

THE STATE OF SOUTH CAROLINA
SOUTH CAROLINA COURT OF APPEALS

APPEAL FROM BEAUFORT COUNTY
COURT OF COMMON PLEAS

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

APPELLATE CASE NO.: 2014-000636

BEAUFORT COUNTY,

Respondent,

vs.

MARE BARACCO,

Appellant.

REPLY



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

Date: March 17, 2015

RECEIVED

MAR 20 2015

SC Court of Appeals

The Appellant files this reply, in response to the Respondent's reply.

1. Appellant draws this Court's attention to the "Notice", the very heart of their "case", based **solely and only** upon its legitimacy. All the actions taken thus far against this Appellant, by the Respondent (determinations, hearings, verdicts, judgements, "orders") have judicial import only if derived from a legitimate, legal "instrument", a valid, properly promulgated document: **(to make (as a doctrine) known by open declaration : proclaim: to make known or public the terms of (a proposed law)). Which they did not do.**

The "Notice" is merely a "paper tiger", a "sham", and a "fraud", a fabrication of their own making, without the force of the law to support it. Appellant states, upon information and belief, it was created wholly outside the their legislative process, by a Deputy Sheriff, in 2010. There was no review, oversight or approval by Beaufort County Council. In fact, many council members did not know of its existence **until last month**, (attached -1).

In actuality, the matter of the "Notice" was not even publically acknowledged until March 9, 2015 when the topic was brought before the full Council, due to ever growing concerns about the conduct of the Respondents in this case and their continued use of county monies on this "endeavor". Further, at this meeting, Appellant requested of the Council Chairman **proof** of the legitimacy of the "Notice". When she still did not receive a response, Appellant asked, again, via e-mail, March 16, 2015 (attached - 2). To date, no proof has been provided to her.

2. What Appellant did receive, from the Respondents, was ***another*** sham "Rule to Show Cause" (attached -3) again in violation of SC Rule 14 (attached), sent *again* via mail, not served by the appropriate process per "The Rules", lacking a written "Order", per "The Rules", without supporting Affidavits (those "Rules", again). In fact, the County Administrator actually suggested, via e-mail, the Appellant go to the Magistrate Court to inquire

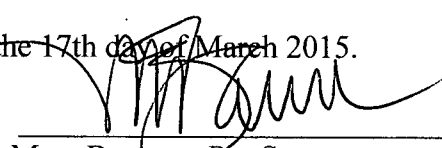
about these "Affidavits" and "Order" and pick them up herself, or contact the court to learn more (attached – 4). In fact, in their zeal to get the Appellant back in court, they delivered another individual's paperwork to her residence (attached - 5). As evidenced by this e-mail exchange, their contempt and disregard for the Appellant's basic civil rights is on full display.

3. Due to this escalating situation, and the threat posed to her and her property, the Appellant, as instructed by these e-mails, faxed a letter to the Chief Justice of Beaufort County Summary Court, alerting him to her concerns about this hearing and its lack of legitimacy (attached -6). Appellant is not keen, by any means, to be "adjudicated" any further, by courts of the Respondent's design. If she's has learned nothing else these past three years, it's when *these* Respondents establish a hearing, no good will come of it for the Appellant. Because of these communications, this upcoming "hearing", and the almost *daily* visitations by sheriff's deputies, **Appellant's contends her very liberty and property are under such direct threat from these individuals she seeks the protection of this Honorable Court.**

All the Appellant did was question a policy that turned out to be in error by the County. Rather than simply addressing it and making the necessary correction, they made the Appellant their target, and in so doing, violated their own oaths to protect and defend the liberties of the people they serve.

WHEREFORE, for the above reasons, the Appellant respectfully requests that this Court dismiss this case with prejudice and order such other relief as is just and proper.

Respectfully submitted, this the 17th day of March 2015.



Mare Baracco, Pro Se
1006 Madrid Avenue
Port Royal South Carolina 29935
(843) 592-1062

Authorities ii

AUTHORITIES

Councilman e-mail
E-mail to Chairman
"Sham" Documents
E-mail Exchange/County Administrator, et. al.
Mistaken Document Delivery
Letter to Chief Justice McElynn
Sheriff Doorknocker

----- Forwarded Message -----

From: "Caporale, Rick" <rcaporale@bcgov.net>

To: "Kubic, Gary" <gkubic@bcgov.net>; Mare Baracco Deckard <maremailmmm@yahoo.com>

