

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHESTERFIELD COUNTY
Court of Common Pleas

J. Michael Baxley, Circuit Court Judge

Case No.2013-001415

The State

Respondent,

v.

Fritz Allen Timmons

Appellant.

[INITIAL] BRIEF OF APPELLANT [AMENDED]

Alan Wilson
Attorney General

Fritz A. Timmons, Pro Se
P. O. Box 367
Hartsville, SC 29551

Salley W. Elliott
Senior Assistant Deputy Attorney General
P. O. Box 11549
Columbia, SC 29211

William B. Rogers
Solicitor, Fourth Judicial Circuit
P.O. Box 616
Bennettsville, SC, 29512

Adam M. Foard Law, LLC.
Foard, Adam M.
120 N. Pearl St.
Pageland SC 29728

Attorneys for Respondent

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SC Court of Appeals

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STATEMENT OF ISSUES ON APPEAL

1. DID THE TRIAL COURT ERR WITH A BIAS AND UNFAIR HEARING?
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4. DID THE MAGISTRATE COURT ERR IN PERMITTING A SEARCH AND SEIZER THAT VIOLATES FOURTH ADMENDMENTS RIGHTS OF THE APPEALANT?
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6. DOES THE SEARCH WARRANT VIOLATE THE APPELLANTS FOURTH ADMENDMENTS RIGHTS?
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8. DID THE MAGISTRATE COURT ERR IN THE PERMITTING OF SAID E-MAIL AS PROBABLE CAUSE WITHOUT PRIMA FACIE EVIDENCE OR COMPLAINT UNDER OATH?
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12. WAS EVIDENCE TAMPERED WITH AFTER MAGISTRATE HEARING ?
13. DID THE CHESTERFIELD ANIMAL CONTROL AND SHERIFF DEPARTMENT TRY TO MISLEAD THE COURT WITH ONLY PARTIAL EVIDENCE ?
14. ARE THE COUNTY ORDINANCE SUMMONS INVALIDE?

15. DID CHESTERFIELD COUNTY ANIMAL CONTROL PROVIDE PUREBRED DOGS TO CHESTERFIELD COUNTY ANIMAL SHELTER AND OTHER RESCUES FOR THE PURPOSE OF FINANCIAL GAIN?
16. DID CHESTERFIELD ANIMAL CONTROL AND SHERIFF DEPARTMENT VIOLATE COURT ORDER AND LITTER CONTROL LAWS?
17. DID CHESTERFIELD ANIMAL CONTROL AND SHERIFF DEPARTMENT BASE THEIR CHARGES ON INVESTIGATION AND FACT OR ON PURELY ON ASSUMPTION?

STATEMENT OF THE CASE

On Jan 23, letter in reference to case number 2009-CP-16-540 as to status of case sent to appellant from Darlington Clerk of Court (signed by Jennifer Sanders)

On approximately Jan 31, contacted and informed Darlington Clerk of Court that decision of the hearing was never delivered. DCCoC inform appellant that they would contact Judge Paul M Burch's office as to status.

On approximately Feb 20, appellant contacted DCCoC as to status of case, DCCoC replied they have had no response from Judge Paul M Burch's office (used as a possible torte accusation for anonymous E-mailor call used as probable cause).

On March 4, 2013, Chesterfield Animal Control and Chesterfield Sheriff Department conducted a search and seizer at 1827 Tabernackle Church Rd in Chesterfield county while appellant was at work. Search was conducted in front and back yard along with residency and barn(not supported by warrant) and seized appellants dogs along with one bag of dog food and one large pet carrier(not supported by warrant) . No papers was left at residency or given to appellant. Interviewed Geneva Timmons and her neighbors of Darlington County. Approximately 7pm, appellant informed by a deputy sheriff that

search was conducted and to contact James Lewis. After returning to residence, appellant found damage done by actions of search and seizer and dog food containers strewed throughout yard and residency.

On March 5, 2013 appellant was interrogated by Chesterfield sheriff deputies, a preliminary hearing was held with motion to dismiss refused and court ordered custody of dogs given to Animal Control, ACO Jim McGonigal stated "you wont get out of this on a technicality". Court ordered temporary custody to Chesterfield Animal Control. Asked for copy of anonymous E-mail and was denied.

Appellant shown one complete intact dog carcass and pictures of others (unknown dogs at time of viewing) by ACO Jim McGonigal at Chesterfield County Animal Shelter. Compared appellants dog list to that seized by Animal Control. Appellants list of dogs was identical to Animal Controls list of seized dogs. Warrant was executed by James Lewis. ACO Jim McGonigal threatened appellant with if appellant don't give custody of dogs over to county then he would charge appellant with 31 charges of abandonment and ill-treatment. Dogs was taken to and examined by Hartsville Animal. Appellant took pictures of bowls with food and water. Inspected grave site and found dog carcuses found was dug up, paw and claw marks found on and around grave hole. Search warrant and affidavit dated 3/4/2013, warrant return dated 3/5/2013 of which list dated 3/7/2013@6:07am.

On March 6, seizer was broadcast on WCCB with statements "...anonymous tipster called it in...animal control officers say...abandoned trailer housing..", " , Animal Control appellant receive summon tickets 1884 through and including 1892. ACO Jim McGonigal stated "will deliver rest of the tickets later, too much filling out to do all at

one time”and “I will have the search warrant amended “. Summons tickets numbers 1893 through and including 1897 for Pamela Conley was filed.

On March 7, Danielle Bowe sent James Lewis seizer list used on warrant return on March 5.

On March 8, Summon ticket was filed.

On March 11, ACO Jim McGonigal delivered summons tickes 1898 through and including 1909. Statements “ATTENTION!! To everyone that is interested in the dachshund we have seized”, “ For Adoptions We need to have everyone interested to fill out an adoption application”, and “For Rescue We need your 501c3 or state certification along with our rescue application filled out” posted on Chesterfield County, SC Animal Services face book page

On March 12, local newspaper “The Link” published article as to seized dogs reported to them by Danielle Bowe.

On March 18, Appellant requested motion of dismissal along with a list of violations at beginning of hearing, refused by Judge John A Davis giving belief to appellant of a bias and unfair hearing. Appellant was charged and fined for 10 counts of abandonment/neglect (47-1-70 not a county ordinance), 3 counts of Ill-treatment (47-1-40 not a county ordinance and not supported by warrant), and 8 counts of rabies (415.60 not a county ordinance and not supported by warrant). Appellant was fined a total of \$3500 reduced down from \$8100. Appellant forced to sign custody of dogs over to Animal Control due to financial distress caused by fines imposed. Asked for copy of anonymous E-mail and was denied.

On March 20, “Ok everyone the Dachshunds have been released to us!!! “ and “ Everything will be aranged with rescues tomorrow 3-21-13. Pick up and transport will not start until Friday 3-22-13.“ posted on Chesterfield County, SC Animal Services face book page (prior to appeal time limit).

On March 21, Statements “So, we are taking four of the Chesterfield case Dachshunds...yep! “, “Marie Bowman I saw all of them last night. They are all so beautiful. Thank you for saving these girls. Do you know if the others will be rescued as well? It looked like there was a lot of interest from other rescues too.”, “Yvonne Stollmaier So thankful you have rescued these babies! Saw an update early this afternoon. There are still 11 of these doxies that need homes-so sad ! Thank you for rescuing the ones for CLHR! March 21 at 11:34pm via mobile “ was posted on Carolina Loving Hound Rescue face book page.

