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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE COURT OF COMMON PLEAS
Aiken County

Doyet A. Early, III, Circuit Court Judge

Case No. 2014-CP-02-00879

Carlton E. Cantrell

Appellant

vs.

Aiken County; Aiken County Animal
Control Director, Shirley Hardin; Aiken
County Animal Control Officer Bobby
Arthurs; Judge Charles T. Carter.

Respondents

RECORD ON APPEAL

Carlton E. Cantrell, Appellant
223 Muddy Branch Road
Aiken, South Carolina 29805
(803) 215-4747

William H. Davidson, II
Daniel C. Plyler
Davidson & Lindemann, PA
Attorneys for Respondents
PO Box 8568
Columbia, SC, 29202
(803) 806-8222

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STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)

IN THE SUMMARY COURT
OF Granitville

STATE)
)
VS)

AFFIDAVIT
AND

Carlton Cantrell)
223 Muddy Branch Road)
Aiken South Carolina)
DEFENDANT)

COURT ORDER
(Animal Control Case)

AFFIDAVIT

Personally comes Officer Bobby Arthurs, Aiken County Animal Control, who on oath states that the following animals, to wit ; a unknown number and Various breed of goats and dogs, animals are being housed and the said animals are remaining in conditions that create a threat to the health of these animals. These animals are being cruelly or ill treated by the owner at; 223 Muddy Branch Road, Aiken County , South Carolina, and are being kept in a closed home without water supply living in unsanitary condition . The complaint stated he has one hundred and seventy goats and forty dogs.

Officer Bobby Arthurs further states that said animal (s) are in danger of undue suffering and subject to sickness / illness due to unsanitary and inhumane conditions.

Sworn to this 1st day of May, 2005. ^{etc etc}

Sharon Murphy
Notary Public for South Carolina

Bobby Arthurs
Affiant (Animal Control Officer)

COURT ORDER

IT IS THE ORDER OF THIS COURT that Aiken County Animal Control Officers and a Aiken County Sheriff Deputy Officer may go forth and apprehend the above said animals. Said Aiken County Animal Control Officers and Aiken County Sheriff Deputy Officer may enter into the residences at 223 Muddy Branch Road Aiken County , South Carolina and take possession of any and all animals located in the residence.

IT IS FURTHER ORDERED that the above described animals be held in custody, in a safe location until such time as the above said case is disposed of and a decision has been made by the Court for all the expenses relating to the boarding and health care of the said animal.

IT IS SO ORDERED this 1st day of May, 2005 presifics

Terry Carter
Terry Carter Summary Court Judge

IT IS FURTHER ORDERED this day the above described animals shall be inspected and evaluated by a licensed veterinarian to determine which animals are required to be destroyed in a humane method .

IT IS SO ORDERED this 1st day of May, 2005. ^{etc etc}

Terry Carter
Terry Carter Summary Court Judge

LAW OFFICE OF
W. LAWRENCE BROWN, L.L.C.
2625 JEFFERSON DAVIS HIGHWAY (U.S. HIGHWAY # 1)
POST OFFICE BOX 380
LANGLEY, SOUTH CAROLINA 29834

TELEPHONE (803) 593-6447

FACSIMILE (803) 593-6565
E-MAIL: wlbrown@scbar.org

August 3, 2005

Sent by Fax (803) 644-5334 and U.S. Mail
Everett K. Chandler, Esquire
Post Office Box 2391
Aiken, South Carolina 29802

RE: Aiken County Animal Control v. Cantrell

Dear Everett:

Pursuant to our telephone conversation of this morning, it is my understanding that we have reached an agreement that will fully resolve all pending criminal and potential civil matters related to the seizure of Mr. Cantrell's goats by Aiken County Animal Control. We have agreed as follows:

1. Mr. Cantrell will pay \$1800.00 restitution to Aiken County for expenses incurred in the keeping and care of the goats within fifteen days of the execution of the agreement.
2. Mr. Cantrell will repair the fencing on his property so that all of his animals will be secure and properly confined.
3. Mr. Cantrell will fix the house on the property to either prevent the goats from entering it altogether or so that it will be safe for them. In no case are the goats to be confined in the house or under conditions that would be dangerous or injurious to their health.
4. Mr. Cantrell will follow the advice and instruction of Dr. Lisa Handy regarding the care and keeping of his animals (both goats and dogs) and the number of animals that he can properly maintain on his property.
5. Dr. Handy's guidelines and instructions as to Mr. Cantrell shall be provided to Aiken County Animal Control.
6. Dr. Handy must confirm to Aiken County Animal Control that Mr. Cantrell has complied with her recommendations and guidelines prior to the goats being returned to him.
7. After the animals are returned, Aiken County Animal Control will have the right to conduct quarterly inspections of Mr. Cantrell's property with prior notice for a period of one year.
8. Mr. Handy will retain Dr. Handy to perform unannounced inspections of the property at least quarterly for one year to assure that Mr. Cantrell is in compliance with her advice and

instructions. She shall provide information as to her findings on those inspections to Aiken County Animal Control.

9 Mr. Cantrell will release Aiken County and any agencies, employees or agents thereof from any potential liability or claims that he may have as a result of this incident, his arrest and charges, and the seizure, keeping and care of the goats by Aiken County and Aiken County Animal Control.

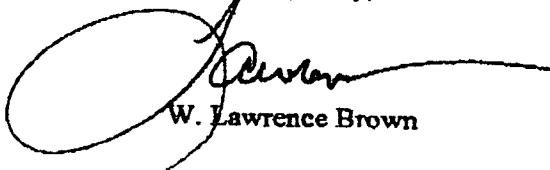
10. Aiken County Animal Control will dismiss the pending charges against Mr. Cantrell.

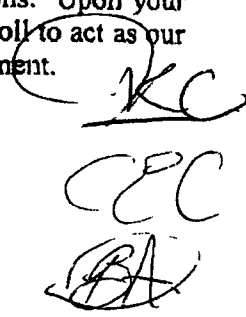
As to the dismissal of charges, since we will not be able to have a formal agreement drafted and executed prior to the court date scheduled for Monday, August 8, 2005, Aiken County will agree to dismiss the charges without prejudice pending execution of a formal agreement in accordance with the terms set forth above and payment of the restitution. Upon compliance with those conditions, the charges would be dismissed with prejudice. I added the provision regarding time for payment of restitution in hopes of resolving the matter with finality as quickly as possible.

If the above accurately expresses our agreement as you understand it, please initial this letter and fax it back to me. If not, please let me know of any requested revisions. Upon your confirmation, I will fax a copy of this letter with your confirmation to Judge Carroll to act as our request that the charges be dismissed without prejudice pending our formal agreement.

With kind regards, I am,

Yours very truly,


W. Lawrence Brown



Cc: Clay Killian, County Administrator
Bobby Arthurs, Aiken County Animal Control

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)
STATE/ AIKEN COUNTY)
)
)
VS)
)
)
CARLTON CANTRELL)
DEFENDANT)
)
_____)

IN THE SUMMARY COURT OF
AIKEN COUNTY

COURT RULING

AND

ORDER

This matter came before this Court, transferred from the Aiken Summary Court, upon a motion filed on the 5th day of December 2005 on behalf of the defendant, Carlton Cantrell, by Attorney Jeffery Moorehead seeking to be released from compliance with a plea agreement reached before the Honorable Judge Tracey Carroll on the 8th day of August 2005.

FINDINGS OF FACTS;

- 1 The defendant was charged on the 19th day of May 2005 by Aiken County Animal Control Officers with a violation of Aiken County Ordinance 97-4-17(4-68), commonly known as unsanitary conditions, under UTT 66501CD as well as § 47-1-40(a), ill treatment of animals, under UTT 66505CD.
- 2 The goats were seized and held by Aiken County Animal Control
- 3 The animals were moved to a private farm due to the county facilities not being adequate to provide for long term boarding

4. The defendant retained Attorney Everett Chandler for legal representation of the charges.
5. On the 5th day of August 2005 a plea agreement was reached by the parties which included the defendant, Attorney Chandler, Assistant Aiken County Attorney Lawrence Brown and Aiken County Animal Control Officer Bobby Arthurs in the presence of the Honorable Judge Tracey Carroll
6. The terms of the plea agreement is as follows;
 - a. Mr. Cantrell will pay \$1800.00 restitution to Aiken County for expenses incurred in the keeping and care of the goats within fifteen days of the execution of the agreement.
 - b. Mr. Cantrell will repair the fencing on his property so that all of his animals will be secure and properly confined.
 - c. Mr. Cantrell will fix the house on the property to either prevent the goats from entering it altogether so that it will be safe for them. In no case are the goats to be confined in the house or under conditions that could be dangerous or injurious to their health
 - d. Mr. Cantrell will follow the advice and instruction of Dr. Lisa Handy regarding the care and keeping of his animals (both goats and dogs) and the number of animals that he can properly maintain on his property.
 - e. Dr. Handy's guidelines and instructions as to Mr. Cantrell shall be provided to Aiken County Animal Control
 - f. Dr. Handy must confirm to Aiken County Animal Control that Mr. Cantrell has complied with her recommendations and guidelines prior to the goats being returned to him.
 - g. After the animals are returned, Aiken County Animal Control will have the right to conduct quarterly inspections of Mr. Cantrell's property with prior notice for a period of one year
 - h. Mr. Cantrell will retain Dr. Handy to perform unannounced inspections of the property at least quarterly for one year to assure that Mr. Cantrell is in compliance with her advice and instructions. She shall provide information as to her findings on those inspections to Aiken County Animal Control.
 - i. Mr. Cantrell will release Aiken County and any agencies, employees or agents thereof from any potential liability or claims that he may have as a result of this incident, his arrest and charges, and the seizure, keeping and care of the goats by Aiken County and Aiken County Animal Control.
7. The defendant paid the \$1800 00 in restitution to Aiken County and the goats were returned to the defendant.
8. The Aiken Summary Court conducted a Show Cause Hearing on the 12th of September 2005 upon the motion of the defendant, pro se, seeking to be released from the plea agreement and based upon the claim that Aiken County Animal Control had failed to return all of the seized animals and those animals returned being in poor physical condition.

- 9 The Aiken Summary Court received notice of representation on the 28th day of September 2005 from Attorney Jeffery Moorehead on behalf of the defendant and requesting any file materials concerning his client
- 10 South Carolina Law Enforcement Division began an investigation of perjury involving one of the officials of Aiken County Animal Control who testified in the Show Cause Hearing conducted on the 28th day of September 2005. That official later admitted to investigators to committing perjury before the Court of the Honorable Judge Tracey Carroll. The investigation revealed that Aiken County Animal Control failed to obtain a accurate count of the number of animals seized, the number born while being held, and the number that died under the care of Aiken County which rendered the situation impossible to return all of the defendant's animals as well as some the animals held by the county were given to individuals instead being returned to the owner
- 11 Attorney Moorehead filed a motion, on behalf of the defendant, on the 5th day of December 2005 seeking to be released from the plea agreement due the perjury by the county official and the failure of the county to return all animals
- 12 The Honorable Judge Tracey Carroll recused herself and the case was transferred to this Court.
13. A Show Cause Hearing was held before the Court on the 9th day of February 2006, those present were the defendant, Carlton Cantrell, represented by Attorney Jeffery Moorehead as well as Assistant Aiken County Attorney Lawrence Brown and Aiken County Animal Control Officer Bobby Arthurs
14. On the 20th day of February 2006, the Court ordered the parties to provide to the Court any case cites, statutes, and Attorney General Opinions pertaining to jurisdictional matters and authority, plea agreements as opposed to contractual obligations, fraud and issues pertaining to failure by the State to return property in a fair and prompt manner

This Court recognizes the above, listed in the finding of facts, events to be factual and furthermore represent a fair and accurate portrayal in which to

apply any legal and pertinent issues concerning this motion by the Defendant as well as the actions by Aiken County Animal Control.

