

STATE OF SOUTH CAROLINA

In The Court of Appeals

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**Jun 18 2026**

**SC Court of Appeals**

Sheena Paige,

Appellant,

V.

FINAL BRIEF OF APPELLANT

Newberry Animal Control,

Respondent.

Appellate Case No.: 2025-000744

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Rule 208, SCACR

Rule 209, SCACR

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

## I. STATEMENT OF ISSUES ON APPEAL

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

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

## II. STATEMENT OF THE CASE

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

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

## III. STANDARD OF REVIEW

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

#### IV. ARGUMENT

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

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

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

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

C. Relief Requested.

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

#### V. CONCLUSION

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



Respectfully submitted,

Sheena Paige, Appellant

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