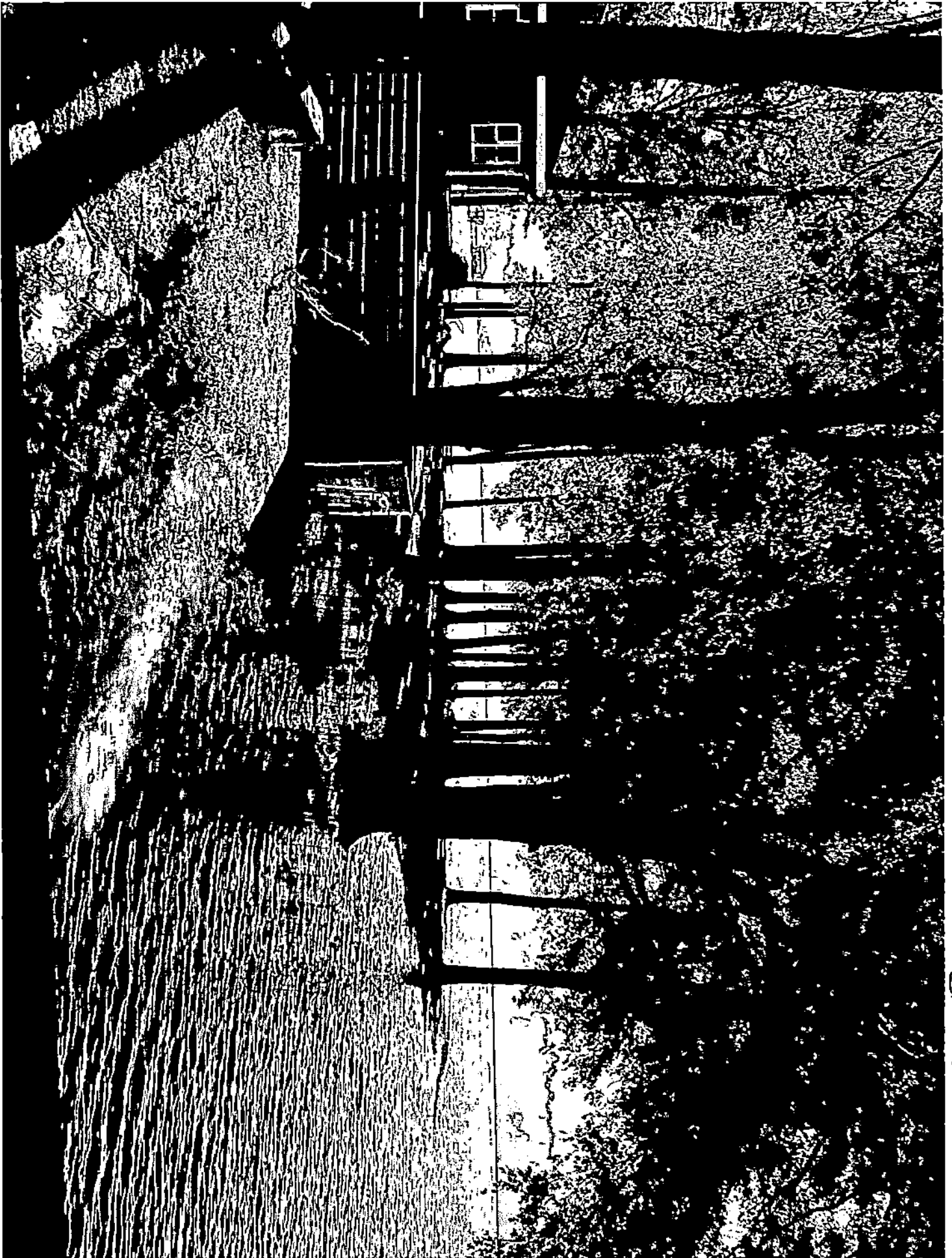
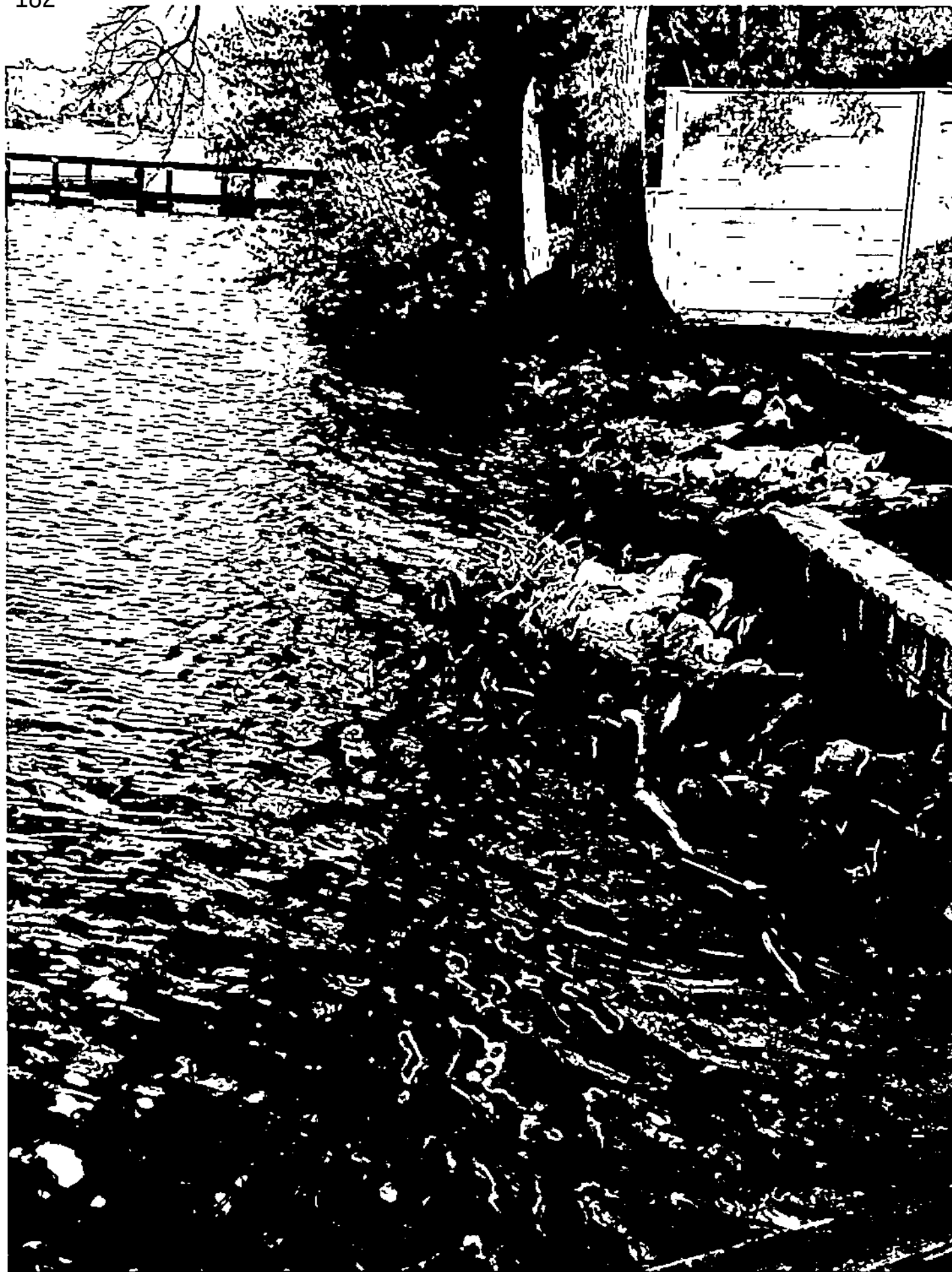
E2
U

Exhibit G



Ex C



Ex. C

STATE OF SOUTH CAROLINA

IN THE MAGISTRATES COURT

COUNTY OF YORK

Kera Rose Selzer and Dustin Selzer

PLAINTIFF(S)

vs.

James Stephen Patton

DEFENDANT(S).

RESTRAINING ORDER

FILE COPY

CIVIL CASE NUMBER

2024OR4610500025

DEFENDANT IDENTIFIERS

Petitioner's DOB: [REDACTED]

SEX *	RACE *	DOB*	HEIGHT
W	M	[REDACTED]	6'
WEIGHT	HAIR	EYES	
240	Gry		

And/or on behalf of minor family member(s) or
other protected persons: (List name & DOB)

Relationship to Plaintiff:

Neighbor

York, SC 29745

Defendant's Address

CAUTION:

*Indicates required information for entry into NCIC

☐ Weapon Involved☐ Weapon Present on Defendant's Property☐ Access to weapons

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter.

Defendant has been provided with reasonable notice and opportunity to be heard.

Additional findings of this order are as set forth below.

THE COURT HEREBY ORDERS:

☐ That the above named Defendant be restrained from committing further acts of abuse or threats of abuse.☒ That the above named Defendant be restrained from any contact with the Protected Person as set forth on the attached pages.

The terms of the this order shall be effective until

November 5

, 2025

WARNINGS TO DEFENDANT:

This order shall be enforced in any county of South Carolina and by the courts of any state, District of Columbia, any U. S. Territory, and may be enforced by Tribal Lands (18 U.S.C. Section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. Section 2262).

State and federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition (18 U.S.C. Section 922).

Only the Court can change this order.

For Additional Information Call:

(803) 628-3059 Sheriff

(803) 675-6040

Clerk of Court

Phone Number

Phone Number

After filing of a complaint and motion for a Restraining Order on September 30, 2024, the Court held a hearing on November 5, 2024. After hearing the evidence, and examining the affidavits and verified pleadings, the Court has determined that the Plaintiff has proved by a preponderance of evidence the need for issuance of a Restraining Order.

The Court makes the following findings of fact: (Check all that apply)

- ☒ 1. The Plaintiff resides in York County, South Carolina.
- ☒ 2. The Defendant lives at [REDACTED] which is in York County, South Carolina.
- ☐ 3. The Defendant is employed at [REDACTED] which is located at [REDACTED].
- ☒ 4. The Defendant:
 - ☐ is a current or former spouse of the victim
 - ☐ is a current or former intimate partner of the minor child's parent (minor child is protected person)
 - ☐ is a parent of the victim
 - ☐ cohabits or previously cohabited with the victim.
 - ☐ has a child/children in common with the victim
 - ☐ is a person similarly situated to a spouse of the victim
 - ☐ is a person similarly situated to a spouse of the victim
 - ☒ other: is a neighbor of the victim
- ☐ 5. The Defendant is a nonresident of this state or cannot be found.
- ☒ 6. The Harassment or Stalking, as described herein, occurred in York, South Carolina.
- ☒ 7. The Defendant has committed the following acts which constitute Harassment in the 1st or 2nd Degree or Stalking: Using a cell phone to record audio and/or video of Petitioners while they are on private property; trespassing on Petitioners' property on multiple occasions

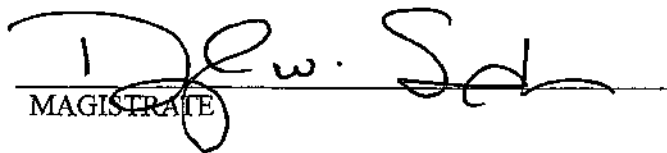
IT IS THEREFORE ORDERED THAT (Check all that apply):

- ☒ A. The Defendant is restrained, prohibited and forbidden from abusing, threatening to abuse, or molesting the Plaintiffs or members of Plaintiff's family, to include:
- ☒ B. The Defendant is restrained, prohibited and forbidden from entering or attempting to enter the Plaintiff's place of residence, employment, education, or the following locations:
- ☒ C. The Defendant is restrained, prohibited and forbidden from communicating or attempting to communicate with the Plaintiffs, or approaching the Plaintiffs or Plaintiffs' children in any way, to include:
- ☐ D. Federal Firearms Prohibition, pursuant to 18 U.S.C § 922.
 - 1. Does this Order protect an intimate partner, a child of an intimate partner, or a child of the defendant? ☐ YES ☒ NO
 - 2. Did the person restrained have actual notice and an opportunity to participate in the hearing? ☐ YES ☐ NO
 - 3. Does the Order find the restrained person a credible threat or explicitly prohibit the use, attempted use, or threatened use of physical force? ☐ YES ☐ NO
- ☒ E. A copy of this Order shall be served on the following law enforcement agencies: York County Sheriff's Office

The terms of this order remain in effect until November 5, 2025, and may be extended by this court for good cause shown. If the Defendant has been or is during the duration of this order charged with the crime of Harassment in the 1st or 2nd Degree or Stalking, the terms of this order remain in effect until the conclusion of the Defendant's trial.

AND IT IS SO ORDERED.

Entered at 12:50 P.M. on
November 5, 2024.


MAGISTRATE

VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE PUNISHABLE BY THIRTY DAYS IN JAIL, A FINE OF FIVE HUNDRED DOLLARS, OR BOTH, AND IS IN ADDITION TO OTHER CRIMINAL PENALTIES WHICH MAY RESULT FROM SUCH ACTION.

PURSUANT TO SECTION 16-25-125 OF THE SOUTH CAROLINA CODE OF LAWS, IT IS UNLAWFUL FOR A PERSON WHO HAS BEEN CHARGED WITH OR CONVICTED OF CRIMINAL DOMESTIC VIOLENCE OR CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE, WHO IS SUBJECT TO AN ORDER OF PROTECTION, OR WHO IS SUBJECT TO A RESTRAINING ORDER, TO ENTER OR REMAIN UPON THE GROUNDS OR STRUCTURE OF A DOMESTIC VIOLENCE SHELTER IN WHICH THE PERSON'S HOUSEHOLD MEMBER RESIDES OR THE DOMESTIC VIOLENCE SHELTER'S ADMINISTRATIVE OFFICES. A PERSON WHO VIOLATES THIS PROVISION IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, MUST BE FINED NOT MORE THAN THREE THOUSAND DOLLARS OR IMPRISONED FOR NOT MORE THAN THREE YEARS, OR BOTH. IF THE PERSON IS IN POSSESSION OF A DANGEROUS WEAPON AT THE TIME OF THE VIOLATION, THE PERSON IS GUILTY OF A FELONY AND, UPON CONVICTION, MUST BE FINED NOT MORE THAN FIVE THOUSAND DOLLARS OR IMPRISONED FOR NOT MORE THAN FIVE YEARS, OR BOTH.

TO LAW ENFORCEMENT OFFICERS:

Notwithstanding any other provision of law, the terms of this Order are enforceable throughout this State. S.C. Code Ann. § 16-3-1750(F). Any person who violates a provision of this Order is subject to a fine of five hundred dollars, thirty days imprisonment, or both. S.C. Code Ann. § 16-3-1770(C). Law enforcement officers shall arrest a defendant who acts in violation of this Order after service and notice of the Order have been provided. An arrest warrant is not required. S.C. Code Ann. § 16-3-1800.

COPY GIVEN TO PLAINTIFF BY

DWS (initials)

COPY GIVEN TO DEFENDANT BY

DWS (initials)

County of York	)	IN THE COURT OF COMMON PLEAS
	)	SIXTEENTH JUDICIAL CIRCUIT
State of South Carolina	)	
Kera Rose Selzer and Dustin Selzer,	)	
	)	
Respondent,	)	
	)	
v.	)	NOTICE OF INTENT TO APPEAL
	)	
James Stephen Patton,	)	Civil Case No: 2024OR4610500025
	)	
Appellant.	)	C.A. No. : _____
_____	)	

This matter came before the Honorable Douglas W. Sexton, Magistrate Judge for York County, on November 5, 2024, for a hearing wherein the Respondents sought a restraining order against the Appellant. Following the hearing the Presiding Judge issued an order granting Respondents request a term of one year. This appeal follows.

The grounds of appeal are:

- (1) The Court erred in granting the restraining order for such was an abuse of the court's discretion in finding that the requirements for the Court to issue the order had been met.
- (2) The Court erred in finding that there was sufficient evidence to satisfy the burden of proof by clear and convincing evidence, or any lesser burden, that Appellant had harassed the Respondents as defined in the statute.
- (3) The Court erred in finding that the Appellant, by clear and convincing evidence, or any lesser burden, had trespassed upon property of the Respondents.