Cc: "Gruber, Joshua" <jgruber@bcgov.net>; "Coppage, Allison" <acoppage@bcgov.net>; "Bensch, Cynthia" <cbensch@bcgov.net>; "Fobes, Steve" <sfobes@bcgov.net>; "Rodman, Stewart" <srodman@bcgov.net>; "Flewelling, Brian" <brianf@bcgov.net>; "McBride, William" <wmcbride@bcgov.net>; "Sommerville, Paul" <psommerville@bcgov.net>; "Stewart, Jerry" <jstewart@bcgov.net>; "Howard, Alice G." <ahoward@bcgov.net>; "Dawson, Gerald" <gdawson@bcgov.net>; "psomerville@bcgov.net" <psomerville@bcgov.net>; "McElynn, Lawrence P." <lmcelynn@bcgov.net>

Sent: Thursday, March 12, 2015 9:21 PM

Subject: RE: Recent Paper

Gary:

I think at least some of us think it would be extremely helpful to know more about this case, in particular the "Dangerous Animal Notice" we've heard so much about. It's entirely possible I misunderstand the sequence of events surrounding the delivery of the notice, and I would like to be certain of the facts. We are not hearing both sides of the story. We missed our chance to do that this past Monday, when we ran out of time in executive session.

Other than that, I tried to distill my thoughts in the following e-mail, which I sent to Josh earlier this week.

"First, assuming I understand what the notice requires, someone living in Hilton Head Plantation, for example, would be forced to keep his or her dog in the house at all times, except when being walked. Assuming I were willing to comply and could afford the modifications required by the notice, there's no way I could get permission from the POA to build the kind of enclosure specified.

Second, there does not appear to be any way to challenge the notice. It's sort of like getting a speeding ticket and having no recourse to appeal the officer's decision. How would one go about fighting or challenging one of these notices?

Finally, the notice itself seems to rely on, or be predicated upon, a judgment that is never outlined in the notice itself. Who said the animal was dangerous, when and why, and by what right (how?) is that determination allowed to stand under the law -- or perhaps I mean have the force of law? Honestly, it appears to be a penalty absent of or without a legal judgment to qualify it. Thx."

~~Until I have satisfactory answers to these questions, I really cannot support any further action taken by the County as related to these notices. No one on Council has spent more time than I have trying to save animal lives, and we have done that -- up to now -- within the boundaries of reasonable and prudent rules and penalties. I would hope we would want to continue in that vein.~~

Rick

1

District 8
Beaufort County Council
Cell: (843) 683-1771

Subject: Hearing

From: Mare Baracco Deckard (maremailmmm@yahoo.com)

To: psommerville@bcgov.net;

Cc: wmcbride@bcgov.net; gdawson@bcgov.net; sfobes@bcgov.net; rcaporale@bcgov.net; cbensch@bcgov.net; sturodman@aol.com; tvaux@bcgov.net; ahoward@bcgov.net; jstewart@bcgov.net; srodman@bcgov.net; skiphoagland@yahoo.com; eal@scpolicycouncil.org; lisa.kindwall@gmail.com; cris.steele@mail.house.gov; bshane@wsav.com; mlett@thestate.com; apcolumbia@ap.org; wnewton@jsplaw.net; helodiva@gmail.com; brianf@bcgov.net; jgruber@bcgov.net; acoppage@bcgov.net; mlohr@hgpa.com; gkubic@bcgov.net;

Date: Tuesday, March 17, 2015 2:53 AM

Dear Chairman Sommerville,

We arrived home to more "doorknockers" and documents in the mail, relative to yet *another* hearing your county attorney scheduled.

As you may recall, I appeared before Council this past Monday May 9, and spoke briefly. I also asked a single question, and that was "Please provide proof this *Notice*" is legitimate and that it was promulgated through the legal process".

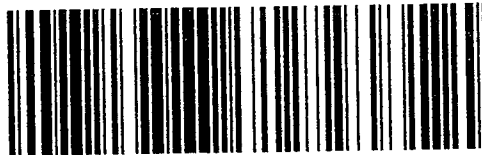
To date, I have not received *any* documentation to substantiate the legality of this *Notice*", which we contested, *for the very same reasons*, on July 9, 2012.

Before the County commits *one more penny* to what will be the *ninth* hearing on this matter, it would be prudent to substantiate this extremely questionable document. It's a more than reasonable request. Mare Baracco



BEAUFORT MAGISTRATE
P.O. BOX 2207
BEAUFORT, SC 29901

CERTIFIED MAIL



91 7199 9991 7032 1051 7367



U.S. POSTAGE >> PITNEY BOWES



ZIP 29902 **\$ 011.53⁰**
02 1W
0001378814 MAR 10, 2015

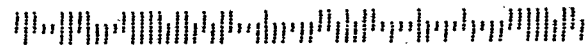
Ms. Mare Baracco
1006 Madrid Avenue
Port Royal, South Carolina 29935