The Court reached the following decision based upon the preponderance of the evidence and the testimony of all witnesses as well as the filed legal briefs;

Attorney, for the defendant, Jeffery Moorehead argued that a guilty plea must be entered into voluntarily, knowingly, and intelligently on the part of the defendant based upon Boykin v Alabama, 395U.S. 238, 89 S. Ct. 1709, 23 L. Ed. 2d 274 (1969). The position, of the defense, is that failure by the Aiken County Animal Control to accurately count the number of animals to begin the seizure does not allow for a knowing and intelligent decision by a defendant while contemplating such an important decision. To further the issue, the defense contends that State v Gates, 299 S.C. 92, 94-95, 382 S.E. 2d 886-887 (1989) clearly sets forth the opinion that plea agreements rest on contractual principles and argues the agreement was not fulfilled by Aiken County Animal Control due to their failure regarding the number of goats seized, the number of goats born during the time Aiken County held the goats, and the number of goats that died during this period.

The State offers to the Court the case of Newton v Rumery, 480 U.S. 386 (1987) in support of their argument against setting aside the agreement between the parties. Assistant Aiken County Attorney Lawrence Brown argues that this agreement is best described as "release-dismissal" and the cited case recognizes the validity of these agreements. The Higher Court refused to set aside all "release-dismissal" as a per se rule invalidating all such agreements, but instead offered that they should be tested on a case by case basis and the below provides to the Court an insight of the cited case.

Assistant Aiken County Attorney Lawrence Brown concludes by offering to this Court that the defendant simply wishes to have his cake and to eat it too. He wants to negate the portion of the agreement that prevents him from bringing suit against Aiken County and the portion regarding his obligations of care and keeping the animals, but allow the provision that would prohibit his prosecution.

This Court recognizes and agrees with the State that the proper term to label the agreement is a

“release-dismissal” as opposed to a “plea-agreement”, but there ends any agreement of views or conclusions of what is proper, correct, and lawful. To offer that the motion of the defense is an attempt to have his cake and to eat it too after failing to gain an exact count of the number of animals seized, the number born during the seizure, and the number that died during the seizure coupled with the fact that some of the animals were given away during the period they were held by the county and then for an official of Aiken County Animal Control to commit perjury while testifying to the number of goats leads this Court to assume that Aiken County considers itself above and immune to the laws and procedures that the citizens rightfully expect and demand. During the testimony before this Court it became quite clear that Aiken County Animal Control could in no way provide a clear and concise history of the number of animals under its control. The payment by the defendant of \$1800.00 to Aiken County may be called restitution in the agreement but this Court views that as a fine of a near maximum amount, had the defendant plead guilty to both the offenses charged he could only be fined a maximum total of \$2,174.00, only \$374.00 more. A comparison of the issues of this case to those of Newton v. Rumery, 480 U.S. 386 (1987) fails to provide a sound basis to render a decision with a goal of justice to all. The issues, listed below, concerning Newton v. Rumery, 480 U.S. 386 (1987) are:

Evidence supported finding that criminal defendant voluntarily entered into agreement to release his right to file a section 1983 action in return for prosecutor's dismissal of pending criminal charges; defendant was a sophisticated business man who was not in jail and was represented by an experienced criminal lawyer, who drafted the agreement; moreover, defendant considered the agreement for three days before signing it 42 U.S.C.A. § 1983

There is no information available to this Court in which to make the assumption that Mr. Cantrell is a sophisticated business man or that the defendant considered the agreement in any way. The record does show the defendant had representation at times in the process but at other times he filed pro se. This constitutes concern for this Court as to whether the defendant made the decision to comply in a voluntary, knowing, and intelligent manner as required and that legal counsel was available at the time of the decision to accept the terms of the “release-dismissal”.

Release-dismissal agreement whereby criminal defendant released his right to file a section 1983 action in return for prosecutor's dismissal of pending criminal charges was enforceable, where defendant voluntarily entered agreement, and there was no evidence of prosecutorial misconduct, inasmuch as prosecutor had legitimate reason to make agreement that was directly related to his prosecutorial responsibilities and was independent of his discretion in bringing criminal charges; significant consideration in prosecutor's decision

was fact that it spared victim of alleged sexual offense from public scrutiny and embarrassment she would have endured if she had been required to testify in either civil or criminal trial concerning defendant. 42 U.S.C.A. § 1983.

In sum, we conclude that this agreement was voluntary, that there is no evidence of prosecutorial misconduct, and that enforcement of this agreement would not adversely affect the relevant public interests ^{FN10}

The major failure, of the argument by Aiken County, does not address the issue of the perjury by the official of the Aiken County Animal Control, in no way could a comparison with Newton v Rumery, 480U S 386(1987) make a sound legal basis in this case. The Higher Courts found no evidence of prosecutorial misconduct, in this case it is not only well documented but comes from a admission from that official This Court realizes the need for Aiken County Animal Control to take action in this case, but to seize the personal property of a citizen due to improper care in light of the actions during and after seizure by the Aiken County Animal Control creates great concern for this Court. The failure of the Aiken County Animal Control to obtain an exact count of the number of animals seized, the number born while in possession of the Aiken County Animal Control, and the number that died while in possession of the Aiken County Animal Control appears to place the county in the same light of the defendant. The county could have better served the situation by leaving the animals at the property of the defendant while daily monitoring the condition of the goats to insure the proper care and attention was provided. The above issues cause great concern for this Court, but the addition of perjury by the official of the Aiken County Animal Control that made the decision to seize the goats and charge the defendant portrays Aiken County as above the laws and ordianaces that they are mandated to enforce on behalf of the citizens The actions taken by the county are in no way in the best interest of the citizens nor do they attempt to seek the justice that the people of Aiken County, South Carolina expect and deserve

The argument, by Aiken County, not to set aside the “release-dismissal” further disturbs this Court as to the reason and intentions of the county The opposition by Aiken County of the motion is frivolous, time consuming, and improper, furthermore Aiken County upon knowledge of the perjury and the failures of Aiken County Animal Control to properly handle the situation, should have acted quickly to set aside the agreement To offer the arguments and compare these circumstances to Newton v Rumery, 480U S 386 (1987) is akin to perpeuating the prior failures of the county This Court concludes that to enforce the “release-dismissal” is contrary to the constitutional and statutory rights of a defendant and to continue this action would be detrimental to public policy and the best interests of all.

Should Aiken County have continued concerns as to the welfare of the animals owned by the

defendant this Court cautions the county to pursue the issues with better regard of the proper manner of seizure of personal property and the necessity of an accurate inventory to begin a seizure. The opinions of the South Carolina Supreme Court in State v Thrift, 312 S.C. 282, 440 S.E. 2d 341, referenced United States v Ringling, 988 F.2d 504 (4th Cir. 1993) that “the government had to be held to a higher degree or responsibility than the defendant for imprecisions or ambiguities”. Aiken County and this Court must hold to the ideal that the defendant is innocent until proven guilty and for the county to argue to deny the motion by the defense to set aside the agreement on the basis the defendant has “unclean hands” after the actions by the county does not constitute justice, in fact it appears to be an abuse of power. Aiken County Animal Control began as a proper investigation into the conditions of the animals under the care of the defendant, but quickly degraded into an abuse of power. These actions, by Aiken County Animal Control, may be best described by a quote from A. Barlett Giamatti, “Nearly all men can stand adversity, but if you want to test a man’s character, give him power”. Aiken County has failed this test of character in a clear and flagrant manner.

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)
STATE/ AIKEN COUNTY)
)
VS)
)
)
CARLTON CANTRELL)
DEFENDANT)
)
_____)

IN THE SUMMARY COURT OF
AIKEN COUNTY

COURT RULING

AND

ORDER

THEREFORE; IT IS ORDERED

This Court hereby grants the motion of the defendant to set aside the “release-dismissal” in all parts. The monies paid as restitution shall be returned to the defendant within the same time frame as was paid by the defendant to the county.

IT IS SO ORDERED, this 17th day of January , 2007.



Judge Patrick D. Sullivan
Aiken County, South Carolina

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
)
 COUNTY OF: AIKEN) SUMMONS
)
)
 Carlton E. Cantrell, Plaintiff,)
)
 vs.) FILE NO.
) 08-CP-02887
)

Aiken County,
 Aiken County Animal Control Director, Shirley Hardin,
 Aiken County Animal Control Officer Bobby Arthurs, and
 Judge Charles T. Carter, Defendants

TO THE DEFENDANT(S) ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein,
 a copy of which is herewith served upon you, and to serve a copy of your answer to this
 complaint upon the subscriber, at the address shown below, within thirty (30) days after
 service hereof, exclusive of the day of such service, and if you fail to answer the
 complaint, judgment by default will be rendered against you for the relief demanded in
 the complaint.

Aiken, South Carolina

Carlton E. Cantrell
 Plaintiff/Attorney for Plaintiff

Dated: 05/19/08

Address: 223 Middle Branch Road, Aiken, SC 29805

COUNTY OF AIKEN
 I, Liz Godard, Clerk of Court of Common Pleas and General
 Sessions for Aiken County, South Carolina do hereby certify
 that the foregoing constitutes a true and correct copy of the
 original documents which have been filed in my office this

MAY 19 2008

Liz Godard
 C.C.C.P. & G.A., Aiken County, S.C.
Barbara Riggs
 Deputy Clerk

SCCA 401 (5/02)

5-19-08
Liz Godard
 C.C.C.P. & G.S.
Bar 11:10 AM
 Deputy Clerk

STATE OF SOUTH CAROLINA

) IN THE COURT OF COMMON PLEAS

COUNTY OF: AIKEN

)
)
)
)

~~SUMMONS~~
Complaint

Carlton E. Cantrell, Plaintiff,

)

FILE NO.

vs.

)

08-CP-02-887

)

Aiken County,
Aiken County Animal Control Director, Shirley Hardin,
Aiken County Animal Control Officer Bobby Arthurs, and
Judge Charles T. Carter, Defendants

On May 19, 2005 at 8:30 a.m., Aiken County Animal Control Director Shirley Hardin and Animal Control Officer Bobby Arthurs arrived at my Aiken County home located at 724 Muddy Branch Road together with two Aiken County Sheriff's Deputies and issued me two citations – one for a violation of Aiken County Ordinance 97-4-17(4-68), commonly known as unsanitary conditions, under UTT 66501CD and another for § 47-1-40(a), ill-treatment of animals, under UTT 66505CD.