Wherefore, Appellant requests this Court overturn the order issued by the Presiding Judge dated November 5, 2024, entitled "Restraining Order", a copy of which is attached hereto and made a part hereof.

Respectfully submitted,

LELAND B. GREELEY, P.A.

s/ Leland B. Greeley
Leland B. Greeley
130 East Main St., Suite202
Post Office Box 2981
Rock Hill, SC 29732
803.329.0088
lgreeley@lbgreeleylaw.com
Bar #: 7850
Attorney for James Stephen Patton

Rock Hill, South Carolina

November 25, 2024

.

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS
SIXTEENTH JUDICIAL CIRCUIT

COUNTY OF YORK)

James Stephen Patton,)

MAGISTRATE'S RETURN

Appellant,)

vs.)

Common Pleas Case Number: 2024CP460098

Magistrate Case Number: 2024OR46105025

Kera Rose Selzer and Dustin Selzer,)

Respondents.)

ANGIE M. BRYANT
C.C.P. CLERK
YORK COUNTY, SC

2025 JAN 17 AM 8:42

FILED-RECEIVED



Respondents filed a Complaint and Motion for Restraining Order in the Bethel-Kings Mountain Magistrate's Court on September 30, 2024 alleging Appellant was engaging in Harassment, First Degree. Appellant was served with a copy of the Complaint and Motion and a hearing was scheduled for November 5, 2024. Respondents appeared and were represented by their attorney, Creighton Hayes. Appellant appeared and was represented by his attorney, Leland Greeley. Following a bench trial, the Court granted Respondents' motion and issued a restraining order as requested. Appellant filed this appeal in the Court of Common Pleas on November 25, 2024.

Witnesses for Respondents

Dustin Selzer

Kera Rose Selzer

Exhibits Admitted into Evidence by Respondents

Exhibit 1: One photograph of Appellant's truck

Exhibit 2: Four photographs of surveillance footage showing Appellant

Exhibit 3: Four photographs of Appellant in front of Respondents' home

Exhibit 4: Five photographs of Appellant filming Respondents' from his property

Exhibit 5: Four photographs, three depicting Appellant in front of Respondents' home

Witnesses for Appellant

James Stephen Patton

Eddie Broome

Exhibits Admitted into Evidence by Appellant

Exhibit A: 1) Seven aerial photographs from York County GIS indicating property lines for Appellant's and Respondents' properties; 2) York County Property Report for Respondents' property; 3) Plat and Survey

Exhibit B: York County Code Enforcement - Notice of Violation to Respondents

Exhibit C: Three photographs showing lake shoreline

Exhibit D: Notice from Duke Energy and photographs showing lake shoreline

Exhibit E: One photograph showing beach, lake, and dock

Exhibit F: Eight photographs showing shoreline, lake, and Respondents' property

Exhibit G: Two photographs showing shoreline, lake, Respondents' property, and Appellant's property.

Summary of Testimony¹

Respondent Dustin Selzer (hereafter "D. Selzer") testified that he and his wife, Respondent Kera Rose Selzer, purchased real property located at [REDACTED] Windswept Cove and moved in on August 30, 2024. The home is on lakefront property. Appellant is a neighbor and owns real property located at [REDACTED] Windswept Cove, which is also lakefront property. Tensions between the parties developed almost immediately because Appellant's truck was parked on Respondents' property and Appellant did not immediately move the truck when asked.

¹ The bench trial lasted for 2 ½ hours. A copy of the audio recording of the entire hearing will be submitted along with this Return.

According to D. Selzer, Appellant stated that Respondents had him to thank for being able to purchase their property because he “ran off” the former owners.

D. Selzer further testified that on September 7, 2024, Appellant intruded upon a family gathering and came onto Respondents’ property without permission. At that time, D. Selzer was still trying to be cordial with Appellant but did ask him not to return to his property without permission. On September 11, 2024, D. Selzer and Appellant had a conversation about the complaint Appellant filed with York County Code Enforcement about a fence Respondents erected. At that time, D. Selzer requested Appellant cease all contact with Respondents.

On September 22, 2024, Respondents called York County Sheriff’s Office to report Appellant was trespassing on their property and sitting on a seawall they own. Deputies responded and issued a formal notice of trespass to Appellant. On September 28, 2024, Respondents called York County Sheriff’s Office to report that Appellant was trespassing and using a cellphone to take photos and/or videos of Kera Selzer and her children. Deputies arrested Appellant and charged him with Trespass After Notice. According to D. Selzer, since Appellant’s arrest, he has continued to take photos and/or videos of Respondents over a fence and shines what appears to be laser lights through a privacy fence toward them and their property.

Respondent Kera Rose Selzer (hereafter “K. Selzer”) testified about the September 7, 2024 incident where Appellant brought them cake and ice cream. She then testified about an encounter the following day when her children were playing outside. Appellant waved her kids over, trying to initiate contact with them. K. Selzer asked Appellant to leave and according to her, Appellant made her feel scared, intimidated, and caused her anxiety. K. Selzer also described the incidents that occurred on September 22nd and September 28th. She elaborated on

the September 28th incident by stating that Appellant began filming her and her children once her husband left the home. According to K. Selzer, since Appellant's arrest, he has continued to walk in front of her property and film her and her kids. This has caused her anxiety and fear, and has forced her to seek medical assistance.

Eddie Broome, Code Enforcement Officer for York County, testified that he responded to a complaint about a fence Respondents erected. Based on his investigation and inspection, Officer Broome issued a Notice of Code Violation to Respondents on October 9, 2024 identifying two violations: Use of Riparian Buffer and International Building Code. Officer Broome notified Respondents they must correct the violations by November 4, 2024 to avoid any further enforcement action. He testified that the York County GIS lines are accurate to within one meter. There is a 50 feet Riparian Buffer, which is an easement owned by Duke Energy. Officer Broome did not know if public access is allowed or if the public is allowed to walk inside the buffer. Regarding the Respondents' fence, he stated it is up to some other entity to determine whether the fence is a "structure," but if it is deemed to be a structure, Respondents will have to obtain a building permit to be in compliance.

Appellant testified his family has owned the real property located at [REDACTED] Windswept Cove since 1985 and he has been a permanent resident there since 2021. Regarding the initial issue with where his truck was parked, Appellant stated it was parked on a right of way but he moved it the same day as the conversation with D. Selzer. Appellant acknowledged the prior owners did not like him parking the truck in that location. He approached Respondents on September 2, 2024 and took them a welcome gift consisting of a "Happy Lake Life" cake and ice cream. Appellant recounted a time in July when, before Respondents actually moved into their home, he, D. Selzer, and D. Selzer's son were swimming in the lake. A boat approached and

came too close to them and Appellant yelled at the boater. Appellant testified about his familiarity with regulations governing the lake and that he routinely monitors lake levels because of dock concerns and the buffer.

Appellant had concerns about the fence erected by Respondents and felt Respondents were attempting to prevent him using the lake and the shoreline as he had always done prior to them moving into their home. He denied ever trespassing on Respondents' property and testified that he was only using his phone to document lake levels and document K. Seltzer's actions in video recording or photographing him.

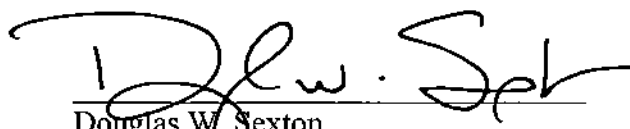
Basis for the Court's Decision

At the conclusion of the bench trial, the Court considered the testimony and evidence and concluded, by a preponderance of the evidence, that Appellant had engaged in conduct rising to the level of Harassment as defined by Section 16-3-1700 (A) of the South Carolina Code of Laws. The Court found that despite Appellant's assertions to the contrary, his actions served no legitimate purpose and were intended to cause Respondents emotional distress. Appellant repeatedly initiated contact with Respondents, after being advised the contact was unwanted, by walking, standing, and sitting on or directly in front of Respondents' property. Appellant continued this course of conduct even after a magistrate imposed bond conditions upon him following his arrest and ordered him not to go near Respondents' home or attempt to have any contact with Respondents whatsoever. Based on the testimony, the Court believed that Appellant had trespassed. But even if Appellant was not trespassing upon Respondents' property, it was not necessary for him to walk, stand, or sit directly in front of Respondents' home to monitor or document lake levels. He could have monitored or documented lake levels from his own dock, from his own property, or from the area immediately in front of it. He chose

not to do so because he wanted to continue to torment his neighbors. His actions had the desired effect.

The Court believed the testimony and evidence also supported the conclusion that Appellant's use of his cellphone to repeatedly photograph and/or video record Respondents and their children while they were outside their own home served no legitimate purpose and caused Respondents emotional distress. It was clear from the testimony of both Respondents that they suffered emotional distress and the Court found that a reasonable person in their position would also find Appellant's conduct offensive. Any reasonable person going about their private life with their children in their own yard would be distressed by a stranger, standing mere feet away, staring at them and recording them with his cellphone. The Court also believed that Appellant was surveilling Respondents on September 28th, based on K. Selzer's testimony that Appellant came out and began recording her and the children immediately after her husband drove away from their home.

Taken as a whole, the Court found that Appellant's conduct constituted a pattern of harassment, as defined by Section 16-3-1700. The Court rejects Appellant's explanation that his actions were innocuous and not intended to cause distress to his neighbors. It is more likely than not that Appellant's actions were malicious and calculated to "run-off" Respondents as he boasted that he did to their predecessors in title.



Douglas W. Sexton
York County Magistrate

Clover, South Carolina

December 19, 2024

Complaint and Motion for Restraining Order

STATE OF SOUTH CAROLINA

COUNTY OF YORK

2024OR4610500025
CIVIL CASE NUMBER

195

IN THE MAGISTRATE'S COURT

SUMMONS
(RESTRaining ORDER)
(Harassment and Stalking)

Kera Selzer

York, SC 29745

PLAINTIFF(S)

VS.

James Stephen Patton

York, SC 29745

DEFENDANT(S)

TO: James Patton :

The above named Plaintiff having filed a Petition for Restraining Order, copy attached:

YOU ARE HEREBY SUMMONED TO APPEAR before the:

Bethel / Kings Mountain Magistrate
201 S Main Street
Clover, SC

on **October 21, 2024 at 2:00 PM** to show cause why the Restraining Order prayed for by the Petitioner should not be granted.

IF YOU FAIL TO APPEAR, the relief prayed for by the Plaintiff may be granted.

NOTICE: THE NON-PREVAILING PARTY IN THIS ACTION IS ASSESSED A FILING FEE OF FIFTY-FIVE DOLLARS (\$55.00). THE COURT MAY HOLD A PERSON IN CONTEMPT OF COURT FOR FAILURE TO PAY THIS FILING FEE. §16-03-1750(D).

September 30, 2024


(MAGISTRATE)

STATE OF SOUTH CAROLINA)
)
 COUNTY OF _____)

IN THE MAGISTRATES COURT

Kera & Dustin Seher)
)
)

PLAINTIFF(S))

VS.)

James Stephen Patton)
)
)

DEFENDANT(S))

COMPLAINT AND MOTION
 FOR RESTRAINING ORDER
 (Harassment and Stalking)

CIVIL CASE NUMBER _____

The Plaintiff alleges:

1. The Plaintiff lives in YORK County.
2. The Defendant lives at [REDACTED] Windswept CV, which is in YORK, SC.
3. The Harassment First or Second Degree or Stalking occurred in YORK, SC.
4. Plaintiff further alleges that the following conduct occurred by the defendant on the times, dates, and places listed below, and such conduct falls within the definition of:
☒ HARASSMENT, FIRST DEGREE (§16-3-1700 (A)), or
☐ HARASSMENT, SECOND DEGREE (§ 16-3-1700 (B)), or
☐ STALKING (§ 16-3-1700 (C)).

5. September 22, 2024, at 6 O'clock, A.M./P.M. (circle one), at [REDACTED] Windswept CV, which is in YORK, SC, the conduct complained of occurred when the defendant:

Trespassing on my property and refusing to leave
Police called and told him not to come back

- On September 28, 2024, at 9 O'clock, A.M./P.M. (circle one), at [REDACTED] Windswept CV, which is in YORK, SC, the conduct complained of occurred when the defendant:

Trespassed on property, refusing to leave, taking photos of me

and screaming at me. recorded on 911 call.

On September 30, 2024, at 12 O'clock, A.M. (P.M.) (circle one), at [REDACTED] windswept cv, which is in York, SC, the conduct complained of occurred when the defendant:

videoing me and my kids from his yard - NO
contact order in place from judge.

(State details of harassment/stalking and other facts and circumstances upon which relief is sought above. Attach additional sheets if necessary.)

6. Plaintiff requests: (Check one or more)

- ☐ a. That the defendant be enjoined from abusing, threatening to abuse, or molesting the plaintiff or members of the plaintiff's family.
- ☒ b. That the defendant be enjoined from entering or attempting to enter the plaintiff's place of residence, employment, education, or other location.
- ☒ c. That the defendant be enjoined from communicating or attempting to communicate with the plaintiff in a way that would violate Article 17, Chapter 16 of the 1976 South Carolina Code of Laws, as amended.

SWORN to and Subscribed before me)

This 30 day of September, 2024.)

Nicole L. Sue)

Notary Public for South Carolina)

My Commission expires: 8/6/2030)

[Signature]

Signature of Plaintiff or Person Filing
on Behalf of Plaintiff

NOTICE: THE NON-PREVAILING PARTY IN THIS ACTION IS ASSESSED A FILING FEE OF FIFTY-FIVE DOLLARS (\$55.00). THE COURT MAY HOLD A PERSON IN CONTEMPT OF COURT FOR FAILURE TO PAY THIS FILING FEE. §16-03-170(D).

NOTICE TO DEFENDANT: YOU HAVE THE RIGHT TO EMPLOY COUNSEL TO REPRESENT YOU.

IN THE BETHEL / KINGS MOUNTAIN MAGISTRATE

INSTRUCTIONS FOR TRIALS

1. It is the responsibility of each party to bring any witnesses and other evidence which they wish the Court to consider.
2. The Court does not accept written statements or estimates, even notarized ones.
3. The Court does not telephone witnesses to take testimony.
4. The Court cannot continue a case because a witness isn't present unless the witness is under subpoena.
5. The Court will issue subpoenas to witnesses if you advise the Court of the name, address and phone number of the witnesses at least four (4) working days before the trial date. **THERE IS AN ADDITIONAL FEE OF \$3.00 FOR THE MAGISTRATE TO PREPARE AND MAIL THE SUBPOENA. IF THE SUBPOENA MUST BE SERVED BY A DEPUTY, THERE IS AN ADDITIONAL \$8.00 FEE THAT MUST BE PAID TO THE COURT FOR SERVICE OF THE SUBPOENA.**
6. The parties should meet 15 minutes before Court time to exchange copies of any documents they plan to use; to show each other any photographs and/or exhibits they plan to use and to discuss possible settlement of their differences.
7. If an emergency arises (not mere inconvenience) and you cannot be in Court on the scheduled date, you must notify the Court immediately.
8. Proper attire is required to enter the Courtroom. **NO SHORTS, HATS, FLIP FLOPS, CUT OFF SHIRTS, TANK TOPS, PAJAMAS, OR SAGGING PANTS. NO CELL PHONES OR ELECTRONIC DEVICES ALLOWED.** All bags and purses are subject to be searched. You must check in before entering the Courtroom. Identification will be requested if you intend to enter the Courtroom.
9. If you are a business and are going to be represented by a Non-Lawyer, a Non-Lawyer Authorization Form must be filed with the court. (See 33-1-103 SC Code of Laws)
10. Any evidence on an electronic device should be converted to a format (written, CD, etc.) for the court to keep in evidence. If you present your electronic device with evidence on a device, it may be kept by the court during trial and pending any appeals.
11. If you desire a Jury Trial, you must request one in writing at least five (5) working days prior to the date set for Trial. If no Jury Trial is timely requested, the matter will be heard and decided by the Magistrate.