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MSB*

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VIA CERTIFIED MAIL, RESTRICTED DELIVERY

29935\$2306 0002



STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

2012CV0710401536
Civil Case Number

Beaufort County,)
State Of South Carolina)

IN THE MAGISTRATE COURT

Plaintiff)

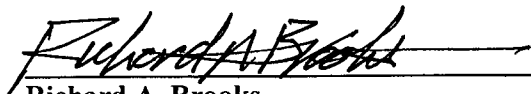
RULE TO SHOW CAUSE

Vs)

Mare Baracco)
Defendant)

TO: Mare Baracco

IT IS ORDERED THAT YOU APPEAR BEFORE THIS COURT ON April 8, 2015 at 10:00 AM, then and there to be prepared to show cause, if any, why the relief requested by Joshua A. Gruber, Attorney for Beaufort County Government (see attached) should not be granted and why you should not be held in contempt of court for failure to follow the Order of the Court.


Richard A. Brooks
Summary Court Judge

Beaufort Magistrate
104 Ribaut Road
Beaufort, SC 29901
Phone # (843) 255-5700

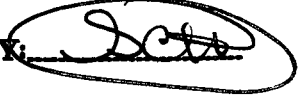
March 9, 2015

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BEAUFORT)
)
)
 BEAUFORT COUNTY,)
 Plaintiff)
)
 -versus-)
)
 MARE BARACCO,)
 Defendant.)
 _____)

IN THE BEAUFORT COUNTY
 MAGISTRATE'S COURT
 CASE NUMBER: 2012CV0710401536

**NOTICE OF MOTION FOR
 RULE TO SHOW CAUSE**


SCANNED
 FEB 23 2015

BY: 

BEAUFORT COUNTY MAGISTRATE COURT
 CENTRAL COURT NORTH
 2015 FEB 23 PM 1:40

TO: MARE BARACCO, DEFENDANT

YOU WILL PLEASE TAKE NOTICE that the Plaintiff, by and through its undersigned attorney, will move before the presiding judge of the Beaufort County Magistrate's Court in Beaufort, South Carolina, ten (10) days from the date of this motion, or as soon thereafter as may be heard, for a Rule to Show Cause, that upon information and belief, the Defendant has failed to comply with the instructions of this court requiring her to take certain safety and restraint precautions with regards to her canine "Bodi". Based upon the attached incident reports and supporting affidavit, the Plaintiff would respectfully request an Order finding the Defendant in contempt of the Order issued by Judge Brooks on May 2, 2013, and issue such additional sanctions and instructions as may be necessary to ensure public safety.


 Joshua A. Gruber, Esq.
 Beaufort County Attorney

This 23rd day of February, 2015,
 at Beaufort, South Carolina

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RULE 14 RULE TO SHOW CAUSE

(a) For Contempt of Court. Except for direct contempt of court, contempt of court proceedings shall be initiated only by a rule to show cause duly issued and served in accordance with the provisions hereof.

Note:

The long established procedural vehicle to bring a party into court for contempt proceedings has been the rule to show cause.

Direct contempt is an act committed in the presence of the Court while it is in session. A person may be held in direct contempt if his/her conduct interferes with judicial proceedings, exhibits disrespect for the Court, or hampers the parties or witnesses. *Stone v. Reddix-Small*s, 295 S.C. 514, 369 S.E.2d 840 (1988). Direct contempt is usually resolved by the trial judge during the regular proceeding already in session.

The rule to show cause provided herein is for contempt of court arising from failure to comply with the Court's orders, decrees or judgments and for enforcement thereof. This form of contempt is known as constructive contempt of court.

(b) Issuance; Form. A rule to show cause for contempt of court shall be issued by a Family Court judge, except as provided by Rules 24 and 27, SCRFC. The rule to show cause shall be signed by the issuing judge with the date of issuance and shall require the responding party to appear in court, at a clearly stated date, time and place, to show cause why the responding party should not be held in contempt and why permissible relief requested by the moving party should not be granted.

Note:

Rules to show cause brought pursuant to Rules 24 and 27, SCRFC, are issued by the clerk of court for enforcement of support and for enforcement of visitation or child custody rights, respectively.

Requiring the rule to show cause in Rule 14, SCRFC, to set forth the date, time and place of the contempt hearing satisfies rudimentary due process requirements. "Permissible relief" is relief normally incident to contempt of court proceedings, such as enforcement of court orders, decrees and judgments and awarding compensatory contempt damages. The judge issuing the rule to show cause is empowered to strike from the rule any request for relief not normally incident to contempt proceedings; e.g., modification (by either decrease or increase) of the child support amount. Such matters should be brought before the court by the filing of a Summons and Complaint as in any other modification action. However, in furtherance of justice and to serve the best interests of children, the judge should be able to consider, in his/her discretion, reasonable requests, e.g., the imposition of a restraining order or modification of visitation. See Rule 27(d), SCRFC.