On March 23, Statements “Jim Mcgonigal thanks for pulling them Brenda Like · Reply · 4 March 23 at 5:53pm.”, “Furever Angels Animal Rescue of Charlotte My pleasure Jim! Like · March 23 at 6:18pm..”,” Roxanne McQuaid Daugherty thank you Jim Mcgonigal! Like · March 23 at 8:01pm.”, and “Furever Angels Animal Rescue of Charlotte Erin, we just got her in our rescue today so we will be learning more about her in the next few days. Like · March 23 at 6:20pm.” was posted on Furever Angels Animal Rescue of Charlotte face book page.

On March 25, Appellant filed for appeal.

On March 28, Return of the criminal appeal filed.

On May 7, The Link (Chesterfield County local newspaper) published “County confiscates 40 dogs from breeder” article about Pamela Conley being bullied and dogs

being seized by Chesterfield County Animal Control.

On May 8, Appeal hearing in front of Judge J. Michael Baxley. Asked for copy of anonymous E-mail and was denied due to no prima facie evidence.(CT p. 4 line 1 - 2)

Appeal was denied

On June 6, Notice of intent to appeal served On June 11, Proof of service of notice of intent to appeal served On June 14, Notice of appeal served On June 17, Request for transcript served On June 27, Appellant received request for transcript payment of \$103.50 On August 7, Payment for transcript served On August 15, Appellant received transcript and refund of difference minus expediting expense, total of \$81.25 and refund of \$16.25

On June 15, Served order of transcripts and notice of appeal\

On June 23, 2013 Received letter of payment notification

On August 7, 2013, Payment for transcripts was served

On August 15, Received transcript with omitted statements by Judge J. Michael Baxley

On August 28, Acquired return from Chesterfield County Clerk of Court and from Magistrates office (warrant return seized items list from clerk of courts office (not dated) differed from magistrates office(dated))

On Sep 4, Reorder transcript with omitted statements by Judge J. Michael Baxley

ARGUMENTS

I. BECAUSE JUDGE BAXLY WAS IMPATIENT AND HAD A PREJUDGEMENTAL ATTITUDE

With a prejudgment attitude and the outburst statement “With all this evidence against you, your lucky your not in jail” (purposely omitted by Pamela Ozment-Cartee, court reporter) by Judge Baxley (State v. Gillian, 373 S.C.601, 613, 646 S.E.2d 872, 878 (2007);State v. Gaster, 349 S.C. 545, 557, 564 S.E.2d 87, 93 (2002); State v. Wilson, 345 S.C. 1, 5, 545 S.E.2d 827, 829 (2001) while leaning towards appellant with papers in hand and arm outstretched, thereby giving belief that the decision of the hearing was already decided (Lisenba v. California., 314 U.S. 219, 236, 62 S.Ct. 280, 86 L.Ed. 166 (1941),State v. Lyles, 379 S.C. 328, 338, 665 S.E.2d 201, 206 (Ct. App. 2008). With an impatient attitude and consistence of interrupting appellant while giving testimony thereby not aloud to give full testimony and terminated court prior to full presentation of case and total disregard to facts of law. Appellant stated 4 times (CT p.6, line 17, CT p.7, line 2-3, CT p.8, line 4-5 and CT p.10, line 24 - CT p.11, line 1)) as to affidavit (UO Summons 1909)did not support the search warrant (Search Warrant). The above statement also gave belief that the outburst was due to either due to the possible torte accusation made upon Judge Paul M. Burch (contacted by Darlington Clerk of Court in Feb 2013) for violating appellants rights to due process for case #2009-CP-16-540 (Rule ---3B(8), CJC, Rule 501, SCACR., of which have not received any decision as of this date from hearing (State

v. Chapman, 289 S.C. 42, 344 S.E.2d 611 (1986); State v. Smith, 307 S.C. 376, 415 S.E.2d 409 (Ct. App. 1992); State v. Robinson, 335 S.C. 620, 518 S.E.2d 269 (Ct. App.1999)) or from possible pictures of carcasses shown to appellant at Chesterfield Animal Shelter on 3/5/13 and that was not presented at magistrate court due to carcasses being found was not contested, thereby added after hearing for the sole purpose of emotional persuasion (State v. Holder, 382 S.C. 278, 288, 676 S.E.2d 690, 696 (2009)). With the statement “I don’t have that E-mail in my possession to give to you” by Baxley (CT p.6, line 1-2) and lack of probable cause on stated on the affidavit or search warrant and the statement “I find that there was sufficient probable cause here” (CT p.12, line 2) also by Baxley therefore Judge Baxley has violated Rule ---1A, CJC, Rule 501, SCACR, and Rule ---3B(2),B(4),B(5),B(8), B(9), CJC, Rule 501, SCACR.

II. WITHOUT PRIMA FACIE EVIDENCE OF SAID E-MAIL, STATE CAN NOT PROVE COMPLAINT USED AS PROBABLE CAUSE ACTUALLY EXIST AND ALSO WOULD VIOLATE PROBABLE CAUSE REQUIREMENTS.

With no prima facie evidence of said anonymous E-mail (Carlyle v. Tuomey Hosp., 305 S.C. 187, 193, 407 S.E.2d 630, 633 (1991),Conner v. City of Forest Acres, 363 S.C. 460, 467, 611 S.E.2d 905, 908 (2005)),stated by Foard “the e-mail is not actually contained in the return“ (CT p.5, 23-24) and stated by Baxley “I don’t have that e-mail in my possession to give you“ (CT p.6, line 1-2) although Baxley stated “I see the E-mail” (CT p.5, line 22), (§22-3-710, State v. Gillian, 373 S.C. 601, 613, 646 S.E.2d 872, 878 (2007), State v. Pagan, 369 S.C. 201, 208, 631 S.E.2d 262, 265 (2006), State v. Baker, 251 S.C. 108, 160 S.E.2d 556 (1968)) with the statement “..an anonymous tip of poor conditions for more than 30 canines. ” (CT p.7, line 17-20) on the magistrates court

order (Mag. Ct. Prelim. Ord. Mar.5) and with only the appellant being the only person inside of residency within the past 4 years and with only 15 dogs outside and 6 of the dogs were one week old puppies, therefore it was impossible for anyone to have know how many dogs the appellant had prior to the search, State v. Pittman, 373 S.C. 527, 578, 647 S.E.2d 144, 170 (2007), (Rule 402, SCRE), to provide probable cause thereby animal control could not collected any information without conducting constitutional intrusion (State v. Weston, 329 S.C. 287, 494 S.E.2d 801 (1997), U.S. Const. amend. XIV). A welfare check can not be used to bypass the requirements of the Fourth Amendment for the purpose of a search especially when an anonymous complaint would also violate the Fourth Amendment or completely based on torte. With the above said, no requirements have been met to provide probable cause for a search warrant (Brinegar v. United States, 338, U.S. 160 (1949). With the above said, the State must prove the anonymous complaint, regardless as being E-mailed or called in, does not violate §16-17-725(A), and without prima facie evidence as to complaint, therefore the torte allocations and §16-17-725(A) violations fall upon ACO Jim McGonigal, Chesterfield County Animal Control, and Chesterfield County Sheriffs Office.