Exhibit 1

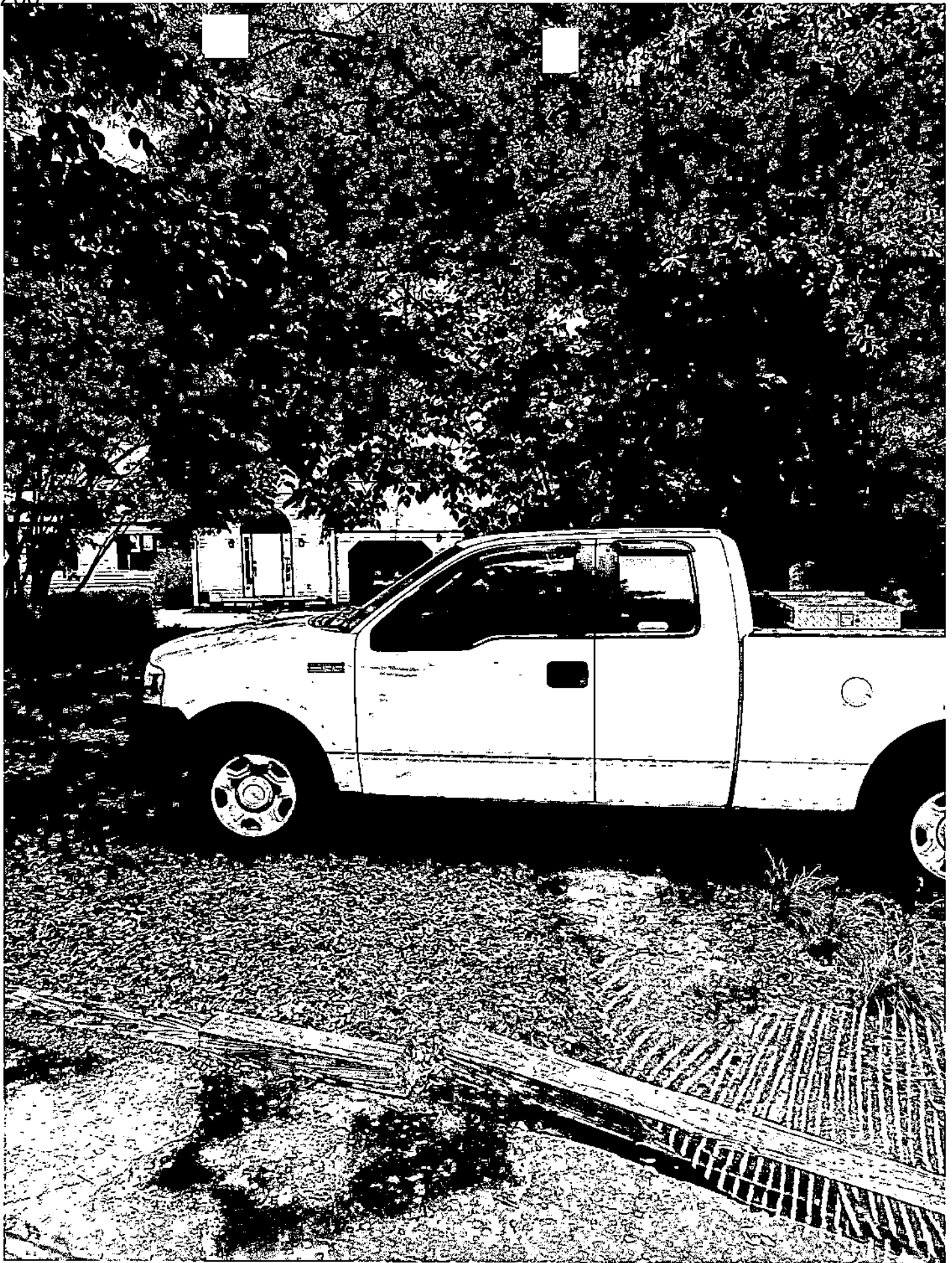
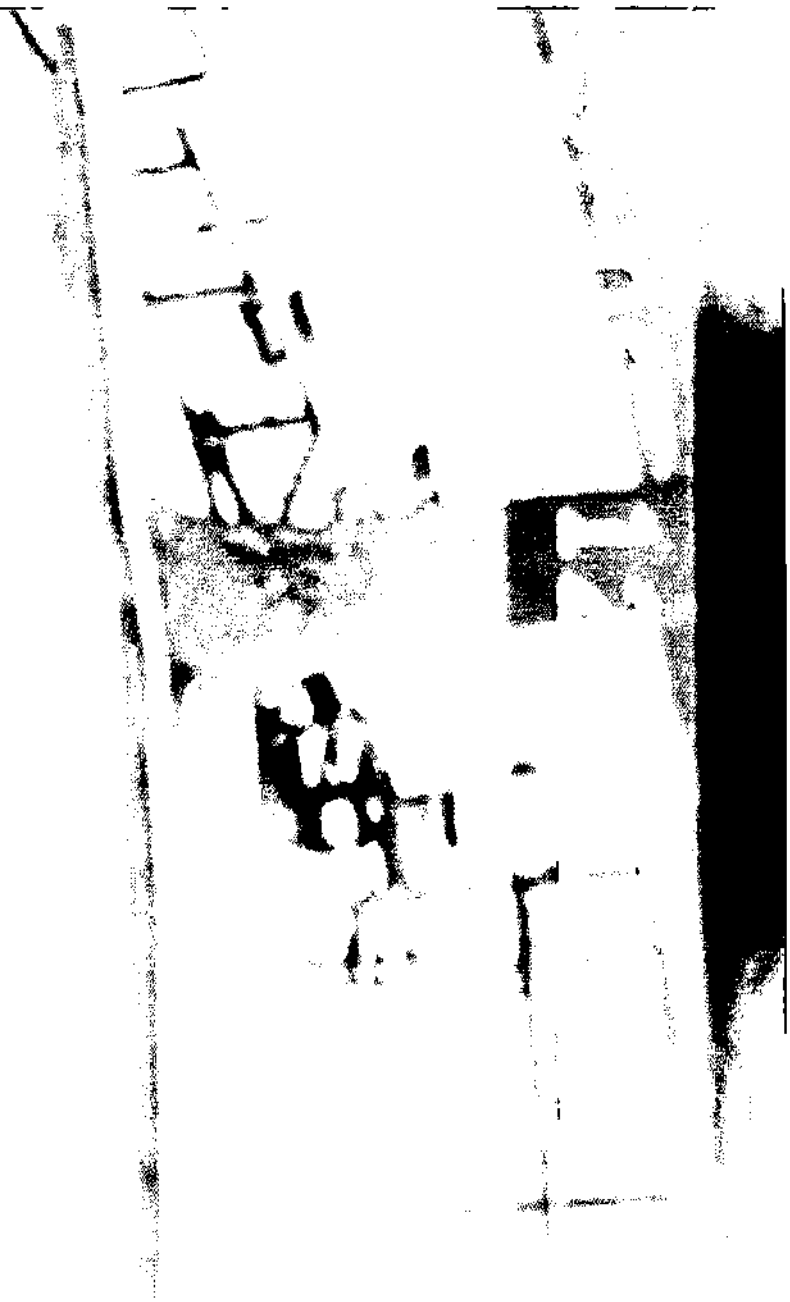


