

MARE BARACCO
1006 Madrid Avenue
Port Royal, South Carolina 29935
(843) 592-1062

(Via-Federal Express)
March 25, 2014

The Honorable Daniel W. Shearouse
Clerk of Court, South Carolina Supreme Court
Supreme Court Building
1231 Gervais Street
Columbia, South Carolina 29211

RECEIVED

MAR 26 2014

S.C. SUPREME COURT

Re: State vs. Mare Baracco
C/A No.: 2013-CP-07-00918

Dear Mr. Shearouse:

Enclosed please find for filing an original and three (3) copies of my Notice of Intent to Appeal relative to the above-referenced matter. After filing the same, please return the copies to me by way of the self-addressed, stamped envelope.

By copy of this letter, I am hereby filing a copy of this Notice of Intent to Appeal with the Beaufort County Clerk of Court and serving a copy of the same upon counsel of record.

If you require anything else, or have any questions, please contact me. Thank you.

Sincerely,



Mare Baracco

Encs.

cc/w/encs.: The Honorable Jeri Roseneau, Beaufort County Clerk of Court
Joshua Gruber, Esquire, Allison Coppage, Esquire

3/25 Please be advised the Beaufort County
Clerk of Court demanded the original
of the notice of Intent. If you require
the original, please advise and I will go to
the court and retrieve it. Thank you. Mare Baracco

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM BEAUFORT COUNTY
COURT OF COMMON PLEAS

MARVIN H. DUKES, III, MASTER-IN-EQUITY

CASE NO.: 2013-CP-07-00918

2014 MAR 25 PM 12:18
JEREMY L. ROSENEAU
CLERK OF COURT
BEAUFORT COUNTY, S.C.

THE STATE,

Respondent,

v.

MARE BARACCO,

Appellant.

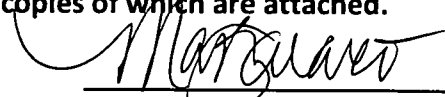
RECEIVED

MAR 26 2014

S.C. SUPREME COURT

NOTICE OF INTENT TO APPEAL

Mare Baracco appeals the order of the Honorable Marvin H. Dukes, III, dated October 16, 2013, and subsequent order of March 20, 2014, copies of which are attached.



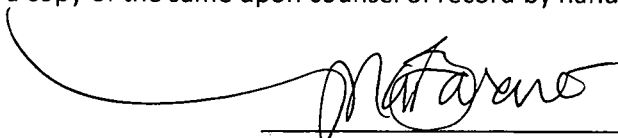
Mare Baracco, *Pro Se*
1006 Madrid Avenue
Port Royal, South Carolina 29935
Date: March 25, 2014

Other Counsel of Record:
Allison Coppage
Joshua Gruber
Beaufort County Attorney
Post Office Box 1228
Beaufort, South Carolina 29901-1228
(843) 255-2059
Attorney for Respondent.

Certificate of Filing and Service

I certify that on this date, I filed the original of the foregoing Notice of Intent to Appeal with the Clerk of Court, South Carolina Supreme Court; that I filed a copy of the same with the Clerk of Court for Beaufort County; and that I served a copy of the same upon counsel of record by hand-delivery.

March 25, 2014.



Mare Baracco, *Pro Se Defendant.*

GENERAL ROSENEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

2014 MAR 25 PM 12:18

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT
IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

2014 MAR 20 AM 11:17
CASE NO. 2013 CP-07-00918

JEREMIAH ROSENEAU
BEAUFORT COUNTY CLERK
CLERK OF COURT

STATE OF SOUTH CAROLINA

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: BEAUFORT COUNTY MASTER IN EQUITY	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or <input type="checkbox"/> Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

THIS CAME BEFORE ME ON MARE BARACCO'S MOTION FOR AN ORDER PURSUANT TO RULE 60 SCRPC, FILED NOVEMBER 12, 2013. ATTORNEY ALLISON COPPAGE APPEARED FOR THE STATE AND MARE BARACCO APPEARED PRO-SE. THIS IS AN EMOTIONALLY-CHARGED ISSUE INVOLVING AN ADMINISTRATIVE DETERMINATION THAT THE DEFENDANT'S PET RHODESIAN RIDGEBACK "BODI" IS A "DANGEROUS ANIMAL". THIS DETERMINATION FOLLOWED AN INCIDENT RESULTING IN THE DEATH OF A NEIGHBOR'S DOG.

RULE 60 ALLOWS FOR RELIEF FROM A JUDGMENT OR ORDER FOR SPECIFIC REASONS ALLOWED IN THE RULE. I HAVE REVIEWED THE RECORD IN THIS CASE AND CONSIDERED THE ARGUMENTS OF THE PARTIES. I FIND NO GROUNDS UNDER THE RULE TO GRANT THE MOTION. MOTION IS DENIED.

