

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM KERSHAW COUNTY  
Court of Common Pleas

Roger M. Young, Circuit Court Judge

---

2013-CP-28-358

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**RECEIVED**

JUL 22 2014

**SC Court of Appeals**

Richard Hough,

Appellant,

vs.

Angela Hough

Respondent.

**RECORD ON APPEAL**

---

Angela Hough  
42 Magnolia Lane  
Lugoff, South Carolina 29078

**Respondent**

William A. Hodge  
P.O. Box 8753  
Columbia, SC 29202

**Attorneys for Appellant**

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STATE OF SOUTH CAROLINA )  
COUNTY OF KERSHAW )

IN THE COURT OF COMMON PLEAS )  
IN THE FIFTH JUDICIAL CIRCUIT )  
CIVIL ACTION NO.: 2013-CP-28-0358 )

RICHARD HOUGH, )  
 )  
Plaintiff/Appellant, )

vs. )

ANGELA HOUGH, )  
 )  
Defendant/Respondent. )

**ORDER AFFIRMING DISMISSAL**

**RECEIVED**

DEC 10 2013

Court of Appeals

JOYCE HODGKINS  
CLERK OF COURT  
KERSHAW COUNTY, S.C.

DEC 10 AM 10:02

FILED FOR RECORD

This matter comes before this Court on an appeal from a dismissal by the Honorable William D. Corbett, Magistrate for Kershaw County. On April 12, 2013, a jury was summoned to hear a trial based upon a courtesy summons brought by Plaintiff/Appellant (hereafter "Appellant") against the Defendant/Respondent (hereafter "Respondent"). Appellant is a non-lawyer. Appellant alleges that the Respondent took down Appellant's signs that were posted on property jointly owned by Appellant and Respondent. After the jury was empaneled and sworn, the Respondent moved to dismiss for lack of prosecution, which the court granted. Appellant made a timely appeal.

**ISSUE**

May a private individual prosecute a courtesy summons at trial in a summary court without the involvement of the local solicitor?

**DISCUSSION**

In South Carolina, a courtesy summons may be issued by a summary court or municipal judge. It requests a citizen appear for trial in place of the more traditional arrest warrant. A

courtesy summons may be issued based on a non-law enforcement affiant's sworn statement only.

TESTED True, Correct & Certified  
Copy of Original on File in this

Court  
*[Signature]*  
Clerk of Court Kershaw County

if the summary court judge finds it establishes probable cause that an alleged crime was committed. S.C. Code Ann. § 22-5-115.

In South Carolina the sole authority to prosecute criminal cases to trial lies with the Solicitor for the judicial circuit within which the alleged offense took place. The principle behind this law is that the Solicitor works for the community and is not fueled by private interests. (S)he is an officer of the court and represents the public. In re Richland County Magistrate's Court, 389 S.C. 408, 411, 699 S.E.2d 161, 163 (2010). See also 2013 WL 3762705 (S.C.A.G.)

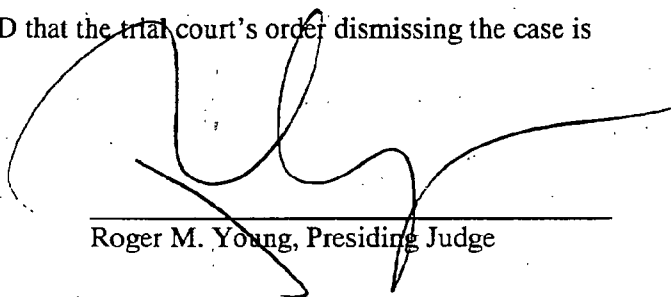
#### ANALYSIS

In the current case, the Appellant, as the Affiant, obtained a courtesy summons that was subsequently served on the Respondent. The Appellant now attempts to prosecute that courtesy summons without the involvement of the local solicitor. The record indicates that the Fifth Circuit Solicitor's Office denied the Appellant permission to hire his own private attorney to prosecute the courtesy summons against Respondent.

While the Appellant can "swear out" a courtesy summons by himself, the Solicitor controls the decision whether the case may be prosecuted in court. Ultimately, it is within to Solicitor's sole discretion whether the case should proceed to trial or be *nol prossed*.

THEREFORE, IT IS ORDERED that the trial court's order dismissing the case is affirmed.

Date: 12/4/13  
Charleston, South Carolina

  
\_\_\_\_\_  
Roger M. Young, Presiding Judge

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM KERSHAW COUNTY  
Court of Common Pleas

Roger M. Young, Circuit Court Judge

Case No. 2013-CP-28-358

RECEIVED

JAN 10 2014

C Court of Appeals

Richard W. Hough,  
Appellant

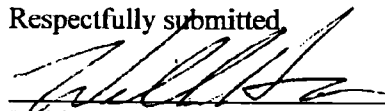
vs.

Angela Hough  
Respondent

NOTICE OF APPEAL

Richard W. Hough appeals the order of the Honorable Roger M. Young dated December 4, 2013 affirming the dismissal of Appellants courtesy summons issued in Kershaw County Magistrate Court. Appellant received written notice of entry of the order affirming dismissal on December 12, 2013. A Copy of the order being appealed from is attached hereto.

Respectfully submitted,



William A. Hodge

P.O. Box 8753

Columbia, South Carolina 29202

(803) 457-2216

Attorney for Appellant

Columbia, South Carolina  
January 10, 2014



1 THE COURT: Today is the 12th of April,  
2 2013. It is 9:44 in the a.m., and we are here  
3 today -- it is actually not a case of the State,  
4 which is the normal course of events. This is a  
5 Courtesy Summons brought by Mr. Richard Hough  
6 against the Defendant, Ms. Angela Hough, who is  
7 the Defendant. This Courtesy Summons is M-  
8 098876-CSW, and I will speak more about Courtesy  
9 Summons in a few moments. But before we get  
10 started, I have some introductions to be made,  
11 and after those introductions, I have some voir  
12 dire questions to ask you, a short list, to see  
13 if you are qualified to be our jury today. Let's  
14 start with Mr. Richard Hough. Mr. Hough, would  
15 you introduce any potential witnesses, yourself  
16 and any potential witnesses you have.

17 MR. HOUGH: I'm Richard Hough. I don't have  
18 any other witnesses.

19 THE COURT: Okay. And Mr. Tetterton, would  
20 you introduce yourself and any other ---

21 MR. TETTERTON: Thank you, Your Honor. My  
22 name is William Tetterton. I practice law here  
23 in Camden. I represent Angela Hough, who is the  
24 sister-in-law of Richard Hough, and one of my  
25 witnesses will be Albert Hough, her husband, and

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1 Pat Boone, who is a Sergeant with the Kershaw  
2 County Sheriff's Department.

3 THE COURT: All right. I made those  
4 introductions for this reason: Is there any juror  
5 who is related to by blood or marriage any of the  
6 parties in today's action: Mr. Hough, Mr. Albert  
7 Hough, Ms. Angela Hough or Mr. Tetterton? And if  
8 you can answer yes, please do so when I ask these  
9 questions. Is there any juror who has formed or  
10 expressed an opinion as to the guilt or the  
11 innocence of the Defendant? Is there any juror  
12 who feels that he or she could not give both the  
13 Affiant and the Defense and fair and impartial  
14 trial? Seeing no affirmative responses, I will  
15 consider you qualified. If you will stand for  
16 our clerk, she will swear you in at this time.

17 CLERK: (Oath is given to all the jurors).

18 JURY: (All jurors respond affirmatively).

19 THE COURT: All right. A couple things  
20 before we get started. I think I have Motions,  
21 and so, I'm going to have to send you out. What  
22 I'm going to ask you to do is not talk about the  
23 case amongst yourselves or with anyone else.  
24 Also, not to form any opinions about anything  
25 until you have heard all of the evidence and

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1           you've been charged with the law. If you do that  
2           -- first of all, if you will follow Ms. Hobbs to  
3           the jury room. Also, the potential -- all my  
4           alternates, I did tell you I would excuse you,  
5           but let me hold off on that for a few minutes and  
6           if I can get you to go out in the hallway, down  
7           to the other end, and I'll call you back in just  
8           a few minutes.

9           MS. HOBBS: If you will all come with me,  
10          please.

11          THE COURT: All right. Mr. Tetterton, you  
12          said you had some Motions?

13          MR. TETTERTON: Yes, Your Honor. There is  
14          a Motion I'd like to make now that the jury is  
15          sworn, Your Honor. My Motion is going to be to  
16          dismiss this Action, for the Court to dismiss  
17          this Action for lack of prosecution. Your Honor,  
18          this is a criminal matter. It is not a civil  
19          matter. My client was brought -- brought here  
20          pursuant to a Summons, Courtesy Summons M-098876-  
21          CSW, alleging that she did on January 23rd, 2011  
22          remove numerous posted signs without permission  
23          of the victim, Richard Hough. That's the extent  
24          of the description of the offense other than the  
25          caption note which says "Petty Larceny." Your

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1 Honor, our Court -- our State Supreme Court has  
2 specifically spoken and addressed the issue of  
3 whether or not a non-jury -- I meant, excuse me,  
4 non-lawyer could prosecute a criminal case. And  
5 Your Honor, that case is in the matter of  
6 Richland County Magistrate Court 5th Judicial  
7 Circuit; Solicitor W. Barney Giese is the  
8 petitioner, and the date is September 7th, 2010.  
9 Your Honor, I'd like to hand that case up to the  
10 Court.