Exhibit 2





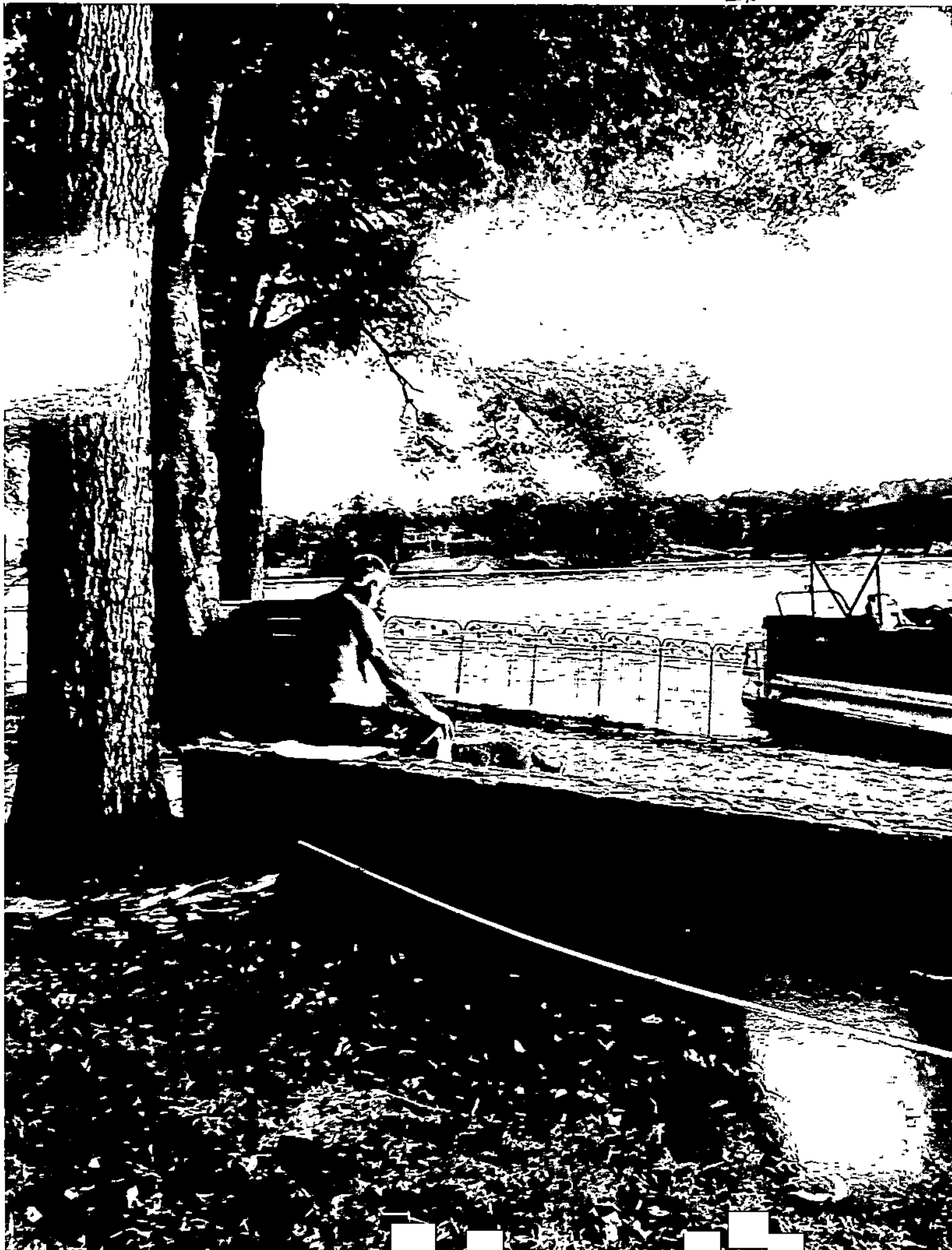
Ex 2

024-09-09-12

12

Exhibit 3

Exh 3



Ex 3



Exh 3





Exhibit 4





Ex 4



Ex. 4

Exh. 4



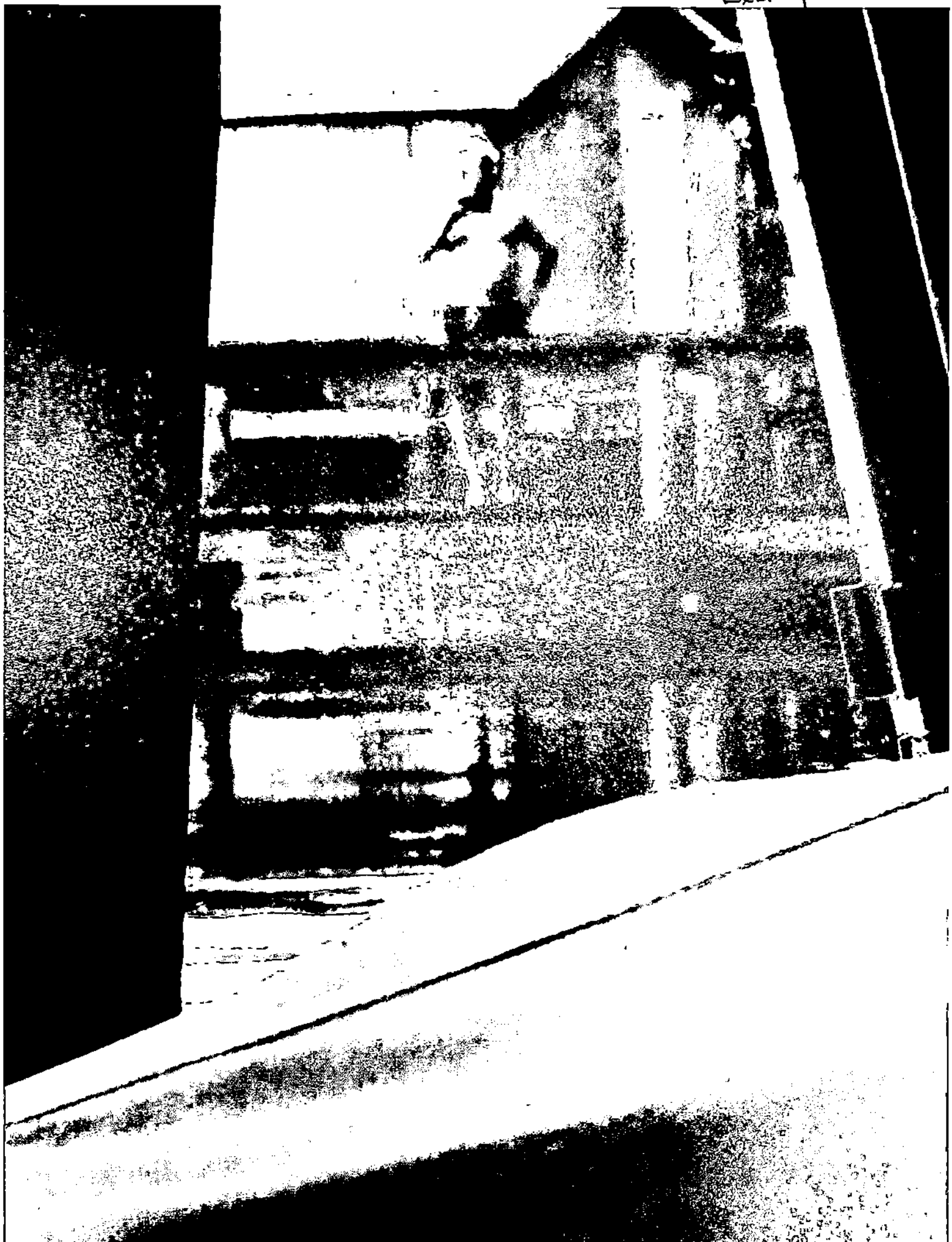


Exhibit 5







Ex. 5

Exh. 5

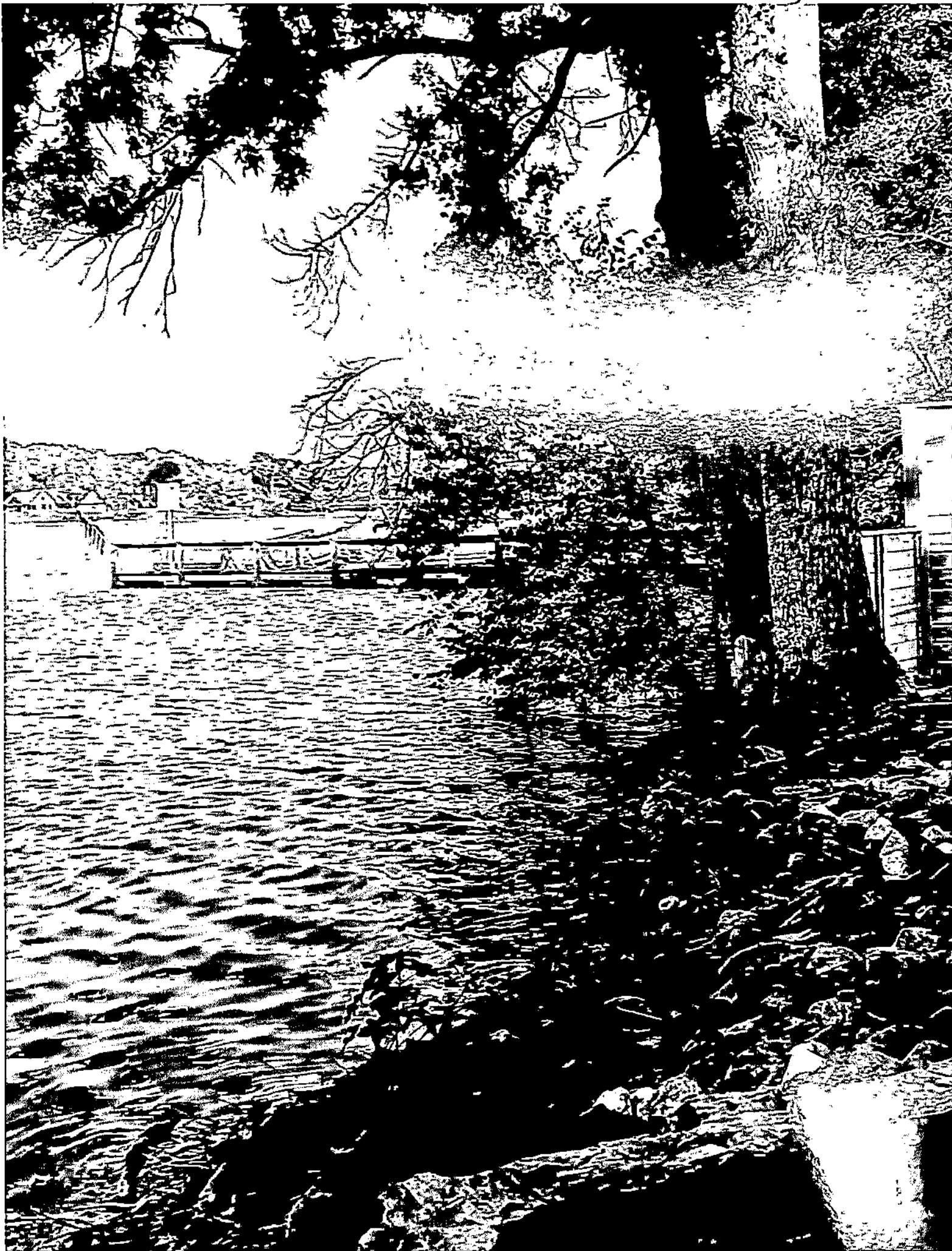


Exhibit A















Summary

Parcel Number
Account #



Tax District

2LKW

Land Unit Classification

RIL



(Note: Not zoning info)

Acres / Lot

1

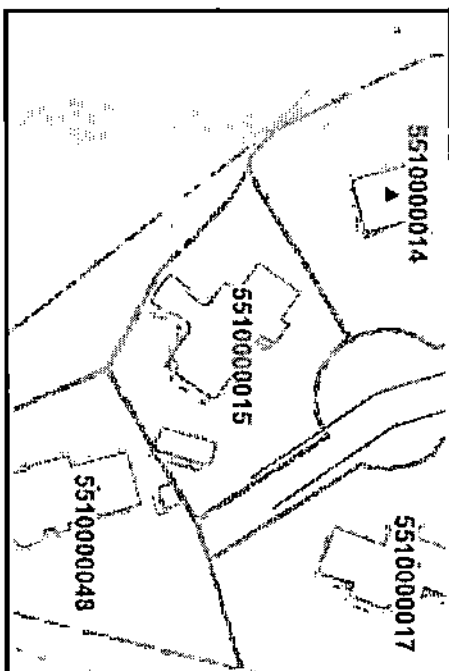
Legal Description



(Note: Not to be used on legal documents.)

Neighborhood

LAKE WYLLIE SDV
section 7



Scanned Property Card

Property Card

Property cards were last updated on 12/31/2019

Owner(s)

SELZER DUSTIN STEPHEN

SELZER KERA ROSE

YORK SC 29745

US

Valuation

231

Market Land Value	350000
+ Market Improvement Value	129374
+ Market Misc Value	0
= Total Market Value	479374
Taxable Land Value	350000
+ Taxable Improvement Value	129374
+ Taxable Misc Value	0
- Ag Credit Value	0
= Total Taxable Value	479374
Assessed Land Value	14000
+ Assessed Improvement Value	5175
+ Assessed Misc Value	0
= Total Assessed Value	19175

Sales

Sale Date	Sale Price	Book	Page	Grantor	Grantee
03/14/1989	163000	1083	267	WELLS ROBERT DENNIS SR	WALKER JOSEPH STEVENS JR
08/28/2023		20920	179	WALKER JOSEPH STEVENS JR	WALKER JOSEPH STEVENS JR TRUSTEE
06/07/2024	910000	21342	307	WALKER JOSEPH STEVENS JR TRUSTEE	SELZER DUSTIN STEPHEN

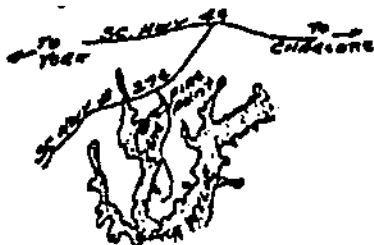
Land Use	Number of Units	Unit Type	Land Type
RES IMPROVED LETTER	1	Lot	Site

Buildings

Style	Residential	Roof Type
Gross Sq Ft	3244	Roof Coverage
Finished Sq Ft	2420	Flooring Type
Stories	1.0	Heating Type
Interior Walls		Bedrooms
Exterior Walls	Siding/Shingles	Full Bathrooms
Year Built		Half Bathrooms
Garage		3/4 Bathrooms
Porch		Fireplaces
Foundation		
Area Description	Sketch Area	Finished Area

THIS IS TO CERTIFY THAT ON THE 31ST DAY OF December 1984 I SURVEYED THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE TITLE LINES AND THE WALLS OF THE BUILDINGS IF ANY, ARE AS SHOWN HEREON.

SIGNED Hugh E. White Jr.
REGISTERED SURVEYOR



VICINITY MAP
1" = 2 MILES

FILED-RECEIVED
BOOK 76 PAGE 266
JAN 21 12 36 PM '85
M.H. CANNON, JR.
C.C.C. & G.S.
YORK COUNTY, S.C.

66' R/W
PINE POINT
ROAD
unimproved

LOT 30

LOT 33

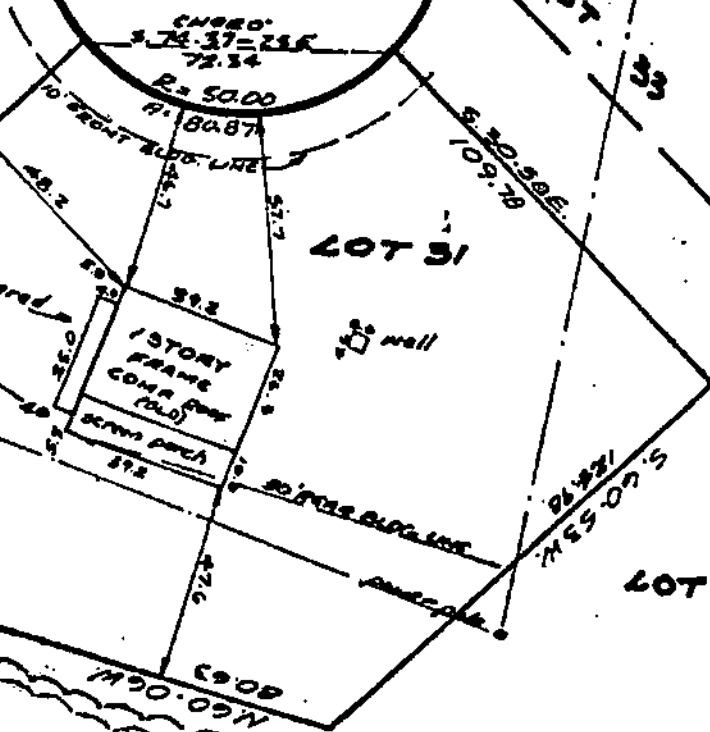
LOT 31

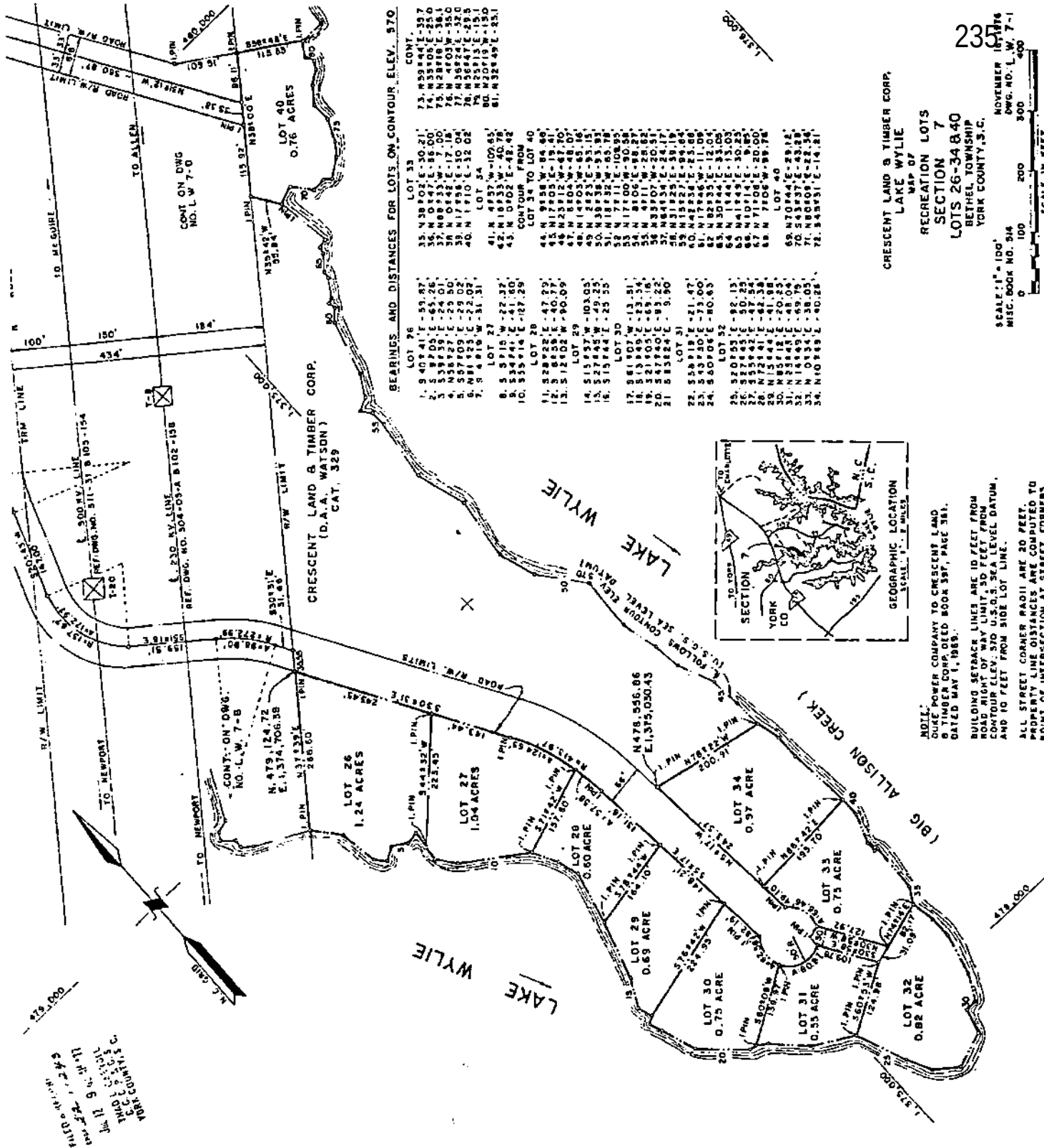
LOT 32

LAKE WYLIE

Physical SURVEY

LOT 31 CRESCENT LAND & TIMBER CORP.





23

NOVEMBER 1976

DWG. NO. L.W. 7-1

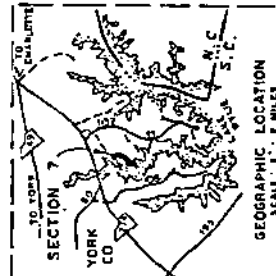
SCALE: 1" = 100'

MIC. BOOK NO. 34

0 100 200 300 400

SCALE IN FEET

CRESCENT LAND & TIMBER CORP.
LAKE WYLIE
WAY OF
RECREATION LOTS
SECTION 7
LOTS 26-34 & 40
BETHEL TOWNSHIP
YORK COUNTY, S.C.



NOTES:

1. GUE POWER COMPANY TO CRESCENT LAND & TIMBER CORP. DEED BOOK 387, PAGE 581, DATED MAY 1, 1968.

2. BUILDING SETBACK LINES ARE 10 FEET FROM ROAD RIGHT OF WAY LIMIT, 50 FEET FROM CONTOUR ELEV. 570 U.S.C.S. SEA LEVEL DATUM, AND 10 FEET FROM SIDE LOT LINE.

3. ALL STREET CORNER RADII ARE 30 FEET.

4. PROPERTY LINE DISTANCES ARE COMPUTED TO POINT OF INTERSECTION AT STREET CORNERS.

Exhibit B



Def. B

237

Planning and Development Services
18 W. Liberty Street
York, SC 29745
Office: (803) 909-7200

Code Enforcement

NOTICE OF VIOLATION

Notice of Code Violation

DUSTIN STEPHEN SELZER
[REDACTED]
YORK, SC 29745

October 9, 2024

Location	[REDACTED]
Parcel ID	[REDACTED]
Case Number	CE-20240326
Inspection Date	10/9/2024

Dear DUSTIN STEPHEN SELZER,

This letter serves as official notice that the subject property, under your ownership, was found to be noncompliant with the York County Code of Ordinances. After receipt of a complaint, a site inspection was performed and it was determined that the property is in violation of the following referenced code sections:

- 1 Violation: 155.849 (A)(1) Use of Riparian Buffer

Required Action: Correct the violation

- 2 Violation: International Building Code (IBC)

Required Action: Correct the Violation

COMPLIANCE BY: November 04, 2024

Per the International Building Code fences above 7' in height are considered a structure, therefore will require a building permit. The building division will need to make sure appropriate footers are installed in order to ensure it can withstand various wind loads. Additionally, the fence, since it is considered a structure, will need to meet the setbacks of the zoning district. Your property is zoned RMX-10 and has the following setbacks:

- Front: 25'
- Side: 5'
- Rear: 25'

This property is encumbered by the Lake Wylie buffer. The setback from the full pond level (569.4' contour line) is 50 feet. Installation of any new structures within the buffer is prohibited. Please submit an application for a permit for the fence. Please be sure the fence meets all setbacks and is not located within the Lake Wylie Buffer. Please feel free to call 803-417-5680 if you have any questions.

You have until November 4, 2024 to address the violation on your property to avoid further enforcement action by the Planning & Development Services Department. Should you require additional time, please contact the assigned Code Enforcement Officer below.