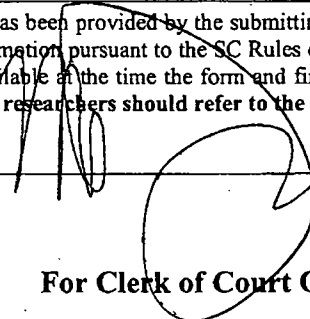
ORDER INFORMATION

This order ends does not end the case.
Additional Information for the Clerk : _____

INFORMATION FOR THE PUBLIC INDEX		
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.		
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$

		\$
		\$
If applicable, describe the property, including tax map information and address, referenced in the order:		

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.


3069 3/20/17

 Circuit Court Judge Judge Code Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

ALLICSON C. COPPAGE

PRO-SE

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter: N/A

STATE OF SOUTH CAROLINA

) IN THE COURT OF COMMON PLEAS
2013 OCT 16 AM 11:16
)
) FOURTEENTH JUDICIAL CIRCUIT
)
) JUDGE: J. ROUSSEAU
BEAUFORT COUNTY S.C.
) CLERK OF COURT 2013-CP-07-00918

COUNTY OF BEAUFORT

MARE BARACCO

vs.

ORDER

STATE OF SOUTH CAROLINA.

_____)

This matter came before this Court for a hearing on October 4, 2013 upon the Appeal from the Beaufort County Magistrate Court filed by the Petitioners on April 10, 2013. The Appellant was represented by Kimberly Smith of Moss, Kuhn and Fleming, and the State was represented by Allison C. Coppage, Assistant Beaufort County Attorney.

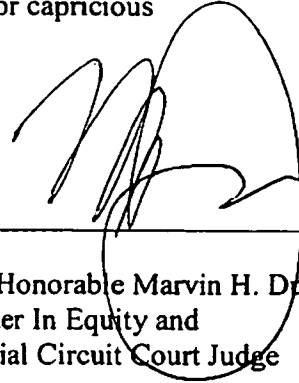
The Appellant appealed the Order of the Magistrate Court dated March 13, 2013 finding the dog, "Bodi" owned by Mare Baracco to be a "Dangerous Animal" pursuant to the Beaufort County Code of Ordinance Sec 14 -35. The issues raised by the pleadings concern whether the Magistrate Court erred as a matter of law in determining that the Respondent met the burden of proof in affirming the administrative decision and whether there was a question of fact as to where the incident occurred.

In an Administrative Appeal, "the Court may not substitute its judgment for the judgment of the agency as to the weight of the evidence on questions of fact. The Court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative finding, inferences, conclusions, or decisions are clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record, or arbitrary or capricious or

characterized by abuse of discretion or clearly unwarranted exercise of discretion.” S.C.Code Ann. §1-23-380(5).

Based upon the facts and testimony contained in the record, I hereby find that the decision to designate the Appellant’s dog as a “dangerous animal” was supported by the evidence on the whole record and was neither arbitrary nor capricious

THEREFORE, the Appeal is denied.

A handwritten signature in black ink, appearing to read 'M. Dukes', is written over a horizontal line. The signature is enclosed within a large, hand-drawn oval.

The Honorable Marvin H. Dukes, III
Master In Equity and
Special Circuit Court Judge

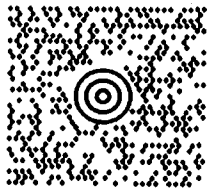
This 4 day of October 2013
at Beaufort, South Carolina.

MARE BARACCO
(843) 321-1101
THE UPS STORE #3483
219 SCOTT ST
BEAUFORT SC 29902-5554

1 LBS 1 OF 1
SHP WT: 1 LBS
DATE: 25 MAR 2014

SHIP CLERK OF COURT, SC SUPREME COURT
TO: THE HONORABLE DANIEL W. SHEAROUSE
SUPREME COURT BUILDING
1231 GERVAIS ST

COLUMBIA SC 29201-3206

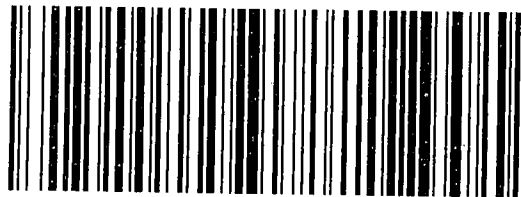


SC 292 9-01



UPS GROUND

TRACKING #: 1Z 29E 537 03 3318 2398



BILLING: P/P