(c) Affidavit or Verified Petition. No rule to show cause shall be issued unless based upon and supported by an affidavit or verified petition, or unless issued by the judge *sua sponte*. The supporting affidavit or verified petition shall identify the court order, decree or judgment which the responding party has allegedly violated, the specific act(s) or omission(s) which constitute contempt, and the specific relief which the moving party is seeking. Such court order, decree or judgment shall be attached to the affidavit or certified petition.

Note:

Requiring an affidavit or verified petition is consistent with manifest case law and other procedural rules.

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A rule to show cause issued to initiate contempt proceedings must be based upon an affidavit or verified "petition." *State v. Johnson*, 249 S.C. 1, 152 S.E.2d 669 (1967). The failure to support the rule to show cause by an affidavit or verified petition "is a fatal defect." *Toyota of Florence v. Lynch*, 314 S.C. 257, 442 S.E.2d 611 (1994) (citing *State v. Blackwell*, 10 S.C. 35 (1878)). See *Brasington v. Shannon*, 288 S.C. 183, 341 S.E.2d 130 (1986) and *Hornsby v. Hornsby*, 187 S.C. 463, 198 S.E. 29, 32 (1938). Requiring the supporting affidavit or verified petition in Rule 14, SCRFC, satisfies due process concerns by ensuring that rules to show cause will only be issued with clear, specific allegations being set forth for the court and the responding party.

(d) Notice. The rule to show cause, and the supporting affidavit or verified petition, shall be served, in the manner prescribed herein, not later than ten days before the date specified for the hearing, unless a different notice period is fixed by the issuing judge within the rule to show cause. In an emergency situation, the notice period of ten days may be reduced by the issuing judge.

Note:

Requiring that rules to show cause be served with the supporting affidavit or verified petition and providing for ten days' notice are consistent with standard motion practice as provided by Rule 6(d), SCRCP. These requirements will also help alleviate the "surprise" problems which have plagued contempt proceedings, thereby satisfying due process. Nevertheless, the rights of the moving party are not ignored as the issuing judge has the discretion to shorten the notice period in emergencies.

(e) Service. The rule to show cause shall be served with the supporting affidavit or verified petition by personal delivery of a duly filed copy thereof to the responding party by the Sheriff, his deputy or by any other person not less than eighteen (18) years of age, not an attorney in or a party to the action.

Note:

The manner of service provided by Rule 14, SCRFC, is consistent with standard practice in all courts as provided by Rules 4(c) and 4(d), SCRCP, with the exception that the rule to show cause and supporting affidavit or verified petition are to be served by personal delivery upon the responding party.

Personal service as specified within Rule 14(e) ensures due process by facilitating reliable service directly upon the responding party.

(f) Return. If at the contempt proceeding the responding party intends to seek counsel fees and costs, or other appropriate relief permitted by law, then he shall serve a return to the rule to show cause prior to the commencement of the hearing, unless a Family Court judge requires a return to be served at some other time. The responding party's failure to serve a return does not relieve the moving party from the burden of establishing contempt of court.

Note:

The requirement of a return satisfies the due process rights of the moving party, thereby balancing the protection for the responding party provided elsewhere by Rule 14, SCRFC. Serving a return is analogous to the required service of an answer or reply or responsive affidavits in other litigation, and provides the moving party with some notice of the responding party's defense to the contempt allegations.

3
(g) **Hearing Procedure.** The contempt hearing shall be an evidentiary hearing with testimony pursuant to the Rules of Evidence, except as modified by the Family Court Rules. At the contempt hearing, the moving party must establish a prima facie case of willful contempt by showing the existence of the order of which the moving party seeks enforcement, and the facts showing the respondent's noncompliance. The moving party shall satisfy the burden of proof required by law for the specific nature of contempt before the court. Once the moving party establishes a prima facie case, the respondent is entitled to present evidence of a defense or inability to comply with the order. If requested, the Court may allow reply testimony. The Court may impose sanctions provided by law upon proper showing and finding of willful contempt, and may award other appropriate relief properly requested by a party to the proceeding.