11 THE COURT: Have you seen this, Mr. Hough?

12 MR. HOUGH: I have not.

13 THE COURT: Come up.

14 MR. TETTERTON: I'll give him a copy of it,  
15 Your Honor. I have a copy for him.

16 MR. TETTERTON: Now, Your Honor, that case  
17 holds that a non-lawyer cannot prosecute a  
18 criminal case, and I would spell out the  
19 reasoning behind that holding in making my  
20 address to the Court. There is no dispute in  
21 this criminal case that the person attempting to  
22 prosecute and find the guilt -- ask the jury to  
23 determine the guilt or innocence of my client is  
24 a non-lawyer. If we give -- the Court is aware  
25 of the history of this matter. At a pretrial

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1 conference, Attorney Zack Atkinson had asked  
2 permission of the Solicitor's Office to be a  
3 private, paid lawyer to pro -- to assist the non-  
4 lawyer in prosecuting the criminal case. He was  
5 denied permission. Furthermore, Your Honor, he  
6 came before this Court on a Motion to be allowed  
7 to assist and sit with Mr. Hough in prosecuting  
8 this case. The sole responsibility of  
9 prosecuting criminal cases in the State of South  
10 Carolina in any criminal court rests solely with  
11 the Solicitor's Office. Nobody else. If I could  
12 spell out what this -- what our Court said in the  
13 case I just cited, Your Honor. The -- on Page  
14 Two of that, "The unique nature of criminal law  
15 and the corresponding unique role of the  
16 prosecutor illustrate the danger in allowing  
17 private prosecutions. The purpose of a criminal  
18 court is not to provide a forum for the  
19 ascertainment of private rights" and, Your Honor,  
20 I will hand up some documents and address that a  
21 little later on, but rather, it is to vindicate  
22 the public interest and the enforcement of the  
23 criminal law while at the same time safeguarding  
24 the rights of the individual defendant. And Your  
25 Honor, I'll address that this whole case today

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1 brought by Mr. Hough is to -- is addressing his  
2 private rights in a piece of property that they  
3 own jointly. There's no dispute that Mr. Hough,  
4 Richard Hough, owns approximately Twenty-two  
5 (22), Twenty-two point Five Percent (22.5%) of a  
6 tract of land on Highway 34 consisting of a  
7 little over four hundred (400) acres. There is  
8 no dispute that Angela Hough has an undivided  
9 interest in that same piece of property. There's  
10 no dispute that her husband, Albert Hough, has an  
11 undivided interest in that piece of property.  
12 What this case has said thus far is that a  
13 prosecutor has to take the interest of the  
14 community at large in concerning criminal matters  
15 -- not private interests. Because a prosecutor  
16 is an attorney representing the community rather  
17 than private interests, the prosecutor's role is  
18 very different from that of a civil attorney. We  
19 know, Your Honor, I'm sure the Court's aware that  
20 a pro se attorney, excuse me, a pro se litigant  
21 can represent themselves in a civil matter. But  
22 this case says a pro se litigant cannot prosecute  
23 a criminal case where the freedom of the alleged  
24 or the Defendant is at stake. The Court goes on  
25 to say, and the reasoning or the cause of that

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1 is, the carrying out of his duty the prosecutor  
2 independently decides whether to prosecute, which  
3 this case, the Solicitor's Office has decided not  
4 to prosecute this criminal case. You don't see  
5 them here today. We've been before this Court in  
6 a pretrial conference. We've been before this  
7 Court in a Motion where a private lawyer has  
8 asked the Court to let him prosecute the case.  
9 The prosecutor decides what evidence to submit to  
10 the Court and negotiates the State's position in  
11 plea bargaining. "The importance to the public  
12 as well as to the individual suspected," my  
13 client, "or the accused of crimes," my client,  
14 that leaves discretionary functions to be  
15 exercised with the highest degree of integrity  
16 and impartiality and with the appearance thereof  
17 cannot easily be overstated." The Court goes on  
18 to say, "If a private party," in this case, Mr.  
19 Hough, "is permitted to prosecute a criminal  
20 action, we can no longer be assured that the  
21 powers of the State are employed only for the  
22 interest of the community at large." And it goes  
23 on to say why. "In fact, we can be absolutely  
24 certain that interest of the private party," in  
25 this case, Mr. Hough, "will influence the

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1 prosecution whether the self-interest lies in  
2 encouraging payment of a corporation debt,  
3 influence the settlement of civil suit or merely  
4 seeking vengeance." And I'll give you some  
5 documents to show that that's exactly why we're  
6 here today in just a minute, Your Honor. "We  
7 find that allowing prosecution decisions to be  
8 made by or even influenced by private interests  
9 would do irreparable harm to our criminal justice  
10 system." Now, the Court goes on to say, "Yes, we  
11 allow non-lawyers to prosecute criminal cases  
12 only in certain situations. Only in traffic  
13 cases where highway patrolmen or law enforcement  
14 officers are allowed to prosecute their cases,"  
15 and the Court -- the reasoning behind that is the  
16 Court says, "because they act on behalf of the  
17 State." Those non-attorneys are law enforcement  
18 officers; therefore. a non-lawyer -- law  
19 enforcement officer can prosecute its own  
20 criminal case -- traffic cases primarily. "As a  
21 non-lawyer representing a corporation is not a  
22 law enforcement officer, we cannot assume that he  
23 will act in the interest of the community."  
24 Again, our Supreme Court is saying a prosecutor  
25 has to consider the interests of the community in

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1 bringing a criminal action, not the private  
2 interests as we are here today for Mr. Hough.  
3 "Consequently, the non-lawyer prosecutor not only  
4 acts on interests other than that of the  
5 community, they are not bound by ethical rules  
6 like a law enforcement officer is or a prosecutor  
7 is." Now, it goes on and gives a historical  
8 basis as of why we don't allow -- not we, but why  
9 the Supreme Court does not allow non-lawyers to  
10 prosecute criminal cases. It goes back to 18 ---  
11 to the laws of England. The king is the proper  
12 person to prosecute all public offenses and  
13 breaches of the peace being the person injured in  
14 the eye of the law. So, in this case, Mrs. Hough  
15 is charged with removing numerous posted signs  
16 without permission. It doesn't say anything  
17 about -- the corpus delicti of Petty Larceny is  
18 not spelled out in the -- in the charge, and I'll  
19 address that in just a minute. Removing numerous  
20 posted signs without permission -- that had --  
21 does not have anything to do with protecting the  
22 interest of the community at large. It only goes  
23 toward the private interest of Richard Hough.  
24 Crimes and offenses against the laws of any State  
25 can only be defined, prosecuted and pardoned by

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1 the sovereign authority of that State. Nothing  
2 about private individuals. "The dignity and  
3 might of the State are brought to bear in  
4 decisions to prosecute. These decisions must not  
5 be made by interested parties." Mr. Hough is an  
6 interested party, and this is a private --  
7 private suit. "We therefore find that a non-  
8 lawyer representation of a business entity in  
9 Criminal Magistrate's Court runs afoul of the  
10 South Carolina Law and, most importantly, Judge,  
11 is repugnant to our system of justice and  
12 constitutes the unauthorized practice of law."  
13 Based on this case and this case alone, Mr. Hough  
14 cannot appear and prosecute a criminal case  
15 before this Court as a non-lawyer. Now, as you  
16 heard me read some of the dictum in that case,  
17 Your Honor, it says that you have to be careful  
18 about letting non-lawyers prosecute criminal  
19 cases because he's particularly looking after his  
20 own interests. And part of it was because he may  
21 try to influence a settlement in a civil suit  
22 and, Your Honor, I'm going to hand up to you, and  
23 I would like for the Court to make it a part of  
24 the record, the civil action that is now pending  
25 upstairs in the Court of Common Pleas. Mr. Hough

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1 has been given numerous copies of this. He had  
2 a lawyer in Columbia representing him in Columbia  
3 by the name of Joshua Newman. This is the  
4 lawsuit I filed. That's a civil suit concerning  
5 the same property, Your Honor, which he has a  
6 private interest in. That case is going to be  
7 litigated. It's being, now being -- it's before  
8 the Courts and has been before the Courts,  
9 different Motions and whatever, and I'll get to  
10 that in just a minute. So, there is a civil  
11 action pending. Furthermore, I think it's very  
12 important that I give this Court and, Your Honor,  
13 I'd ask that you follow me on the time line of  
14 this case.

15 THE COURT: And let me just ask you ---

16 MR. TETTERTON: Yes, sir.

17 THE COURT: -- this what you just handed me,  
18 the property she's accused of removing the signs  
19 is covered in this?

20 MR. TETTERTON: Of which she is and owns an  
21 undivided interest along with her husband.

22 THE COURT: Okay.

23 MR. TETTERTON: No doubt about that. It's  
24 spelled out. And that's the original suit -- I  
25 don't know if that's the -- I think that may be

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1 the original suit I filed, Your Honor; I'll give  
2 you the basis for that. You've got to have a  
3 little background. Mr. Hough, Richard Hough's  
4 mother and daddy, his ninety-seven (97) year old  
5 daddy, ninety-one (91) year old mother, lived  
6 with Angela Hough and her husband. They saw fit  
7 during their lifetime to deed particular  
8 interests in this particular piece of property  
9 and other properties they owned to their  
10 siblings. Richard Hough did not get share the  
11 same shares that Mr. Albert Hough and his wife  
12 got. He got a different share. To show that  
13 this may be an act of vengeance, Your Honor, I'm  
14 going to hand up, and Mr. Hough has seen these,  
15 this is where he went in July of 2010, -- he  
16 retained a law firm down in Sumter -- he retained  
17 a law firm down in Sumter to try to get more  
18 interest in the property than his mother and  
19 father deeded him or willed him. Now, the  
20 parents passed away shortly -- not too long ago,  
21 and they had a Will which also disposed of some  
22 of this property and, again, Richard Hough only  
23 got about Twenty-two and a Half Percent (22 1/2%)  
24 of this particular piece of property we're  
25 talking about. Albert got -- he and his wife got

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1 over Fifty (50) something Percent and there was  
2 another brother that got about Twenty-two and a  
3 half Percent (22 1/2%). So, you can see from  
4 that letter that he is trying to get a more share  
5 than his mother and daddy gave him, and he did it  
6 by sending that letter from a lawyer. Well, not  
7 only did he do that, Your Honor, but on October  
8 19th, 2010, the law firm sent another letter to  
9 Mr. Hough with a Deed saying -- we want you to  
10 deed some more property to your brother over than  
11 what your mother and your daddy deeded you and  
12 willed you. So, again, he's trying to get more  
13 property through -- I'm not going to say  
14 extortion, that's a strong word, -- but if you  
15 would notice on this letter, Your Honor, he gave  
16 this to his brother, Albert, and said -- you have  
17 thirty (30) days to deed me this -- to sign this  
18 Deed and give me more property. Well, Albert  
19 Hough, the brother, did not sign that Deed and  
20 give him more than what his mother and daddy had  
21 already given him. So, then what happens?  
22 That's on October, I think October the 19th, Your  
23 Honor. He gave Albert thirty (30) days to give  
24 him more interest in the property, and when Mr.  
25 Hough, Albert Hough did not do that, Richard

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1           Hough goes and buys a bulldozer. On November the  
2           18th, and I have a transcript of the record in  
3           the Courts where he admitted he bought a  
4           bulldozer on November the 18th, 2010, and he  
5           commenced to take his bulldozer over there and  
6           destroy -- I'm not going to say destroy the  
7           property -- rip up the waterlines that they were  
8           using to feed the cattle, preventing Mr. and Mrs.  
9           Hough, who were taking care of cattle on the  
10          Estate of the mother and daddy as well as its own  
11          cattle, and did a tremendous amount of damage to  
12          the property. And that was on November 23rd.  
13          So, we see, you know, that the reasoning behind  
14          the Supreme Court in keeping non-lawyers from  
15          prosecuting criminal cases is because of trying  
16          to get influence in a civil case and also trying  
17          an act of vengeance. When he continued to  
18          bulldoze property owned by Angela Hough and  
19          Albert Hough, something had to happen. This  
20          incident right here that he alleges that Mrs.  
21          Hough removed his property -- posted signs is  
22          what it is; that was on January 23rd, in the  
23          Summons, Your Honor. On January 24th, I filed  
24          that Action in front of Judge Tommy Cooper in the  
25          Circuit Court to get a Restraining Order against