Then, against my wishes, they proceeded to seize more than 200 goats from my property.

I immediately called Channel 12 News whose cameramen arrived in time to film the seizure in progress.

That afternoon, Dr. Jamie Carter, a local veterinarian, visited my home and stated he believed they had made a mistake and should not have taken my animals.

5-19-05
Shirley Hardin
T.C.C.P.&G.S.
11:10 AM
Deputy Clerk

Additionally, my veterinarian, Dr. Lisa Handy, told me that if the Aiken County Animal Control Officers had followed standard procedure, "This never would have happened, as there is no such thing as unsanitary conditions for goats, cows, or pigs."

The following Sunday, County Council Member Cathy Rawls visited my home and stated that she, too, thought the Defendants had overstepped their authority and made a mistake in taking my animals.

Subsequently, on August 8, 2005, a plea agreement was reached in Judge Tracey L. Carroll's Court stating all charges against me would be dismissed without prejudice pending execution of a formal agreement in which I would release Aiken County and any agencies, employees or agents thereof from any potential liability or claims that I may have as a result of this incident, my arrest and charges, and seizure, keeping and care of the goats by Aiken County and Aiken County Animal Control, and all of the goats seized would be returned to me after I paid an \$1800 fine. However, after paying the fine, on August 29, 2005, only 163 goats were returned – far fewer than the original number seized. Additionally, an estimated 40+ newborns delivered while in the County's custody were given away with no compensation to me. Even worse, 57 of the goats returned died within weeks from worm infestations, mange and malnutrition suffered while held by the County.

I then filed another Motion informing Judge Carroll of these events, and another hearing was held on September 12, 2005, which resulted in Judge Carroll's Order for SLED to investigate allegations of perjury, breach of trust and misconduct in office involving Aiken County Animal Control. Animal Control Director Shirley Harden was subsequently charged with perjury.

This matter was transferred from the Aiken Summary Court to Judge Patrick Sullivan's Court based upon a Motion filed on the 5th day of December on behalf of the then defendant, Carlton Cantrell, by Attorney Jeffery Moorehead seeking to be released from compliance with a plea agreement reached before the Honorable Judge Tracey Carroll on the 8th day of August, 2005.

On October 3, 2007, Judge Sullivan issued a Court Order granting the "release-dismissal" would be set aside in its entirety, and ordered that the monies paid as restitution, shall be returned to me.

All charges against me were dismissed and I did receive my \$1800 back. And now, by copy of this Affidavit hereby indicate my intention to sue Aiken County, and the other named defendants for the mental anguish I suffered when charged with ill-treatment of animals and unsanitary conditions, all costs associated with loss of animals seized and not returned, subsequent veterinary expenses for animals returned ill and in poor condition, and for financial damages incurred in my successful defense against these false charges, and financial awards for damages I suffered personally from this attack as well as the

various mistreatments done to my animals, and any other such financial award(s) deemed appropriate by the Court.

A handwritten signature in black ink, appearing to be "L. E. [unclear]", written over a horizontal line.

Plaintiff

THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Carlton E. Cantrell, Appellant,

v.

Aiken County, Aiken County
Animal Control Director,
Shirley Hardin, Aiken County
Animal Control Officer Bobby
Arthurs, and Judge Charles T.
Carter, Defendants,

Of whom Judge Charles T.
Carter is the Respondent.

Appeal From Aiken County
Doyet A. Early, III, Circuit Court Judge

Unpublished Opinion No. 2010-UP-533
Submitted December 1, 2010 – Filed December 14, 2010

AFFIRMED

Carlton Cantrell, pro se, for Appellant.

James M. Holly, of Aiken, for Respondent.

PER CURIAM: Carlton E. Cantrell appeals the trial court's order granting summary judgment in favor of Magistrate Judge Charles T. Carter. The trial court found Carter's complaint contained no allegation whatsoever concerning Carter, and even if it did, Carter was acting in his official capacity and therefore immune from liability. We affirm¹ pursuant to Rule 220(b)(1), SCACR, and the following authority: State v. Howard, 384 S.C. 212, 217, 682 S.E.2d 42, 45 (Ct. App. 2009) ("An issue is deemed abandoned and will not be considered on appeal if the argument is raised in a brief but not supported by authority.").

AFFIRMED.

HUFF, KONDUROS, and LOCKEMY, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.

SCCA 401 (5/02)

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF: AIKEN)
Carlton E. Cantrell, Plaintiff/Appellant)
vs.)
Aiken County,)
Aiken County Animal Control Director, Shirley Hardin,)
Aiken County Animal Control Officer Bobby Arthurs, and)
Judge Charles T. Carter, Defendants)

SUMMONS *Complaint*
2011CPO201480
FILE NO.

On May 19, 2005 at 8:30 a.m., Aiken County Animal Control Director Shirley Hardin and Animal Control Officer Bobby Arthurs arrived at my Aiken County home located at 724 Muddy Branch Road together with two Aiken County Sheriff's Deputies and issued me two citations authorized by Judge T. Carter – one for a violation of Aiken County Ordinance 97-4-17(4-68), commonly known as unsanitary conditions, under UTT 66501CD and another for § 47-1-40(a), ill-treatment of animals, under UTT 66505CD.

Then, against my wishes, they proceeded to seize more than 200 goats from my property.

I immediately called Channel 12 News whose cameramen arrived in time to film the seizure in progress.

Later, my veterinarian, Dr. Lisa Handy, told me that if the Aiken County Animal Control Officers had followed standard procedures. "This never would have happened, as there is no such thing as unsanitary conditions for goats, cows, or pigs."

On June 15, 2005, I hired Everett K. Chandler as my lawyer, and he notified Judge Charles T. Carter the same day that he was representing me in this matter.

On June 20, 2005, Everett Chandler requested the venue be changed to Judge Tracy L. Carroll's Court for a jury trial. Since a jury strike was scheduled for July 8, 2005, the trial was scheduled to begin August 8, 2005.

A week before the trial, Mr. Chandler called me into his office and showed me a Plea Agreement that Animal Control's lawyer, Lawrence Brown, had produced. After discussing this with my attorney, I told him I still wanted a jury trial.

Mr. Chandler slammed his fist on his desk and declared, "I'm driving this boat Mr. Cantrell, and we're going to do this my way."

At this point I did not feel I could trust my lawyer to represent me properly and I was forced into a Plea Agreement against my wishes. But, I insisted that my veterinarian, Dr. Lisa Handy, be allowed to monitor the care, feeding, and general welfare of the seized animals until they were returned to me.

Subsequently, on August 8, 2005, a Plea Agreement was reached in Judge Tracey J. Carroll's Court stating all charges against me would be dismissed without prejudice pending execution of a formal agreement in which I would release Aiken County and any agencies, employees or agents thereof from any potential liability or claims that I may have as a result of this incident, my arrest and charges, and seizure, keeping and care of the goats by Aiken County and Aiken County Animal Control, and all of the goats seized would be returned to me after I paid an \$1800 fine. However, after paying the fine, on August 29, 2005, only 163 goats were returned – far fewer than the original number seized. Additionally, an estimated 40+ newborns delivered while in the County's custody were given away with no compensation to me. Even worse, 57 of the goats returned died within weeks from worm infestations, mange and malnutrition suffered while held by the County.

I then filed another Motion informing Judge Carroll of these events, and another hearing was held on September 12, 2005, which resulted in Judge Carroll's Order for SLED to investigate allegations of perjury, breach of trust and misconduct in office involving Aiken County Animal Control. Animal Control Director Shirley Harden was subsequently charged with perjury.

Soon after this development, I hired another lawyer, Jeffery Moorehead, to replace my previous counsel, and asked him to file a Motion on my behalf to move the case to Judge Patrick Sullivan in New Ellenton.

Several weeks later, I called Mr. Moorehead and asked if he had filed a Motion on my behalf and he said he had.

Then I called Judge Tracy Carroll's Court and asked them if they had heard from Mr. Moorehead. They said nothing had been received from Mr. Moorehead and that I needed to fire him and get a new lawyer. Instead, I called him, told him what they had just told me, and asked him if he had filed the Motion. He said he had faxed it to them and would immediately do so again, which he did. This time they reported getting the Motion via fax, which I confirmed by telephoning them the same day.

This matter was transferred from the Aiken Summary Court to Judge Patrick Sullivan's Court based upon a Motion filed on the 5th day of December on behalf of the then defendant, Carlton Cantrell, by Attorney Jeffery Moorehead seeking to be released from compliance with a plea agreement reached before the Honorable Judge Tracey Carroll on the 8th day of August, 2005.

On October 3, 2007, Judge Sullivan issued a Court Order granting the "release-dismissal" would be set aside in its entirety, and ordered that the monies paid as restitution, to be returned to me.

All charges against me were dismissed and I did receive my \$1800 back. And now, by copy of this Affidavit hereby indicate my intention to sue Aiken County, and the other named defendants for the mental anguish I suffered when charged with ill-treatment of

animals and unsanitary conditions, all costs associated with loss of animals seized and not returned, subsequent veterinary expenses for animals returned ill and in poor condition, and for financial damages incurred in my successful defense against these false charges, and financial awards for damages I suffered personally from this attack as well as the various mistreatments done to my animals, legal fees incurred in my successful defense, and any other such financial award(s) deemed appropriate by the Court.



Carlton E. Cantrell, Pro Se
223 Muddy Branch Road Aiken, SC 29805
803-215-4747
Plaintiff/Appellant

July 7, 2011

STATE OF SOUTH CAROLINA

) IN THE COURT OF COMMON PLEAS

COUNTY OF AIKEN

) Civil Action Number: 11-CP-02-01480

Carlton E. Cantrell,

)

Plaintiff,

) PROPOSED ORDER ON BEHALF OF PLAINTIFF

v.

Aiken County, Aiken County Animal

Control Director Shirley Harden,

Aiken County Animal Control Officer

Bobby Arthurs,

and Judge Charles T. Carter.

Defendants

To Judge Early, Aiken County Court of Common Pleas:

I purchased my first goat in 1993. I met Dr. Lisa Handy in 1996 when she moved her practice to Aiken, and she has been my veterinarian of choice since that time. As a result, she has been to my house on several occasions, and once stated that she had seen other people make barns out of houses before.

She taught me how to take care of them, and has recommended and provided them with any necessary medical treatments. For example, when several of my goats died of unknown causes, she recommended taking them to Clemson University for autopsy, which I did. One of the doctors there explained to me that their throats, rumens and intestines exhibited severe damage which he stated was most likely caused by Drano administered forcibly down their throats.

In 2002 I went to see Judge Fallaw with a complaint and a list of people that were poisoning my animals and threatening my life, as well. Judge Fallaw later called the Sherriff's Dept. When the Deputy arrived, he and the Judge went behind closed doors for approximately 30 minutes and the Deputy left. The Judge then told me there was nothing he could do, but recommended I contact the Governor's Office. Gov. Hodges was then in office, but it was an election year and Mark Sandford won the election.

