

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

**RECEIVED**

APR 14 2015

**SC Court of Appeals**

April 13, 2015

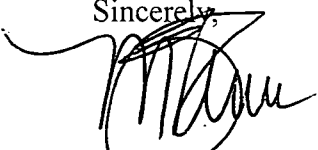
The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1015 Sumter Street  
Columbia, South Carolina 29201

RE: Mare Baracco v. Beaufort County, Case No. 2013-CP-07-00918 (Original Case Number  
2012CV0710401536)  
Appellate Case No.: 2014-000636

Dear Ms. Kitchings:

Enclosed for filing is Appellant's Petition for an Expedited Hearing/Motion to Reverse/Dismiss an Order from April 8, 2015, in the above captioned case, and six copies for filing. Also enclosed is a check in the amount of \$25.00 for the filing, and the proof of service.

Sincerely,



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

Other Counsel of Record:  
Mary Bass Lohr  
Allison Coppage  
Joshua Gruber

THE STATE OF SOUTH CAROLINA  
SOUTH CAROLINA COURT OF APPEALS

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APR 14 2015

**SC Court of Appeals**

APPEAL FROM BEAUFORT COUNTY  
COURT OF COMMON PLEAS

MARVIN H. DUKES, III, MASTER-IN-EQUITY,  
BEAUFORT COUNTY  
TRIAL COURT CASE NO.: 2013CP0700918

APPELLATE CASE NO.: 2014-000636

BEAUFORT COUNTY

Respondent,

v.

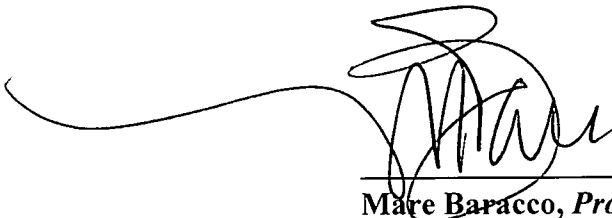
MARE BARACCO,

Appellant.

**PROOF OF SERVICE**

I certify that I have served copies of the Appellant's Petition for an Expedited Hearing, for a Motion to Reverse/Dismiss the Magistrate Order of April 8, 2015, from a Hearing in Violation of SCRCR Rule 241/241(d) on the Respondent by depositing a copy of it in the United States Mail postage prepaid, on April 13, 2015, addressed to their attorneys of record, as follows

Mary Bass Lohr  
Post Office Box 40  
Beaufort, South Carolina 29901-0040  
(843) 522-2400  
Allison Coppage/Josh Gruber  
PO Box 1228  
Beaufort SC 29901  
(843) 255-2180  
Attorneys for Respondent.



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

Date April 13, 2015

75678

THE STATE OF SOUTH CAROLINA  
SOUTH CAROLINA COURT OF APPEALS

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SC Court of Appeals

APPEAL FROM BEAUFORT COUNTY  
COURT OF COMMON PLEAS

MARVIN H. DUKES, III, MASTER-IN-EQUITY,  
BEAUFORT COUNTY  
TRIAL COURT CASE NO.: 2013CP0700918  
(Original Case No: 2012CV0710401536)

APPELLATE CASE NO.: 2014-000636

BEAUFORT COUNTY,

Respondent,

vs.

MARE BARACCO,

Appellant.

PETITION FOR EXPEDITED HEARING, FOR A  
MOTION TO REVERSE/DISMISS THE MAGISTRATE COURT ORDER OF APRIL 8,  
2015, FROM A HEARING IN VIOLATION OF SCRCP RULE 241/241(d)