Sincerely,

Eddie Broome
Code Enforcement Officer
803-417-5680
eddie.broome@yorkcountygov.com

Exhibit C



01/20/24

Dee Ex C



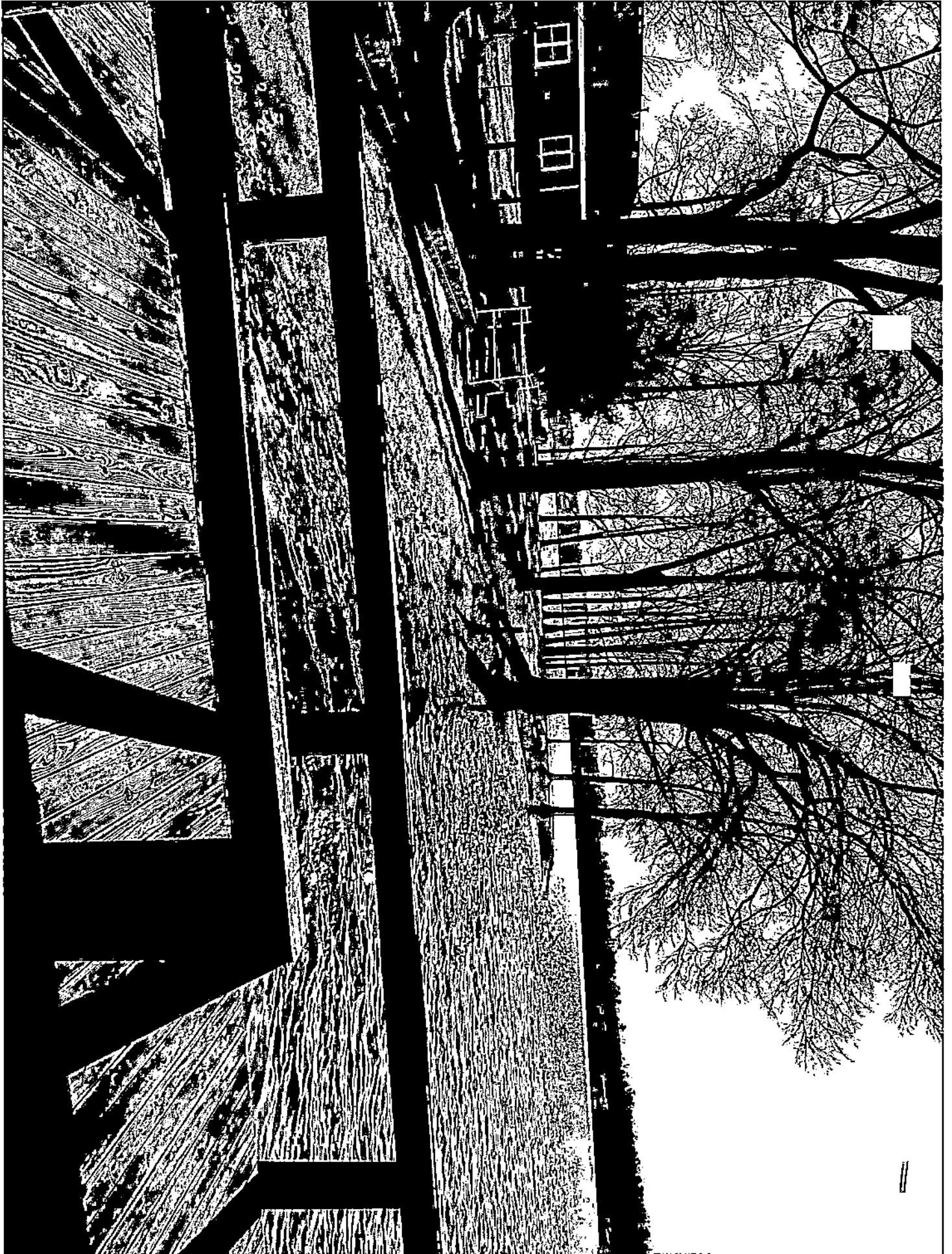


Exhibit D

7:40

5G 40%

Lake Wylie



27-DEC-23

Lake Wylie is higher than normal due to recent rainfall. Hydro Operations is moving water through the river system. Individuals who live along lakes and rivers and in flood-prone areas should pay close attention to local media and changing weather conditions via the National Weather Service and take any necessary precautions. Real-time lake level information is available at duke-energy.com/lakes, by calling 800-829-5253 and via the Duke Energy Lake View mobile app.

99.9 ft.

As of 12/28/2023 at 07:35AM

Normal Full Pond Elevation = 100ft = 569.4
ft (AMSL, NGVD 29 datum)