Mark Sanford had an open door policy, so I was able to schedule an appointment with him in the Spring of 2003. Following our meeting Gov, Sanford told me he would contact Chief Stewart of SLED who would follow-up with me. The Governor sent me a letter confirming our conversation, but no-one from SLED ever talked with me.

In the Spring of 2005, I called Animal Control regarding my goats being poisoned again. Bobby Arthurs and other officers arrived and I gave them the names of the people doing this to me and my animals, and told them I had surveillance tapes which documented these events.

Approximately two weeks later, Bobby Arthurs and Shirley Hardin and other Sherriff's Dept., personnel arrived at my home with two warrants and proceeded to load my goats into trailers. I called Channel 12 News which arrived 15 minutes later and filmed the seizure and my on-camera interview.

After they left with my goats, Dr. Jamie Carter, a veterinarian, came by and walked around my property with me and said, "Animal Control made a big mistake doing this."

The following Sunday, Cathy Rawls of the Aiken County Council came by my house, looked at the remaining dogs and goats and stated that they looked quite healthy. She said she was going to fight to get my animals back. Subsequently, I contacted Everett Chandler to represent me in this matter.

While my animals were being held at the Animal Shelter, I went to visit them several times each week. Each time I went, I could see they were in visibly poorer condition. Mr. Chandler asked Dr. Lisa Handy to visit my animals in the County's possession and observe their deteriorated condition since being removed from my farm, which she did. And she was shocked at what she found – a dead goats among living animals, several couldn't walk due to malnutrition, and no water or food was available to ones in small pens, even though the temperature was over 100 degrees Fahrenheit. Dr. Handy suggested to the County Administrator that the animals be returned to my farm, but instead they moved my animals to a farm in New Holland before she could do an inspection – see attached copy of her letter to my attorney, Everett Chandler, dated 7-26-05.jj

Just before the trial my veterinarian Lisa Handy came to my house with Animal Control and looked around and after they left, she told me Gene the Law is very corrupt and if Animal Control had followed their procedures this would have never happened because they must first, always be a veterinarian involved and they wasn't secondly they must issue a warning and give time to correct any problems and they didn't, besides all this there is no such thing as unsanitary conditions for goats cows, and pigs.

About this time my Lawyer Everett Chandler had disappeared and his secretary told me he had went to Mirtle Beach for a meeting and the next several days he was in Atlanta. About a week before the trial Everett Chandler called me into his office and handed me a plea agreement which I read and I said what happened to the trial he said I don't feel comfortable doing a trial and I said that I want a trial and he slammed his fist down on the desk in front of me and shook his finger at me and said im driving this boat Mr. Cantrell and were going to do this my way. I couldn't trust my Lawyer Everett Chandler at this point its like he had turned on me. So I said that I wanted my veterinarian Lisa Handy to be in charge of my animals the goats and the dogs, Clarence Brown did want to do it but they had no choice.

A Boyus Seigler came to my house and said that Cathy Rawles was very angry at Everett Chandler and told him that he had better straighten up.

On the day of the trial on Aug-8-05 my Lawyer Everett Chandler came to me and said if you want a trial y wil give you a trial but I couldn't trust him to give me a fair respresentation . My Veterinarian Lisa Handy told me to go ahead and sign the plea agreement and she told me her experiences with contracts is that they ;d;ont hold up in court. So I signed the plea agreement.

On August 30, 20 05. My veterinarian Lisa Handy called me and said that my goats were on the way back to my farm and that she would come by later because she had an emergency call. The first two trailer loads looked good and healthy but the third trailer load looked bad, there were two dead on the trailer and another one died later that day. I counted close to sixty eight goats missing not including the goats that were born at the shelter. When Dr. Handy arrived at my farm and saw their condition she told me to carry the dead ones to Clemson University for autopsies to determine cause of death. And, she told me, " Gene you need to sue them for what they did to your animals." She took some pictures and before she left she said, " Gene no matter what they will never take your goats again."

I went back to Judge Carroll's court in Aiken and filed a motion to bring Animal Control back to court. In Court Judge Carroll requested that all records on my animals be brought to court. Back in Carroll's court, Animal Control did not produce reliable numbers of goats and new- borns and Carrol said "This is the worst case of record-keeping that I have ever seen." She told me if I wanted to I could seek a Civil Suit for the damages that Animal Control personnel had done.

About two hours after court was over I got a call from Carroll's secretary telling me that SLED would be investigating this matter.

Several months later, it was on TV that Shirley Harden had been removed as Animal Control's Director and charged with perjury.

I got another lawyer, Jeffrey Moorehead, and asked him to make a motion to take this matter to Judge Sullivan Court in New Ellenton to get the Plea Agreement removed and the \$1800 back that I had paid in fines. About two weeks later I called Judge Carroll's Court and asked if she had heard anything from my lawyer Jeffrey Moorehead and she said that she hadn't heard anything. However, when I called and spoke with him, he said he had faxed it to them, and would do so again.

Accordingly, a motion was sent to Judge Carroll on Dec. 28, 2005 to go to Judge Patrick Sullivan's Court in New Ellenton.

In early January of 2006, two of my neighbors – Lisa and Larry Shepard – came to my house and said they knew Bobby Authurs and that he had the rest of my goats on his property at Kitchens Mill. I immediately called Mr. Moorhead and told him what they had said and that I wanted to bring them to court. Mr. Morehead told me that there wasn't enough time to get them to Court and that I would get another day in Court and could bring them in then. On the day of Court I told Sullivan that I had two witnesses that knew where the rest of my goats were and he said, “Where are these witnesses?”

Before this Hearing, my attorney had told me I would have another day in Court, but Judge Sullivan said this is the only day you will get in court.

I now realize my attorney did not properly represent my best interests and this was probably the last chance I had to get the rest of my goats back. Mr. Moorehead never once mentioned anything about my witnesses and what he had told me about another day in court.

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Carlton E. Cantrell, Appellant,

v.

Aiken County; Aiken County Animal Control Director,
Shirley Hardin; Aiken County Animal Control Officer,
Bobby Arthurs; and Judge Charles T. Carter,
Respondents.

Appellate Case No. 2011-200486

Appeal From Aiken County
Doyet A. Early, III, Circuit Court Judge

Unpublished Opinion No. 2012-UP-662
Submitted November 1, 2012 – Filed December 19, 2012

AFFIRMED

Carlton E. Cantrell, of Aiken, pro se.

William H. Davidson, II, and Daniel C. Plyler, of
Davidson & Lindemann, PA, of Columbia, for
Respondents.

The South Carolina Court of Appeals

Carlton E. Cantrell, Appellant,

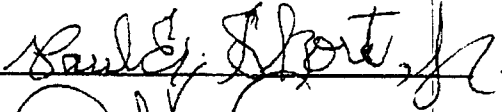
v.

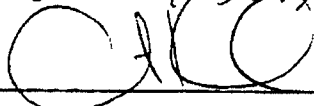
Aiken County, Aiken County Animal Control Director,
Shirley Hardin; Aiken County Animal Control Officer,
Bobby Arthurs, Judge Charles T. Carter, Respondents.

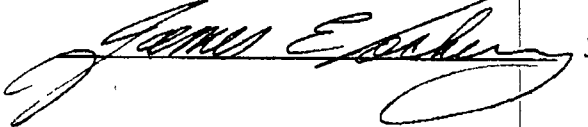
Appellate Case No 2011-200486

ORDER

After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.







Columbia, South Carolina

cc: Carlton Cantrell
Daniel Clifton Plyler
William H. Davidson, II

FILED

25 January 2013

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF

Aiken

Carlton E. Cantrell

Plaintiff(s)

CIVIL ACTION COVERSHEET

2014 CP - 02 00879

Aiken County Etal

Defendant(s)

(Please Print)

Submitted By: Carlton E. Cantrell

SC Bar #:

Telephone #: 803 215 4747

Address:

223 Muddy Branch Rd
Aiken S.C. 29805

Fax #:

Other:

E-mail:

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- JURY TRIAL demanded in complaint
- NON-JURY TRIAL demanded in complaint
- This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules
- This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules
- This case is exempt from ADR (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|---|--|--|--|
| <input type="checkbox"/> Contract
<input type="checkbox"/> Construction (100)
<input type="checkbox"/> Debt Collection (110)
<input type="checkbox"/> Employment (120)
<input type="checkbox"/> General (130)
<input type="checkbox"/> Breach of Contract (140)
<input type="checkbox"/> Other (199) | <input type="checkbox"/> Torts - Professional Malpractice
<input type="checkbox"/> Dental Malpractice (201)
<input type="checkbox"/> Legal Malpractice (210)
<input type="checkbox"/> Medical Malpractice (220)
<input checked="" type="checkbox"/> Notice File Med Mal (221)
<input type="checkbox"/> Other (299)
<u>Conspiracy</u> | <input type="checkbox"/> Torts - Personal Injury
<input type="checkbox"/> Assault/Battery (301)
<input type="checkbox"/> Clutter on (310)
<input type="checkbox"/> Motor Vehicle Accident (320)
<input type="checkbox"/> Premises Liability (330)
<input type="checkbox"/> Products Liability (340)
<input type="checkbox"/> Personal Injury (350)
<input type="checkbox"/> Wrongful Death (360)
<input type="checkbox"/> Other (399) | <input type="checkbox"/> Real Property
<input type="checkbox"/> Claim & Delivery (401)
<input type="checkbox"/> Condemnation (410)
<input type="checkbox"/> Foreclosure (420)
<input type="checkbox"/> Mechanic's Lien (430)
<input type="checkbox"/> Partition (440)
<input type="checkbox"/> Possession (450)
<input type="checkbox"/> Building Code Violation (460)
<input type="checkbox"/> Other (499) |
| <input type="checkbox"/> Inmate Petitions
<input type="checkbox"/> PCR 51C
<input type="checkbox"/> Mandamus (520)
<input type="checkbox"/> Habeas Corpus (530)
<input type="checkbox"/> Other (599) | <input type="checkbox"/> Judgments/Settlements
<input type="checkbox"/> Death Settlement (700)
<input type="checkbox"/> Foreign Judgment (710)
<input type="checkbox"/> Magistrate's Judgment (720)
<input type="checkbox"/> Minor Settlement (730)
<input type="checkbox"/> Transcript Judgment (740)
<input type="checkbox"/> Lis Pendens (750)
<input type="checkbox"/> Other (799) | <input type="checkbox"/> Administrative Law/Relief
<input type="checkbox"/> Re-state Driver's License (800)
<input type="checkbox"/> Judicial Review (810)
<input type="checkbox"/> Relief (820)
<input type="checkbox"/> Permanent Injunction (830)
<input type="checkbox"/> Writ Habeas Petition (840)
<input type="checkbox"/> Writ Habeas Corpus Order (850)
<input type="checkbox"/> Other (899) <u>4-16-14</u> | <input type="checkbox"/> Appeals
<input type="checkbox"/> Arbitration (900)
<input type="checkbox"/> Magistrate-Civil (910)
<input type="checkbox"/> Magistrate-Criminal (920)
<input type="checkbox"/> Municipal (930)
<input type="checkbox"/> Probate Court (940)
<input type="checkbox"/> NC DOT (950)
<input type="checkbox"/> Worker's Comp (960)
<input type="checkbox"/> Zoning Board (970)
<input type="checkbox"/> Administrative Law Judge (980)
<input type="checkbox"/> Public Service Commission (990)
<input type="checkbox"/> Employment Security Comm (991)
<input type="checkbox"/> Other (999) |
| <input type="checkbox"/> Special/Complex/Other
<input type="checkbox"/> Environmental (600)
<input type="checkbox"/> Automobile Arb (610)
<input type="checkbox"/> Medical (620)
<input type="checkbox"/> Other (699) | <input type="checkbox"/> Pharmaceuticals (630)
<input type="checkbox"/> Unfair Trade Practices (640)
<input type="checkbox"/> Out-of-State Depositions (650)
<input type="checkbox"/> Sexual Predator (510) | <p><u>Di Hodard</u>
 <u>SCCP & GS</u>
 <u>Amie Knoebel</u>
 Deputy Clerk</p> | |

Submitting Party Signature: [Signature]

Date: 4-16-14

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-76-10 et seq.