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

Date: April 13, 2015

Mare Baracco, the Appellant herein, moves this Court, pursuant to the South Carolina Rules of Civil Procedure, the Due Process Clauses of South Carolina and United States Constitutions, and lack of subject matter, personal and territorial jurisdiction of the administrative agency and Beaufort County, for an Expedited Hearing on the issuance of an Order, and a reversal of said Order, issued by Beaufort County Magistrate Judge Richard Brooks, April 8, 2015. The "Order" is for (alleged) "Contempt of Court", to include a conditional ten day jail sentence, restrictions on the use of her personal property, and threat of potential seizure of said personal property. Appellant contends this hearing was in violation of SCRCF Rule 241/241(d), which provides specific "Rules" for the lifting of a "Stay" that Respondents were not in compliance with (attached 1). These "Rules" were not followed by the Magistrate Court, nor the attorney(s) for Beaufort County, nor the administration of Beaufort County and, agents and employees of the Town of Port Royal, who are and have been intimately and actively involved in this matter, in violation of Home Rule and Article VIII of the South Carolina Constitution.

In actuality, agents of Beaufort County have been secretly communicating their agenda (with cooperation from the same agents/employees of Port Royal) and conducting ex parte communication (again) with the judge(s) of the Beaufort Magistrate Court, as outlined in an e-mail dated March 6, 2015. It (and others) were discovered by the Appellant and are provided herein for the review of this Court (March 6, 2015 e-mail attached 2).

This Court was initially informed of this hearing, in the Appellant's "Reply" of March 17, 2015, which included numerous e-mails to her from Beaufort County about a "Rule to Show Cause" scheduled for April 8, 2015, in violation of SCRCF Rule 241 (to include 241(d)).

The Appellant contacted the Beaufort Magistrate Court, the venue for this hearing, and the following is an overview for this Court of events leading up to it:

1. Appellant was informed March 11, 2015 of a “*Rule to Show Cause*” hearing, in violation of SCRCF Rule 241 (this Court is in possession of the e-mails that ensued from March 11 – 15, 2015, primarily from a “Gary Kubic” Beaufort County Administrator (Josh Gruber and Allison Coppage’s boss). It was scheduled for April 8, 2015 before Beaufort County Magistrate Richard Brooks, who originally heard this matter (and whose hearing/ruling et seq. is amongst the subject of the Appeal currently before this Court). For the record, Appellant contends this “*Rule to Show Cause*” does not contain the proper documentation and is defective, (like the others she’s received during the pendency of this matter) (attached 3).

According to SCRCF Rule 14:

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

This Court will note, from the attached “*Rule to Show Cause*”, it lacks:

**“the court order, decree or judgment which the responding party has allegedly violated, the specific act(s) or omission(s) which constitute contempt, and the specific relief which the moving party is seeking.”**

No such “Order from May 2, 2013” referenced in these documents, exists. No written order was made, nor signed by Judge Brooks, nor entered by the Clerk of the Magistrate Court, as required by SCRCF Rule 58 (attached 4).

2. After filing her "Reply" before this Court, the Appellant received an e-mail dated March 18, 2015 from the Clerk of the Beaufort Magistrate Court, informing her "*Judges are not permitted to discuss any matters pertaining to pending litigation unless in a judicial proceeding with all parties present*". The Appellant asked for clarification regarding "ex parte" communication and other issues relative to this hearing. Garst responded (attached 5).

3. Appellant asked about ex parte communications because she's known, since the discovery of secret e-mails between Port Royal and Beaufort County, Josh Gruber contacted the Magistrate Judge(s) directly January 10, 2013, (attached 6) and agents of the Beaufort County have continued to contact them throughout. The Appellant contends these actions by the Respondent have denied her the constitutional right to fair hearings, and are in violation of her right to Due Process.

4. Given the Appellant's understanding from Clerk Garst this hearing was proceeding, the Appellant, on April 1, 2015 submitted a "*Motion for a Continuance*" and a "*Motion to Dismiss*" (stamped/initialed as received by Clerk Garst (attached 7). This Court will also take notice of a follow up e-mail, from Clerk Garst, dated April 2, 2015, addressed to both the Appellant and Joshua Gruber, confirming receipt of these "*Motions*" and Garst's confirmation that she attached the "*Motion for a Continuance*" in an e-mail to Gruber. (Copies of both "*Motions*" attached- 8).