AA

lakes.duke-energy.com



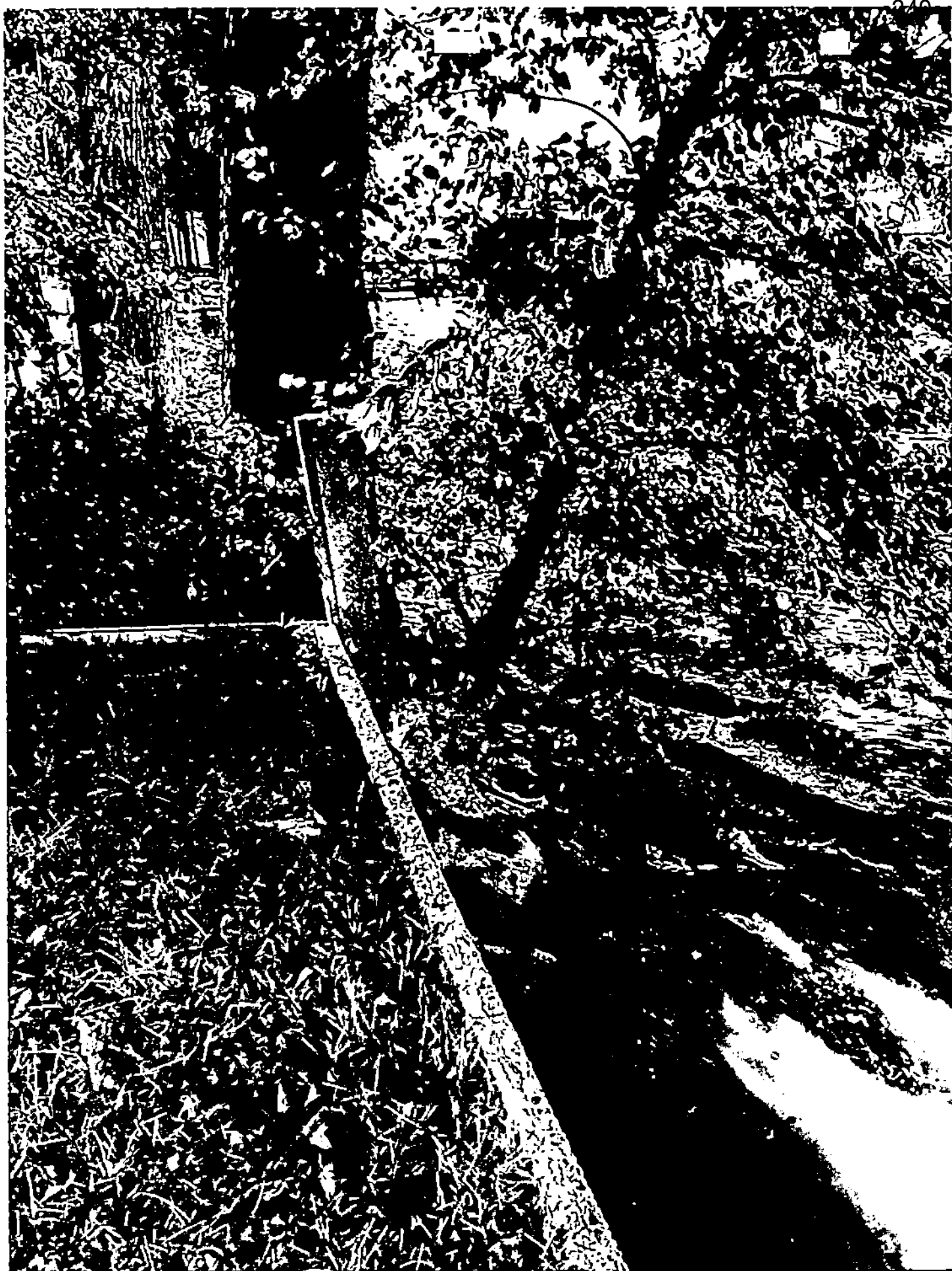


Exhibit E

Sun 06/02/24 5:27 PM = JSP sitting on DE wall 5 days B4 Selzer Purchase Exd E



Exhibit F



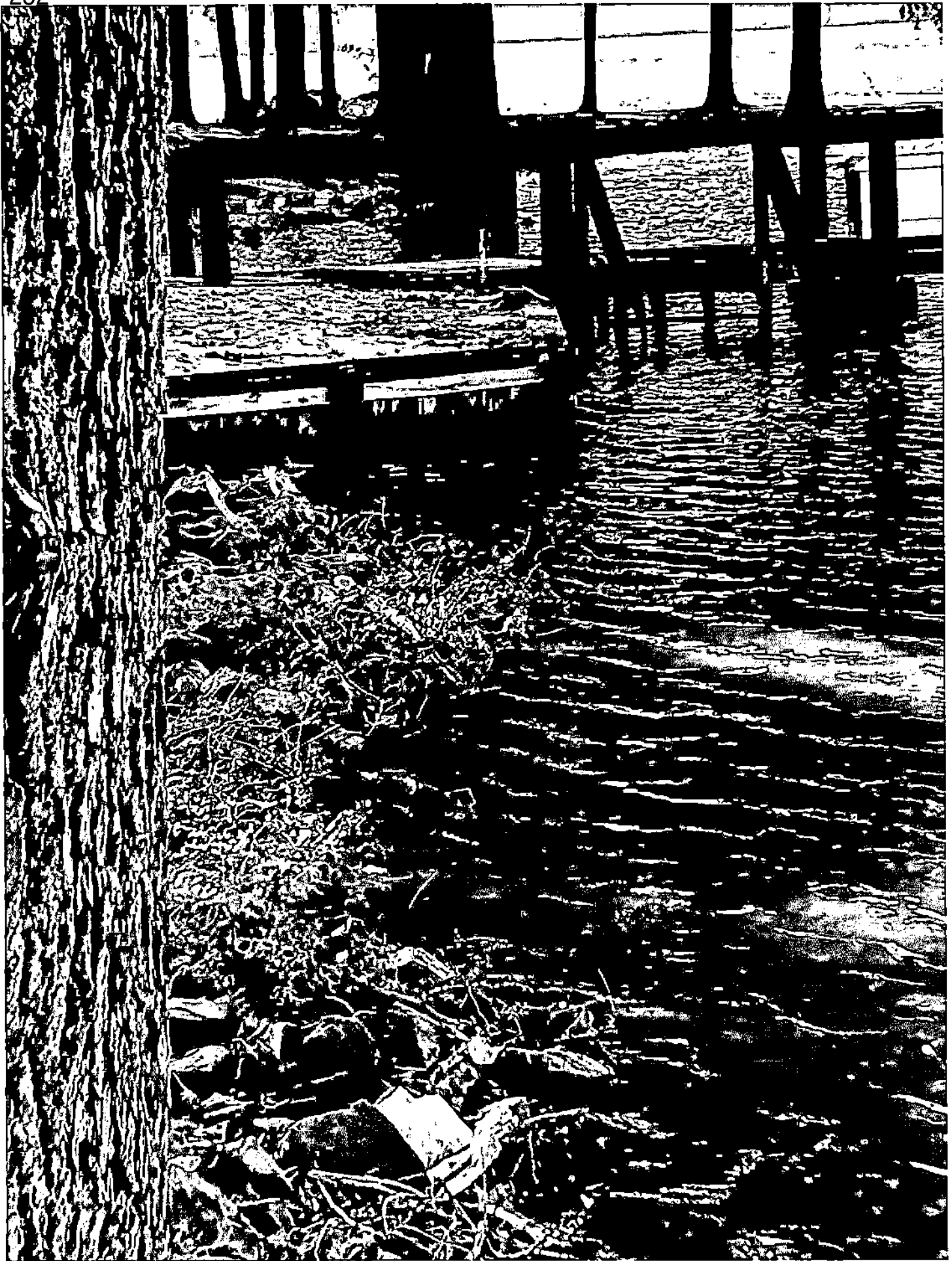
ENC. 4

4
Ex. 1.



Exp. 4

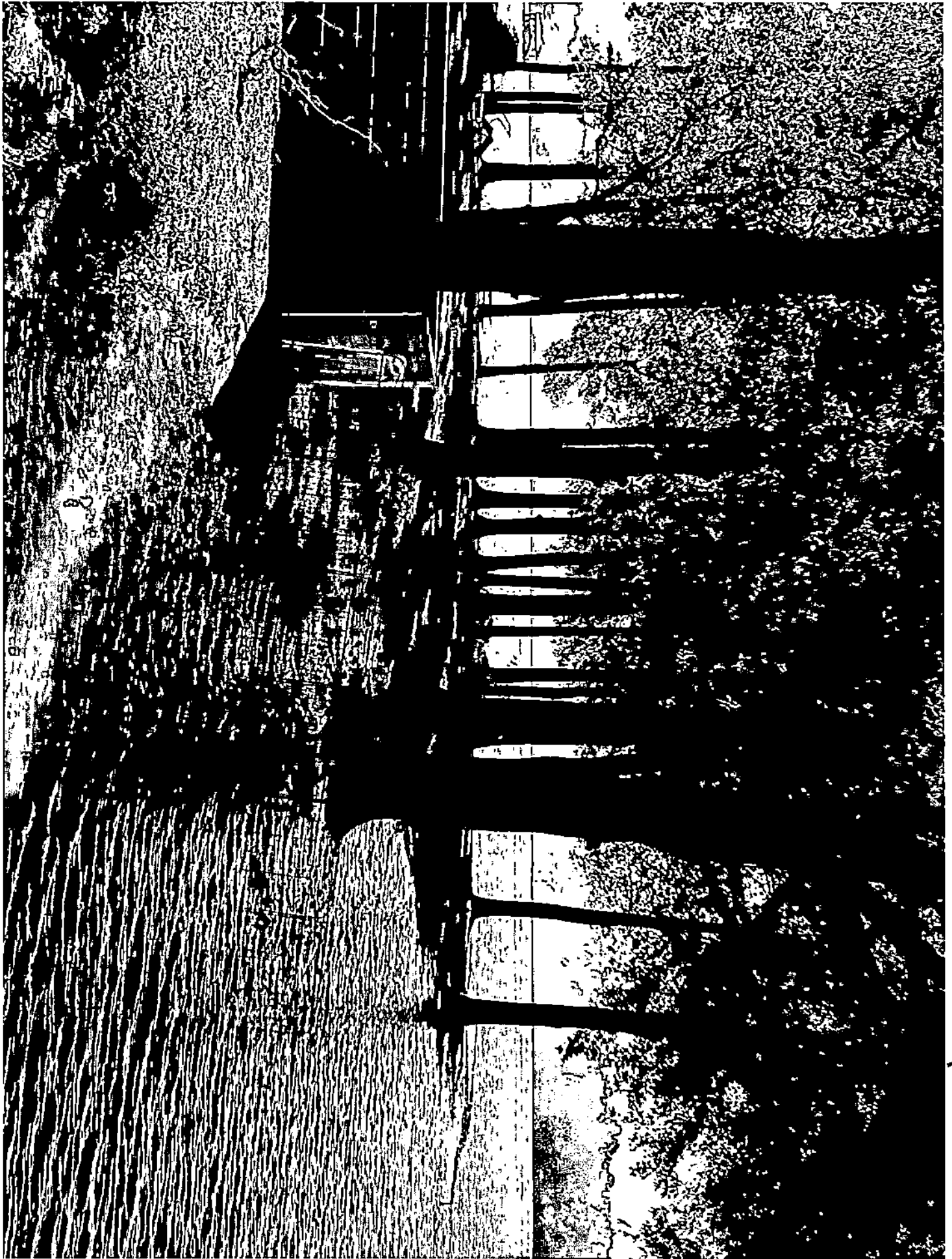




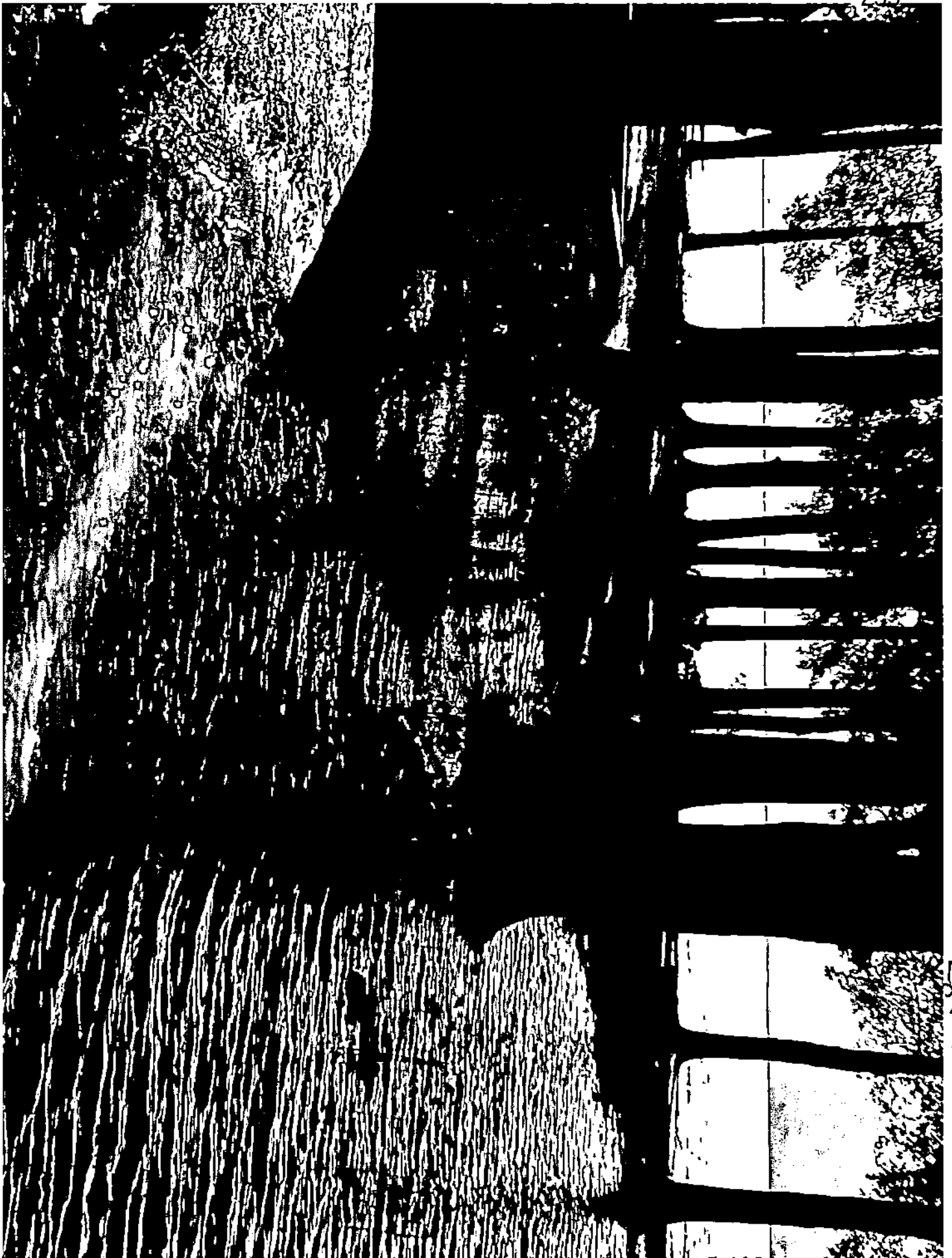
Ext. E

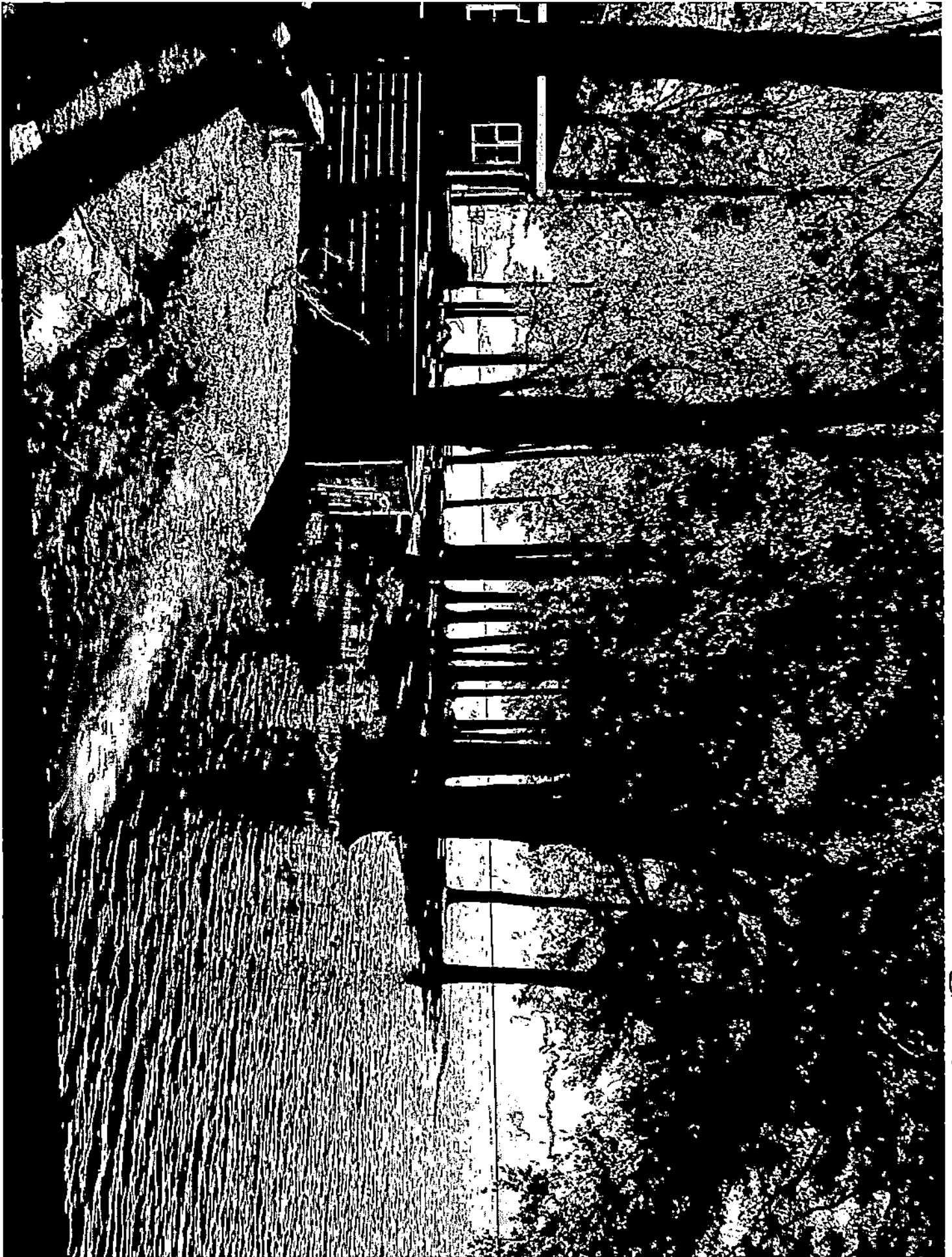


Ex 1 F



7

E
H
H



11

Exhibit G



Ex C

Exiv. G



Restraining Order

STATE OF SOUTH CAROLINA

IN THE MAGISTRATES COURT

COUNTY OF YORK

Kera Rose Selzer and Dustin Selzer

PLAINTIFF(S)

vs.

James Stephen Patton

DEFENDANT(S).

RESTRAINING ORDER

FILE COPY

CIVIL CASE NUMBER

2024OR4610500025

DEFENDANT IDENTIFIERS

Petitioner's DOB: [REDACTED]

SEX *	RACE *	DOB*	HEIGHT
W	M	[REDACTED]	6'
WEIGHT	HAIR	EYES	
240	Gry		

And/or on behalf of minor family member(s) or
other protected persons: (List name & DOB)

Relationship to Plaintiff:

Neighbor

York, SC 29745

Defendant's Address

CAUTION:

*Indicates required information for entry into NCIC

☐ Weapon Involved☐ Weapon Present on Defendant's Property☐ Access to weapons

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter.

Defendant has been provided with reasonable notice and opportunity to be heard.

Additional findings of this order are as set forth below.

THE COURT HEREBY ORDERS:

☐ That the above named Defendant be restrained from committing further acts of abuse or threats of abuse.☒ That the above named Defendant be restrained from any contact with the Protected Person as set forth on the attached pages.

The terms of the this order shall be effective until

November 5

, 2025

WARNINGS TO DEFENDANT:

This order shall be enforced in any county of South Carolina and by the courts of any state, District of Columbia, any U. S. Territory, and may be enforced by Tribal Lands (18 U.S.C. Section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. Section 2262).

State and federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition (18 U.S.C. Section 922).

Only the Court can change this order.

For Additional Information Call:

(803) 628-3059 Sheriff

(803) 675-6040

Clerk of Court

Phone Number

Phone Number

After filing of a complaint and motion for a Restraining Order on September 30, 2024, the Court held a hearing on November 5, 2024. After hearing the evidence, and examining the affidavits and verified pleadings, the Court has determined that the Plaintiff has proved by a preponderance of evidence the need for issuance of a Restraining Order.

The Court makes the following findings of fact: (Check all that apply)

- ☒ 1. The Plaintiff resides in York County, South Carolina.
- ☒ 2. The Defendant lives at [REDACTED] which is in York County, South Carolina.
- ☐ 3. The Defendant is employed at [REDACTED] which is located at [REDACTED].
- ☒ 4. The Defendant:
 - ☐ is a current or former spouse of the victim
 - ☐ is a current or former intimate partner of the minor child's parent (minor child is protected person)
 - ☐ is a parent of the victim
 - ☐ cohabits or previously cohabited with the victim.
 - ☐ has a child/children in common with the victim
 - ☐ is a person similarly situated to a spouse of the victim
 - ☐ is a person similarly situated to a spouse of the victim
 - ☒ other: is a neighbor of the victim
- ☐ 5. The Defendant is a nonresident of this state or cannot be found.
- ☒ 6. The Harassment or Stalking, as described herein, occurred in York, South Carolina.
- ☒ 7. The Defendant has committed the following acts which constitute Harassment in the 1st or 2nd Degree or Stalking: Using a cell phone to record audio and/or video of Petitioners while they are on private property; trespassing on Petitioners' property on multiple occasions

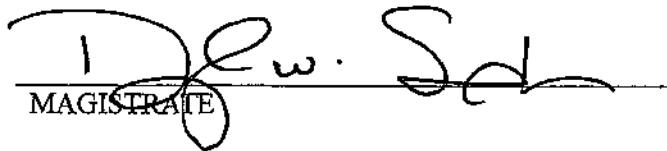
IT IS THEREFORE ORDERED THAT (Check all that apply):

- ☒ A. The Defendant is restrained, prohibited and forbidden from abusing, threatening to abuse, or molesting the Plaintiffs or members of Plaintiff's family, to include:
- ☒ B. The Defendant is restrained, prohibited and forbidden from entering or attempting to enter the Plaintiff's place of residence, employment, education, or the following locations:
- ☒ C. The Defendant is restrained, prohibited and forbidden from communicating or attempting to communicate with the Plaintiffs, or approaching the Plaintiffs or Plaintiffs' children in any way, to include:
- ☐ D. Federal Firearms Prohibition, pursuant to 18 U.S.C § 922.
 - 1. Does this Order protect an intimate partner, a child of an intimate partner, or a child of the defendant? ☐ YES ☒ NO
 - 2. Did the person restrained have actual notice and an opportunity to participate in the hearing? ☐ YES ☐ NO
 - 3. Does the Order find the restrained person a credible threat or explicitly prohibit the use, attempted use, or threatened use of physical force? ☐ YES ☐ NO
- ☒ E. A copy of this Order shall be served on the following law enforcement agencies: York County Sheriff's Office

The terms of this order remain in effect until November 5, 2025, and may be extended by this court for good cause shown. If the Defendant has been or is during the duration of this order charged with the crime of Harassment in the 1st or 2nd Degree or Stalking, the terms of this order remain in effect until the conclusion of the Defendant's trial.

AND IT IS SO ORDERED.

Entered at 12:50 P.M. on
November 5, 2024.


MAGISTRATE

VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE PUNISHABLE BY THIRTY DAYS IN JAIL, A FINE OF FIVE HUNDRED DOLLARS, OR BOTH, AND IS IN ADDITION TO OTHER CRIMINAL PENALTIES WHICH MAY RESULT FROM SUCH ACTION.

PURSUANT TO SECTION 16-25-125 OF THE SOUTH CAROLINA CODE OF LAWS, IT IS UNLAWFUL FOR A PERSON WHO HAS BEEN CHARGED WITH OR CONVICTED OF CRIMINAL DOMESTIC VIOLENCE OR CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE, WHO IS SUBJECT TO AN ORDER OF PROTECTION, OR WHO IS SUBJECT TO A RESTRAINING ORDER, TO ENTER OR REMAIN UPON THE GROUNDS OR STRUCTURE OF A DOMESTIC VIOLENCE SHELTER IN WHICH THE PERSON'S HOUSEHOLD MEMBER RESIDES OR THE DOMESTIC VIOLENCE SHELTER'S ADMINISTRATIVE OFFICES. A PERSON WHO VIOLATES THIS PROVISION IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, MUST BE FINED NOT MORE THAN THREE THOUSAND DOLLARS OR IMPRISONED FOR NOT MORE THAN THREE YEARS, OR BOTH. IF THE PERSON IS IN POSSESSION OF A DANGEROUS WEAPON AT THE TIME OF THE VIOLATION, THE PERSON IS GUILTY OF A FELONY AND, UPON CONVICTION, MUST BE FINED NOT MORE THAN FIVE THOUSAND DOLLARS OR IMPRISONED FOR NOT MORE THAN FIVE YEARS, OR BOTH.

TO LAW ENFORCEMENT OFFICERS:

Notwithstanding any other provision of law, the terms of this Order are enforceable throughout this State. S.C. Code Ann. § 16-3-1750(F). Any person who violates a provision of this Order is subject to a fine of five hundred dollars, thirty days imprisonment, or both. S.C. Code Ann. § 16-3-1770(C). Law enforcement officers shall arrest a defendant who acts in violation of this Order after service and notice of the Order have been provided. An arrest warrant is not required. S.C. Code Ann. § 16-3-1800.

COPY GIVEN TO PLAINTIFF BY

DWS (initials)

COPY GIVEN TO DEFENDANT BY

DWS (initials)

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	SIXTEENTH JUDICIAL CIRCUIT
COUNTY OF YORK	)	
	)	
James Stephen Patton,	)	
	)	
Appellant,	)	RESPONDENTS' MEMORANDUM IN
	)	SUPPORT OF MAGISTRATE'S RETURN
vs.	)	AND IN OPPOSITION TO APPEAL
	)	
Kera Rose Selzer and Dustin Selzer,	)	Common Pleas Case No. 2024CP4604598
	)	Magistrate Case No. 2024OR4610500025
Respondents.	)	
	)	

This matter comes before the Court pursuant to Appellant James Stephen Patton’s Notice of Intent to Appeal filed November 25, 2024, in response to the restraining order issued against Appellant by the Bethel-Kings Mountain Magistrate Court on November 5, 2024. For the reasons set forth below and in the Magistrate’s Return filed January 17, 2025, this Court should deny the relief sought by Appellant.