STATE OF SOUTH CAROLINA

) IN THE COURT OF COMMON PLEAS

COUNTY OF: AIKEN

) SUMMONS

Carlton E. Cantrell, Plaintiff/Appellant

) 2014CP0200879

) FILE NO.

vs.

Aiken County,
Aiken County Animal Control Director, Shirley Hardin,
Aiken County Animal Control Officer Bobby Arhurs, and
Judge Charles T. Carter, Defendants

4-16-14
Shirley Hardin
DC CLERK 940
Anette Knoepke *all*
Deputy Clerk

TO THE DEFENDANT(S) ABOVE-NAMED

YOU ARE HEREBY SUMMONED and required to answer the complaint herein,
a copy of which is herewith served upon you, and to serve a copy of your answer to this
complaint upon the subscriber, at the address shown below, within thirty (30) days after
service hereof, exclusive of the day of such service, and if you fail to answer the
complaint, judgment by default will be rendered against you for the relief demanded in
the complaint;

Carlton E. Cantrell
Carlton E. Cantrell, Pro Se
Plaintiff/Appellant
223 Muddy Branch Road
Aiken, SC 29805

Dated: 04/16/14

SCCA 401 (5/02)

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS

COUNTY OF: AIKEN) Complaint

Carlton E. Cantrell, Plaintiff/Appellant

2014CPO200879
FILE NO.

vs

Aiken County,
Aiken County Animal Control Director, Shirley Hardin,
Aiken County Animal Control Officer Bobby Arthurs, and
Judge Charles T. Carter, Defendants

4 16 14
~~Shirley Hardin~~
CC CP 203.
Aiken Knoepple 940
Deputy Clerk

On May 19, 2005 at 8:30 a.m. Aiken County Animal Control Director Shirley Hardin and Animal Control Officer Bobby Arthurs arrived at my Aiken County home located at 724 Muddy Branch Road together with two Aiken County Sheriff's Deputies and issued me two citations authorized by Judge T. Carter – one for a violation of Aiken County Ordinance 97-4-17(4-68), commonly known as unsanitary conditions, under UTT 66501CD and another for § 47-1-40(a), ill-treatment of animals, under UTT 66505CD

Then, against my wishes, they proceeded to seize more than 200 goats from my property.

I immediately called Channel 12 News whose cameramen arrived in time to film the seizure in progress.

Later, my veterinarian, Dr. Lisa Handy, told me that if the Aiken County Animal Control Officers had followed standard procedures, "This never would have happened, as there is no such thing as unsanitary conditions for goats, cows, or pigs"

On June 15, 2005, I hired Everett K. Chandler as my lawyer, and he notified Judge Charles T. Carter the same day that he was representing me in this matter.

On June 20, 2005, Everett Chandler requested the venue be changed to Judge Tracy L. Carroll's Court for a jury trial. Since a jury strike was scheduled for July 8, 2005, the trial was scheduled to begin August 8, 2005

A week before the trial, Mr. Chandler called me into his office and showed me a Plea Agreement that Animal Control's lawyer, Lawrence Brown, had produced. After discussing this with my attorney, I told him I still wanted a jury trial.

Mr. Chandler slammed his fist on his desk and declared, "I'm driving this boat Mr. Cantrell, and we're going to do this my way."

At this point I did not feel I could trust my lawyer to represent me properly and I was forced into a Plea Agreement against my wishes. But, I insisted that my veterinarian, Dr. Lisa Handy, be allowed to monitor the care, feeding, and general welfare of the seized animals until they were returned to me.

Subsequently, on August 8, 2005, a Plea Agreement was reached in Judge Tracey L Carroll's Court stating all charges against me would be dismissed without prejudice pending execution of a formal agreement in which I would release Aiken County and any agencies, employees or agents thereof from any potential liability or claims that I may have as a result of this incident, my arrest and charges, and seizure, keeping and care of the goats by Aiken County and Aiken County Animal Control, and all of the goats seized would be returned to me after I paid an \$1800 fine. However, after paying the fine, on August 29, 2005, only 163 goats were returned - far fewer than the original number seized. Additionally, an estimated 40+ newborns delivered while in the County's custody were given away with no compensation to me. Even worse, 57 of the goats returned died within weeks from worm infestations, mange and malnutrition suffered while held by the County.

I then filed another Motion informing Judge Carroll of these events, and another hearing was held on September 12, 2005, which resulted in Judge Carroll's Order for SLED to investigate allegations of perjury, breach of trust and misconduct in office involving Aiken County Animal Control. Animal Control Director Shirley Harden was subsequently charged with perjury.

Soon after this development, I hired another lawyer, Jeffery Moorehead, to replace my previous counsel, and asked him to file a Motion on my behalf to move the case to Judge Patrick Sullivan in New Ellenton.

Several weeks later, I called Mr Moorehead and asked if he had filed a Motion on my behalf and he said he had.

Then I called Judge Tracy Carroll's Court and asked them if they had heard from Mr Moorehead They said nothing had been received from Mr. Moorehead and that I needed to fire him and get a new lawyer. Instead, I called him, told him what they had just told me, and asked him if he had filed the Motion He said he had faxed it to them and would immediately do so again, which he did. This time they reported getting the Motion via fax, which I confirmed by telephoning them the same day

This matter was transferred from the Aiken Summary Court to Judge Patrick Sullivan's Court based upon a Motion filed on the 5th day of December on behalf of the then defendant, Carlton Cantrell, by Attorney Jeffery Moorehead seeking to be released from compliance with a plea agreement reached before the Honorable Judge Tracey Carroll on the 8th day of August, 2005

On October 3, 2007, Judge Sullivan issued a Court Order granting the "release-dismissal" would be set aside in its entirety, and ordered that the monies paid as restitution, to be returned to me

All charges against me were dismissed and I did receive my \$1800 back

Mr. Cantrell went to his lawyer Michael Chesser and asked him if he would help with the Appeal of Judge Early's decision that was heard in Court on August 8 2011.

Mr. Chesser said that he would do the whole Appeal cash, but he didn't want his name on the Appeal.

Mr. Chesser did the initial Brief but not the Final Brief, he left out the Proposed Order that Judge Early's decision was based on from the Record of Appeal, and was at least 120 days late ordering the Transcript from the Court Reporter.

Mr. Cantrell went to see Elizabeth Carter who was handling his Appeal at the Court of Appeals, and she said even though Mr. Chesser's name isnt on this Appeal he will still be held accountable for the Appeal and that she would contact Mr. Chesser and get back with Mr. Cantrell

Mr. Cantrell never heard anymore from the Court of Appeals concerning this matter.

Mr. Cantrell contacted Mr. Chesser by phone ff regards to the Appeal and Mr. Chesser said that powers to be told him that it wasnt in his best intrest to continue with this Appeal because he could be held responsible for his actions.

After the Court of Appeals ruled in favour of the defendants on December 19 2012. Mr. Cantrell did the Petition for Rehearing himself and the Court of Appeals ruled in favour of the Trial Court on January 25, 2013.

Mr. Cantrell did the Petition for writ of Certiorari pro se.

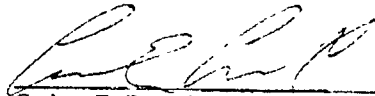
On March 19, 2014 The Supreme Court denied Mr. Cantrell's Writ of Certiorari.

The evidence of the correspondence letters and verbal response of Mr. Chesser and Elizabeth Carter of the Appeals Court reveals that the Transcript was being used as a means of throwing out the Appeal, but because there was an investigation on the said lawyers in this complaint the Appeals Court let it slide through.

All this evidence was brought before The Supreme Court in the Writ of Certiorari, but no investigation was performed by the Supreme Court.

And now, by copy of this Affidative nearby indicate my intention to sue Aiken County, and the other named defendants for the mental anguish I suffered when charged with ill-treatment of,

animals and unsanitary conditions, all costs associated with loss of animals seized and not returned, subsequent veterinary expenses for animals returned ill and in poor condition, and for financial damages incurred in my successful defense against these false charges and financial awards for damages I suffered personally from this attack as well as the various mistreatments done to my animals, legal fees incurred in my successful defense, and any other such financial award(s) deemed appropriate by the Court.



4-16-14

Carlton E. Cantrell, Pro Se
223 Muddy Branch Road Aiken, SC 29805
803-215-4747
Plaintiff/Appellant

Plaintiff's allegations, as to Defendants Hardin, Arthurs, and Carter, must be dismissed as a matter of law.

2. The Defendants assert that the Plaintiff's claims are barred by the provisions of the South Carolina Tort Claims Act, S.C. Code Ann. §§ 15-78-10 *et seq.*, including but not limited to § 15-78-60(3) and (4).

3. Pursuant to the allegations contained on the face of the Complaint, the Plaintiff's claims are time-barred pursuant to the applicable statute of limitations, and therefore this matter must be dismissed. *See*, S.C. Code Ann. § 15-78-110; *see also*, *Flateau v. Harrelson*, 355 S.C. 197, 584 S.E.2d 413 (Ct. App. 2003).

4. The Plaintiff's claims are barred by the doctrines of *res judicata* and/or collateral estoppel, as these same claims have previously been litigated, on two separate occasions, in this very court against these same Defendants. *See*, Civil Action No. 08-CP-02-887 and Civil Action No. 11-CP-02-01480; *see also*, Exhibit A.

5. Defendant Carter is entitled to Judicial Immunity, and therefore the Plaintiff's claims against Defendant Carter must be dismissed. *See*, Unpublished Opinion of South Carolina Court of Appeals 2010-UP-533.