III, DUE TO THE AUTHORITY TO CORRECT CLERICKLE ERRORS AND AMEND PLEADINGS

With the appellant as being a pro se, therefore the standards of which are applied should not be of the same level of standards as that of a lawyer Haines v. Kerner, 404 U.S. 519, 520-21, 92 S.Ct. 594, 30 L.Ed.2d 652 (1972); Estelle v. Gamble, 429 U.S. 97, 106, 97 S.Ct. 285, 292, 50 L.Ed.2d 251 (1976); Gillihan v. Shillinger, 872 F.2d 935, 938

(10th Cir.1989). With stating four separate times as to the affidavit not supporting the search warrant (CT p.6, line 17, CT p.7, line 2-3, CT p.8, line 4-5 and CT p.10, line 24 - CT p.11, line 1) also stated “the affidavit, the property that was sought is actually my address and does not have nothing to do with animal.” (CT p.10, line 9-12) and “the search warrant has duality“ (CT p.11, line 6, Search Warrant), Thereby Judge Baxley ignored all errors of law (§18-7-170, §18-7-180, §18-7-190) and with the failure to permit to call subpoenaed witnesses (ACO Jim McGonigal and Judge John A Davis due to a premature judgment an hearing closure) to testify towards their own errors of law and evidence due to inferior court not being conducted under oath (thereby based on false statements by ACO Jim McGonigal and not sworn testimony) and caused a bias and unfair hearing.

IV. WITHOUT PROBABLE CAUSE REQUIREMENTS MET, THEREBY THE SEARCH WARRANT VIOLATES THE FOURTH AMEMDMENT AND STATE CONSTITUTION.

Without probable cause established by affidavit (Affidavit), (Carlyle v. Tuomey Hosp., 305 S.C. 187, 193, 407 S.E.2d 630, 633 (1991),Conner v. City of Forest Acres, 363 S.C. 460, 467, 611 S.E.2d 905, 908 (2005),State v. Weston, 329 S.C. 287, 494 S.E.2d 801 (1997)), and without reason stated for probable cause (State v. Winborne, 273 S.C. 62, 254 S.E.2d 297 (1979),McDonald v. United States, 335 U.S. 451, at 455-456, 69 S.Ct.191, 93 L.Ed. 153 (1948)), search and seizer conducted without a search warrant on 3/4/13 (see warrant return dated 3/5/13 (Warrant Return), appellants yard totally enclosed by woods with no possibility of plain view (Def. Ev. 4), (State v. Crane, 296 S.C. 336, 341, 372 S.E.2d 587, 589 (1988), (State v. Missouri, 361 S.C. 107, 115, 603 S.E.2d 594,

598 (2004), (State v. Rivera, 384 S.C. 356, 361, 682 S.E.2d 307, 310 (Ct. App. 2009),(United States v. Gray, 491 F.3d 138, 145 (4th Cir. 2007) , making “good faith” unreasonable, with no prima facie complaint/probable cause (Silverthorne Lumber Co. v. United States, 251 U.S. 385, 40 S.Ct. 182, 64 L.Ed. [1920])) for actions of animal control to commit constitutional intrusion (State v. Richburg, 250 S.C. 451, 461, 158 S.E.2d 769, 773 (1968). Therefore causing search warrant in be invalid (State v. Blackwell-Selim, 392 S.C. 1, 4, 707 S.E.2d 426, 428 (2011)). Without requirements of probable cause, particular items to be seized, and particular place to be search being met, along with committing Barratry (§16-17-10), Conspiracy (§16-5-10,§16-17-410), and Tampering with evidence, ipso facto, Judge John A Davis violates Rule ---3B(2),B(5), CJC, Rule 501, SCACR and Rule ---3D(1), CJC, Rule 501, SCACR

V. THE AFFIDAVIT DOES NOT SUPPORT THE SEARCH WARRANT DUE TO THE PARTICULAR REQUIREMENTS FOR ITEM SOUGHT AND PLACE TO BE SEARCHED ALSO DOES NOT STATE REASON FOR BELIEF, IPSO FACTO, NO PROBABLE CAUSE STABLISHED

The affidavit fails to meet the requirements of particular items sought with having appellants physical address as item being sought (Affidavit). Affidavit also fails to meet particular place to be search with only “property and dwelling” (Affidavit) to be searched, at said address has approximately 11 acres of wooded land with residence, barn and yard in middle completely surrounded by wood. Affidavit does not give a reason for belief (Affidavit), it gives a list that resembles wildlife (state owned). It does not state what type of crime was committed, when it was, where it was, or who committed it (State v. Winborne, 273 S.C. 62, 254 S.E.2d 297 (1979);State v. Randolph, 239 S.C. 79, 121

S.E.2d 349 (1961); State v. Williams, 297 S.C. 404, 377 S.E.2d 308 (1989), (See Silverthorne Lumber Co. v. United States, 251 U.S.385, 40 S.Ct. 182, 64 L.Ed. [1920]).

Appellant also stated lack of support to Judge Davis at preliminary hearing and criminal hearing as motions to dismiss, ipso facto, knowingly and willing violate the appellants 4th amendments rights and cause for belief for a bias and unfair hearing along with conspiracy among Chesterfield sheriffs office, Chesterfield animal control and magistrate Judge John A Davis (State v. Williams, 297 S.C. 404, 377 S.E.2d 308 (1989)). At the end of preliminary hearing ACO Jim McGonigal stated “you wont get out of this on a technicality” directly to appellant and with the actions of the magistrate court, ipso facto, has committed Barratry (§16-17-10), Conspiracy (§16-17-410), and a Sham Legal Process (§16-17-735). Also, Mr. Foard stated “James Lewis the Affiant, did view malnourished and ill-treated animals, and a lack of food. He stated in the trial, which is contained in the return of the magistrate,” (CT p.10, line 9-12) of which, James Lewis was only partially at the preliminary hearing and not at all at the hearing on march 18, along with no statement as in reference to viewing. Therefore Mr. Foard gave misleading and untrue statements to the court. (violating Rule 407, CJC, SCACR)

VI: THE SEARCH WARRANT VIOLATE THE APPELLANTS FOURTH ADMENDMENTS RIGHTS DUE TO THE PARTICULAR REQUIREMENTS FOR ITEM SOUGHT AND PLACE TO BE SEARCHED NOT MET AND EXICUTED ONE DAY AFTER THE SEARCH CONDUCTED

The search warrant (Search Warrant) fails to meet the particular requirements, with having appellants address as premises searched and “abandoned or neglected

animal” as description of items sought (U. S. Const., Fourth Amendment, S. C. Const., Art. I, Section 10) thereby making the warrant too vague (§47-1-10,(1), "Animal" means a living vertebrate creature except a homo sapien. This would also include any wildlife and causing duplicity as to true nature of search warrant. With the interviewing of Geneva Timmons of Darlington and her neighbors on 3/4/2013 for the purpose of gaining information on appellants residency, finances and intelligence along with WCCB TV broadcast statement “...animal control officers say..abandoned trailer housing..”, on Wed, 06 Mar 2013 11:39:44 EST, ipso facto, the true nature of warrant is abandonment (§47-1-70). Therefore, the warrant does not support any charges of neglect, ill-treatment (§47-1-10), or rabies. Without probable cause established (without being constitutional intrusion) and an invalid affidavit, therefore Judge John A Davis has violated §47-1-150 (A), ipso facto. has committed Barratry (§16-17-10), Conspiracy (§16-17-410, §16-5-10), Malfeasance, Neglect of duty (§8-1-60), and a Sham Legal Process (§16-17-735). With the above, therefore the denial of a motion to dismiss gave strong believe to the appellant that the magistrate hearing was bias and unfair and would be futile to provide all evidence of the case.