LEGAL STANDARD

South Carolina law allows a person who has been subjected to harassment or stalking to petition the appropriate Magistrate Court for a Restraining Order against the perpetrator of the harassment or stalking. South Carolina Code of Laws Section 16-3-1750 states that “the magistrates court has jurisdiction over an action seeking a restraining order against a person engaged in harassment in the first or second degree or stalking.” Section 16-3-1700 defines harassment in the first and second degree and stalking. Harassment in the second degree “means a pattern of intentional, substantial, and unreasonable intrusion into the private life of a targeted person that serves no legitimate purpose and causes the person and would cause a reasonable

person in his position to suffer mental or emotional distress. Harassment in second degree may include, but is not limited to, verbal, written, or electronic contact that is initiated, maintained, or repeated.” Harassment in the first degree is defined as “a pattern of intentional, substantial, and unreasonable intrusion into the private life of a targeted person that serves no legitimate purpose and causes the person and would cause a reasonable person in his position to suffer mental or emotional distress. Harassment in the first degree may include, but is not limited to: (1) following the targeted person as he moves from location to location; (2) visual or physical contact that is initiated, maintained, or repeated after a person has been provided oral or written notice that the contact is unwanted or after the victim has filed an incident report with a law enforcement agency; (3) surveillance of or the maintenance of a presence near the targeted person's: (a) residence; (b) place of work; (c) school; or (d) another place regularly occupied or visited by the targeted person; and (4) vandalism and property damage.”

FACTUAL AND PROCEDURAL BACKGROUND

The Respondents filed a verified Complaint and Motion for Restraining Order in the Bethel-Kings Mountain Magistrate’s Court on September 30, 2024, alleging that the Appellant lives within York County, South Carolina, and that the Appellant had engaged in a pattern of conduct constituting harassment in the first degree pursuant to South Carolina law. A copy of the Respondent’s Complaint and Motion is included in the Magistrate’s Return.

A show cause/bench trial hearing was scheduled for October 21, 2024, then rescheduled to November 5, 2024. The Appellant was served with a copy of the Complaint and Motion, and both parties appeared at the hearing November 5 with respective counsel. During the hearing, both

Respondents, the Appellant, and a witness for Appellant testified as to the allegations of the Complaint and Motion. As stated in the Magistrate's Return, the Court admitted five exhibits from the Respondents and seven exhibits from the Appellant into evidence. The hearing lasted approximately two and a half hours. The testimony of all witnesses is accurately summarized in the Magistrate's Return.

At the conclusion of the hearing, the Magistrate Court granted a Restraining Order against the Appellant, stating that it will be in effect until November 5, 2025. The Court stated in the Restraining Order that the Respondents had proved by a preponderance of the evidence the need for the issuance of a Restraining Order and made the following findings of fact: the [Respondents] reside in York County, South Carolina; the [Appellant] lives in York County, South Carolina; the [Appellant] is a neighbor of the victim[s]; the harassment or stalking, as described in the Restraining Order, occurred in York County, South Carolina; and the Appellant committed the following acts which constitute Harassment in the 1st or 2nd Degree or Stalking: Using a cell phone to record audio and/or video of [Respondents] while they are on private property; trespassing on [Respondents'] property on multiple occasions."

The Magistrate's Return notes the basis for the Court's decision, stating that "the Court considered all testimony and evidence and concluded that, by a preponderance of the evidence, that Appellant had engaged in conduct rising to the level of Harassment [in the 1st Degree] as defined by Section 16-3-1700 (A) of the South Carolina Code of Laws." The Court further found that the Appellant's actions served no legitimate purpose, were intended to cause the Respondents emotional distress, had caused the Respondents emotional distress, and that a reasonable person in

the Respondents' position would also find Appellant's conduct offensive and would be distressed by the Appellant's actions and pattern of behavior. The Court pointedly remarked on the fact that the Appellant continued his course of conduct despite being under bond conditions pursuant to his arrest for trespassing on the Respondents' property on September 28, 2024. The Court also noted that his finding that the Appellant had trespassed on the Respondents' property was not a determining factor in ruling that the Respondents had met their burden of proof and that a Restraining Order should be issued against Appellant. Rather, the Court made its decision based on its belief that the Appellant's actions were malicious and perpetrated to torment the Respondents and run them off, which the Respondents testified that the Appellant had boasted about doing to the previous owners of Respondents' home.

ARGUMENT

The Magistrate Court made the necessary findings of fact required to issue a Restraining Order pursuant to South Carolina law. The Court found that the Respondents had met their burden of proof by a preponderance of the evidence, and that they had proved that the Appellant's pattern of conduct constituted Harassment or Stalking. As the trier of fact at the bench trial, having listened to the testimony of all witnesses and reviewed the evidence submitted by both sides, along with having the opportunity to judge the credibility of the witnesses, the Magistrate Court did not abuse its discretion in finding that the requirements for a restraining order had been met. The testimony and evidence submitted by the Respondents at the hearing support the Magistrate Court's finding that the Appellant had engaged in a pattern of intentional, substantial, and unreasonable intrusion into the private life of the Respondents which served no legitimate purpose, caused the

Respondents emotional distress, and would cause a reasonable person in the Respondents' position emotional distress. The Respondents respectfully request that this Court uphold the Restraining Order issued by the Magistrate Court and deny the relief requested by the Appellant.

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Attorney for Respondents

February 19, 2025

County of York	)	IN THE COURT OF COMMON PLEAS
	)	SIXTEENTH JUDICIAL CIRCUIT
State of South Carolina	)	
Kera Rose Selzer and Dustin Selzer,	)	
	)	
Respondents,	)	
	)	
v.	)	BRIEF IN SUPPORT OF APPELLANT’S
	)	APPEAL TO REVERSE THE VERDICT OR FOR
	)	A NEW TRIAL
	)	
James Stephen Patton,	)	Civil Case No: 2024OR4610500025
	)	
Appellant.	)	
_____	)	

Pertinent Facts

The Appellant resides at 2623 Wind Swept Cove, a residence located on the shore of Lake Wylie, York County, South Carolina whose family has owned the property since 1986. Lake Wylie is a manmade lake for the purpose of aiding in the production of hydroelectricity by Duke Energy. Respondents are the next-door neighbors of the Appellant, having purchased the residence in June of 2024 and moved in at the end of August 2024. Depending on the rainfall of the season and the schedule of the Lake Wylie Dam releasing water, the shoreline ranges in size from several feet to non-existent. Appellant would occasionally walk the shoreline of the lake, going from his property to the shoreline point a few houses away from his. Appellant would walk past the house of the Respondents’, remaining on the shoreline. Respondents built a privacy fence on both sides of their property with each extending past and outside of their property and into the lake, thus blocking access to the shoreline, no matter the water level of the lake.

Appellant informed the Respondents he didn't believe they were allowed to extend the fences as they did, and that Duke Power or the County would require them to take them down. On September 11, 2024 the Appellant notified Duke Energy of the fences on its shoreline property. Subsequently the County of York notified the Respondents of a violation. *See Appellant's Exhibit B referenced in the Magistrate's Return.* The Appellant documented the matter with pictures over a period of time, and the Respondents began to make allegations against the Appellant alleging he was trying to photograph Ms. Selzer and her children. Eventually, the Respondents had the Appellant arrested and jailed for alleged trespassing for being on the shoreline in front of their house. Respondents filed the Petition seeking a restraining order after the Appellant had been accused of, and arrested for, trespassing.

Discussion

South Carolina law provides for the seeking of a restraining order against another in the Magistrates Court. Section 16-3-750 provides that “(C) (1) A complaint and motion for a restraining order may be filed by any person [and] must allege that the defendant is engaged in harassment in the first or second degree or stalking and must state the time, place, and manner of the acts complained of, and other facts and circumstances upon which relief is sought. On September 30, 2024, the Respondents filed a petition with the Clover Magistrate's Court seeking a restraining order against the Appellant pursuant to Section 16-3-750, Code of Laws of South Carolina, 1978, as amended.

Stalking is defined as “a pattern of words, whether verbal, written, or electronic, or a pattern of conduct that serves no legitimate purpose and is intended to cause and does cause a targeted person and would cause a reasonable person in the targeted person's position to fear:

- (1) death of the person or a member of his family;
- (2) assault upon the person or a member of his family;
- (3) bodily injury to the person or a member of his family;
- (4) criminal sexual contact on the person or a member of his family;
- (5) kidnapping of the person or a member of his family; or
- (6) damage to the property of the person or a member of his family.”

Section 16-3-1700 (C), Code of Laws of South Carolina, as amended. In the present case there was no allegation nor evidence presented of (1) through (5) above, nor was there any allegation or evidence of damage to property.

The definition of Harassment in the 2nd Degree includes a pattern of actions which involve verbal, written, or electronic contact with no legitimate purpose of each action. See Section 16-11-1700, Code of Laws of South Carolina ,1976, as amended. Again here, there was no allegation or evidence constituting Harassment 2nd Degree.

Finally, South Carolina law defines Harassment 1st degree as a pattern of intentional, substantial, and unreasonable intrusion into the private life of a targeted person that serves no legitimate purpose and causes the person and would cause a reasonable person in his position to suffer mental or emotional distress. 16-3-1700 (A), Code of Laws of South Carolina, 1976, as amended.

The Court erred in granting the restraining order for such was an abuse of the court’s discretion in finding that the requirements for the Court to issue the order had been met.

Upon review of the Restraining Order issued by the Court on November 5, 2024 against Appellant, the Court made the following factual findings in paragraph 7: “Using a cell phone to

record audio and/or video of Petitioners while they are on private property; and trespassing on Petitioners' property on multiple occasions.”

Appellant testified that at the only time he videotaped Mrs. Selzer was the afternoon he was standing at the truck at the rear of his property as she walked past on the road appearing to be videotaping him. The Appellant denied having ever otherwise videotape or photographed her, or her children. He testified that he was at all other times taking pictures from his dock or his property of the shoreline when the water was high, when the water was low, and of the fences protruding into the lake unlawfully. *See Appellant's Exhibits B, C, D, E, F and G referenced in the Magistrate's Return.* And it should be noted at no time was there evidence introduced that corroborated the allegations of the Appellant having taken pictures of the Respondent and her children.

The Court also made a finding a fact that the Appellant had trespassed on Respondents' property on “multiple occasions.” The Order gives no indication as to the number of alleged trespasses made. However, the Petition alleges two. The first being on September 22, 2024 when the sheriff was called and the sheriff gave both parties a trespass notice on behalf of the other. Therefore, September 22, 2024 isn't a trespass for that is the day the Appellant received notice. The next allegation in the Petition was for September 28, 2024. This was the day the Appellant was on the shore in front of Respondent's house but was NOT on the property of the Respondents. Despite his presence on the wall, the Appellant was not trespassing, nor had ever trespassed. *See Appellant's Exhibit A (contains 7 aerial photographs from York County GIS indicating property lines for Appellant's and Respondents' properties; York County Report for Respondents' property; and plat and survey.).*

Based on the foregoing, there is no evidence in the record that Appellant ever trespassed on the property of the Respondents. He received notice not to trespass on September 22, 2024 but he didn't trespass that day, and the record is devoid of any trespass following his notice and before the notice. The location of the Appellant on September 28, 2024 was not on the property of the Respondents. The shore, nor the wall, was not, nor is, Respondents property as is shown on Appellants' exhibits referenced above. And therefore, no trespass ever occurred, much less multiple times as found by the Court. Such a finding completely disregards the GIS renderings of the property.

If this Court were to conclude that there is sufficient evidence that the Respondents owned the property upon which the Appellant was found, there certainly is sufficient evidence that the actions of the Appellant were legitimate. The evidence shows that the Respondents in the case intentionally, wrongfully and illegally constructed a fence that ran beyond their property, into the lake to wrongfully block shore access to others. This reason alone should have shown the Court that Appellant's actions were intended to have the neighbors remove the unlawful barrier they had intentionally created. Yet, in the Restraining Order issued by the Court, the Court never mentions nor addresses the issue of legitimacy.¹

Therefore, there is insufficient evidence to find Harassment in the 1st degree and the Court abused its discretion in finding such.

The Court erred in finding that there was sufficient evidence to satisfy the burden of proof that Appellant had harassed the Respondents as defined in the statute.

¹ Appellant recognizes that the Return of the Magistrate contains discussion by the Court of "legitimacy" however Appellant objects to any supplemental findings being inferred to the Order by the Return as contained in "Basis of Court's Decision" found on pages 5 and 6.

The evidence presented to the Court on behalf of the Respondents came from the testimony of the two Respondents and exhibits. The evidence presented to the Court on behalf of the Appellant came from the testimony of the Appellant, the testimony of a county inspector, as well as exhibits. The Return is six (6) pages in length. As noted in footnote 1 of the Return, the bench trial lasted 2.5 hours. Yet Appellant submits that a review of the Magistrate's Return shows that the Court disregarded any and all evidence presented by the Appellant, including the testimony of the county inspector and the GIS maps. The Court only believed the testimony of the Respondents. Despite this matter arising out of only a property dispute, the Court believed the testimony that Ms. Setzer locked her children in their room because she was afraid of the possible danger the Appellant may be to her children. This extreme testimony shows one party had taken the matter from a property dispute to danger to her children.

Conclusion

The Restraining Order states "The Defendant has committed the following acts which constitute Harassment in the 1st or 2nd Degree or Stalking". The acts indicated in the Order do not combine to constitute any of the above offenses. There was no evidence of trespassing by the Appellant. Thus, all that is left is the Appellant took pictures. There is no evidence the pictures were of the wife and children. There is evidence the Respondents violated the lake regulations by their construction. The pictures were documentation of that fact and of the lake shore. There wasn't evidence that the Appellant's actions were for less than a legitimate purpose. And legitimacy is never mentioned or addressed in the Order.

For these reasons, the Order should be set aside for there was a lack of evidence to establish Harassment 1st degree or 2nd degree or Stalking against the Appellant by a preponderance of the evidence.

Respectfully submitted,

LELAND B. GREELEY, P.A.

s/ Leland B. Greeley

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Rock Hill, South Carolina
February 19, 2025.

STATE OF SOUTH CAROLINA	*	COURT OF COMMON PLEAS
	*	
COUNTY OF YORK	*	TRANSCRIPT OF RECORD
-----X		
JAMES STEPHEN PATTON,	*	
	*	
Appellant,	*	
	*	
vs.	*	Case No. 2024-CP-46-04598
	*	
KERA ROSE SELZER and DUSTIN	*	
SELZER,	*	
	*	
Respondents.	*	
-----X		

February 25, 2025

B E F O R E:

The Honorable Charles J. McCutchen, Presiding Judge

A P P E A R A N C E S:

Leland Greeley, Esq.
Attorney for the Petitioner

Creighton Hayes, Esq.
Attorney for the Respondent

Recorded by: WebEx Recording

Court Transcriber: Bobbi Fisher, RPR
SC Official Court Reporter III

I N D E X

DESCRIPTION	PAGE
Proceedings	3

E X H I B I T S

(None.)

COURT REPORTER LEGEND

Dash (--)	Indicates an interruption in speech
Ellipses (...)	Indicates trailing off in speech
(ph)	Indicates phonetic word
[Verbatim]	Indicates the word is said as written
(Indiscernible)[Transcription]	Indicates word(s) is not known due to audio recording quality

P R O C E E D I N G S

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THE COURT: Good morning. And this is an appeal from Magistrate's Court?

MR. GREELEY: Yes, it is. I have my client. He is seated in the conference room here with me.

THE COURT: Okay. All right. Well, go ahead with your motion. Or you actually are the appellant, so...

MR. GREELEY: That's correct.

THE COURT: All right.

MR. GREELEY: May it please the Court.

THE COURT: Yep.

MR. GREELEY: Your Honor, this appeal arises from an Order that was issued by the magistrate in Clover, South Carolina, between the parties. The Restraining Order was issued against my client, Mr. James Patton.

The parties are next-door neighbors out on Lake Wylie. The Selzers purchased their lot at the end of -- in June of 2024, and they moved in right at the end of August. Around the 1st of September, they took possession of their house after some work had been done on it.

My client lives next door to them. His family had owned the property since 1986. He had lived there since, I believe, 2021.

What this is about is that the Selzers, who had moved in, built a privacy wall -- fence -- wall -- actually, a fence on

1 both sides of their property that went down to the shore.

2 They then extended that fence into the lake.

3 Now, what this ended up doing was it ended up blocking
4 the public area to where people can walk along the shoreline
5 on Lake Wylie. It's a piece of land that's owned by Duke
6 Power, and my client, before they had moved in, had walked
7 along the shore of Lake Wylie quite often, and he knew very
8 much about the riparian buffer, which is the buffer of public
9 access along the Lakeshore.