6. The Plaintiff's Complaint fails to state a claim against these Defendants upon which relief can be granted.

7. The Defendants assert that the Plaintiff's allegations are wholly frivolous and/or malicious in nature, specifically given the fact that these same claims have already been litigated by these same parties in this same court on two previous occasions; and the Defendants therefore ask for sanctions to be determined by the Court in accordance with the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. § 15-36-10, and for the costs incurred by the

associated with this matter. Furthermore, the Defendants assert that sanctions would also be appropriate under Rule 11(a), SCRPC.

This motion is based on the pleadings, South Carolina Rules of Civil Procedure, the Laws of the State of South Carolina, the Case Law of the State of South Carolina, and such other matters as may be properly presented to the Court at the time of the hearing.

DAVIDSON & LINDEMANN, P.A.

By: 

WILLIAM H. DAVIDSON, II
DANIEL C. PLYLER
1611 Devonshire Drive, Second Floor
Post Office Box 8568
Columbia, South Carolina 29202
wdavidson@dml-law.com
T: (803) 806-8222
F: (803) 806-8855

Counsel for the Defendants

Columbia, South Carolina

THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Carlton E Cantrell, Appellant,

v

Aiken County, Aiken County Animal Control Director,
Shirley Hardin, Aiken County Animal Control Officer
Bobby Arthurs, and Judge Charles T Carter,
Defendants,

Of whom Judge Charles T Carter is the Respondent

Appeal From Aiken County
Doyet A. Early, III, Circuit Court Judge

Unpublished Opinion No 2010-UP-533
Submitted December 1, 2010 – Filed December 14, 2010

AFFIRMED

Carlton Cantrell, pro se, for Appellant

James M Holly, of Aiken, for Respondent

PER CURIAM: Carlton E Cantrell appeals the trial court's order granting summary judgment in favor of Magistrate Judge Charles T. Carter. The trial court found Carter's complaint contained no allegation whatsoever concerning Carter, and even if it did, Carter was acting in his official capacity and therefore immune from liability. We affirm^[1] pursuant to Rule 220(b)(1), SCACR, and the following authority State v. Howard, 384 S.C. 212, 217, 682 S E 2d 42, 45 (Ct App 2009) ("An issue is deemed abandoned and will not be considered on appeal if the argument is raised in a brief but not supported by authority").

AFFIRMED.

HUFF, KONDUROS, and LOCKEMY, JJ., concur.

[1] We decide this case without oral argument pursuant to Rule 215, SCACR

Exhibit B

2, 130 L.Ed.2d 1 (1994); *In re Anderson*, 511 U.S. 364, 114 S.Ct 1606, 128 L.Ed.2d 332 (1994), *In re Demos*, 500 U.S. 16, 111 S.Ct 1569, 114 L.Ed.2d 20 (1991), *In re Sindram*, 498 U.S. 177, 111 S Ct 596, 112 L Ed 2d 599 (1991), *In re McDonald*, 489 U S 180, 109 S Ct 993, 103 L.Ed.2d 158 (1989) Other courts have required that the abusive litigant file an affidavit certifying that he believes the petition raises an original claim or is nonfrivolous before accepting filings from the litigant *In the Matter of Verdone*, 73 F.3d 669 (7th Cir.1995), *Abdul-Akbar v Watson*, 901 F.2d 329 (3d Cir 1990), *Green v Warden*, 699 F 2d 364 (7th Cir), *cert. denied*, 461 U.S. 960, 103 S Ct 2436, 77 L Ed.2d 1321 (1983)

*5 Although Rule 229, SCACR, does not require a filing fee for a petition to invoke the original jurisdiction of this Court, we find that the repetitive and frivolous nature of petitioner's numerous petitions has placed a substantial enough burden on this Court's time and resources to warrant imposition of a filing fee for any future petitions of this type from petitioner Accordingly, we direct the Clerk of Court to refuse to accept further petitions from petitioner asking this Court to entertain matters in our original jurisdiction unless he pays a \$25.00 filing fee generally required for the filing of motions and petitions with this Court See Rule 224(d), SCACR

**680 Additionally, we instruct the Clerk not to accept future petitions of this type from petitioner unless the petition is accompanied by a properly notarized affidavit by petitioner that certifies that he in good faith believes that the matter raised in the petition is nonfrivolous and proper for this Court to consider in its original jurisdiction Petitioner is warned that should he continue to file petitions with this Court containing matter that is frivolous or not proper for this Court to consider in its original jurisdiction, he may be held in contempt or sanctioned under Rule 240, SCACR

IT IS SO ORDERED

/s/ Ernest A. Finney, Jr., C.J.

/s/ Jean H. Toal

/s/ James E. Moore

/s/ John H. Waller, Jr., A.J.

/s/ E. C. Burnett, III, A.J.

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In re Maxton
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due the frivolous and malicious nature of this litigation. This Court further directs the Clerk of Court for Aiken County to refrain from filing any additional Complaints or other Pleadings submitted by Plaintiff that are related to the matters set forth in Civil Action Nos 08-CP-02-887, 11-CP-02-1480, or 14-CP-02-879.

STANDARD OF REVIEW

In ruling on a motion to dismiss, the Court must view the pleadings in the light most favorable to the nonmoving party. *Gray v State Farm Auto Ins Co*, 327 S C 646, 651, 491 S E 2d 272, 274-75 (Ct App 1997). A motion to dismiss must be granted if the facts and inferences reasonably deductible from them show that the plaintiff cannot prevail on any theory of the case. *Id*. In considering a motion to dismiss pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedures, the Court must base its ruling solely upon the allegations set forth on the face of the plaintiff's complaint. *Doe v Greenville County Sch Dis*, 375 S.C. 63, 66-67, 651 S.E 2d 305, 307 (2007). A 12(b)(6) motion will not be granted if the facts alleged and the inferences therefrom would entitle the plaintiff to any relief on any theory. *Carnival Corp v Historic Ansonborough Neighborhood Ass'n*, 407 S C 67, 753 S E 2d 846, 850 (2014).

In this case, with regards to the motion at issue, the Defendants filed their motion as both a motion to dismiss, or in the alternative for summary judgment under Rule 56, SCRCP. Rule 56, SCRCP, "provides that a trial judge may grant summary judgment if there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. In addition, it must be shown that further inquiry into the facts is not needed to clarify an application of law." *Charleston Lumber Co, Inc v Miller House Corp*, 318 S C 471, 478, 458 S E 2d 431, 436 (Ct App 1995). "In determining whether any triable issues of fact exist, the evidence and all inferences which can be reasonably drawn from the evidence must be viewed in

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the light most favorable to the nonmoving party.” *Strothers v Lexington County Recreation Commission*, 332 S.C. 54, 61, 504 S.E.2d 117, 121 (1998)

The Court has considered the motion as a motion for summary judgment, and finds, as is set forth in more detail herein, that summary judgment in favor of the Defendants is appropriate

BACKGROUND

Plaintiff filed his Complaint in the above-captioned matter on April 16, 2014. Taking the facts in a light most favorable to Plaintiff, he makes allegations relating to the confiscation of a number of goats from his property by Aiken County Animal Control. The confiscation in question occurred on May 19, 2005. According to the facts set forth in the Complaint, Plaintiff entered into a plea agreement, which he later had overturned as set aside. Specifically, Plaintiff alleges that the plea agreement was set aside on October 3, 2007.

The Court takes judicial notice that Plaintiff previously filed two civil actions against the same named Defendants, regarding the same allegations, on May 30, 2008¹ and July 7, 2011². See, Civil Action Number 08-CP-02-887, Civil Action Number 11-CP-02-01480. “A court can take judicial notice of its own records, files and proceedings for all proper purposes including facts established in its records.” *South Carolina Dep’t of Social Servs v Janice C.*, 383 S.C. 221, 678 S.E.2d 463 (Ct. App. 2009), citing *Freeman v McBee*, 280 S.C. 490, 313 S.E.2d 325 (Ct. App. 1984). The Court additionally takes judicial notice that the two earlier civil actions were dismissed, with prejudice, that the Plaintiff appealed those dismissals, and that those dismissals were upheld on appeal.

¹ This action was dismissed pursuant to an Order from this Court signed December 9, 2008.

² This action was dismissed with prejudice pursuant to an Order from this Court filed September 2, 2011.

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DISCUSSION

A) Defendants Hardin, Arthurs, and Carter

The South Carolina Tort Claims Act ("SCTCA"), S.C. Code Ann., § 15-78-10, *et seq.*, provides various immunities for employees of governmental actors. Chief among these immunities is the absolute immunity provided to individual employees contained within S.C. Code Ann., § 15-78-70. Pursuant to subsection 15-78-70(a), individual employees are not subject to suit as personal defendants for the alleged tort claims committed within the course and scope of their employment.

Plaintiff has named Defendants Hardin, Arthurs, and Carter³ as individual defendants in this case. The record reflects that these Defendants are employees of the County of Aiken and at all times were working within the course and scope of their official duties as employees of the County of Aiken. An employee of a governmental entity is immune from liability for tortious acts committed within the scope of his or her official duties. *See, Flateau v. Harrelson*, 355 S.C. 197, 584 S.E.2d 413 (Ct. App. 2003). As a result, these Defendants are entitled to be summarily dismissed from this action.

B) Action Barred by Res Judicata and/or Collateral Estoppel

This Court finds that the doctrines of *res judicata* and/or collateral estoppel, which are also known as and referred to as issue preclusion, apply in this matter. "Under the doctrine of issue preclusion, if an issue of fact or law was actually litigated and determined and necessary to a valid and final judgment, the determination is conclusive in a subsequent action on that claim or a different claim." *Laughon v. O'Brattis*, 360 S.C. 520, 526, 602 S.E.2d 108, 111 (Ct. App. 2004), *citing, Carman v. S.C. Alcoholic Beverage Control Comm'n*, 317 S.C. 1, 6, 451 S.E.2d

³ This Court finds that Defendant Carter is also entitled to absolute judicial immunity. *See, Unpublished Opinion of South Carolina Court of Appeals 2010-UP-533*

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383, 386 (1994) "Under South Carolina law, '[c]ollateral estoppel, also known as issue preclusion, prevents a party from relitigating an issue that was decided in a previous action, regardless of whether the claims in the first and subsequent lawsuits are the same'" *Kunst v Loree*, 404 S C 649, 653, 746 S.E 2d 360, 362 (Ct. App. 2013), *quoting, Carolina Renewal, Inc v. S C Dep't of Transp.*, 385 S.C. 550, 554, 684 S E.2d, 779, 782 (Ct. App. 2009)

"The party asserting collateral estoppel must demonstrate that the issue in the present lawsuit was: (1) actually litigated in the prior action; (2) directly determined in the prior action; and (3) necessary to support the prior judgment" *Id* Plaintiff's pending lawsuit has been fully litigated in two prior actions. Both those lawsuits were ultimately dismissed, and those dismissals were upheld on appeal Further, Plaintiff's allegations in his 2008 lawsuit, 2011 lawsuit, and this current lawsuit are exactly the same.