Note:

In *Poston v. Poston*, 331 S.C. 106, 502 S.E.2d 86 (1998), the Supreme Court defined civil contempt of court and criminal contempt of court, and clarified the separate burden of proof for both forms of contempt. Requiring the moving party to meet the burden of proof at the contempt hearing is consistent with *Brasington v. Shannon*, 288 S.C. 183, 184, 341 S.E.2d 130, 131 (1986) (In a proceeding for contempt for violation of a court order, the moving party must show the existence of the order and the facts establishing the respondent's noncompliance. The burden then shifts to the respondent to establish his defense and inability to comply with the order.); *Messer v. Messer*, 359 S.C. 614, 598 S.E.2d 310 (Ct. App. 2004); *Widman v. Widman*, 348 S.C. 97, 557 S.E.2d 693 (Ct. App. 2001); *Lindsay v. Lindsay*, 328 S.C. 329, 491 S.E.2d 583 (Ct. App. 1997).

Even though a party is found to have violated a court order, the question of whether or not to impose sanctions remains a matter for the court's discretion. *Lindsay v. Lindsay*, 328 S.C. 329, 491 S.E.2d 583 (Ct. App. 1997) (citing *Sutton v. Sutton*, 291 S.C. 401, 409, 353 S.E.2d 884, 888 (Ct. App. 1987)). Statutory sanctions for contempt are enumerated at S.C. Code Ann. § 63-3-620 (Supp. 2010).

The court may also award compensatory contempt damages to the moving party. Compensatory contempt seeks to reimburse the party for the costs he or she incurs in forcing the non-complying party to obey the court's orders. See *Poston v. Poston*, 331 S.C. 106, 114, 502 S.E.2d 86, 90 (1998) ("In a civil contempt proceeding, a contemnor may be required to reimburse a complainant for the costs he incurred in enforcing the court's prior order, including reasonable attorney's fees. The award of attorney's fees is not a punishment but an indemnification to the party who instituted the contempt proceeding."); *Lindsay v. Lindsay*, 328 S.C. 329, 345, 491 S.E.2d 583, 592 (Ct. App. 1997) ("A compensatory contempt award may include attorney fees."); *Curlee v. Howle*, 277 S.C. 377, 386-87, 287 S.E.2d 915, 919-20 (1982) ("Compensatory contempt is a money award for the plaintiff when the defendant has injured the plaintiff by violating a previous court order." "Included in the actual loss are the costs of defending and enforcing the court's order, including litigation costs and attorney's fees.").

In furtherance of justice and to serve the best interests of children, the judge should be able to consider, in his/her discretion, appropriate requests, e.g., the imposition of a restraining order or modification of visitation. See Rule 27(d), SCRFC (court may modify prior order's provisions in visitation enforcement proceedings).

Added by order dated April 30, 2012.

From: Mare Baracco <maremailmmm@yahoo.com>

Date: March 11, 2015 at 2:31:16 PM EDT

To: "gkubic@bcgov.net" <gkubic@bcgov.net>

Cc: Rick Caporale <rcaporale@bcgov.net>, Cynthia Bensch <cbensch@bcgov.net>, sturodman@aol.com, sfobes@bcgov.net, Skip Hoagland <skiphoagland@yahoo.com>, Cris Steele <cris.steele@mail.house.gov>, lisa.kindwall@gmail.com, "Brittany L. Shane" <BShane@wsav.com>

Subject: Sheriff Service of Papers

Dear Mr. Kubic,

I've just been informed a Sheriff's Deputy has been to my residence to serve papers upon me, for allegedly violating a non-existent order.

You need to deal with the county employee who is perpetuating this "unfortunate incident".

Please put a stop to this.

Mare Baracco

Sent from my iPhone

On Mar 12, 2015, at 8:56 AM, Mare Baracco Deckard
<maremailmmm@yahoo.com<<mailto:maremailmmm@yahoo.com>>> wrote:

Dear Mr. Gruber,

I'm hoping you can provide clarity to a few questions I have regarding a hearing I understand has been, or is being, scheduled.

First, is it possible for me to have a copy of the written Order this hearing is to be based upon? And, I would like to see any affidavits that support a complaint against me, in the interest of fairness.

Also, what kind of hearing is this, exactly? By that, I mean what type of judicial process or avenue of adjudication is this hearing classified as and also, what is my designation/role in this process?

I would appreciate a prompt response, so I may review these documents as soon as possible. if you are not available to answer, I'd be fine with Ms. Coppage responding. Given her participation in this matter to date, her reply is welcome.

Thank you, Mare B.

