

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

APR 18 2014

APPEAL FROM BEAUFORT COUNTY
COURT OF COMMON PLEAS

SC Court of Appeals

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

CASE NO.: 2013-CP-07-00918

2014 APR 16 PM 12:11
RECEIVED
CLERK OF COURT
BEAUFORT COUNTY, S.C.

THE STATE,

Respondent,

v.

MARE BARACCO,

Appellant.

AMENDED NOTICE OF INTENT TO APPEAL

Mare Baracco appeals the orders of the Honorable Marvin H. Dukes, III, dated October 16, 2013, and subsequent order March 20, 2014. Appellant received written notice of the subsequent order on March 20, 2014.

April 16, 2013.



Mare Baracco, *Pro Se*

1006 Madrid Avenue

Port Royal, South Carolina 29935

Other Counsel of Record:

Allison Coppage

Joshua Gruber

Beaufort County Attorneys

Post Office Box 1228

Beaufort, South Carolina 29901-1228

(843) 255-2059

Attorney for Respondent.

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Keenan
APR 18 2014

SC Court of Appeals

APPEAL FROM BEAUFORT COUNTY
COURT OF COMMON PLEAS

2014 APR 16 PM 12:11
CLERK OF COURT
BEAUFORT COUNTY, S.C.
PROSENAU

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

CASE NO.: 2013-CP-07-00918

THE STATE,

Respondent,

v.

MARE BARACCO,

Appellant.

AMENDED PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the Respondent by depositing a copy of it in the United States Mail, certified mail, return receipt requested, postage prepaid, on April 16, 2014, addressed to their attorneys of record, as follows:

Allison Coppage
Joshua Gruber
Beaufort County Attorneys
Post Office Box 1228
Beaufort, South Carolina 29901-1228
(843) 255-2059
Attorneys for Respondent.



Mare Baracco, *Pro Se*
1006 Madrid Avenue
Port Royal, South Carolina 29935

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

RECEIVED

APR 18 2014

SC Court of Appeals

April 16, 2014

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: The State vs. Mare Baracco, Case No. 2013-CP-07-00918
Appellate Case No.: 2014-000636

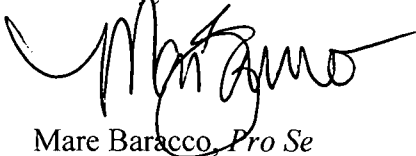
2014 APR 16 PM 12:11
JERRY PATRICK ROSENE, JR.
CLERK OF COURT
BEAUFORT COUNTY, S.C.

Dear Ms. Kitchings:

Pursuant to your letter of April 11, 2014, received April 14, 2014, enclosed for filing is an amended notice of appeal in the above case. Also enclosed are the following:

- (1) Proof of service of the notice of appeal on the respondent.
- (2) A copy of the orders, which are to be challenged on appeal.
- (3) A copy of a letter dated November 19, 2013, from you indicating that since this is a criminal appeal, no payment is required to file the appeal. However, as a cautionary measure, I am providing you a check in the amount of \$100, if you now believe that a filing fee is required for this case.

Sincerely,



Mare Baracco, *Pro Se*
1006 Madrid Avenue
Port Royal, South Carolina 29935

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

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

Hand-Delivery
April 16, 2014

2014 APR 16 PM 12:11
CLERK OF COURT
JERRI ROSENEAU
BEAUFORT COUNTY, S.C.

The Honorable Jerri Roseneau
Clerk of Court for Beaufort County
Ribaut Road
Beaufort, South Carolina 29902

RE: The State vs. Mare Baracco, Case No. 2013-CP-07-00918
Appellate Case No.: 2014-000636

Dear Ms. Roseneau:

Enclosed for filing is an amended notice of appeal in the above case.

Sincerely,



Mare Baracco, *Pro Se*
1006 Madrid Avenue
Port Royal, South Carolina 29935

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

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

JERMIAN ROSENEAU
BEAUFORT COUNTY CLERK
CLERK OF COURT

STATE OF SOUTH CAROLINA

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: BEAUFORT COUNTY MASTER IN EQUITY

Attorney for : Plaintiff Defendant
or
 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)
		\$

STATE OF SOUTH CAROLINA

) IN THE COURT OF COMMON PLEAS
2013 OCT 16 AM 11:16
) FOURTEENTH JUDICIAL CIRCUIT
) 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.

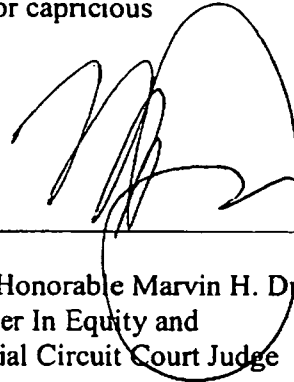
The Appellant appealed the Order of the Magistrate Court dated March 13, 2013 finding the dog, "Bodi" owned by Mare Baracco to be a "Dangerous Animal" pursuant to the Beaufort County Code of Ordinance Sec 14 -35. The issues raised by the pleadings concern whether the Magistrate Court erred as a matter 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, consisting of stylized initials and a surname, 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.



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

November 19, 2013

Mare Baracco
1006 Madrid Ave
Port Royal SC 29935

COPY

Re: The State v. Mare Baracco
Appellate Case No. 2013-002410

Dear Mr. Baracco:

Since this a criminal appeal, no payment is required to file a notice of appeal. Therefore, we are returning your check of \$100 to you.

Very truly yours,


CLERK

cc: Joshua A. Gruber, Esquire
Salley W. Elliott, Esquire