This Court finds that the Defendants have met this burden in this case. and that the doctrines of *res judicata* and/or collateral estoppel, which are also known, and referred to, as issue preclusion, apply in this case to bar the Plaintiff from relitigating the facts at issue and the conclusions of law reached by this Court on Plaintiff's two, previous civil actions⁴ Therefore, this Court is bound to apply the facts and the conclusions of law as reached in Plaintiff's two previous identical proceedings. In applying the law to the facts, this Court finds that the Plaintiff's claims fail, and that the Defendants are entitled to summary judgment.

C) Action Barred by Statute of Limitations

The Court further concludes that Plaintiff's claims are barred by the applicable statute of limitations. The SCTCA is the exclusive remedy for any tort committed by an employee of a

⁴ As recognized above, Plaintiff brought Civil Action No 08-CP-02-887 and Civil Action No 11-CP-02-01480 in this same Court against the same Defendants with those prior actions containing the very same allegations that are contained in his present Complaint

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governmental entity. S.C. Code Ann § 15-78-70(a) Thus all of Plaintiff's claims are governed by the SCTCA, including its statute of limitations in § 15-78-110 That section provides that

"any action brought pursuant to this chapter is forever barred unless an action is commenced within two years after the date the loss was or should have been discovered . "

See, S.C. Code Ann § 15-78-110; *Flateau v Harrelson*, 355 S.C. 197, 584 S E 2d 413 (Ct App. 2003)

The actions of which Plaintiff complains took place on May 19, 2005. According to the facts set forth in the Complaint, Plaintiff entered into a plea agreement, which he later had overturned and set aside on October 3, 2007 However, Plaintiff did not institute this action until April of 2013, almost six years after the events complained of Because Plaintiff did not commence an action within two years after the date the loss was discovered, the action is forever barred according to § 15-78-110

D) Frivolous Civil Proceedings Sanctions Act

This Court further finds that Plaintiff is subject to the South Carolina Frivolous Proceedings Sanctions Act ("FCPSA") and imposes sanctions upon him Defendants requested sanctions in the form of attorney's fees and costs they have incurred in defending the above-captioned matter, which Defendants contend is frivolous Defendants further requested that Plaintiff be enjoined from filing additional pleadings regarding the same set of facts as the current lawsuit, and the two that were previously dismissed This Court finds that such remedies are well within the inherent authority of the Court, and are appropriate under these circumstances

This Court acknowledges that Plaintiff is *pro se*, however, lack of familiarity with legal proceedings is not an acceptable excuse and the court will hold a layman to the same standard as

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an attorney. *Hill v. Dotts*, 345 S.C. 304, 310, 547 S.E.2d 894, 897 (Ct.App.2001). Furthermore, the Plaintiff had already been put on notice, in the Order dismissing his 2011 civil action, that his attempts to relitigate these facts, despite the dismissal and the affirmation of that dismissal through the appeals courts, that his claims were legally flawed, and therefore he was not ignorant of those facts.

Further, the applicable law specifically provides that *pro se* plaintiffs are subject to the FCPSA. Under the FCPSA, "sanctions may be awarded under section 15-36-10 regardless of whether or not the case has been tried to verdict so long as the trial court finds by a preponderance of the evidence that the party should be sanctioned under the terms of the FCPSA." *Holmes v East Cooper Community Hospital, Inc*, 408 S.C. 138, 758 S.E.2d 483 (2012)

Specifically, the FCPSA provides

An attorney or pro se litigant participating in a civil or administrative action or defense may be sanctioned for.

(a) filing a frivolous pleading, motion, or document if

- (i) the person has not read the frivolous pleading, motion, or document,
- (ii) a reasonable attorney in the same circumstances would believe that under the facts, his claim or defense was clearly not warranted under existing law and that a good faith or reasonable argument did not exist for the extension, modification, or reversal of existing law;
- (iii) a reasonable attorney presented with the same circumstances would believe that the procurement, initiation, continuation, or defense of a civil cause was intended merely to harass or injure the other party, or
- (iv) a reasonable attorney presented with the same

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circumstances would believe the pleading, motion, or document is frivolous, interposed for merely delay, or merely brought for any purpose other than securing proper discovery, joinder of parties, or adjudication of the claim or defense upon which the proceedings are based;

(b) making frivolous arguments a reasonable attorney would believe were not reasonably supported by the facts, or

(c) making frivolous arguments that a reasonable attorney would believe were not warranted under the existing law or if there is no good faith argument that exists for the extension, modification, or reversal of existing law.

See, S.C Code Ann § 15-36-10(A)(4)(a)-(c) (Supp 2012) This Court finds that Plaintiff has violated the FCPSA Specifically, Plaintiff has filed this Complaint after his two previous, identical complaints had been dismissed Any reasonable plaintiff in these "circumstances would understand that under the facts his claim was clearly not warranted under existing law" and made frivolous arguments that were not supported by the facts. *Id* This is especially true in this case, because the Plaintiff had already been informed, by this very Court in its Order dismissing his 2011 lawsuit, that the claims at issue were legally flawed and time-barred by the applicable statute of limitations.

"The determination of whether attorney's fees should be awarded under the Frivolous Proceedings Act is treated as one in equity." *Hanahan v. Simpson*, 326 S.C. 140, 156, 485 S E 2d 903, 912 (1997) "In reviewing the award in issue, this Court may take its own view of the preponderance of the evidence" *Id* Moreover, "the decision whether to impose sanctions under the FCPSA is a decision for the judge, not the jury, it sounds in equity rather than at law" *Father v SC Dep't of Soc Servs*, 353 S C 254, 260, 578 S E 2d 11, 14 (2003)

The Court has considered the matter, and finds that sanctions are appropriate No litigant, *pro se* or not, should be allowed to subject other parties to the costs of defending

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litigation of the same factual claims on multiple occasions. In this case the Plaintiff first sued the Defendants regarding these facts in 2008. That lawsuit was dismissed. The Plaintiff appealed the dismissal to the Court of Appeals, where the dismissal was affirmed. The Plaintiff then petitioned the South Carolina Supreme Court for a writ of certiorari, which was denied. Apparently dissatisfied with the dismissal and the affirmation of the dismissal through the appellate process, the Plaintiff chose to re-file the exact same claims, based on the exact same facts, against the exact same Defendants in 2011. This Court subsequently dismissed the 2011 lawsuit, and set forth, clearly and distinctly, in the Order of dismissal the various ways in which the Plaintiff claims were legally flawed. The Plaintiff then appealed the dismissal of the 2011 case to the Court of Appeals, where the dismissal was affirmed. He then petitioned the South Carolina Supreme Court for a writ of certiorari, which was denied.

Despite the fact that the Plaintiff had filed the exact same claims, based on the exact same facts, on two separate occasions, and the fact that on both occasions his lawsuits had been dismissed, and those dismissals had been upheld on appeal, the Plaintiff filed his claims for a third time against the exact same Defendants. Such a pattern shows a clear disdain for the judicial process. It wastes the Court's resources, and frivolously subjects the Defendants to costs and fees to defend the repetitive litigation. The Court finds that this is a prime example of a scenario where sanctions are appropriate. At this point the Plaintiff's recalcitrant efforts to continue to litigate claims that have been repeatedly dismissed are undoubtedly frivolous and are potentially malicious. This Court will not simply sit by and allow the Plaintiff to continue to abuse the judicial system and subject the Defendants to the unnecessary burden and expense of continuing to have to re-litigate these matters, and therefore this Court hereby **GRANTS** the Defendants request for sanctions, and hereby **GRANTS** the Defendants request for an injunctive

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Order preventing the Clerk of Court from hereafter filing any pleadings from the Plaintiff regarding the matters set forth in Civil Action Nos 08-CP-02-887, 11-CP-02-1480, or 14-CP-02-879 The Plaintiff shall pay, as a sanction, the costs and fees incurred by the Defendants, as set forth in the Affidavit of Costs provided to the Court, in the amount of eight hundred, twenty-five dollars and no cents (\$825 00).

The Plaintiff shall remit payment of these sanctions directly to Davidson & Lindemann, P A as attorneys for Aiken County, and shall do so within thirty (30) days of the date of this Order The Plaintiff is specifically cautioned that failure to comply with this Order, and failure to satisfy the sanctions imposed herein, will potentially subject him to additional sanctions for contempt of court.

CONCLUSION

This Court finds that Plaintiff's Complaint, on its face, and in taking the allegations in the complaint most favorable to Plaintiff, fails as a matter of law to state a cause of action against Defendants As such, the Court agrees, as is set forth in detail herein, with the Defendants that the Plaintiff's Complaint should be dismissed pursuant to Rules 12(b) and 56, SCRPC

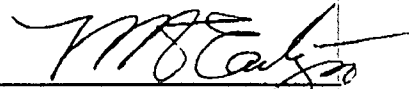
IT IS THEREFORE ORDERED that the motion to dismiss, or in the alternative for summary judgment, filed on behalf of the Defendants be, and hereby is, **GRANTED**, and that Plaintiff's Complaint is hereby **DISMISSED WITH PREJUDICE**

^{IS OAE}
IT IS FURTHER ORDERED that Plaintiff's Complaint is frivolous and Plaintiff is to pay Defendants eight hundred, twenty-five dollars and no cents (\$825.00) as a sanction pursuant to the FCPSA, which represents the fees incurred in the defense against Plaintiff's Complaint.

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IT IS FURTHER ORDERED that the Clerk of Court of Aiken County shall refrain from filing any additional Complaints, or other Pleadings, that are related to the matters set forth in Civil Action Nos 08-CP-02-887, 11-CP-02-1480, or 14-CP-02-879

IT IS SO ORDERED



The Honorable Doyet A. Early, III
Presiding Circuit Court Judge

Dated: Aug. 19, 2011
Bamberg, South Carolina

State of South Carolina
County of Aiken

Court of Common Pleas

Carlton Cantrell)
)
 Plaintiff,)
 v.)
)
 Aiken County, et al.)
)
 Defendant.)

Transcript of Record
2014-CP-02-00879

July 7, 2014
Aiken, South Carolina

B E F O R E:

The Honorable Doyet A. Early, III, Judge.

A P P E A R A N C E S:

Carlton Cantrell, Pro Se

Daniel C. Plyler, Esquire
Attorney for the Defendant

Bethanie K. Creppon
Circuit Court Reporter

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NO.

DESCRIPTION

ID.

EVD.

(No Exhibits.)

1 (The following proceedings were held July 7,
2 2014.)

3 MR. PLYLER: Thank you, Judge. May it please
4 the Court. Daniel Plyler on behalf of the
5 defendant.

6 We filed a Motion to Dismiss Summary Judgment
7 and also asked that sanctions and injunction to be
8 issued in this case. This is actually the third
9 time Mr. Cantrell has filed these same factual
10 allegations, same legal claims against the same
11 defendants regarding an incident that originally
12 happened in 2005.

13 He has -- the first case, which was filed in
14 2008, was dismissed by Your Honor. Mr. Cantrell
15 appealed it to the Court of Appeals where the
16 dismissal was affirmed. He then attempted to take
17 it to the Supreme Court where they denied his
18 Petition for Writ.