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1 Mr. Hough from doing any more destruction to the  
2 property out there. We appeared -- we got a  
3 Temporary Restraining Order against Mr. Hough,  
4 and here's a copy of the Temporary Restraining  
5 Order. Mr. Hough has been given a copy of this.  
6 Judge Tommy Cooper, a Circuit Court Judge, found  
7 that "The Defendant has caused intermediate and  
8 irreparable injury in the following particulars:  
9 Destruction of pasture lands; digging six foot  
10 trenches; digging six foot high or greater berms;  
11 destroying pasture land fences; placing gates and  
12 locks preventing Plaintiffs, who were his co-  
13 tenants, from accessing the property; destroying  
14 water lines; attempting to run over the Plaintiff  
15 with his bulldozer. All of the above are being  
16 done on a continuing basis by the Defendant even  
17 after the Plaintiffs have repaired such damages."  
18 Your Honor, in this transcript of the record, I  
19 asked him, "If the Judge does not restrain you  
20 from continuing to do this, would you still be  
21 doing this." He said absolutely -- he said,  
22 "Yes." He would still -- he would go out there  
23 and rip up their -- take a bulldozer and rip up  
24 their water lines. They would have to repair it  
25 with a shovel and their equipment so they could

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1 water and feed their cattle, over a hundred and  
2 fifty (150) head of cattle. He'd go back out  
3 there with the bulldozer and dig up the water  
4 line again. So, the Judge found that all of this  
5 was done on a continuing basis even after they  
6 had repaired it and even after the Kershaw County  
7 Sheriff's Department had attempted to intervene,  
8 but had been unsuccessful in getting the  
9 Defendant to cease his conduct. The Sheriff's  
10 Department told him to quit; he wouldn't quit.  
11 Until, finally, we had to get a Temporary  
12 Restraining Order from Judge Cooper to tell him  
13 to quit tearing up the jointly owned property.  
14 That was a Temporary Restraining Order without --  
15 without a Hearing. February the 1st, 2011, we  
16 had a Hearing, full blown Hearing. He testified.  
17 The Judge then put him under a serious  
18 Restraining Order restraining him from creating  
19 new ditches and berms and damaging and destroying  
20 or attempting to damage any of the fences, water  
21 lines or anything. They had to go to Court to  
22 get him -- and here in this Order, I'd like it to  
23 be made a part of the record, Your Honor -- to  
24 keep him from destroying jointly owned property  
25 of which he only owned Twenty-two and a Half

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1 Percent (22 1/2%).

2 MR. HOUGH: Objection. That is not relevant  
3 to this case; it is personal property. That's  
4 real estate. Not relevant.

5 THE COURT: What is not relevant?

6 MR. HOUGH: That's a -- that's a land  
7 dispute. This is a personal property dispute.

8 THE COURT: You mean this right here, this  
9 Injunction?

10 MR. HOUGH: Yes.

11 THE COURT: And how is it not relevant  
12 again?

13 MR. HOUGH: Because that is a land dispute  
14 and the case before you now is a personal  
15 property dispute, a theft of personal property.  
16 There are two separate cases.

17 MR. TETTERTON: Two issues, Your Honor.  
18 Number one, she has not been charged with theft  
19 of any personal property. Here's the Charging  
20 Paper right there. There is nothing about  
21 stealing anything. Number One. Number two is ---

22 THE COURT: I'm going to overrule Mr.  
23 Hough's objection and continue. I find it is  
24 relevant.

25 MR. TETTERTON: And Your Honor, it speaks.

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1 very pointedly to and explicitly to why the  
2 Supreme Court has said there may be acts of  
3 vengeance causing a private, non-lawyer to  
4 prosecute a criminal case instead of a Solicitor.  
5 So, it speaks very loudly and plainly to as the  
6 conduct of someone who is now trying to bring a  
7 criminal case against a co-tenant. Now, Your  
8 Honor, just as important ---

9 THE COURT: And again, let me back up a  
10 moment and speak to lands versus property; this  
11 is all still the same four hundred and thirty-  
12 seven (437) acres we're talking about?

13 MR. TETTERTON: Same four hundred and thirty  
14 (430) acres, Your Honor.

15 THE COURT: Okay.

16 MR. TETTERTON: And speaking again to the --  
17 to the issue of whether or not a non-lawyer can  
18 -- can prosecute a criminal case rather than a  
19 Solicitor, who has sole authority as recognized  
20 and determined by the State Supreme Court,  
21 Justice Pleicones writing an Opinion, there was  
22 a Motion filed by Mr. Atkinson, his private  
23 lawyer, to help prosecute the case and, Your  
24 Honor, I'm going to hand up this Motion and ask  
25 the Court to make it a part of the record. And,

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1 of course, Your Honor, you heard that Motion and  
2 you denied Mr. Hough the right to have a paid,  
3 private lawyer to prosecute. And again, I point  
4 out to the Court that no Solicitor had deemed it  
5 advisable to prosecute this case. A private  
6 attorney has been denied the right to prosecute  
7 this case, and to go on further, Your Honor, in  
8 support of the reasoning of this Supreme Court  
9 Decision that the reason you've got to be very  
10 careful about letting non-lawyers prosecute cases  
11 for private interest where the community at large  
12 has not been involved, and I ask the Court to  
13 take into consideration that this has nothing to  
14 do with the community at large. This has --  
15 greatly has to do with co-owners of property and  
16 their little tiff between the two of them. In  
17 support of the reasoning of the Supreme Court  
18 that private interests can be propounded at a  
19 prosecution of a civil case -- I mean, of a  
20 criminal case, we served Mr. Hough in that civil  
21 case with Interrogatories asking him what his  
22 damages were. And, Your Honor, his response was,  
23 even after the Judge had ordered him not to do  
24 any other damage to that property, he comes back  
25 and counterclaims against the Defendant in this

**RICHARD HOUGH VS. ANGELA HOUGH**

1 case and her husband for loss of use of idle  
2 equipment, loss of use of his bulldozer, which  
3 Judge Cooper told him to park or he was going to  
4 lock him and his bulldozer up. He's asking Three  
5 Hundred and Twelve Thousand, Eight Hundred Three  
6 Dollars and Twenty-eight Cents (\$312,803.28) in  
7 damages for idle use of a bulldozer that the  
8 Judge told him not to use any more. So, you see,  
9 Your Honor, this is a civil matter. This has to  
10 be determined in the Common Pleas Court. So, you  
11 can see the motive behind Mr. Hough, Richard  
12 Hough, in trying to prosecute a criminal case so  
13 she would face the risk of being fined and going  
14 to jail for thirty (30) days. That's not what a  
15 -- that's not the way it's done in the judicial  
16 system on the criminal side, and it's  
17 specifically directed by our Supreme Court that  
18 that should not happen. Your Honor, to tell you  
19 also that vengeance is part of his motive, I'll  
20 hand up the transcript of the record before Judge  
21 Cooper, and in that transcript, I asked him and  
22 I mentioned this earlier, -- if this Judge does  
23 not order you to park your bulldozer and quit  
24 tearing up these water lines so they can feed and  
25 water the cattle, if he does not order you to

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1 park that bulldozer so you can quit destroying  
2 their property, digging all these six foot  
3 ditches, would you continue to do it. His answer  
4 is, "Yes, I would." So, now because the Judge  
5 has ordered him to park his bulldozer -- you've  
6 got the transcript -- Your Honor, because his --  
7 the Judge has ordered him to park his bulldozer,  
8 what does he do? He goes to the Magistrate's  
9 Court and gets a Courtesy Summons that said --  
10 now he's trying to prosecute her in the Criminal  
11 Courts after he's been admonished by the Civil  
12 Court to behave himself.

13 MR. HOUGH: Objection.

14 THE COURT: What's ---

15 MR. HOUGH: Your Honor, the Temporary  
16 Restraining Order was issued January 21st, 2011.  
17 This action that I did regarding the signs was  
18 January 23rd, 2011. One day before. He's  
19 incorrect.

20 MR. TETTERTON: Yes, Your Honor, and Mr.  
21 Hough is right, but what Mr. Hough failed to tell  
22 the Court is the date on the Summons, February  
23 the 3rd, 2011, after we had already gone to Court  
24 and got a Restraining Order against him. Sure,  
25 this happened -- the alleged incident where he --

**RICHARD HOUGH VS. ANGELA HOUGH**

1 she removed some signs, not stole them, but she  
2 removed the signs. -- happened on January 23rd,  
3 but the Summons wasn't signed until February the  
4 3rd, 2011 after we had already gotten Judge  
5 Cooper to admonish him to park his bulldozer.  
6 So, what does he do? Judge Cooper admonishes him  
7 to park his bulldozer, he runs down to the  
8 Criminal Courts and gets something signed -- I  
9 can't count, buy anyway, from January 24th until  
10 February 3rd; so, that's three days -- ten days  
11 later after we had already taken him to Court to  
12 make him behave himself, he goes and tries ---

13 MR. HOUGH: Objection, Your Honor.

14 MR. TETTERTON: I'm sorry; not behave  
15 himself -- I used the wrong word -- to try to get  
16 him restrained; then he runs to the Criminal  
17 Courts to try to prosecute her.

18 THE COURT: What is your objection?

19 MR. HOUGH: His sequence of events is wrong.  
20 On February 1st, I -- before I went to this Trial  
21 for February 1st, I -- I got the Warrant issued  
22 before that. I think before that time.

23 MR. TETTERTON: Your Honor, ---

24 THE COURT: I'm not sure I understand what  
25 you're saying. Explain it to me a little ---

**RICHARD HOUGH VS. ANGELA HOUGH**

1 MR. HOUGH: Well, I -- he -- he's acting  
2 like they are a cause and effect, that because I  
3 was at the Temporary Restraining Order afterwards  
4 and was reprimanded -- was dealt -- was issued -- had  
5 an opinion by the Judge, then I went to the  
6 Magistrate, but it's incorrect. I went to the  
7 Magistrate before I went -- I went before.

8 THE COURT: It says here on the 2nd of or  
9 3rd of February, 2011, down at the bottom down  
10 here.

11 MR. HOUGH: Uh-huh (affirmative response).

12 THE COURT: Have you seen this?

13 MR. HOUGH: Let me take a look at it again,  
14 sir.

15 THE COURT: Okay.

16 MR. TETTERTON: May I approach the bench?

17 THE COURT: That bottom signature, Judge  
18 Hartis' signature there on the very bottom, the  
19 date that it was done. Are you looking at ---

20 MR. HOUGH: I'm not looking at the right  
21 place.

22 MR. TETTERTON: May I point it out to him,  
23 Your Honor, I'll point it out to him.

24 THE COURT: Sure.

25 MR. TETTERTON: The Judge signed it right

**RICHARD HOUGH VS. ANGELA HOUGH**

1 here on February 3rd, 2011. And it was served on  
2 Mrs. Hough, Your Honor, on February 9th, 2011,  
3 six days later.