VII. WITH THE SEACH AND SEIZER EXICUTED ON MON 3/4/2013 AND WARRANT EXICUTED ON TUE 3/5/2013 ACCORDING TO WARRANT RETURN.

As stated on warrant return (Warrant Return), without witnessed, the warrant was executed on 3/5/2013 one day after animal control conducted a search and seizer on 3/4/2013, ipso facto, has violated §23-15-60 for the search of the residency and barn on

property. The return also contained an item list of seized items (Orig. Mag Ct War. Ret. List) not including a large pet carrier (that contained a mother dog and 6 one week old puppies) or an open 50# bag of dog food (Purina puppy chow) that ACO Jim McGonigal stated was there, the list is dated on 3/7/2013 6:07 am (Orig. Mag Ct War. Ret. List) two days after return and three days after search. The Return of the Criminal appeal states “A memo from Chesterfield Animal Control Director Danielle Bowe to Chesterfield County Deputy Jay Lewis detailing 31 canines removed from the property of 1827 Tabernacle Church Road” and the warrant return (Warrant Return) stating that James Lewis received and executed the warrant on 3/5/2013 with the inventory of property taken pursuant to the warrant, thereby who made up the seized items list (Orig. Mag Ct War. Ret. List, Cir. Ct. War. Ret. List) (Bowe or Lewis?) and where was James Lewis when the search and seizer was conducted, also where was the search warrant when the seizer was conducted and was warrant produced after the search and seizer took place?

VIII. STATE CODE REQUIRE MAGISTRATE COURT TO BE CONDUCTED ON INFORMATION UNDER OATH, THEREBY CAUSING ANONYMOUS E-MAIL TO BE INVALID, IPSO FACTO, NO PROBABLE CAUSE

Without being under oath per SC Code §22-3-710, and with the statement “I used an anonymous E-mail as probable cause to get a search warrant” (§47-1-150 (A)) by Jim McGonagall and “...anonymous tipster called it in...animal control officers say” stated and broadcasted on Wed, 06 Mar 2013 11:39:44 EST by WCCB TV Charlotte (and with pictures taken from inside and outside of appellants residency, ipso facto, Chesterfield Animal Control has violated §8-13-725(A)) and without prima facie evidence, ipso facto, probable cause requirements has not been met an has been established based on torte or

constitutional intrusion. Also all probable cause used by Chesterfield Animal Control was based totally upon assumption without fact, therefore causing multiple different charges that's not supported by search warrant.

IX. STATE CODE REQUIRES MAGISTRATE COURT TO ELECT WHICH OFFENSE TO TRY ACCUSED WHEN SEVERAL DIFFERENT OFFENSES ARE CHARGED.

With Ordenance summons tickets numbers 1884, 1885, 1886, 1887, 1888, 1898, 1899, 1903, 1904, and 1905 all being for abandonment/neglect (duplicity with contradictive description), numbers 1889, 1890, 1891, 1892, 1906, 1907, 1908, and 1909 for rabies , and ticket numbers 1900,1901, and 1902 for ill-treatment, therefore caused multiple double jeopardy(§17-23-20, S.C. Const. art. I, § 12, U.S. Const. amend. V, Benton v. Maryland, 395 U.S. 784, 794 (1969). With all of the summons being charged, ipso facto, Judge John A Davis has violated §22-3-740 and without the defendant signing the written testimony violating §22-3-790.

X. CHESTERFIELD ANIMAL CONTROL VIOLATE APEALLANTS FOURTH ADMENDMENTS RIGHTS BY CONSTITUTIONAL INTRUSSION WITHOUT PROBABLE CAUSE OF WHICH THERE IS NO PRIMA FACIA EVIDENCE

With only the authority of a constable and without a proper search warrant and no probable cause, animal control officers had to travel 1/10 of a mile onto appellants land to the yard that's completely surrounded by woods (Def. Ev. 4) with no possibility of plain view by any public means, thereby gained any possible information upon constitutional intrusion. Also broke into residence during working hours without trying to contact

appellant. With uniform summons dated 3/4/2013 (UO Summons 1884-1892,1898-1909), warrant dated 3/4/2013, return dated 3/5/2013 (Search Warrant) with item seized inventory (original dated 3/7/2013 @ 6:07 am from magistrates court (Orig. Mag Ct War. Ret. List) and different one without date (Cir. Ct. War. Ret. List) submitted as evidence for appeal return by Judge John A Davis (Tampering of evidence (§16-13-10(3)) with conspiracy with sheriffs department and animal control personnel (§16-13-10(1)) of which was never given to appellant (§16-9-10(2))

XI. WITH ALL ACCUSATIONS BY ANIMAL CONTROL AND THE SHERIFF DEPARTMENT BASE ON ASSUMPTION, AND TO WILLFULLY AND KNOWINGLY VIOLATE STATE CODES AND UNITED STATES CONSTITUIN FOR THE PURPOSE TO STEAL APPELLANTS PUREBRED DOGS, A SHAME LEGAL PROCESS CONTRUDE THROUGH BLACKMAIL, CONSPIRACY, BARRATRY, PURGERY, AND TAMPERING WITH EVICENCE.

On 3/4/13, a search and seizer was conducted at appellants residence without a search warrant (Warrant Return). Ordinance summons states violation dates as 3/4/13 and 5/4/13 with time as 12:15 and violation time as 12:30 (15 min after written) (UO Summons 1884-1892,1898-1909), ipso facto, with pictures of food and water (state evidence #24, 25) and with state laws and not county ordinance as ordinance section number violated §16-9-10(A)(2) for each individually numbered summons ticket. Affidavit and warrant signed on 3/4/13 while return stated warrant executed on 3/5/13 @ 14:14pm and signed 3/5/13 (one day after search and seizer) with attachment of items seized sent to Lewis from Bowe on 3/7/13 @ 6:07 am (two days after return and violating §16-9-10(A)(2)). Return receipt also was not given to appellant and the items 1 large pet

carrier (contained mother & 6 one-week old puppies) and a open 50# bag of dog food (Purina Puppy Chow) was not on receipt and had no witnesses (also violating §16-9-10(A)(2)). With the statement by ACO Jim McGonigal “I used an anonymous E-mail as probable cause to get a search warrant” at magistrates hearing, (contradicting statement by James Lewis as to obtaining a search warrant after constitutional intruding on appellants property and without stating anything as to probable cause for the constitutional intrusion according to the Chesterfield Sheriff incident report, also does not indicate as to what animals on property as in regard too (wildlife ?)), “you wont get out of this on a technicality” at end of the preliminary hearing, “I will have the search warrant amended “ stated directly to appellant when given summon tickets 1884 through and including 1892 on 3/7/2013, along with the actions of the court as to not to dismiss due to constitutional violations, ipso facto, knowingly and willfully conducting a shame legal process (§16-17-735(A)(1)(2)). With being Blackmailed (§16-17-640 (1) (3)) by ACO Jim McGonigal as to either signing custody of dogs over to county or being charged with 30+ charges of abandonment, neglect, and ill-treatment, same as in the case involving Pamela Conley (2013CP1300231) of which the missing summons tickets 1893,1894,1895,1895, and 1897 of whom without probable cause and dogs seized, was also blackmailed and yielded to for being threatened to either give custody of her dogs or be charged with 40+ counts of abandonment, neglect, and ill-treatment, (THE LINK [May 7,2013], County confiscates 40 dogs from breeder, Page 1,2). With Chesterfield Sheriff Officer James Lewis (only partially at preliminary hearing due to self excusing himself from during hearing) or Danielle Bowe (only attended preliminary hearing) not being present at magistrate court hearing on 3/18/2013, and using preliminary hearing (for