From: "Kubic, Gary" <gkubic@bcgov.net>
To: Mare Baracco Deckard <maremailmmm@yahoo.com>
Cc: "Gruber, Joshua" <jgruber@bcgov.net>; "Coppage, Allison" <acoppage@bcgov.net>; "Bensch, Cynthia" <cbensch@bcgov.net>; "Caporale, Rick" <rcaporale@bcgov.net>; "Fobes, Steve" <sfobes@bcgov.net>; "Rodman, Stewart" <stewart@bcgov.net>; "Flewelling, Brian" <brianf@bcgov.net>; "McBride, William" <wmcbride@bcgov.net>; "Sommerville, Paul" <psommerville@bcgov.net>; "Stewart, Jerry" <jstewart@bcgov.net>; "Howard, Alice G." <ahoward@bcgov.net>; "Dawson, Gerald" <gdawson@bcgov.net>; "psomerville@bcgov.net" <psomerville@bcgov.net>; "McElynn, Lawrence P." <lmcelynn@bcgov.net>
Sent: Thursday, March 12, 2015 10:50 AM
Subject: Re: Recent Paper

Mare Baracco Deckard:

After reading your email, I feel it is necessary to advise you that your questions should be address to the Magistrate Court.

It is the Magistrate Court that manages and maintains the official court records.

It is also the Magistrate Court that determines whether a hearing on a judicial matter is necessary.

You should make a request to the Magistrate Court for copies of your file (your file includes the affidavits) and/or direct to the court any questions that you may have regarding the legal proceedings set by it.

The response that you receive from the Magistrate Court will then represent the official records of the court regarding your case.

I hope this helps you.

Thanks, gkubic

On Mar 12, 2015, at 11:59 AM, Mare Baracco Deckard
<maremailmmm@yahoo.com<<mailto:maremailmmm@yahoo.com>>> wrote:

Dear Mr. Kubic,

With due respect, if your employee(s), the county attorney(s) and/or their office, are initiating an action against a citizen, isn't it their responsibility to coordinate the necessary processes (in addition of course, to insuring the action is and/or will be in the correct jurisdiction/venue) pursuant to the "South Carolina Rules of Civil Procedure, in this case Rule 14"? In fact, as I understand this "Rule": "Rule to Show Cause must be duly issued and served in the accordance with the provisions".

I don't believe the burden in this matter is upon me. I have a right to know:

What "Order" I have allegedly violated

A right to know who my accusers are (who are the source(s) of these "sworn affidavits"?)

What specific act(s) or omissions constitute contempt, and the specific relief which the moving party is seeking.

I therefore reiterate my request, pursuant to the Due Process Clause of the United States Constitution, of county attorneys Gruber and/or Coppage to provide to me a copy of this "Order" and sworn affidavits.

Thank you, Mare B. D.

Dear Mr. Kubic,

If there's an "Order", please produce it. I have a right to see both "it" and these "sworn affidavits". And, based upon this alleged "Order", please instruct your employees, Gruber and Coppage, to follow the South Carolina Rules of Civil Procedure in initiating an action against a citizen, based upon an alleged "violation", pursuant to the issuance of a "*Rule to Show Cause*". Thank you. Mare B.D.

From: "Kubic, Gary" <gkubic@bcgov.net>
To: Mare Baracco Deckard <maremailmmm@yahoo.com>
Cc: "Caporale, Rick" <rcaporale@bcgov.net>; "Bensch, Cynthia" <cbensch@bcgov.net>; "Flewelling, Brian" <brianf@bcgov.net>; "Fobes, Steve" <sfobes@bcgov.net>; "Rodman, Stewart" <srodman@bcgov.net>; "Sommerville, Paul" <psommerville@bcgov.net>; "Stewart, Jerry" <jstewart@bcgov.net>; "psommerville@bcgov.net" <psommerville@bcgov.net>; "Howard, Alice G." <ahoward@bcgov.net>; "McBride, William" <wmcbride@bcgov.net>; "Dawson, Gerald" <gdawson@bcgov.net>; "Vaux, Tabor" <tvaux@bcgov.net>; "Coppage, Allison" <acoppage@bcgov.net>; "Gruber, Joshua" <jgruber@bcgov.net>; "McElynn, Lawrence P." <lmcelynn@bcgov.net>; Skip Hoagland <skiphogland@yahoo.com>; Brittany Shane <bshane@wsav.com>; Lisa Kindwall <lisa.kindwall@gmail.com>; Cris Steele <cris.steele@mail.house.gov>; "Tanner, PJ" <pjtanner@bcgov.net>; "Hatfield, Michael" <mikeh@bcgov.net>
Sent: Friday, March 13, 2015 8:22 AM
Subject: Re: Recent Paperwork

Mare Baracco Deckard:

You are correct in stating that S.C.R.C.P 14 (d) states "the rule to show cause, and the supporting affidavit or verified petition, shall be served, in the manner prescribed herein." The manner which is prescribed herein is S.C.R.C.P. (e) which explicitly states "Service. The rule to show cause shall be served with the supporting affidavit or verified petition by personal delivery of a duly filed copy thereof to the responding party by the Sheriff, his deputy or by any other person not less than eighteen (18) years of age, not an attorney in or a party to the action."