4 MR. HOUGH: Okay.

5 MR. TETTERTON: After we had already been to  
6 Court January 24th.

7 MR. HOUGH: I stand corrected.

8 THE COURT: All right.

9 MR. TETTERTON: Now, Your Honor, ---

10 MR. HOUGH: Your -- Your Honor, ---

11 MR. TETTERTON: I'm not quite finished.

12 THE COURT: Wait a minute. Let ---

13 MR. TETTERTON: Your Honor ---

14 MR. HOUGH: --- Is Mr. Tetterton ---

15 MR. TETTERTON: Is he -- if he's going to  
16 object, then I'll be quiet.

17 MR. HOUGH: I just want to make a point.

18 I'm not sure if I should be objecting while he's  
19 testifying, but when something ---

20 THE COURT: He's not testifying. He's still  
21 on his Motion.

22 MR. HOUGH: Okay. All right. I'm not sure  
23 if I can object during his Motion to each little  
24 item, but when something comes up, I kind of  
25 object; so, I didn't -- I don't have ---

**RICHARD HOUGH VS. ANGELA HOUGH**

1 THE COURT: I'm going to give you a chance  
2 to respond to everything he's said.

3 MR. HOUGH: All right.

4 THE COURT: Okay.

5 MR. HOUGH: So, Your Honor, I should wait  
6 until he finishes and not object?

7 THE COURT: That will be more efficacious.

8 MR. TETTERTON: Your Honor, several things  
9 transpired one day after the alleged incident on  
10 the 23rd, and we took -- we had -- we had on the  
11 February 1st Hearing, we took a considerable  
12 amount of testimony from Mr. Hough. Page 41 of  
13 that transcript, he admitted trying to get a  
14 bigger percentage of the property.

15 THE COURT: Let me do this.

16 MR. TETTERTON: Yeah.

17 THE COURT: Are you going to re-plow ground?

18 MR. TETTERTON: No, sir. No, sir. I just --  
19 I'm summarizing, Your Honor, because the document  
20 speaks for itself. Your Honor, so, what I have  
21 presented to the Court in support of my Motion,  
22 all these documents, very explicitly says there  
23 is a civil action going on upstairs. There has  
24 been admonishments by a Circuit Court Judge.  
25 There has been Restraining Orders by a Circuit

**RICHARD HOUGH VS. ANGELA HOUGH**

1 Court Judge. The sequence of events support my  
2 position that exactly what the reasoning of the  
3 Supreme Court said; you've got -- you cannot let  
4 private parties prosecute criminal actions. I'll  
5 say it again. "We find that allowing prosecution  
6 decisions to be made by or even influenced by  
7 private interest would do irreparable harm to our  
8 criminal justice system." Your Honor, that says  
9 it all. I mean, that came from the Supreme  
10 Court. I mean, it's not -- and now, that's all  
11 I have on the Motion to dismiss this matter for  
12 lack of prosecution, Your Honor, and awaiting  
13 your decision on that and then there will be  
14 another Motion about the sufficiency of the  
15 charging document. Thank you, Your Honor.

16 THE COURT: All right. Yes, sir, Mr. Hough?

17 MR. HOUGH: Yes. I just received this, but  
18 I note here that the issue at the very bottom of  
19 the page, it says, "The unauthorized practice of  
20 law for a non-lawyer representing a business to  
21 prosecute." Now, I am not a business. I am a  
22 private individual. So, this is a issue which  
23 was taken up by the Supreme Court only for this  
24 specific instance, and for my case, private  
25 party, I don't believe it's applicable. But I

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1 haven't had the chance to read the whole thing,  
2 and I haven't been able to find a specific  
3 conclusion that Mr. Tetterton has outlined.  
4 regarding the -- this Motion, there has been --  
5 this -- this has been two separate parts all  
6 along. It's been a real estate part and a --  
7 you've already ruled on that part. Well, anyway,

8 ---  
9 THE COURT: No. Tell me what you want to  
10 tell me.

11 MR. HOUGH: Okay. All right. All right.  
12 This has been two -- two separate issues, a real  
13 estate issue and a private property issue. She  
14 was charged with theft of my signs, and that's  
15 what I told the police officer -- the deputy  
16 sheriff that was there. And I also had a -- have  
17 a photo of her taking my signs. So, they're --  
18 and this is my stuff, my personal property. This  
19 is really separate from -- from real estate.  
20 Now, regarding the real estate, this -- Mr. Hough  
21 and Mrs. Hough have also taken some actions  
22 against me and made unilateral decisions on what  
23 to do on certain things that, for instance, even  
24 though I am common owner with Albert Hough on  
25 this property, most of the property, in fact all

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1 of the property, he has made -- he has taken --  
2 there has been instances of pine straw being  
3 taken ---

4 MR. TETTERTON: Your Honor, of course, I  
5 object to any other collateral matters that are  
6 not before the Court on the guilt or innocence  
7 and whether or not a non-jury can prosecute a  
8 criminal case. If he wants to go into all of  
9 that, I think that's totally irrelevant because  
10 what -- what they have done between themselves on  
11 other cases in the criminal -- if he's alleging  
12 a criminal matter, then I don't think it has any  
13 relevance to this. But I think the main issue of  
14 my Motion was to dismiss for lack of prosecution  
15 because a non-lawyer cannot prosecute a criminal  
16 case in this state in the Magistrate's Court. I  
17 mean, he -- I have no -- I object to him getting  
18 into these collateral matters.

19 THE COURT: Well, I've been kind of lenient.

20 MR. TETTERTON: Okay.

21 THE COURT: Let me just ---

22 MR. TETTERTON: No problem.

23 THE COURT: -- I listened to you and let me  
24 hear what he's got to say.

25 MR. HOUGH: All right. Well, on his -- on

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1 his specific objective, I had something, but I  
2 forgot it. But anyway. Oh, okay. All right.  
3 He's trying -- what a -- okay, I do remember now.  
4 What he's trying to do is get all the issues that  
5 -- that work for him outlaid, but now, he wants  
6 to object to all the issues that I raised that  
7 are also within the scope of this same -- same  
8 issue he brings up.

9 THE COURT: I understand that. What do you  
10 want to say?

11 MR. HOUGH: That for -- for this specific  
12 instances, they're all related; so, really, he  
13 can't -- he can't -- well, he shouldn't be  
14 objecting to going -- going on this issue.

15 THE COURT: Whether he needs to be objecting  
16 or not is not the point. Do you have something  
17 you want to put forward?

18 MR. HOUGH: Yes, I'd like to continue.

19 THE COURT: I overruled his objection. That  
20 means I'm willing to hear it first.

21 MR. HOUGH: Okay. I'll continue then. All  
22 right. This involved -- you overruled the pine  
23 needles?

24 THE COURT: If you have something  
25 counterpointing ---

**RICHARD HOUGH VS. ANGELA HOUGH**

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MR. HOUGH: Oh.

THE COURT: -- what he has alleged, I'll be glad to hear it.

MR. HOUGH: All right. Yes -- yes, sir. There's -- my mother and father -- my mother and father were -- did very well mentally and physically until their mid-eighties. They were doing quite well. They were able to take care of themselves, but then when both my mother and father, in 2008, they -- they couldn't care for themselves at all; so, they moved in with my brother, Albert and his wife, Angela. Prior to that, my mother -- my father -- my father was really -- excuse me, I'm going to get some water -- my father was really unconcerned about things in the real estate. He hadn't been -- he hadn't been as sharp as before. So, he was letting my mother take care of it. My mother also became a little bit more mentally -- mentally challenged as she got older. It was during this time that my brother, Albert, tended to want to spend more weekends in -- in Camden and, during this time, I witnessed an episode where he was trying to get my mother to do certain things, and when she wasn't complying, I walked in and he was yelling

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1 at my mother, "You've lived long enough already."  
2 He was abusing my mother. So, this is -- this is  
3 something that -- this is something that needs to  
4 go into the record that Mr. Albert Hough was  
5 trying to take advantage of my mother and father  
6 and their failing mental capability, and during  
7 that time that they were in his house, there were  
8 several Wills -- there were two Wills made; there  
9 were two Power of Attorney documents made. There  
10 was one land gift made as Albert being the Power  
11 of Attorney in which he was primary beneficiary.  
12 A total amount of acreage was two hundred and  
13 eighteen point five (218.5) acres. So, he deeded  
14 himself Fifty Percent (50%) of the two hundred  
15 eighteen point five (218.5(4.) acres, and this  
16 four hundred and thirty-seven (437) acres has a  
17 value of about Six Thousand Dollars (\$6,000.00)  
18 per acre. So, he deeded himself one-half as a  
19 fiduciary.

20 THE COURT: Hold that thought.

21 MR. HOUGH: Okay.

22 THE COURT: Let me ask you this question.

23 Are you rehashing some of -- I understand what's  
24 going on. You have property. You've got a suit.

25 I mean, you're still in litigation over that.

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1 MR. HOUGH: Right.

2 THE COURT: Is that what you're telling me?  
3 Is that what you're trying to the end that  
4 somehow quite frankly somebody has been swindled  
5 or there is something going on?

6 MR. HOUGH: Very much.

7 THE COURT: I understand what you're saying.

8 MR. HOUGH: There might be a possibility,  
9 sir.

10 THE COURT: Well, that's not for here.

11 MR. HOUGH: All right.

12 THE COURT: And ---

13 MR. HOUGH: Do you want me to continue with  
14 the real estate?

15 THE COURT: So, if you will just move  
16 forward a little bit.

17 MR. HOUGH: Okay. All right. So, after  
18 that time, my sister-in-law, Angela, was very  
19 protective of my parents, and they didn't let my  
20 sister go visit my parents without signing  
21 documents. Their relationship had deteriorated  
22 such that she had to sign documents before coming  
23 into their house.

24 THE COURT: I understand. But again, all  
25 that is still pending in -- in the ---

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1 MR. HOUGH: All right.

2 THE COURT: -- Court of Common Pleas.

3 MR. HOUGH: Okay. I'll get to the specific  
4 real estate, the transgressions. All right. So,  
5 there was a taking of pine needles, unauthorized  
6 by me on my property that I owned with Albert.  
7 He built a corral on this property without my --  
8 without telling me anything about it. He built  
9 -- he -- he got a man to cut trees on this  
10 property to make the property more pasture land  
11 like. So -- so, he's making steps that's on my  
12 property, and so, when I tried to do something to  
13 my own property, I tried to build a berm around  
14 his property; it's my real estate, too.