custody of dogs) evidence for the 3/18/2013 hearing (for charges) therefore acting as a prosecutor for the county and causing a bias and unfair hearing, (ipso facto, Judge John A Davis has committed perjury (§16-9-10(A)(2)) and without complainant (anonymous E-mail), Chesterfield County has violated §17-23-60 and appellants 6th amendments rights (Motes v. United States, 178 U.S. 458 (1900),Davis v. Alaska, 415 U.S. 308 (1974),Tennessee v. Street, 471 U.S. 409 (1985)) by not permitting the cross-examination of the complainant/accuser, thereby the 'indicia of reliability' is insufficient. With the stating of testimony of Danielle Bowe at the preliminary hearing only (2nd Mag Ret) of which describes water bowl in unused pens. Danielle Bowe also testified that ““Hanna” has tumors “of which the examination report (St. Ev. 4 “Hanna” ex) does not support and also testified that the “overbite was due to too much inbreeding” of which “Hanna” was purchased with ACK certificate showing ancestral history of with absolutely no inbreeding of any ancestors, therefore Danielle Bowe has committed perjury, violated §16-9-10(A)(1) along with the testimony being added to the return of the criminal appeal as evidence in the criminal hearing, ipso facto, Judge John A Davis has tampered with evidence and violating §8-1-60, §16-5-10 §16-13-10(3),

XII. AFTER MAGISTRATE HEARING PICTURES OF DOG CARCUSES WAS ADDED TO EVIDENCE ALTHO PICTURE WAS NOT PRESENTED AT HEARING OR FINDING OF CARCUSES WAS NO CONTESTED TO. ALSO WARRANT SEARCH ITEM LIST WAS NOT ORIGINAL DUE TO THE ORIGINAL DATED (3/7/2013) WAS SENT TO JAMES LEWIS TWO DAYS AFTER RETURN WAS DATED (2/5/2013)

With the Item seized list original from magistrates office dated 3/7/2013 (Orig. Mag Ct War. Ret. List) and the same list from appeals record without date (Cir. Ct. War.

Ret. List), and pictures of dog carcasses that was not presented at magistrate hearing due to appellant not contesting the finding of carcasses (have had animal carcasses dug up by wildlife and dragged into yard on prior occasions), therefore the only purpose to the addition of these pictures (shown to appellant by ACO Jim McGonigal at the Chesterfield animal Shelter on 3/5/2013 and at the time, the dogs was unidentifiable until grave site was inspected and saw that they were actually dug up and not strays) was to arouse prejudice State v. Torres, 390 S.C. 618, 623, 703 S.E.2d 226, 228 (2010), (State v. Gilchrist, 329 S.C. 621, 630, 496 S.E.2d 424, 429 (Ct. App. 1998)); (State v. Holder, 382 S.C. 278, 290, 676 S.E.2d 690, 697 (2009)); State v. Wilson, 345 S.C. 1, 7, 545 S.E.2d 827, 830 (2001). in appeals with Judge Baxley (of whom is a dog owner).

XIII. CHESTERFIELD ANIMAL CONTROL AND SHERIFF DEPARTMENT TRY TO MISLEAD THE COURT WITH ONLY PARTIAL EVIDENCE WITH PICTURES OF ONLY OF EMPTY FOOD AND WATER BOWLS WHILE OMITTING FILLED ONES. ALSO ONLY 5 OF 31 EXAMINATION REPORTS ON DOGS WAS ADMITTED AND THE 5 WAS OF TWO UNDER TREATMENT FROM PARVO, TWO OF OLDEST DOGS AND NONE SHOWED ANY SIGNIFICANT FINDINGS.

With only 5 examination reports of the 31 dogs examined by Hartsville Animal Hospital and the examination of 2 of 3 corpse found with the 3rd completely intake and when shown to appellant by ACO Jim McGonigal at the Chesterfield animal Shelter on 3/5/2013 was frozen without fur and looked like was wet when froze. By waiting one week after seizer before examination, thereby giving Chesterfield Animal Control to wash any dirt or sand from corpses to hide the evidence of burial. The examination report

states that both specimens were severely decayed, ipso facto, the corpses was not the sole food source as stated by Animal Control and Sheriff department. With pictures of food and water purposely omitted by Animal Control except for evidence #24 and #25, if magnified and with defendants evidence of the same bowls taken the next day during daylight (Def. Ev. 1(a, b, c, d), 2), would prove perjury. Therefore the only thing that Chesterfield Animal Control and Sheriff Department has proven is that (1) the two dogs under treatment from a Parvo outbreak has not regained their full weight back, (2) the oldest dog has started losing her teeth, (3) low headers on dog house doors caused fur loss by rubbing, (4) dogs drag dead things they find into open yard, (5) highly active outdoor dogs has a tendency to have less weight than non-active indoor dogs, (6) dogs don't brush their teeth after eating, (7) some food bowls may be empty in-between feeding schedule, (8) some dogs has a tendency to play with their food/water bowls and dumping substance out, (9) invades a citizens property during working hours while residence is not home, (10) does not try to contact home owner prior to any investigation, (11) pries into the financial and intellectual levels of citizen (for the purpose of target selection), (12) Chesterfield Animal Control, Sheriff Department, and Magistrates Office commits Constitutional intrusion, perjury, barratry, malfeasance, neglect of duty, conspiracy, invasion of privacy, torte, and violates citizens rights under the 4th, 5th, 6th, and 14th Amendments. Animal Control has not proven that the appellant abandoned his animals in his yard at his residency and neglecting or ill-treatment of same animals.

XIV. THE COUNTY ORDINANCE SUMMONS INVALIDE DUE TO NOT STATING COUNTY ORDENANCE VIOLATIONS INSTEAD STATES

STATE CODE VIOLATIONS.