As Mr. Gruber and Ms. Coppage are attorneys employed by the Beaufort County, the opposing party in the matter, they are explicitly precluded from effectuating the service that you are requesting.

Please check with the Court, perhaps a simple phone call can give you the answers you seek.

The Court can be reached at 843.255.9427.

Thanks,
gkubic

On Mar 13, 2015, at 12:09 PM, Mare Baracco Deckard <maremailmmm@yahoo.com> wrote:

Dear Mr. Kubic,

My husband informs me a deputy sheriff came to our home this morning and brought additional documents.

As it happens, it was actually paperwork for another resident in Port Royal, with a similar address, and not anything related to this matter. We are not comfortable being accidentally in possession of documents that involve a neighbor's private business. We would appreciate this material be picked up by someone from BCSO today; we will be at our residence after 5 pm.

We want to make very clear that, as a family, and as responsible, involved members of this community, we strongly support our local law enforcement agencies, in particular the line officers, such as the deputy from this morning, who risk their lives on a daily basis, to protect us and our neighbors. We are saddened they are being involved in this burgeoning debacle.

We also feel strongly this unfolding, and wholly unnecessary drama, initiated, then perpetuated, by a relatively small cabal of individuals, has the potential to forever undermine the requisite faith, confidence and respect we all must have in our local government. Further, we believe what has, and is, occurring should not be a reflection on our hardworking elected officials, nor anyone else that devotes their time and energy to making our community a better place to live. The people that are responsible for this should not be allowed to define who we are, and they need to be held to account for their actions.

We ask you give this very serious matter immediate consideration, as to how it was allowed to get this far, and how it will be resolved. Thank you, Mare B. D.

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

2015C v0710400431
CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT

SUMMONS
SUMMONS AND COMPLAINT

Chanae Lacy
6080 Lakeview Rd. Apt. 4205
Warner Robins, GA 31088
(214) 957-3775

PLAINTIFF(S)

Vs

Deborah Duer
1606 Madrid Ave
Port Royal, SC 29935

DEFENDANT(S)

TO THE DEFENDANT(S) NAMED ABOVE:

YOU ARE SUMMONED and required to Answer the allegations and present any appropriate Counterclaims/Crossclaims to the attached Complaint/Counterclaim within THIRTY days from the first day after receipt of this Summons. Your Answer must be received by the:

**Beaufort Magistrate
104 Ribaut Road Post Office Box 2207
Beaufort, SC 29901
Phone: (843) 255-5700 Fax: (843) 255-9516**

If you fail to Answer within the prescribed time, a Judgment by Default will be rendered against you for the amount or other remedy requested in the attached Complaint, plus interest and costs. **If you desire a jury trial, you must request in writing at least five (5) working days prior to the original date set for trial.** If no jury trial is timely requested, the matter will be heard and decided by the Judge.

Given under my hand:


JUDGE

READ ATTACHED INSTRUCTIONS CAREFULLY

March 9, 2015

**MARE B. DECKARD
1006 MADRID AVENUE
PORT ROYAL SC 2935
843 592~1062
MAREMAILMMM@YAHOO.COM**

TO: Attn: Chief Justice McElynn .
FROM: Mare Baracco
RE: Hearing
DATE: March 17, 2015
FAX: 843 255~9510
3 Pages, including cover

Please confirm receipt via email or direct. Thank you,

A handwritten signature in black ink, appearing to read "Mare Baracco", is written over the typed name. The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

6

**MARE B. DECKARD
1006 MADRID AVENUE
PORT ROYAL SC 2935
843 592~1062
MAREMAILMMM@YAHOO.COM**

March 17, 2015

To: Chief Justice Lawrence P. McElynn
The Summary Court of South Carolina
Beaufort County SC

To the Honorable Justice McElynn:

I am in receipt of paperwork summoning me to appear before the Beaufort County Summary Court April 8, 2015.

With due respect, to appear in this matter would place me before a court which has no jurisdiction over me or my case. That would be a violation of my civil rights.

What began as a simple altercation between two animals in the incorporated Town of Port Royal and adjudicated in their proper court of record and jurisdiction, *three years ago*, has become a debacle of epic proportion by the County of Beaufort in general, and the County Attorney in particular, for the reasons I list below.