15 THE COURT: I understand. I think you just  
16 hit on the central point, Mr. Hough.

17 MR. HOUGH: Yes.

18 THE COURT: This is community property so  
19 far because this thing is still ongoing; is that  
20 correct? The whole four hundred and thirty-seven  
21 (437) acres.

22 MR. HOUGH: It's in partition.

23 THE COURT: Well, there's a percentage. Do  
24 we know who gets what?

25 MR. HOUGH: There -- well, it's going to be

**RICHARD HOUGH VS. ANGELA HOUGH**

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litigated.

THE COURT: Well, it's still pending.

MR. HOUGH: Right. Yes, sir.

THE COURT: So, that's the civil action.  
So, we're here today for the taking of what you  
say is your personal property.

MR. HOUGH: Exactly.

THE COURT: Mr. Tetterton has made a Motion  
to dismiss this, and correct me if I'm wrong  
because -- well, we haven't gotten that far yet.  
So, can you kind of jump forward to the end. I  
don't want to cut you short.

MR. HOUGH: Okay. Well, ---

THE COURT: It is my duty to speak, but ---

MR. HOUGH: Well, I can -- you know, he --  
he got to point out all the bad things ---

THE COURT: And I understand that, and that  
doesn't necessarily mean I believe everything.  
I'm going to rule on this at the end, but I don't  
need to hear his stuff again from you.

MR. HOUGH: Okay. All right. Okay. I  
would also point out that a Magistrate signed  
this Criminal Warrant; so, apparently, the State  
backs up having Affiant prosecute a criminal act;  
so, it's -- it has the power of the State behind

1           it, and so, I believe for -- for that reason  
2           that, you know, this is -- this is the law and  
3           this -- and in this case, it was just specific  
4           issues. Now -- now, Mr. Tetterton brings up --  
5           brought up a number of points about -- about the  
6           Sheriff's Department. I'm just trying to do  
7           point/counterpoint ---

8                         THE COURT: Sure.

9                         MR. HOUGH:       -- about the Sheriff's  
10           Department being called and told me that -- told  
11           me -- telling me to stop, but actually, there  
12           were several calls there where the Sheriff's  
13           Department said, "This is a civil matter; you can  
14           continue what you keep on -- we're not involved."  
15           So, for him to say that numerous -- anyways, that  
16           was my point. Also, Mr. Tetterton said on  
17           November 23rd, when I -- when I did all this  
18           damage to the -- with the bulldozer that this was  
19           -- this was Estate property, but my parents were  
20           not dead yet on November 23rd, 2011 -- 2010,  
21           excuse me. So, he's incorrect on that. As far  
22           as act of vengeance, this -- as I told you  
23           before, that this was an ongoing feud with my  
24           brother. He attempted -- Mr. Tetterton brought  
25           up a document that I -- I gave him to say -- sign

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1 and it said sign -- sign within thirty (30) days.  
2 His document that he sent to me was a Timber  
3 Contract, and this Timber Contract, he didn't say  
4 sign in thirty (30) days. It said, "Please sign  
5 in thirty (30) days." I don't know if that's too  
6 big a difference, but in the specific Timber  
7 Contract, the -- he wanted me to sign a Contract  
8 which gave Fifty Percent (50%) -- even though I  
9 was about a quarter owner of the property, he  
10 wanted me to sign a Contract which gave Fifty  
11 Percent (50%) of the timber proceeds to him and  
12 Fifty Percent (50%) of the proceeds to -- to my  
13 brother, George. So, he is -- he is trying to  
14 pull something over on all the brothers, maybe  
15 not one, but in addition, in this same Contract,  
16 this was in 2009, September 16th, 2009, that he  
17 executed this Contract. The Contract was never  
18 finished because I was the -- because I didn't  
19 sign it. But in this Contract, he also got  
20 another owner of the property, Joel Hough, who is  
21 now a guardian -- who is now a ward for Angela  
22 and Albert to sign, and my brother has mental  
23 problems, and even though Albert knew that --  
24 that Joel had mental problems, he went ahead and  
25 tried to take advantage of him and -- and got him

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1 to sign a Deed taking -- taking his property away  
2 from him. Now, if I would have signed it, that  
3 would have gone through. Now, earlier, Mr. Hough  
4 on a Timber Contract, that I -- that he tried to  
5 sign with me, this Timber Contract ---

6 THE COURT: Well, Mr. Hough, what is your  
7 point on this?

8 MR. HOUGH: My -- excuse me. Your Honor, my  
9 -- my point is that there's been some back and  
10 forth both ways, and -- and I have plenty of  
11 ammunition on him, too, that I'd like to bring  
12 out. Mr. Tetterton brought out all the  
13 ammunition that he's got on me; so, I'd like to  
14 bring out the ammunition that I have on him.

15 MR. TETTERTON: On me or Mr. Hough?

16 MR. HOUGH: On Mr. Hough.

17 MR. TETTERTON: Thank you.

18 THE COURT: No, I'm not going to allow that.  
19 Mr. -- Mr. Tetterton has so far made a Motion to  
20 dismiss this because you're not a lawyer, and you  
21 can't prosecute this case. That's what the  
22 simple summation is I believe so far. I'm  
23 letting you dispute that. So far, you've brought  
24 up the same things he has. So, I would like you  
25 to sum up, if you will, your point -- your

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1 counterpoint to his argument that you shouldn't  
2 prosecute this case.

3 MR. HOUGH: My point is that, and I guess I  
4 said it originally that this was an issue for I  
5 haven't had to read it. If you'd like me to read  
6 it fully, I would -- I will try to comment on the  
7 specific conclusion, but this is the first time  
8 I've seen it. Would you like me to go ---

9 THE COURT: Well, this has been going for  
10 two years, I mean, ---

11 MR. HOUGH: Well, I have -- excuse me, Your  
12 Honor, I have not had time to look at this  
13 specific decision. I imagine this is ---

14 THE COURT: I think that speaks to his  
15 point, if I may. I mean, you're not a lawyer.

16 MR. HOUGH: Right. But how -- how do -- I  
17 guess I'm posing the question is -- so, does --  
18 does this mean that all Affiant prosecutions are  
19 now invalid based on this decision?

20 THE COURT: I don't know that. I don't know  
21 that. I haven't heard everything yet today.

22 MR. HOUGH: But, you know, if you're going  
23 to rule, his conclusion to this lawsuit, to this  
24 specific law, I'd like to read this and comment  
25 -- comment on it because I can read, too, and I

**RICHARD HOUGH VS. ANGELA HOUGH**

1 can -- I can figure out what they're concluding  
2 here, too.

3 THE COURT: Well, you were sitting there  
4 while he was talking, I mean ---

5 MR. HOUGH: Well, I was listening to him,  
6 sir.

7 THE COURT: I see.

8 MR. HOUGH: Your Honor.

9 THE COURT: How long do you think it would  
10 take you to look that over?

11 MR. HOUGH: Probably -- probably ten  
12 minutes.

13 THE COURT: All right. Let's see.

14 MR. HOUGH: Thank you.

15 THE COURT: We'll take a ten minute break.

16 MR. TETTERTON: Thank you, Your Honor.

17 (OFF THE RECORD).

18 THE COURT: All right. Yes, sir, Mr. Hough.

19 MR. HOUGH: If it please the Court. I note  
20 that this document that Mr. Tetterton handed me  
21 is only six of eight pages. There's two pages  
22 missing. In addition, this says under Conclusion  
23 on Page Four, it says, "This is the conclusion.  
24 We therefore find that a non-lawyer  
25 representation of a business entity in Criminal

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1           Magistrate's Court runs afoul of South Carolina  
2           Law, is repugnant to our system of justice and  
3           constitutes the unauthorized practice of law."  
4           This is specifically a business entity, a narrow  
5           ruling and, in addition, South Carolina Law  
6           remains -- remains in -- remains so that the  
7           Magistrate can issue a Summons -- a Warrant if  
8           there's good reason that he believes the Affiant.  
9           In addition, I'm not sure -- I'm not sure if we  
10          are Fifth Judicial Circuit or not; maybe you can  
11          tell me, but if we're not Fifth Judicial Circuit,  
12          I was going to ask -- I was going to complain  
13          that this was not the Fifth Judicial Circuit and  
14          therefore does apply to only the Fifth Judicial  
15          Circuit. It didn't apply to the whole state of  
16          South Carolina.

17                   THE COURT: Let me assure you we're in the  
18                   Fifth Judicial Circuit.

19                   MR. HOUGH: Thank you for correcting me,  
20                   Your Honor.

21                   THE COURT: Anything else on that particular  
22                   point?

23                   MR. HOUGH: Yes. Okay. Yes. So, if -- if  
24                   Mr. Tetterton could provide me with the final two  
25                   copies of -- two pages of this document, I can

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get the complete reading of it.

MR. TETTERTON: Your Honor, I'll just bring it to the Court's attention that the last -- I'm sorry, I don't have it -- I don't even have it. But that is the dissent in this case. It is not the -- it is not the majority opinion, the last two pages. The majority opinion is on Four of Eight. So, the dissent is not controlling in this case. It's only the majority opinion of Judge Pleicones who wrote the majority opinion for the case and I -- I mean, I can run get it right quick, but the dissent doesn't -- has no, absolutely no authority whatsoever in case law. It's only the majority opinion of the Supreme Court. Number one. Number two is, while this case addresses the facts in the case that a -- somebody was representing I think a company who had -- was trying to prosecute somebody for worthless checks. Our Court has addressed the dangers of a private -- a non-lawyer prosecutor, and it very explicitly points that out that we are talking about non-lawyer prosecutors. Now, also, it says and I raise this issue, Your Honor, "We note that our Constitution vests this Court with the sole authority to regulate the practice

1 of law. Article Four, Section Four -- Article  
2 Five, Section Four of the South Carolina State  
3 Constitution as well as Code Section 40-5-10-  
4 2009. So, our Supreme Court sets out rules for  
5 lawyers to be admitted to the bar and to practice  
6 the law and get sworn in, and we don't have all  
7 of that for non-lawyers that appear before  
8 tribunals in a criminal case. Now, they're  
9 allowed to do it in civil cases. We don't allow  
10 them to do it in criminal cases, and this -- this  
11 case is explicit that there was not a community  
12 interest; there was a private interest in that  
13 case, and there's a private interest in this  
14 case. Just a couple more points, Your Honor.  
15 Mr. Hough brought out that the Warrant was --  
16 it's not a Warrant -- the Summons was signed by  
17 a Magistrate and that he feels -- seemed to say  
18 that shows the power of the State to prosecute.  
19 I don't deny the power of the State to prosecute.  
20 Let's look around. Where is the State? The  
21 State is not here. The State and Solicitor's  
22 Office has the sole authority to prosecute  
23 criminal cases and not non-lawyers. One other  
24 issue just to show the shallowness of this  
25 argument. If you look at the document I handed