With the only authority of a constable to enforce only county ordinances(§56-7-80(A)) and with state code stated and not ordinance number on the summons and instating §19-3-10, Animal Control can not enforce state code, only county ordinances of which and only through which can state code be enforced. With tickets numbered 1884, 1885, 1886, 1887, 1888,1898,1899, 1903, 1904, and 1905 has 47-1-70 as ordinance section number and abandonment/neglect as description of ordinance, of which state code does not state nothing about neglect and Animal Control has not proved the appellant abandoned (§47-1-70(A)) his dogs. With ticket numbers 1900,1901, and 1902 with state code 47-1-40 as ordinance section number and ill-treatment as description with animal control has not proved any type of ill-treatment of which search warrant does not support. With ticket numbers 1889, 1890, 1891, 1892, 1906, 1907, 1908, and 1909 states 415.60 for ordinance section number that is also not a county ordinance number and is also not supported by the search warrant. Thereby state must provide proof of ordinance §19-3-10. With only 21 uniform ordinance summons written for 31 dogs, therefore 10 dogs has not been charged for and none has been specifically charged for while unconstitutionally forced by Animal Control to sign ALL or non (appellant offered to relinquish part of dogs) of the dogs custody over and due to financial distress caused by multiple double jeopardy charges of magistrate courts shame legal process. With all the county ordinance summons stating (1) time as “12:15pm” and violation as “12:30pm” therefore written 15 minutes prior to violation and not written at time of search violating §56-7-15 and with ticket numbers 1993, 1994, 1995, 1996, and 1997 written for Pamela Conley on 3/6/2013

as prima facie evidence, therefore ACO Jim McGonigal has committed perjury (§16-9-10(A)(2) for each individually numbered ticket, (2) “Green street” as summons to appear location, (3) does not state title or fist name of officer, there for ACO Jim McGonigal has violated §56-7-80 (A), (C)(2),(3),(4) .

XV. CHESTERFIELD COUNTY ANIMAL COTROL PROVIDED PUREBRED DOGS TO CHESTERFIELD COUNTY ANIMAL SHELTER AND OTHER RESCUES FOR THE PURPOSE OF FINACIAL GAIN AND PRIOR TO APPEAL TIME LIMITS.

By stealing purebred dogs (appellants and that of Pamela Conley(THE LINK [May 7,2013], County confiscates 40 dogs from breeder, Page 1,2)) that violates §16-13-60, with attempted blackmail (§16-17-640 (1) (3)) and forced to sign custody of dogs over under unconstitutional conditions (§16-13-240), and animal control releasing of the dogs within appeal time limit (§22-3-310) (27 dogs released within 4 days of hearing) along with the statements published by Carolina Loving Hound Rescue (facebook)March 31 “a pup her color is...so the average cost is \$1200...yes they all have papers,,”, March 27 “ This must be our profit dog..”, “.yep I see profit all over these two...”, March 25 “you can either pay-pal directly to us at donate@carolina-loving-hound-rescue.com “ March 18 “E-Mail of the day---(I did NOT edit, with the exception of removing the profanity) I am sick and tired of you rescues stealing all the good dogs out from under us. I wanted that dashund and you stealhim from me. Dont you make enuf cash with your rescue and can leave them to the people? you are a _____ and i am

calling the shelter tomorrow and i will get him to my house. Just wait and see all the good ones get to go to rescue peeps like you and i am a tax payer and will not stand by no more. Angela's response: Dear Madam, I was beginning to think that no one was able to lift the rocks they live under today due to the rain. I am thrilled to see you made it to the surface. I would love to dissect your rant and tell you what I think, however I do not think you would get past the second sentence. Please let me know if I can provide the direct e-mail and or phone number to the shelter.. I hope you have a blessed day. Oh, he is a Dachshund so perhaps you sent this e-mail to the wrong person? Sincerely, Angela”.

March 21 at 11:33pm “Marie Bowman I saw all of them last night. They are all so beautiful. Thank you for saving these girls. Do you know if the others will be rescued as well? It looked like there was a lot of interest from other rescues too. “, March 21 at 11:34pm “Saw an update early this afternoon. There are still 11 of these doxies that need homes-so sad !” (<https://www.facebook.com/pages/Carolina-Loving-Hound-Rescue/194905907277585>).

Also from Furever Angels Animal Rescue of Charlotte

March 23 at 5:53pm “Jim Mcgonigal thanks for pulling them Brenda”, March 23 at 6:18pm “Furever Angels Animal Rescue of Charlotte My pleasure Jim!”, March 23 at 8:01pm “Roxanne McQuaid Daugherty thank you Jim Mcgonigal!”, March 23. “Meet SweetPea! One look at those eyes and they will melt your heart ?! SweetPea was rescued from a puppymill and is such a sweetheart! She is very tiny and is considered a "Toy" Dachshund. She is 2 years old, has beautiful chocolate colored fur and the biggest brownest eyes you will ever see! For more information or an application, please contact her foster mom at wagntailsfoster@gmail.com“, March 24 at 6:42am via mobile “Nancy Sessler Burton Sweet pea rode home from the shelter in my lap and i can honestly say she

is one of the most calm, sweet dogs ever. She speaks to you through her beautiful honey colored eyes.” (<https://www.facebook.com/pages/FurBabies-Animal-Rescue/107443549372798#!> /pages/Furever-Angels-Animal-Rescue-of-Charlotte/103871083004154). With the above statements as prima facie evidence , ACO Jim Mcgonigal has violated §22-3-310 and §8-13-725(A). With magistrate court hearing on 3/5/2013 and the relinquishing of seized dogs prior to the appeal time limit of 3/15/2013 and with the subpoenaing of all 31 dogs for court examination (primary evidence) of which ACO Jim Mcgonigal has willfully violated §16-9-330(A) and §15-47-140 .

XVI. CHESTERFIELD ANIMAL CONTROL AND SHERIFF DEPARTMENT VIOLATE COURT ORDER AND LITTER CONTROL LAWS BY LEAVING OPEN CONTAINERS OF DOG FOOD AROUND APPELLANTS PREMISES AND REFUSED TO TAKE ANY WILDLIFE AND STRAYS INTO CUSTODY.

On 3/4/2013 during search and seizer, 17 containers of dog food (used to trap dogs) was left in front yard, rear yard, and inside residence (§16-11-700(A)). With magistrate court order stating “..that all animals at 1827 Tabernacle Church Road shall be taken into custody of Chesterfield County..” (§47-1-10(1) “Animals” means a living vertebrate creature except a homo sapien.), with only pets taken into custody without any wildlife from the approximately 11 acres of land, therefore Chesterfield County Animal Control has committed contempt of court (§20-7-1350, Wilson v. Walker, 340 S.C. 531, 538, 532 S.E.2d 19, 22 (Ct. App. 2000) (quoting Spartanburg County Dep't of Soc. Servs. v. Padgett, 296 S.C. 79, 82-83, 370 S.E.2d 872, 874 (1988)).

XVII. CHESTERFIELD ANIMAL CONTROL AND SHERIFF DEPARTMENT
BASE THEIR CHARGES PURELY ON ASSUMTION.

ACO Jim Mcgonigal stated "I used an anonymous E-mail as probable cause to get a search warrant", therefore was warrant obtained by use of an E-mail as stated by ACO Jim Mcgonigal or by affidavit signed by James Lewis. With the statement " we used dogs barking as probable cause to search inside the house" and the statement (anonymous tip of poor conditions for more than 30 canines on property and several of those dogs is varying degrees of poor health in plain view of officers." from the magistrate's court order, with only 15 of the dogs outside and number of dogs only known by appellant, therefore was knowledge of the number of dogs would have been obtained only after the search and impossible to be in any type of tip to base a search or welfare check on.. Since a welfare check constitutes as constitutional intrusion therefore any evidence gained from it cannot be used to gain a search warrant (Silverthorne Lumber Co. v. United States, 251 U.S. 385, 40 S.Ct. 182, 64 L.Ed. [1920]). With the finding of dog carcasses that was dragged into yard, did Chesterfield Animal Control and/or Sheriff Department search surrounding woods for the rest of the remains? Who determined the condition under which each of the charges was based on and what facts was used for the determination? What evidence proved that the appellant abandoned his dogs at and on his residency. With all the examinations by Hartsville Animal Hospital stating "no significant findings", therefore what was factual basis for the ill-treatment (§47-1-40) charges? Without the charges of rabies being on search warrant, what is the factual basis for the charges? With all of the dogs being dachshunds and classified as hunting dogs and was not checked by