19 Almost instantaneously, he re-filed the matter
20 in 2011. We then moved to dismiss again, this time
21 with collateral estoppel also being grounds for the
22 dismissal. Your Honor actually granted that motion.
23 He appealed to the Court of Appeals where the
24 dismissal was affirmed. He then attempted to take
25 it to the South Carolina Supreme Court which denied

1 his Petition for Writ of Cert. And then he filed
2 this complaint in 2014.

3 At this point, Your Honor, my clients have had
4 to pay me three times to come and defend these
5 claims. We would ask, as happened in the two
6 previous times, that this case be dismissed. At
7 this time we would also ask for the sanctions in the
8 form of costs, fees, and expenses that my clients
9 have incurred through this third defense of the
10 matter. And we'd also ask that an injunction --
11 injunctive order be issued against Mr. Cantrell
12 filing this matter again and also have the order
13 state that the Clerk of Court is not to file another
14 complaint from Mr. Cantrell regarding these same
15 issues.

16 THE COURT: Mr. Cantrell?

17 MR. CANTRELL: Yes, Your Honor. What he failed
18 to mention was, on the second time, I had a lawyer,
19 I paid him to do it, he didn't want his name on it.
20 But he played around with the transcript and the
21 appeals court was playing games with him. Now, he
22 was 120 days late ordering that transcript, Your
23 Honor, and the appeals court kept sending him
24 letters. They sent a letter stating motion to
25 dismiss because appellant hasn't, you know --

1 THE COURT: Well, that lawyer that's done you
2 wrong, why don't you sue the lawyer? Don't just
3 keep bringing the lawsuit.

4 MR. CANTRELL: Well, I did this hoping to get
5 an investigation going against the lawyer and the
6 appeals --

7 THE COURT: Well, this court welcomes people
8 with legitimate complaints. You've filed this same
9 lawsuit three times. The Court of Appeals and the
10 Supreme Court have dismissed it twice, and I'm now
11 going to dismiss it a third time.

12 You're enjoined from bringing this same case
13 again in this court, and if you do, sanctions will
14 be issued and I will grant their motions for
15 attorneys' fees, costs, and sanctions for an
16 injunction for preclusion of any further filings
17 dealing with this.

18 If you're dissatisfied with your lawyer and you
19 want an investigation, sir, there are two avenues
20 that are welcome; number one, you can bring a legal
21 malpractice action against him if you have been
22 wronged as a result of his failing to follow the
23 standard of care. The other way to do it is to file
24 a complaint with the South Carolina Bar Grievance
25 Committee.

1 MR. CANTRELL: I've tried that. I've tried
2 that.

3 THE COURT: That's your two avenues
4 of complaint.

5 MR. CANTRELL: Well, I went to SLED. I turned
6 in a --

7 THE COURT: That's even better. Thank you.

8 MR. PLYLER: Thank you, Judge.

9 THE COURT: Do me an order, a strong order.

10 MR. PLYLER: Yes, Your Honor.

11 -- END OF TRANSCRIPT OF RECORD --

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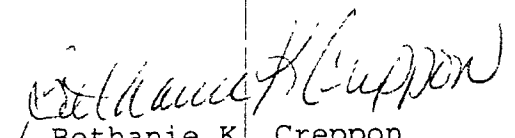
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STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

I, the undersigned, Bethanie Patterson, Circuit Court Reporter for the Second Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of record of all the proceedings had and the evidence introduced in the captioned cause, relative to appeal in the Common Pleas Court for Aiken County, South Carolina, on the 7th of July, 2014.

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

December 16, 2014


Bethanie K. Creppon
Circuit Court Reporter

UNIFORM TRAFFIC TICKET

CITY OR COUNTY OF Aiken VERSUS
 FIRST NAME Eugene MIDDLE NAME Carlton LAST NAME Castro
 STREET AND NO. 724 Muddy Branch Rd. CITY Aiken STATE SC
 STATE LICENSED SC DRIVER'S LICENSE NO. 03062686 DRL LIC. CLASS D
 VEH LIC NO. SC STATE SC MAKE OF VEH HAZ. MT. YEAR HAZ. MT. COM. VEH. HAZ. MT. AUTO HAZ. MT. TRUCK HAZ. MT. COMB. HAZ. MT.
 HAZ. MT. HAZ. MT. MOPED HAZ. MT. MTRCYCL HAZ. MT. OTHER HAZ. MT.

YOU ARE SUMMONED TO APPEAR BEFORE THE TRIAL OFFICER

NAME OF TRIAL OFFICER Castro STREET AND NO. 14 Masonic Shopping Center
 DATE OF TRIAL 5/17/05 TIME OF TRIAL 10:00 CITY Granville STATE SC ZIP CODE 29829
 VIOLATION - COURT APPEARANCE REQUIRED YES NO NO VIOLATION SECTION NO. 97-4-17
 DATE OF ARREST 5/19/05 DATE OF VIOLATION 5/19/05
 ADDRESS OF OWNER 519 2005
 BAIL DEPOSITED None NAME OF ARRESTING OFFICER Arthur RANK ACA
 PRESENT THIS SUMMONS TO THE TRIAL OFFICER SHOWN ABOVE
 COUNTY Aiken NUMBER 01
 BADGE 42 DISTRICT 01
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 TIME OF VIOLATION 9:30 PM WEATHER Clear
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 MILES 94 N E S W
 HWY. NO. 94 CITY CD
 OFFENSE CODE 94 B.A. LEVEL CD

SEE IMPORTANT INFORMATION ON THE REVERSE SIDE OF THIS TICKET

VIOLATOR'S COPY

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803 663-6634

UNIFORM TRAFFIC TICKET

CITY OR COUNTY OF Aiken VERSUS
 FIRST NAME Eugene MIDDLE NAME Carlton LAST NAME Castro
 STREET AND NO. 724 Muddy Branch Rd. CITY Aiken STATE SC
 STATE LICENSED SC DRIVER'S LICENSE NO. 03062686 DRL LIC. CLASS D
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YOU ARE SUMMONED TO APPEAR BEFORE THE TRIAL OFFICER

NAME OF TRIAL OFFICER Castro STREET AND NO. 14 Masonic Shopping
 DATE OF TRIAL 5/17/05 TIME OF TRIAL 10:00 CITY Granville STATE SC ZIP CODE 29829
 VIOLATION - COURT APPEARANCE REQUIRED YES NO NO VIOLATION SECTION NO. 97-1-401
 DATE OF ARREST 5/19/05 DATE OF VIOLATION 5/19/05
 ADDRESS OF OWNER 519 2005
 BAIL DEPOSITED None NAME OF ARRESTING OFFICER Arthur RANK ACA
 PRESENT THIS SUMMONS TO THE TRIAL OFFICER SHOWN ABOVE
 COUNTY Aiken NUMBER 01
 BADGE 42 DISTRICT 01
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SEE IMPORTANT INFORMATION ON THE REVERSE SIDE OF THIS TICKET

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The State of South Carolina



Tracey L. Carroll
Summary Court Judge

Aiken Summary Court
1680 Richland Avenue, West
Suite 70
Aiken, SC 29801

Phone : (803) 642-1744

Fax: (803) 642-1749

September 19, 2005

Major Carlton Medley
South Carolina Law Enforcement Division
P.O. Box 21398
Columbia, South Carolina 29221

RE: Officer Shirley Harden, Director
Aiken County Animal Control


Dear Major Medley:

Please accept this letter as a formal request to the South Carolina Law Enforcement Division to investigate possible charges of Perjury, Breach of Trust and Misconduct in Office involving the case of State of South Carolina vs. Carlton Cantrell. It has come to my attention that documentation presented to the Court during sworn testimony was possibly falsified and that evidence seized from Mr. Cantrell by Animal Control Officers may have been retained for their personal use.

I have contacted the Aiken County Sheriff's Department to request that they initiate an investigation. Due to the fact that the Aiken County Council is requesting that Animal Control be placed under the supervision of the Sheriff's Department, both Major Dwayne Courtney and I feel that it may be more appropriate for SLED to conduct the inquiry into this matter.

Please do not hesitate to contact me if you have any questions or need additional information.

Sincerely,


Tracey Carroll
Summary Court Judge

Cc: Solicitor Barbara Morgan
Mr. Clay Killian
Sheriff Michael Hunt

Former director of animal control is facing charges

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By Betsy Gilliland | South Carolina Bureau

Thursday, December 1, 2005

AIKEN - Aiken County's former director of animal control services has been charged with perjury and turned herself in to authorities Thursday, law enforcement officials said

Shirley Harden, 53, who resigned Sept. 29, posted \$5,000 bond at the Aiken County Detention Center and was released on her own recognizance. Magistrate Court Judge Danny Lynn said

Ms. Harden was charged with presenting an altered document as a matter of record and making false statements before Magistrate Court Judge Tracey Carroll on Sept. 12, according to a copy of the arrest warrant.

The South Carolina Law Enforcement Division instigated an investigation as a result of the court case, which involved Carlton Cantrell, an Aiken man who owned almost 200 goats seized from his home in May.

Mr. Cantrell claimed that the county did not return all of his goats. Aiken County Administrator Clay Killian said

"We didn't do an inventory of the goats," the administrator said

Some goats died and others were born in county custody between May and early September, when some goats were returned to Mr. Cantrell, Mr. Killian said

SLED obtained a warrant for Ms. Harden's arrest Monday, a copy of the document shows.

The warrant says that she made false statements to conceal the fact that property that had been lawfully seized was not returned to the rightful owner under a previous agreement

The goats seized from Mr. Cantrell's property had been living in his Muddy Branch Road home in unsanitary conditions for almost seven years, according to reports in The Augusta Chronicle. Mr. Cantrell lived in his truck during that time, reports state

Mr. Killian said Ms. Harden had been an animal control officer since March 15, 1991, and a county employee since 1982

Ms. Harden is scheduled to appear at the Aiken County Courthouse on Jan. 16

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From the Friday, December 2, 2005 printed edition of the Augusta Chronicle



Ron Cokerille/Staff

Shirley Harden, Former Aiken County director of animal control, resigned Sept. 29.

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE COURT OF COMMON PLEAS
Aiken County

Doyet A. Early, III, Circuit Court Judge

Case No. 2014-CP-02-00879

Carlton E. Cantrell

Appellant

vs

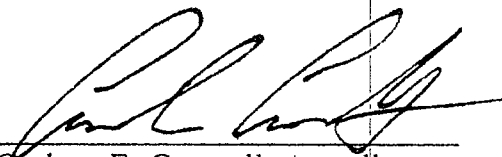
Aiken County, Aiken County Anima-
Control Director, Shirley Hardin; Aiken
County Animal Control Officer Bobby
Arthurs Judge Charles T. Carter.

Respondents

CERTIFICATE OF CONTENTS RULE 210(g)

The undersigned Plaintiff/Appellant hereby certifies that the **Record on Appeal** contains all the matter proposed to be included by either party.

March 15th 2015


Carlton E. Cantrell, Appellant
223 Muddy Branch Road
Aiken, South Carolina 29805
(803) 215-4747