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1 up, the letter dated July 12th, 2010 from his  
2 lawyer in Sumter, he has mentioned everything  
3 about his mother and daddy and -- and whatever  
4 about deeding interest. On July 12th, 2010, to  
5 show that this criminal prosecution by a non-  
6 lawyer could be an act of vengeance, it says to  
7 Mr. Hough, Mr. Richard Hough, "You want the three  
8 of you to hold -- each hold a one-third interest  
9 in the property." It doesn't say your mother and  
10 daddy weren't competent to sign Deeds. It  
11 doesn't say your mother and daddy were not  
12 competent to sign Wills. He's acknowledging that  
13 they had the authority and competency to sign  
14 Wills and Deeds, but yet, he wants one-third.  
15 It's very plain, Your Honor, when he didn't get  
16 his one-third, he bought him a bulldozer and went  
17 out there and started destroying the property and  
18 now ---

19 THE COURT: All right.

20 MR. TETTERTON: -- and now he's trying to  
21 prosecute one of the landowners for removing  
22 signs.

23 THE COURT: Yes, sir?

24 MR. HOUGH: Objection. He's still trying to  
25 tack some more additional things on me. This --

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1 Mr. Hough granted -- as Power of Attorney, Mr.  
2 Albert Hough granted -- as to my mother, Mr.  
3 Albert Hough granted a gift of two hundred and  
4 eighteen point five (218.5) acres by his own  
5 letter -- I have a copy of it somewhere here. I  
6 have the specific reference where he says two  
7 hundred and eighteen point five (218.5) acres.  
8 So, he -- he -- he's gone outside his fiduciary  
9 scope in doing this gift because it was not to  
10 the benefit of my parents, and it was only to the  
11 benefit of who he decided to give the property  
12 to. And in this case, he gave half of the  
13 property ---

14 THE COURT: Who is the he you are referring  
15 to?

16 MR. HOUGH: Albert.

17 THE COURT: All right. Unless you have  
18 something else on this particular Motion, I think  
19 I've heard enough from both sides.

20 MR. HOUGH: Okay. All right. Well, I'll  
21 just preface that the issues that he brought up  
22 about the bad acts of me, I can go into other  
23 details about what -- what happened here. He's  
24 made his case, and I have other stuff that ---

25 THE COURT: I don't -- I don't want to hear

1 a case about bad acts. That's not what we're  
2 here for.. All right. Now, you need a ruling on  
3 that one?

4 MR. TETTERTON: Yes, sir.

5 THE COURT: I take Mr. Hough's point about  
6 the conclusion of a business. He points out that  
7 this is a narrow ruling finding that a non-  
8 lawyer's representation of a business entity in  
9 Criminal Magistrate's Court runs afoul of South  
10 Carolina Law, etcetera. However, something  
11 neither one of you have pointed out on Page Two  
12 where they quote -- I believe it's the United  
13 States v. Sandifer and Sandifer v. United States.  
14 They speak to a prosecutor's role. "A Solicitor  
15 should bear in mind that he is an officer of the  
16 Court, he represents all the people, including  
17 the accused, and he or she occupies a quasi  
18 judicial position whose sanctions and traditions  
19 he should reserve. It is his duty to see that  
20 justice is done. He must see that no convictions  
21 take place except in strict conformity with the  
22 law and that the accused is not deprived of any  
23 Constitutional rights of privilege. How ever  
24 strong the prosecuting attorney's belief may be  
25 of the prisoner's guilt, it is his duty to

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1           conduct the Trial in such a manner as will be  
2           fair and impartial to the rights of the accused  
3           and not say or do anything which might improperly  
4           affect or influence the jury or the accused's  
5           counsel." Mr. Tetterton wants this dismissed  
6           because you don't have the authority to prosecute  
7           this case. You say you do because this is a  
8           narrow ruling. He brings out the vengeance  
9           element. I think he has established his case  
10          and, quite frankly, by some of your comments, you  
11          have established his case also. So, for the  
12          reasons that have gone before, I'm going to grant  
13          his Motion to dismiss it on those grounds.

14                   MR. TETTERTON: Thank you, Your Honor.

15                   THE COURT: Thank you all very much. Now,  
16                   if you'll bring the jury back in. And the  
17                   alternates.

18                   MS. HOBBS: Yes, sir.

19                   (Jurors returns)

20                   THE COURT: All right. Ladies and  
21                   gentlemen, you all have been very patient with  
22                   this matter. We've been here over an hour and  
23                   a half waiting on this since I sent you out.

24                   I think it is roughly an hour and a half. There  
25                   has been a resolution of today's matter without

1           which would not have been possible had you not  
2           shown up today. For that, I thank you. I wish  
3           you a good weekend. You are free to go. Thank  
4           you very much. Alternates also.

5           MR. TETTERTON: Thank you, Judge.



State of South Carolina) In the Court of Common Pleas  
) Fifth Judicial Circuit  
County of Kershaw ) 2013-CP-28-00358

Richard Hough, )  
)  
Plaintiff, )  
)  
Vs. ) Transcript of Record  
)  
Angela Hough, )  
)  
Defendant. )  
)  
)  
)

October 16, 2013  
Camden, South Carolina

B e f o r e :

The Honorable Roger M. Young, Judge

A p p e a r a n c e s :

William A. Hodge, Esquire  
Attorney for the Plaintiff

Angela Hough,  
Pro Se Defendant.

Bonnie H. Kelly, CVR  
Circuit Court Reporter

I N D E X

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<u>NO.</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>EV.</u>
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-- NO EXHIBITS ENTERED --

1 THE COURT: Next is Richard -- and I'm not sure how to  
2 pronounce this -- Hough?

3 CLERK OF COURT: Yes, sir.

4 MR. HODGE: Hough. That's correct, Your Honor.

5 THE COURT: Hough?

6 MR. HODGE: Hough, yes, sir.

7 THE COURT: So it'd be like H-u-f-f, would be how it'd  
8 be pronounced?

9 MR. HODGE: That's correct.

10 THE COURT: -- versus Angela Hough. All right. So  
11 this is Richard Hough?

12 MR. HODGE: This is Richard Hough, right.

13 THE COURT: And you are?

14 MR. HODGE: William Hodge, on behalf of Richard Hough.

15 THE COURT: All right. And you are Angela Hough?

16 MS. HOUGH: Yes, sir.

17 THE COURT: All right. And you're representing  
18 yourself?

19 MS. HOUGH: Yes, sir.

20 THE COURT: All right. We have -- this is Richard W.  
21 Hough -- H-o-u-g-h -- vs. Angela Hough; 2013-CP-28-358.  
22 This is a appeal from the magistrate or summary court.  
23 And Mr. Hough is the appellant; is that correct?

24 MR. HODGE: That's correct, Your Honor.

25 THE COURT: All right. Well, then you get to go

1 first.

2 MR. HODGE: Thank you, Your Honor. May it please the  
3 Court.

4 This case was started -- it all started with a affiant  
5 warrant done by my client, Mr. Richard Hough. He went  
6 down to the magistrate here in Kershaw. I believe he  
7 spoke with Judge Eugene Hartis, who was -- was the chief  
8 magistrate at the time or had just been relieved as chief  
9 magistrate at the time, but was still a magistrate --  
10 signed out an affiant warrant for a petty larceny. He had  
11 some signs on some property that is jointly owned, and the  
12 signs had been removed.

13 He had seen who had removed the signs, and so he went  
14 to the magistrate, and basically, signed out a courtesy  
15 summons for the person he believed had stolen the signs.

16 The -- the warrant was signed by the -- the magistrate  
17 judge and a courtesy summons was issued.

18 The case came up for trial. A jury trial was  
19 requested on behalf of the defendant in that case, and a  
20 jury trial --

21 THE COURT: The defendant being Angela?

22 MR. HODGE: That's correct.

23 THE COURT: Okay. She got charged with petty larceny?

24 MR. HODGE: That's right, Your Honor.

25 THE COURT: All right.

1 MR. HODGE: And the charge came up for a jury trial,  
2 and at the initial proceedings, after the jury had been  
3 sworn, the defense counsel, at the time, made a motion to  
4 dismiss. And he based his motion on -- essentially solely  
5 on an opinion that was issued in 2010, by the Supreme  
6 Court of South Carolina, the In Re Matter of Richland  
7 County Magistrate Court, 5th Judicial Circuit, Parties and  
8 Petitioner.

9 Essentially, that case dealt with the bad checks that  
10 were going on in the solicitor's office. Before this  
11 opinion came out, businesses were allowed to actually  
12 prosecute their own bad checks and were able to do so in  
13 magistrate court. And what this opinion did, and the only  
14 thing this opinion did, was to cut that practice out; to  
15 essentially say that now the solicitor's office has to get  
16 involved.

17 And I remember when this program was implemented, I  
18 was actually at the solicitor's office. So we had to have  
19 a bad check person come in, meet with the businesses, go  
20 down, and actually handle the prosecution of these bad  
21 checks that were -- that were coming out of these  
22 businesses.

23 Your Honor, he -- he based, essentially, the entire  
24 motion to dismiss on that case, and -- and I'll just read  
25 you a little bit from the -- the -- the essential matter

1 of the case says (as read): "Petitioner Barney Giese  
2 filed this declaratory judgement action in the Court's  
3 original jurisdiction ---

4 THE COURT REPORTER: Sir, you need to read a little  
5 slower.

6 MR. HODGE: --- seeking -- sorry -- seeking a  
7 determination whether it is the unauthorized practice of  
8 law for a non-lawyer to represent a business as prosecutor  
9 of a criminal misdemeanor charge, other than a traffic  
10 offense, in magistrate's court."

11 A business, that's what the whole case was about ---

12 THE COURT: Uh-huh.

13 MR. HODGE: --- was whether businesses could be  
14 represented by an agent, in magistrate court, in criminal  
15 matters.

16 This is not a business. This was Mr. Hough, signing  
17 out an affiant warrant for personal property, property  
18 that had nothing to do with a business and a business was  
19 not being operated by him. This is his property that  
20 someone took, and so he signed an affiant warrant for  
21 petty larceny.

22 Your Honor, to me, that -- that means that the case  
23 law, as specifically interpreted, and in their decision,  
24 says that (as read): "The dignity and might of the State  
25 are brought to bear in the decisions. These decisions

1 must not be made by interested parties. We therefore find  
2 that a non-lawyer's representation of a business entity,  
3 in criminal magistrate's court, runs afoul of South  
4 Carolina law."