10 Their relationship was okay for being new neighbors up
11 until that fence was put in, and it was after the fence was
12 put in that my client began to take pictures of the fence. He
13 communicated with Duke Power. And within a two-week period or
14 so, they ended up having him arrested and jailed for
15 trespassing when he walked along the shore or when he sat on a
16 retaining wall that was along the shore and was on Duke Power
17 property.

18 After they had him arrested for that, they then
19 petitioned for a Restraining Order against their next-door
20 neighbor, and that's what we had the hearing about.

21 Now, Your Honor, in regards to the granting of the
22 Restraining Order, as Your Honor knows, what comes into play
23 with that is the harassment statutes and the stalking statute,
24 to which someone can seek a Restraining Order if they can show
25 evidence of harassment, either first degree, second degree, or

1 stalking against someone. However, something that is very
2 important in the statute, which is an exception to these
3 actions, is the word "legitimate." Under the harassing
4 statute, you cannot -- there cannot be any legitimate purpose
5 for the actions. If there is a legitimate purpose for the
6 actions, then it does not constitute harassment.

7 This was a 2-1/2-hour hearing. What my client did and
8 what we did in the hearing was we presented the property
9 dispute. We put into evidence the pictures of the property
10 boundaries. We put into evidence where the shoreline was and
11 how this was a property dispute that was going on.

12 We also put in pictures of their actual shoreline that he
13 had taken, which was part of what they were saying he was
14 taking pictures of, the wife and the children. I mean, after
15 two weeks, not only was he arrested, but his character was --
16 all of a sudden, he is taking these alleged pictures of a wife
17 and children rather than taking the pictures of the lake and
18 the shoreline and trying to be able to build his case to
19 defend himself.

20 So this is what it was. And at the end of it, basically,
21 what we have is we have an Order that was issued by the
22 magistrate that in no way speaks about the legitimacy.
23 Doesn't even bring that into account.

24 The Order also is deficient in that -- and it's deficient
25 in a couple of ways. Paragraph 7 of the Order is the two

1 findings that the magistrate made that is supposedly the basis
2 of either harassment-first, harassment-second, or stalking,
3 which the magistrate never tells us what it is -- never tells
4 us what it is -- and then says it was videotaping, as No. 1,
5 allegedly the parties -- videotaping the wife and the
6 children; there was never any videotape or evidence put in
7 that he had done that.

8 And then it says -- the second thing that the Court found
9 in its Order on paragraph 17 was that he had trespassed
10 multiple times. And, Your Honor, with --

11 THE COURT: Mr. Greeley, I don't want to interrupt you,
12 where is paragraph 17? Are they numbered?

13 MR. GREELEY: No. Paragraph 7 in the Order.

14 THE COURT: Are they numbered at all? Because I'm
15 looking at the magistrate's Return.

16 MR. GREELEY: It's on the second page. It's on the
17 second page.

18 THE COURT: Okay. Okay.

19 MR. GREELEY: And it's paragraph 7 that is X'd. And it
20 says, "Using a cell phone to record audio and/or video of
21 Petitioners while they are on private property."

22 THE COURT: Okay.

23 MR. GREELEY: And then it says, "Trespassing on
24 Petitioners' property on multiple occasions."

25 So, in the Order, it's those two statements that

1 allegedly the magistrate finds sufficient for either
2 harassment-first, harassment-second, or stalking, which he
3 never delineates in his Order as to what it is.

4 And here is the irony of the deficiency of the Order: He
5 never says what the basis of his finding was. He ended up
6 saying what the basis of his finding was in the Return that
7 was filed with the Court. It was never included in the Order.

8 And then, also, the deficiency in the acts that he listed
9 as constituting harassment -- because you will see, in the
10 Respondents' own memorandum that they have filed with the
11 Court, they point out that his finding that the appellant had
12 trespassed was not a determining factor.

13 Well, he said that in the Return, that that was not a
14 determining factor. And so the second reason for the alleged
15 harassment was a determining factor to the judge, and yet,
16 that's what he relied upon for harassment.

17 And there was no evidence of trespassing. In fact, there
18 was evidence put up that he was not trespassing, and the judge
19 even said he may not have trespassed. Okay?

20 There is public access all along the shore of Lake Wylie.
21 And that's the way that it is done. It's just like at a beach
22 at the ocean. People walk down the beach all the time. But
23 if you don't want somebody to walk in front of your house, you
24 can't take a fence and put it all the way down into the
25 Atlantic Ocean so that they can't walk in front of your house.

1 And that's what this is all about.

2 So, Your Honor, based upon that, I would ask for this
3 Court to reverse or strike down the Restraining Order or have
4 it stricken for insufficiency in the findings. There was
5 nothing ever talked about in regards to the property,
6 information that was put in. There was nothing about
7 legitimacy, talking about how, you know, none of this was
8 legitimate, and that's not true it all. I mean, this was a
9 property and is a property dispute.

10 THE COURT: Is the property dispute still going on?

11 MR. GREELEY: It is my understanding that they have been
12 -- they were required to remove the fence from the lake after
13 this all occurred.

14 THE COURT: All right. And I notice that both
15 respondents are here with us.

16 MR. GREELEY: They are.

17 THE COURT: I don't know who wants to go first.

18 Mr. Greeley, are you done?

19 MR. GREELEY: I am done. And, Mr. Hayes, of course, is
20 here representing those two.

21 THE COURT: Well, I had them pro se. Mr. Hayes,
22 obviously, if you're representing them, then I'll be happy to
23 hear from you.

24 MR. HAYES: Yes, Your Honor. I think that has to do -- I
25 filed a Notice of Appearance a couple of weeks ago, but that

1 may have been after the packet that you have was produced.

2 But thank you, Your Honor. May it please the Court. My
3 name is Creighton Hayes. I'm an attorney in Rock Hill. I'm
4 here on behalf of Dustin Selzer and Kara Selzer.

5 Can you hear me, Your Honor?

6 THE COURT: Yeah, I can hear you.

7 MR. HAYES: Thank you, Your Honor.

8 I respectfully disagree with Mr. Greeley. I think that
9 the record -- the testimony that was provided at the hearing
10 -- and I would reiterate that -- and the magistrate makes note
11 of this -- that the hearing was 2-1/2 hours on a Restraining
12 Order hearing in which, in my experience, is quite a long
13 hearing or a lengthy hearing for this type of a matter.

14 But testimony was provided by both the respondents, who
15 were the petitioners in that Restraining Order hearing;
16 Mr. Patton, the appellant; and an employee from York County,
17 who testified regarding the property issue.

18 But there was testimony given throughout the hearing and
19 was noted in the Return regarding harassing behavior. There's
20 testimony that the Respondents asked for no contact from
21 Mr. Patton within about two weeks of moving into that
22 residence after he made a complaint to Duke regarding the
23 fence. That was on September the 11th. That was testified by
24 both Ms. Selzer and her husband.

25 And it's after that point that the fence was complained

1 about by Mr. Patton that they asked for no further contact.
2 And it's also at this point, I believe, that his
3 involvement ---

4 (Interruption.)

5 MR. HAYES: Your Honor, it's at this point, I believe,
6 that, after the complaint had been made to Duke, that
7 Mr. Patton's involvement regarding the fence should have
8 ceased but it did not. You know, the proper channels to make
9 a complaint were followed at that point. Duke followed up
10 with my clients and that issue has been resolved. His further
11 involvement wasn't necessary, and they asked for him not to
12 contact them.

13 But on the September 22nd, as was testified by both the
14 Selzers, Mr. Patton came back directly in front of their
15 property and, despite his claim in the hearing that he was
16 checking on a water level, there's evidence -- Exhibits 2 and
17 3 are pictures from that date and show him, that he's in a
18 bathing suit, he's carrying with him a seating pad that he's
19 brought with him. There was testimony that his behavior made
20 them uncomfortable. He was -- ultimately, the Sheriff's
21 Office was called out there, and he was formally trespassed
22 from their backyard.

23 And I would note that the retaining wall was built by the
24 previous owners. It is on their property we believe, and he's
25 -- in one of the pictures, he's got his seating pad, sitting

1 on the retaining wall, cross-legged, turning around, and, you
2 know, giving my clients what appears to be kind of a smirk.
3 And I think that goes to his intent, which was to harass my
4 clients.

5 He leaves the property on that day but comes back on the
6 28th of September of 2024. This was testified to. Also
7 pictures were taken of him and pictures of him taking pictures
8 towards their home. He's alleged that he was taking pictures
9 of the water line, that he was interested in -- you know,
10 that's he's interested in repairing the riparian buffer, but
11 yet he's on the sand next to the retaining wall, taking
12 pictures clearly not of the retaining wall but towards their
13 property and towards my clients.

14 At that point, on September the 28th, he's arrested for
15 trespass, and of course, as my clients testified, this caused
16 them further distress.

17 Bond conditions were put in place regarding the trespass
18 charge, and despite those bond conditions, there was further
19 testimony that, on September the 30th, he was photographing
20 them through the fence, which caused them further distress.
21 There were pictures of this put into evidence as well in
22 Exhibit 4.

23 There was further testimony regarding the stress and
24 anxiety that Mr. Patton's behavior has caused the Selzers.
25 Importantly, the magistrate notes in his Return -- and this

1 was testified to -- that Mr. Patton, pretty shortly after my
2 clients had moved in, said something to the effect that, "You
3 can thank me for getting this home because, you know, I ran
4 the previous neighbors off." And Magistrate Sexton notes that
5 in his Return.

6 But he notes that he -- and also in the Return -- and
7 this was -- you know, there's a lot of testimony given during
8 the hearing regarding the alleged legitimacy of his actions,
9 and that testimony was considered by the judge; however, the
10 magistrate found that testimony to not be credible and states
11 that in his Return, that he found it was much more likely that
12 his actions were, you know, intended to cause them distress
13 and to torment his neighbors.

14 And so I think there's plenty of evidence and testimony
15 that was given during the hearing that allowed the magistrate
16 to find, by a ponderance of the evidence, that the elements of
17 harassment as defined by South Carolina Code Section 16-3-1700
18 had been proved by the respondents in the Petition for a
19 Restraining Order.

20 He notes that Mr. Patton should have monitored the water
21 levels from his property without the behavior that he
22 exhibited, which rose to the level of harassment.

23 And so we're asking the Court to affirm the Restraining
24 Order, to deny the appeal in this case. I certainly don't
25 think that the magistrate abused his discretion in issuing the

1 Restraining Order, and I think there was more than enough
2 evidence and testimony given during the hearing for him to
3 make that finding.

4 The statute regarding the elements of a Restraining Order
5 state that, you know, you must find that, either harassment in
6 the first or second degree or stalking, you know, had been
7 proved, which the magistrate does find, and it also states --
8 and this is in 16-3-1770 -- that a Restraining Order issued
9 pursuant to this article must bear the following language:
10 That a violation of this Order is a criminal offense
11 punishable by 30 days in jail, a fine, or both. That
12 languages is in there.

13 There's also language in the Order regarding, you know --
14 excuse me, in Section 16-3-1770(c)(2). That language is also
15 provided in the Order. And it also states that the Order will
16 last until November 5th of 2025, which the statute says that
17 it cannot last for more than a year, and it does not.

18 And so I think that the Restraining Order is valid, and I
19 think that there's more than enough evidence to support it,
20 and I would respectfully ask the Court to deny the appeal in
21 this case.

22 THE COURT: All right. Mr. Greeley, anything else?

23 All right. Well, let me go back and look at everything
24 and I will get you a decision. Okay?

25 MR. GREELEY: Thank you, Your Honor.

1 THE COURT: All right. Thank you.

2 (The above hearing concluded.)

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Certificate of Transcriber

CASE NAME: Patton v. Selzer

DATE OF HEARING: 2/25/2025

RECORDING METHOD: WebEx Recording

I, Bobbi Fisher, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that I was not present for the live proceeding; and that said proceedings were transcribed to the best of my ability from the audio and/or video recording and supporting information; and that I am neither counsel for, related to, nor employed by any of the parties to this case; and I have no interest, financial or otherwise, in its outcome.



/s/ Bobbi Fisher_____

Bobbi Fisher, SC Official Court Reporter III, RPR

Transcript Prepared: 7/11/25

NOTE: PURSUANT TO RULE 607(h)(1)(B), SCACR, "A COURT REPORTER SHALL RECEIVE THE FEE OF \$1.00 PER PAGE FOR FURNISHING A COPY OF A PREVIOUSLY PREPARED TRANSCRIPT." ALL REQUESTS FOR COPIES OF THE ATTACHED TRANSCRIPT (FORM 800) FROM OPPOSING PARTY OR NON-PARTIES MUST BE SENT TO THIS REPORTER AT BFISHER@SCCOURTS.ORG.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	SIXTEENTH JUDICIAL CIRCUIT
COUNTY OF YORK	)	
James Stephen Patton,	)	
	)	
Appellant,	)	ORDER
	)	
vs.	)	
	)	C.A. No. 2024-CP-46-04598
Kera Rose Selzer and Dustin	)	
Selzer,	)	
	)	
Respondents.	)	
_____	)	

This matter is before the Court on appeal by James Stephen Patton of a Restraining Order issued by the Clover Magistrate Court against Appellant and in favor of the Respondents on November 5, 2024. The Court heard arguments from Appellant and Respondents on February 25, 2025. After further review and deliberations, the Court affirms the Magistrate's Order.

The Magistrate's finding that the Respondents had met their burden of proof by a preponderance of the evidence is supported by the evidence in the record. The Magistrate did not abuse his discretion in finding that the Appellant's actions toward the Respondents constituted Harassment, as defined in Section 16-3-1700 (A), South Carolina Code of Laws.

Therefore, the Appellant's request to overturn the Restraining Order issued by the Magistrate is DENIED, and the Restraining Order is AFFIRMED.

IT IS SO ORDERED.

Charles J. McCutchen
Presiding Judge
Sixteenth Judicial Circuit

March _____, 2025
York, South Carolina



York Common Pleas

Case Caption: James Stephen Patton VS Kera Selzer , defendant, et al

Case Number: 2024CP4604598

Type: Order/Other

IT IS SO ORDERED

Charles J. McCutchen

Apr 11 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

Charles J. McCutchen, Circuit Court Judge

Case No. 2024-CP-46-04598

Kera Rose Selzer and Dustin Stephen Selzer, Respondents

v.

James Stephen Patton, Appellant.

NOTICE OF APPEAL

James Stephen Patton appeals the order of the Honorable Charles J. McCutchen dated March 12, 2025. Appellant received written notice of entry of this order [judgment] on March 13, 2025, such order attached hereto and made a part hereof.

The grounds of appeal are:

1. The Court erred in finding that the Respondents had met their burden of proof by a preponderance of evidence.
2. The Appellate Court erred in finding that the Magistrate did not abuse his discretion in finding that the Appellant's actions toward the Respondents constituted Harassment in the First Degree, as defined in Section 16-3-1700(A), South Carolina Code of Laws.
3. The Court erred in finding that the Appellant had committed a "Pattern of Intentional, Substantial AND Unreasonable Intrusion into the Private Life of the Respondents that served no Legitimate Purpose." Appellant testified to an inherent right to use of Public Space and other Legitimate Purposes.

4. The Court erred in failing to apply established Open View (Open Fields) doctrine precedent in this case that provides No Reasonable Expectation of Privacy on Private property when easily and openly visible from Public Spaces. Absent a "Reasonable" expectation of Privacy, there is no "Unreasonable Intrusion into the Private Life of a targeted person" as required by the South Carolina Code of Laws for Harassment in the First Degree.

Respectfully submitted,

s/ James Stephen Patton

[REDACTED]

York, South Carolina 29745-8627

[REDACTED]

York, South Carolina

April 11, 2025.

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.

RECEIVED**Apr 27 2026****SC Court of Appeals**

s/ Dayne C. Phillips

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ATTORNEY FOR APPELLANT

April 27, 2026