Chesterfield Animal Control for identifiable marks as per §47-1-70 (C) (including tattooing and modern by micro chipping) therefore was dogs seized unlawfully? Without reason for or probable cause set on the affidavit, what was the reasoning of Judge John A Davis for issuing the search warrant (§17-13-141 (a) (4)? With only "ABANDONED OR NEGLECTED ANIMALS" as description of property sought, what is the description on record (§17-13-141 (a) (5))? What was the time line of events of the search? With appellant feeding and watering dogs at 9am and leaving residency at 9:15am on 3/4/2013 and with the summons ticket wrote at 12:15pm on same day then when was said anonymous E-mail created, sent to what E-mail address and to whom, when received and by who? When did Chesterfield Animal Control and Sheriff Department first arrived at residency, received search warrant, and conducted search warrant with approximately 30 miles in-between residency and magistrates office. Was the search warrant issued to provide evidence for charges or was charges based on evidence from the search thereby violating the probable cause requirements, A search warrant cannot be issued for "the search and seizure of evidence of a crime." A search warrant cannot authorize a fishing expedition.

CONCLUSION

With the above said, ipso facto, and news paper article, Eo ipso, with Mens rea and Actus reus, thereby creating a shame legal process that included Barratry, Conspiracy, Perjury, Tampering with evidence, Cover up, Malfeasance, and Misconduct in office for the soul purpose of violating the appellants 4th and 5th Amendment rights in order to

provide financial gain for Chesterfield Animal Shelter (31 purebred dogs of appellants and 40+ from Pamela Conley's case) and rescues of which Chesterfield Animal Control officers and Chesterfield Animal Shelter personnel are acquainted with and of which has published complete torte statements about. For the reasons stated, this Court should reverse the judgment of the circuit and magistrate courts.

Thereby the Appellant requests the following.

- (1) The return of all of the dogs seized
- (2) Due to the destruction of 15 yeas of selective breeding for the purpose of specific size, coloring, temperament, personality and hair length and with the impossibility of continuance of these specific genetic lines due to sterilization of the dogs through the shelters adoption process, therefore the appellant is requesting \$2,000,000.00 a dog for the loss of future generations of these selective dogs.
- (3) With the Torte statements given to and broadcasted by TV networks, the appellants request that a public apology that includes the violations committed, the county agencies and employees involved and court actions (for the purpose of reinstating public belief in South Carolinas legal and justice system especially with recent events of Chesterfield Animal Shelters dog shooting in March of 2011 and that of Sheriff Sam Parker and others from Chesterfield County), to be posted without the possibility of hiding, removal, altering, or transferring to another site (except if site is closed, then must be moved to new replacement site) and to be published on Chesterfield CountyAnimal Shelters website (<https://www.>

facebook.com/pages/Chesterfield County-SC-Animal-Services/
261789603868466), and Chesterfield County Animal Control website
(<http://www.chesterfieldcountysc.com/secondary.aspx?pageID=213>),
Chesterfield County Sheriff's website (<http://www.chesterfieldcountysc.com/secondary.aspx?pageID=179>)

- (4) With the Torte statements posted by Angela E Gschwind (424 Rangeview Cir, Greenville, SC, 29617) on Carolina Loving Hound Rescue's (of same address) Facebook page and own web site for over 6 months for the purpose of sympathetic donations. The appellant request that letter stating the unlawfull actions of Chesterfield County Animal Control. Sheriff Department and Magistrate Office and that all the previous statements as regarding to the dogs (Hanna, Luke, Maggie Mae , and Nadia) was totally false with a public apology by this rescue and owner of to be posted without the possibility of hiding, removal, altering, or transferring to another site (except if site is closed, then must be moved to new replacement site). And in order to prevent this type of incident from happening again and hurting rescues that legitimately cares for the well being of the animals and not for the drama or donations it brings in, Therefore the appellant request an order to prevent Angela E Gschwind or members of her house hold from owning, caring for, handling funds of (including donations), transporting of any animals in regards to rescued, health care of, adoption of, or fostering of except for the possibility of 2 animals for house hold pets only with a certificate of ownership signed by a magistrate. And any information as to appellant in documents to the

said above should be referred to as the dogs “Dad” as referred to on the websites.

- (5) Appellant also request charges and complaints to be filed with the appropriate authorities for each of the following persons along with the immediate suspension from their jobs and duties there of and without pay pending a full investigation.

(A) Judge Paul Burch

(1) CANON 3 B.(8) CJC, Rule 501, SCACR, (2) Fourteenth Amendment, (3) Article I, Section 14 of the S.C. Constitution, (4) Sixth Amendment - against unnecessary or unreasonable delay, and (5) §8-1-60 Neglect of duty

(B) Judge J. Michael Baxley

(1) CANON 3 B.(2) CJC, Rule 501, SCACR, (2) CANON 3 B.(4) CJC, Rule 501, SCACR, (3) CANON 3 B.(5) CJC, Rule 501, SCACR, (4) CANON 3 B.(7) CJC, Rule 501, SCACR, (5) CANON 3 B.(9) CJC, Rule 501, SCACR, (6) §8-1-60 Neglect of duty, (7) §16-11-510(A) unlawful for a person to wilfully and maliciously injure chattels of another conspiracy of (§16-17-410) after the fact, (8) §16-17-10 (2)(a), (9) §16-17-410 conspiracy after the fact(§16-17-410), (10) §16-17-735(A)(1)(2), (11) §17-23-20 Double jeopardy conspiracy of (§16-17-410) after the fact, (12) §18-7-170 judgment according to the justice of the case, (13) §18-7-180 on an error in fact in the proceedings, and (14) §18-7-190 an issue of law

(C) John A Davis

(1) CANON 3 B.(2) CJC, Rule 501, SCACR, (2) CANON 3 B.(5) CJC, Rule 501, SCACR, (3) CANON 3 B.(7) (a) CJC, Rule 501, SCACR, (4) CANON 3 B.(7) (e) CJC, Rule 501, SCACR, (5) CANON 3 D.(1) CJC, Rule 501, SCACR, (6) Tampering with evidence, (7) Fourteenth Amendment , (8) S.C. Const. Art. I, §12 , (9) §8-1-60 Neglect of duty, (10) §16-5-10 Conspiracy against civil rights, (11) §16-9-10(A)(2) 4 counts summon tickets falsifying on court record, 1 count for warrant (total 5 count), (12) §16-11-510(A) unlawful for a person to wilfully and maliciously injure chattels of another conspiracy of (§16-17-410) , (13) §16-13-10(3) changed of seizer list, (14) §16-13-60 31 count (per each individual named dog and puppy) stealing dogs and conspiracy of (§16-17-410) , (15) §16-13-240 Obtaining signature or property by false pretenses and conspiracy of (§16-17-410) , (16) §16-17-10 (2)(b)(c) Barratry and conspiracy of (§16-17-410) , (17) §16-17-410 Conspiracy, (18) §16-17-640 (1) (3) Blackmail conspiracy of (§16-17-410) , (19) §16-17-735(A)(1)(2) A person taking advantage of purported capacity knowing that his conduct is illegal (1) subjects another to seizure (2) impedes another enjoyment of any right, (20) §17-23-20 18 count Double jeopardy per individually numbered summons tickets(9 counts of abandonment , 7 count for rabies, 2 count ill-treatment), (21) §17-23-60. Absence of James Lewis for magistrate hearing, (22) §22-3-710 Proceedings commenced on information, (23) §22-3-740 Election on which of several offenses to try accused, (24) §22-3-790 writing and signed by the witnesses , (25) §47-1-150 (A) complaint is made on oath or affirmation , (26) §56-7-80 (A) 21 count (per individually numbered summons tickets) for the enforcement of county ordinances