5 It doesn't say an individual's representation of  
6 himself in magistrate court in a criminal proceedings. It  
7 doesn't even address the issue of an individual  
8 representing themselves as the prosecutor for an affiant  
9 warrant, which is the position that we have today, which  
10 is the situation that we find ourselves in, because he is  
11 an individual, not representing a business, not  
12 representing any business interest. Simply a personal  
13 property issue in which he signed out the affiant warrant.

14 Judge, the -- the dissent in that opinion didn't  
15 necessarily address -- that particular dissent, which was  
16 written by Justice Hearn and was joined by Chief Justice  
17 Toal -- essentially wanted to expand the law, I mean, they  
18 -- they go further to say that this should be an allowed  
19 practice all across the board for businesses to prosecute  
20 their own case. But the focus of the case was whether it  
21 was unauthorized practice of law by a business.

22 As you're aware, and I believe it was in the return  
23 filed by the magistrate in this case, which is Judge  
24 Corbett, that the -- (as read): "A person is allowed to -  
25 - to represent themselves in court, and this chapter may

1 not be construed as to prevent a citizen from prosecuting  
2 or defending his own cause, if he so desires."

3 And that is from South Carolina Code of Laws Title 40-  
4 5-80.

5 There has been nothing that I have seen -- and I --  
6 I've done some research, and this -- this case does not  
7 refer to any previous cases that limit that power for an  
8 individual, representing themselves and their personal  
9 interest in a magistrate affiant warrant situation, which  
10 is what we have here.

11 My client actually asked for help prosecuting from a  
12 private attorney, and that help was denied, and so he had  
13 to go forward on his own. He had no choice.

14 Judge, so -- so my argument is really twofold: One --  
15 and I -- I steal some language from Justice Hearn's  
16 dissent. One is that, first of all, the case law doesn't  
17 apply that was argued in court and that was eventually  
18 applied to -- to my client, because he is not a business  
19 and is not operating under that impression.

20 The second legal part of it that I would say is -- is  
21 based on that code of law, and based on Justice Hearn's  
22 dissent, which essentially says that magistrate's court  
23 was created by the General Assembly to be the people's  
24 court. It's a place where only this can happen. This was  
25 intended to happen in magistrate's court.

1 He goes on to talk about a case where -- and I'm sure  
2 you're familiar with Transfer Court, that is now being  
3 dealt with in General Sessions, where a case that's  
4 originally a General Sessions charge is remanded to a  
5 magistrate level offense, done in General Sessions, and  
6 that does have to have a solicitor.

7 But he says that nowhere in that language of that case  
8 law does it say that an original jurisdiction --  
9 magistrate-level jurisdiction has to be tried by a  
10 solicitor or a prosecutor.

11 It actually in there says that the prosecutor or the  
12 solicitor is under no duty to prosecute a matter in  
13 magistrate court.

14 So legally, and based on the case law here, Judge, I  
15 believe that there is nothing that limits the power for  
16 him to -- to have this affiant warrant. Obviously, he is  
17 still subject to the -- to the rulings of the Court. The  
18 magistrate still has full control of his courtroom. The  
19 magistrate still will be able to rule on whether there's  
20 enough evidence he can go forward on, whether there's a  
21 motion for directed verdict. All of these things will be  
22 things that will be decided by the magistrate.

23 We weren't allowed that opportunity and that never --  
24 it never got to that point.

25 The second argument, Judge, and it's really nothing

1 necessarily legal based, but it -- it kind of formulates  
2 itself from that -- the actual statute, allowing an  
3 individual to -- to prosecute for -- for charges such as  
4 this, is that my client was allowed to sign this affiant  
5 warrant. He didn't have a police officer there with him.  
6 He didn't have anybody else. He went to a magistrate and  
7 the magistrate judge agreed, signed it, and issued a  
8 courtesy summons.

9 If he's not allowed to prosecute that warrant, then  
10 what was the purpose of allowing him to sign that warrant?  
11 What was the purpose of issuing a courtesy summons? What  
12 was the point of bringing everyone into court for a jury  
13 trial on that day if he's not even allowed to proceed as  
14 it was filed?

15 So Judge, like I said, my -- my argument is twofold:  
16 One is -- is that I don't believe the case law was  
17 properly -- was properly attributed in this case. I don't  
18 believe that there -- it even addresses the issue of an  
19 individual representing themselves in their own personal  
20 property and interest.

21 And the second is that common sense factor is that he  
22 was allowed to sign an affiant warrant, issue a courtesy  
23 summons, and then was told, "Sorry. We can't do anything  
24 to help you at this point."

25 He wasn't ever given the opportunity to go to trial to

1 present his case, to -- to argue any motions or anything  
2 that may have come up. It was dismissed from -- from the  
3 beginning.

4 And so we would just ask that you remand it so that he  
5 may be given the opportunity to go to trial on the affiant  
6 warrant and courtesy summons that was issued. Thank you.

7 THE COURT: Ms. Hough, would you like to say anything?

8 MS. HOUGH: I do. I have four points. Okay?

9 In his -- this is a copy of his -- and it's in your  
10 folder -- of his appeal. He puts it as he is an affiant,  
11 he's not running a business.

12 He's really misleading the Court, Your Honor. And I  
13 will get to why these are not filed, but we didn't get  
14 served. The only service I got was that -- it was the  
15 date that the hearing was going to be held.

16 So I went down there and they were fixing to send out  
17 the court case to Judge Manning. So I have copies, if you  
18 want them, of what I'm going to say. And I have copies  
19 for him if he wants it.

20 But in 2000 -- and I have evidence -- in 2 -- the  
21 place where it occurred, this actually started as an  
22 extortion attempt for him to have my husband gift him  
23 land. And it went for a couple of months as we kept  
24 calling the police in, and he was bulldozing to keep us  
25 off the property where animals had to be fed and watered

1 every day and he was tearing up water lines.

2 We had been to the magistrate with that. He was told  
3 to stop.

4 We had -- I got a courtesy summons for him. I had to  
5 bring in a police report to get my courtesy summons, and  
6 if you look at the courtesy summons that is in the folder,  
7 there is no police report with it.

8 When he -- when he says that he is not a business, the  
9 place holds cattle. And he -- he did not post the signs.  
10 And most of it was caution tape and police tape stuff.  
11 There were a few caution signs. And he attached those  
12 signs, after he had spent a day -- you can see from the  
13 pictures, he had spent the morning digging us out of the  
14 entrance.

15 He -- he put it up with duct tape, and he put it up  
16 like you would a Christmas tree, not on the -- on the --  
17 the root of the -- the -- what do you call it -- the stem  
18 of the tree. It was on the leaves, on the stems, on the  
19 outside part. It was not on the base of the tree, and it  
20 was done in a fashion like toilet paper. It was just  
21 everywhere.

22 And so when we got to the scene, we called the police.  
23 And they came out and he called the police at the same  
24 time, because while I'm waiting on the police, I'm taking  
25 this down because they're just like trash, all over in the

1 trees.

2 He's taking pictures. I mean, I -- so it's not done  
3 dishonestly. I knew he was there. The police came. He  
4 told his side; I told mine. And the police officer took  
5 the stuff from me and handed it to him.

6 So on my first point though, is that in 2010 and 2011  
7 -- and this happened in January of 2011 -- he filed as a  
8 business on his IRS tax forms, and he filed as a cattle  
9 business on this place.

10 When he put the -- his personal property on those  
11 trees, it became joint property.

12 So on the first one, I ask that you dismiss it on  
13 misleading the Court because he's not telling you the  
14 whole truth.

15 On the second one, if you look in Criminal Procedures,  
16 Rule 3, it does say that if you go to magistrate's court,  
17 you -- the solicitor gets to choose what he does. He --  
18 in Rule 3, he can do A, B, or C. He did B. The elements  
19 the Court would have to have -- the appropriation of the  
20 property, property belonging to another, dishonesty, and  
21 intentionally, to permanently deprive.

22 The solicitor knew he didn't have those elements, and  
23 he did not proceed with this case. And -- and that's in  
24 the civil procedure book.

25 So I ask you to dismiss it on the fact that Rule 3

1 (a), (b), and (c), the "Deposition [sic] of Warrants" in  
2 South Carolina criminal procedure.

3 And if you -- if you want, I do have a copy of the --  
4 the hearing, since you probably didn't get to listen to  
5 it. I do have a copy of the transcript.

6 Also with -- the Solicitor's Office, in the  
7 transcript, Mr. Hough -- the judge asked who's going to be  
8 your witnesses, introduce yourselves. Mr. Hough  
9 introduces himself and he says he doesn't have any more  
10 witnesses.

11 Mr. Tetterton was my attorney at the time. He  
12 introduced himself, and he stated the witnesses would be  
13 my husband, Albert -- that was with me at the time and at  
14 the scene -- and also the officer that responded to the  
15 call.

16 So I think that would tell you a little bit that he  
17 knew that he couldn't even call the officer to state what  
18 was there.

19 Also with that he would have -- and I'm probably not  
20 going to pronounce it correctly -- he would have to prove  
21 *corpus delecti, delectay* (phonetic), which means he has to  
22 prove that I had the stolen stuff, and there was never any  
23 -- any proof of that.

24 The third is that, according to the rules of appeal in  
25 the book of procedures, I ask you to dismiss it on the

1 failure to serve notice. He -- he filed his appeal and he  
2 -- he said over and over in the courtroom the day of court  
3 that he could read, and the judge gave him time to read  
4 the ruling. And he -- and I was able to obtain the book.  
5 It's online as well.

6 So he could read and find out that he was supposed to  
7 serve me within 30 days and my attorney. And noone was  
8 served, and you can see that by there's no -- there's no  
9 affidavit in the folder saying that he followed the  
10 procedures of appeal and served notice.

11 And then the last thing is if you look on his appeal,  
12 too, he -- he states that the -- the jury had been sworn  
13 and -- before the motion occurred and seated. And if I --  
14 if it goes back down to the court, it would be a violation  
15 of the U. S. Constitution Fifth Amendment Right of double  
16 jeopardy; because they were seated, they were sworn, they  
17 were thanked for their service, and they were dismissed.  
18 So if you want a copy of any of that, I have a copy for  
19 them as well.

20 But he did file as a business, and so it eliminates  
21 this affiant, that he has willfully stated that he knowing  
22 stated in court, on his appeal, and then again today.

23 Thank you.

24 THE COURT: Okay. You said you had a copy of the  
25 transcript ---

1 MS. HOUGH: Yes, sir.

2 THE COURT: --- or you had a transcript of the  
3 hearing?

4 MS. HOUGH: Yes, sir.

5 THE COURT: Would you hand it to the officer there?

6 (Ms. Hough complies.)