- 1) Please listen to the audiotape of the May 2, 2013 (disputed) "Rule to Show Cause" (minute 8:40 – 10:39) before Judge Brooks, wherein County Attorney Josh Gruber says, "**This is not a criminal case, this is not a civil case, this is an administrative case**". Please also note my (then) attorney specifically asks both Mr. Gruber and Judge Brooks, in the last two minutes of this recording, if she needed to write an "Order". They both responded "No".
- 2) Although we never received a written "Order" with respect to the handling of our animals from any local, county or state jurisdiction, we have, over the last three years, been hyper-vigilant with the dog who had the altercation, so as to be on the safest ground possible. If the Port Royal Town Manager and the Port Royal Chief of Police insist they saw our dog without a muzzle, it is immaterial, since there is no written "Order" for us to muzzle our dog.
- 3) I visited the Beaufort Magistrate Court archives, with a witness, May 6, 2014. Ms. Garst, Clerk of Beaufort Magistrate Court, sat with us, together, and we all reviewed the file to see if there were any "Orders" I was supposed to be following. If required, we will provide a sworn

affidavit from this witness attesting to the fact the clerk of court was unable to find any written "Order" in any file pertaining to this matter, for me to follow with respect to the handling or management of my dog.

3) I question how any paperwork can be produced to compel and/or summon me into the magistrate's court (which, according to Mr. Gruber's *own words* is the WRONG court for this matter to be examined) to defend an "Order" which does not exist.

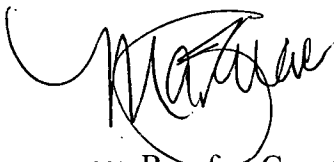
4) Since I never received an "Order" to do anything, by the Town of Port Royal, the County of Beaufort or the State of South Carolina, than ALL these subsequent hearings, appeals, matters, door hangers and alleged violations have no merit. They are based on air or, perhaps, on something the county attorney meant to do and didn't. They are all an attempt to quash exposure of illegal Mutual Aid Agreements which were not promulgated properly, and "Notices" which compel illegal seizures of personal property, without a *legal* hearing. They know I have discovered 23 other cases, where citizen's civil rights were violated in the very same way mine have been threatened, without a legal "Order", directive or process to contest this "Notice".

If I feel that I cannot get an honest hearing before the correct tribunal or board, then the other victims of these egregious civil rights violations, whom I have already contacted, may just feel obliged to consider a class action suit against the county.

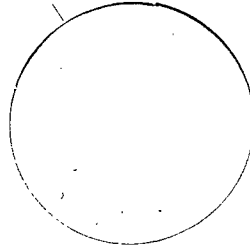
Therefore, your Honor, before the county wastes one more dollar with respect to this case, I am asking you to kindly request and present the original "Order" that I was to be following since July 9, 2012. Again, the original "Order" sir.

If you cannot do this, I cannot make myself available in your court, as I would be a willing participant in the violation my own civil rights.

With sincere regards,



cc: Beaufort County Council



BEAUFORT COUNTY SHERIFF'S OFFICE

www.bcsso.net

*The Beaufort County Sheriff's Office
visited your home / business in reference to:*

01) Contact Victim/Witness/Complainant

02) Inform of court change to: _____

03) Foliage obstructing views of windows/doors

04) Unsecured items in yard

05) Address not plainly marked

06) Summons/Subpoena

07) Activated Alarm

08) Home Checked

09) Property Checked / Unsecured

10) Vehicle Checked / Unsecured

11) Other: _____

PFC Fyfe Roy

Any questions please contact

812-5641 Mon-Fri 8am-5pm

Phone

THE STATE OF SOUTH CAROLINA
SOUTH CAROLINA COURT OF APPEALS

APPEAL FROM BEAUFORT COUNTY
COURT OF COMMON PLEAS

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

APPELLATE CASE NO.: 2014-000636

RECEIVED

MAR 20 2015

SC Court of Appeals

BEAUFORT COUNTY,

Respondent,

vs.

MARE BARACCO,

Appellant.

PROOF OF SERVICE

I certify I have served the Respondents by depositing copies in the United States Mail, postage prepaid, March 17, 2015 addressed to their attorneys of record, as follows:

Mary Bass Lohr
Post Office Box 40
Beaufort, South Carolina 29901-0040

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

Attorneys for Respondent.



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

Date: March 17, 2015

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

March 17, 2015

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

RE: Mare Baracco v. Beaufort County, Case No. 2013-CP-07-00918
Appellate Case No.: 2014-000636

RECEIVED

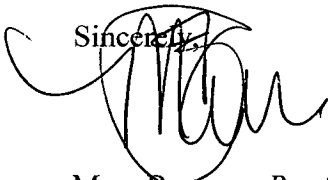
MAR 20 2015

SC Court of Appeals

Dear Ms. Kitchings:

Enclosed for filing is Appellant's Reply in the above captioned case, and six copies for filing. Also enclosed is a check in the amount of \$25.00 for the filing, and the proof of service.

Sincerely,



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

Other Counsel of Record:

Mary Bass Lohr
Allison Coppage
Joshua Gruber

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MAR 20 2015

SC Court of Appeals

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Kitchings

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Columbia SC 29201