(D) Jim McGonigal

(1) Tampering with evidence conspiracy of (§16-17-410) , (2) §8-1-60 Neglect of duty, (3) §8-13-725(A) , (4) §16-5-10 Conspiracy against civil rights, (5) §16-9-10(A)(2) 21 count (one per individually numbered summons ticket), (6) §16-9-330(A) failure to produce dogs for court examination, (7) §16-11-510(A) unlawful for a person to willfully and maliciously injure chattels of another conspiracy of (§16-17-410) , (8) §16-11-700(A) littering during search , (9) §16-13-10(1) made up E-mail (10) §16-13-60 31 count (per each individual named dog and puppy) stealing dogs and conspiracy of (§16-17-410) , (11) §16-13-240 Obtaining signature or property by false pretenses and conspiracy of (§16-17-410) , (12) §16-17-10 (1)(c),(2)(b)(c) Barratry and conspiracy of (§16-17-410) , (13) §16-17-410 Conspiracy, (14) §16-17-725(A) Making false complaint to law enforcement officer, (15) §16-17-735(A)(1)(2) A person taking advantage of purported capacity knowing that his conduct is illegal (1) subjects another to seizure (2) impedes another enjoyment of any right, (16) §16-17-640 (1) (3) Blackmail, (17) §22-3-310 the status of such property shall not be changed until after the expiration of the time for appealing has expired, (18) §23-15-60 Breaking into house to seize goods, (19) §56-7-15 ticket for offense committed in officer's presence, (20) §56-7-80 (A) 21 count one per individually numbered summons ticket, (22) §56-7-80 (C) (2) 21 count one per individually numbered summons ticket, (23) §56-7-80 (C) (3) 21 count one per individually numbered summons ticket, (24) §56-7-80 (C) (4) 21 count one per individually numbered summons ticket,

(E) Danielle Bowe

(1) Tampering with evidence conspiracy of (§16-17-410) , (2) §8-13-725(A) , (3) §16-5-10 Conspiracy against civil rights, (4) §16-9-10(A)(1) , (5) §16-9-10(A)(2) seized item list, (6) §16-9-10(A)(1) under oath, (7) §16-11-510(A) unlawful for a person to wilfully and maliciously injure chattels of another conspiracy of (§16-17-410) , (8) §16-11-700(A) littering during search , (9) §16-13-10(1) seizer list of warrant return, (10) §16-13-60 31 count (per each individual named dog and puppy) stealing dogs and conspiracy of (§16-17-410) (11) §16-13-240 Obtaining signature or property by false pretenses and conspiracy of (§16-17-410) (12) §16-17-410 Conspiracy (13) §22-3-310 the status of such property shall not be changed until after the expiration of the time for appealing has expired, (14) §16-9-10(A)(1) testifying that canine “Hanna” had tumors, (15) §22-3-310 the status of such property shall not be changed until after the expiration of the time for appealing has expired, (16) §23-15-60 Breaking into house to seize goods conspiracy of

(F) James Lewis

(1) §8-1-60 Neglect of duty, (2) §16-5-10 Conspiracy against civil rights, (3) §16-9-10(A)(2) affidavit, warrant return, (4) §16-11-510(A) unlawful for a person to wilfully and maliciously injure chattels of another conspiracy of (§16-17-410), (5) §16-11-700(A) littering during search , (6) §16-13-10(1) seizer list of warrant return, (7) §16-13-60 31 count (per each individual named dog and puppy) stealing dogs and conspiracy of (§16-17-410) , (8) §16-13-240 conspiracy of Obtaining signature or property by false pretenses and conspiracy of (§16-17-410) , (9) §16-17-10 (1)(c),(2)(b)(c) Barratry and conspiracy of (§16-17-410) , (10) §16-17-410 Conspiracy §16-17-735(A)(1)(2) - A

person taking advantage of purported capacity knowing that his conduct is illegal (1)
subjects another to seizure (2) impedes another enjoyment of any right, (11) §23-15-60

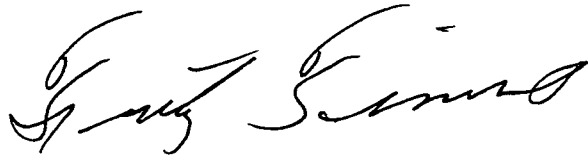
Breaking into house to seize goods

- (6) Reimbursement of physical damages caused by search of a total of \$1195.33
- (7) Reimbursement of mailing and copying supplies \$300.00
- (8) Due to criminal charges based on civil violations, ipso facto, includes factors of both criminal and civil, therefore the appellant request the equivalent of lawyers fees of 33% of the total for the appeal to the court of common pleas and also 33% for the appeal to the appeals court and to be South Carolina Tax exempt to prevent respondent from recouping partial reward/reimbursement from appellant

September 9, 2013 (Original)

July 16, 2014 (Amended per Order of July 7. 2914)

Respectfully submitted,



Fritz A. Timmons, Pro Se
P. O. Box 367
Hartsville, SC 29551

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHESTERFIELD COUNTY
Court of Common Pleas

J. Michael Baxley, Circuit Court Judge

Case No.2013-001415

RECEIVED

JUL 18 2014

SC Court of Appeals

The State

Respondent,

v.

Fritz Allen Timmons

Appellant.

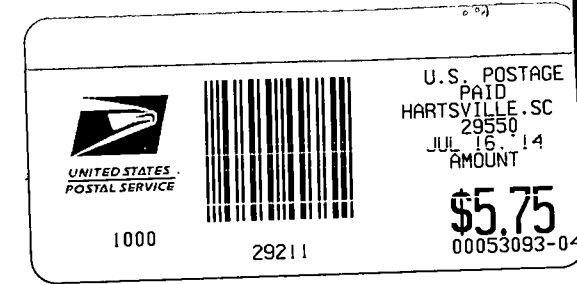
PROOF OF SERVICE

I certify that I have served the Amended Initial Brief of the Appellant in accordance to Court Order of July 7, 2014 on The State by depositing a copy of it in the United States Mail, postage prepaid, on July 16, 2014, addressed to the attorneys of record, Adam M. Foard, 120 N. Pearl St. Pageland SC 29728, and also William B. Rogers, Solicitor, Fourth Judicial Circuit, P.O. Box 616, Bennettsville, SC, 29512, and Salley W. Elliott P. O. Box 11549 Columbia, SC 29211



Fritz A. Timmons, Pro Se
P. O. Box 367
Hartsville, SC 29551

Fritz A. Timmons
P. O. Box 367
Hartsville, SC 29551



Jenny Abbott Kitchings
Clerk of Court
P.O. Box 11629
Columbia, SC 29211

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JUL 18 2014

SC Court of Appeals