7 THE COURT: Is there anything you'd like to respond  
8 to?

9 MR. HODGE: Your Honor, I would just -- I guess,  
10 really, the only thing that goes to the heart of -- of  
11 what I believe is the matter is that he -- the whole  
12 business filing thing, I've never seen his tax return. I  
13 don't do his taxes. But if he did file as a business for  
14 cattle operation, this has nothing to do with his  
15 business. This was a personal property on the -- on the  
16 land.

17 This has nothing to do with the actual operations of  
18 the business or anyone robbing -- you know, depriving him  
19 of his right to operate a business or anything. This was  
20 personal property that he believes was -- was taken from  
21 him without -- without cause and -- and stolen from him.

22 The -- the other things that she really addresses are  
23 -- are things that I feel would come out at trial. I  
24 think that -- you know, that -- that -- if all that  
25 evidence and testimony that she has presented today was

1 presented at trial, then a magistrate would be able to --  
2 or a jury would be able to accurately assess credibility  
3 and go through and -- and make a correct decision.

4 My point today and -- the appeal was because we didn't  
5 get that opportunity. All we wanted was the opportunity  
6 to -- to go to trial as we believe we were -- we were  
7 granted that right through the courtesy summons.

8 As far as notice of appeal, I know that he did  
9 properly file notice with the court. I believe Judge  
10 Corbett was notified and did file a return in the matter.  
11 Beyond that, Judge, I don't know what service went to --  
12 to Ms. Hough.

13 But the appeal wasn't his decision. There was no --  
14 nothing -- nothing that happened outside of that -- that  
15 we were appealing. So we didn't get to jury charges or  
16 anything. So that's just -- so that would be my response  
17 to that. And I think that's all. Thank you.

18 MS. HOUGH: Can I respond to him?

19 THE COURT: Sure.

20 MS. HOUGH: It is in Rule 18(a), I believe, that says  
21 -- do you want me to read it to you?

22 THE COURT: If you'd like.

23 MS. HOUGH: Or I have it marked ---

24 THE COURT: Rule 18(a) of what?

25 MS. HOUGH: --- if you want to read it.

1 THE COURT: What -- which -- 18(a) of what?

2 MS. HOUGH: Of the magistrate's court, when it --  
3 where it says "appeals" --

4 THE COURT: Uh-huh.

5 MS. HOUGH: -- and the procedure of appeals, it  
6 clearly states that you have to serve the other party and  
7 the attorney. And he served noone.

8 I did not even know about this until I got the notice  
9 saying court was -- and -- and it stated on -- well, on  
10 one of these (indicates.)

11 I went home and I studied it, and I wrote up what --  
12 based -- I did it in a little bit more detail than what I  
13 just told you. But I wrote them up then, because that was  
14 the first time I'd heard about it.

15 THE COURT: Okay.

16 MS. HOUGH: Okay.

17 THE COURT: Well, here's what I'll do, I'll read  
18 through this file, I'll read the transcript of the  
19 hearing, figure out what the -- the -- the judge did and  
20 why he -- he did it. And I'll issue an order and let you  
21 know what I decide. Okay.

22 MR. HODGE: Thank you, Your Honor.

23 THE COURT: Yes. You have a question?

24 MS. HOUGH: Yes, sir. Will I get my copy back of the

25 --

1 THE COURT: The transcript?

2 MS. HOUGH: Yes, sir.

3 THE COURT: Yeah.

4 MS. HOUGH: Okay.

5 THE COURT: If you would --

6 MS. HOUGH: You can have it as long as you want it.

7 But is there any way you could just send it back and --

8 THE COURT: If we -- I'll leave it here with the court  
9 and the clerk's office will send it back. I'll -- if I  
10 need -- I'm going to try to read it ---

11 MR. HODGE: I have ---

12 THE COURT: --- before I leave. If I need to make a  
13 copy of it, I'll make a copy of it.

14 MR. HODGE: I have a condensed version.

15 THE COURT: Oh. You have a copy?

16 MS. HOUGH: Well, he has a condensed version.

17 MR. HODGE: Yeah.

18 MS. HOUGH: I'd rather you read the whole thing.

19 MR. HODGE: I mean, it's just the four page ---

20 MS. HOUGH: No. This is whole -- this is the whole  
21 thing, Your Honor. And you're going to need to hear that  
22 one.

23 THE COURT: It's different than this?

24 MR. HODGE: It's just where they -- you know, they put  
25 it four -- four pages per page type deal.

1 MS. HOUGH: No.

2 MR. HODGE: It's kind of small reading, so I -- you  
3 may not want that.

4 MS. HOUGH: It's ---

5 THE COURT: Let me just -- let me just take a look at  
6 this. All right.

7 MS. HOUGH: Thank you.

8 MR. HODGE: Thank you, Judge.

9

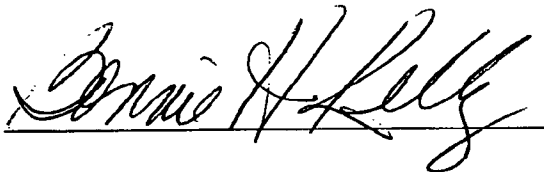
10

-- END OF TRANSCRIPT RECORD --

**CERTIFICATE**

I, the undersigned Bonnie H. Kelly, Official Court Reporter for the Fifth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the hearing of the captioned cause, relative to appeal, in the Fifth Circuit Court, for Kershaw County, South Carolina, on the 16th day of October, 2013.

I do further certify that I am neither of kin, counsel, nor interest in any party hereto.



Bonnie H. Kelly, CVR

Official Court Reporter

Columbia, South Carolina

March 23, 2014

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM KERSHAW COUNTY  
Court of Common Pleas

Roger M. Young, Circuit Court Judge

Case no. 2013-CP-28-358

Richard W. Hough,  
Respondent

vs.

Angela Hough  
Appellant

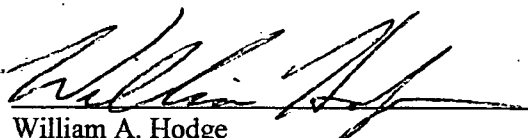
RECEIVED

JAN 10 2014

SC Court of Appeals

PROOF OF SERVICE

I hereby certify that I have served the Notice of Appeal on Angela Hough by depositing a copy of it in the United States Mail, postage prepaid, on January 10, 2014, addressed to her 42 Magnolia Lane, Lugoff, SC 29078.



William A. Hodge  
P.O. Box 8753  
Columbia, South Carolina 29202  
(803) 457-2216  
Attorney for Appellant

Columbia, South Carolina  
January 10, 2014

Courtesy Summons

M-098876-CSW

STATE OF SOUTH CAROLINA
County/ Municipality of

Kershaw

THE STATE against

Angela Hough

Address: 42 Magnolia Lane
Lugoff, SC 29078-

Phone: SSN:
Sex: F Race: W Height: Weight:
DL State: DL #:
DOB:

Offense: Larceny / Petit or Simple Larceny - \$2,000 or less

Offense Code: 3419

Code/Ordinance Sec: 16-13-0030(A)

This courtesy summons is CERTIFIED FOR SERVICE in the
County/ Municipality of

The accused is to be served and given a court date to appear before the Issuing Judge to be dealt with according to the law.

(L.S.)

Signature of Countersigning Judge

Date:

RETURN

A copy of this Summons was delivered to

defendant Angela Hough

on 02-09-2011

Signature of Constable/Law Enforcement Officer

RETURN SUMMONS TO:

Kershaw County Magistrate
1121 Broad Street
Camden, SC 29020

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Kershaw

Personally appeared before me the affiant Richard Hough who

being duly sworn deposes and says that defendant Angela Hough

did within this county and state on or about (date of incident) 01/23/2011

at (location of incident) 783 Bishopville Highway, Camden, SC 29020

violate the criminal laws of the

State of South Carolina (or ordinance of County/ Municipality of

Kershaw

in the following particulars:

DESCRIPTION OF OFFENSE Larceny /Petit or Simple Larceny - \$2,000 or less

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on January 23, 2011, the defendant Angela Hough removed numerous posted signs without permission of victim Richard Hough. This incident did occur at Camden, Kershaw County, South Carolina.

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Kershaw

Affiant's Address 945 Scallybark Rd.

Charlotte, NC 29020-

Affiant's Telephone (704)805-2107

Courtesy Summons

YOU ARE SUMMONED TO APPEAR BEFORE THE COURT:

at [Place] Kershaw County Magistrate
1121 Broad Street
Camden, SC 29020

on [Date] 03/02/2011

at [Time] 3:00PM

IF YOU FAIL TO APPEAR YOU MAY BE TRIED IN YOUR ABSENCE OR A BENCH WARRANT MAY BE ISSUED FOR YOUR ARREST.

If the charges that have been brought against you are discharged, dismissed, or nolle prossed or if you are found not guilty, you may have your record expunged.

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to serve the defendant and require that the defendant appear at the date, time, and place provided above to be dealt with according to law. A copy of this courtesy summons shall be delivered to the defendant at the time of its execution.

Sworn to and subscribed before me

on 02/03/2011

Signature of Issuing Judge (L.S.)

R. Eugene Hartis

Judge Code: 5562

Judge's Address Post Office Box 1528

Camden, SC 29020-1528

Judge's Telephone (803)425-1500

Issuing Court: County/ Municipal

Magistrate

ORIGINAL

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ORIGINAL

AFFIDAVIT

Form Approved by S.C. Attorney General August 5, 2008 SCCA 519

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM KERSHAW COUNTY  
Court of Common Pleas

Roger M. Young, Circuit Court Judge

2013-CP-28-358

Richard Hough,

Appellant,

vs.

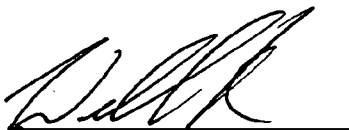
Angela Hough

Respondent.

**PROOF OF SERVICE**

I, William A. Hodge, the undersigned attorney for Appellant, do hereby certify that I have served a copy of Appellant's Record on Appeal, by causing a copy of same to be deposited in the U.S. Mail, proper postage prepaid addressed as follows:

Angela Hough  
42 Magnolia Lane  
Lugoff, SC 29078

  
William A. Hodge

Columbia, South Carolina  
July 16, 2014

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM KERSHAW COUNTY  
Court of Common Pleas

Roger M. Young, Circuit Court Judge

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2013-CP-28-358

---

Richard Hough,

Appellant,

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Angela Hough

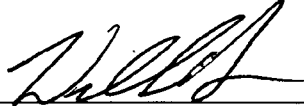
Respondent.

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**CERTIFICATE OF COUNSEL**

---

The undersigned counsel certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

  
\_\_\_\_\_  
William A. Hodge  
P.O. Box 8753  
Columbia, SC 29202  
(803)457-2216  
ATTORNEY FOR APPELLANT

July 16, 2014