5. The Appellant then had subpoenas issued to two Beaufort County Councilpersons, Rick Caporale and Cynthia Bensch, based upon copies of e-mails from and between them and other Beaufort County Council members about the conduct of Josh Gruber and other issues recently learned about this case (attached 9). Appellant then received a copy of an e-mail, to Caporale, from Kubic, dated April 3, 2015 (cc'd to the Chief Magistrate, *again*) referencing the

upcoming testimony Councilman Caporale intended to give at this hearing (attached 10).

6. Appellant has provided the Audio CD of this hearing (attached 11). (She has not yet received a copy of the written "Order"; however, given the "Order" includes a conditional ten day jail sentence, the Appellant believes her liberty and property are at such immediate risk from the court and county's illegal actions she felt it tremendously urgent to place this Petition and Motion before this Court, as they have jurisdiction in this matter, pursuant to SCRCF Rule 241).

7. In this Audio CD, this Court will hear, amongst other things:

- a. Min 4:58 Judge Brooks: "*states he's unaware case is on appeal*"; Gruber claims "*he did not receive the "Motion for Continuance"*"
- b. Min 14:00 Judge Brooks: "*Motion to Dismiss*" "*difficult reading . . . not properly addressed . . . nothing to dismiss . . .*"
- c. Min 16:50 Judge Brooks: "*jurisdiction issues should have been raised before; "not going down jurisdictional rabbit hole"*"
- d. Min 22:54 Judge Brooks: "*jurisdictionally . . . free to make to Court of Appeals*"
- e. Min 47:31 Judge Brooks: "*county (ordinance) can be more strict than state law*"
- f. Min 48:50 Witness Caporale called – Caporale not allowed to answer questions (Appellant subpoenaed five witnesses; however, they were, in effect, not allowed to testify, as this Court will hear from Appellant's attempted questioning of Caporale)
- g. Min 1:03.50 Gruber: "*Exigent Issue is public safety*"
- h. Ordinance Officer Janson's Supplemental Report of February 11, 2015 which exonerated the Appellant (and was "missing" from the Port Royal Police reports contained in the "Rule to Show Cause") wasn't allowed to be admitted into evidence per Judge Brooks, as "*the Officer was not an expert*"
- i. SCRCF Rule 241 raised by Appellant overruled by Brooks; SCRCF Rule 58 raised by Appellant and overruled by Brooks
- j. The "Affidavit", the sole basis for this hearing (and based upon a "complaint" by Port Royal Councilman Tom Klein) was made by Port Royal employee Town Manager Van Willis (and Port Royal Police Chief Alan Beach), these very same individuals who initially sought (and found) with Beaufort County, an unprecedented, illegal way to continue this case against the Appellant

8. Appellant includes for this Court's review, a copy of an e-mail dated April 9, 2015, between Councilman Rick Caporale and Councilman Stu Rodman, and cc'd to Gary Kubic and other Beaufort County employees involved with Animal Services (BCAS):

***“where staff is with regard to revisions in the current BCAS Ordinance(s). The changes have been in progress for at least a year now,”***

***“even more disturbing, the debacle we have participated in and contributed to with regard to defining "dangerous" animals.”***

***it's clear, at least to me, that they are out of their element in scenarios like the Baracco matter. If we can't rid government of people who have a tendency to bully citizens and abuse their positions, at least we can pursue a more equitable rule book. Thanks.”***

As this Court's own records indicate, the Appellant filed this Appeal a year ago, March 2013. At about the same time, as confirmed by this e-mail, Beaufort County employees were directed to begin revisions of the County's defective Ordinance and “Notice”. These are the same defective documents the Appellant contested July 10, 2012, said “Notice” upon which rests the entirety of Beaufort County's *three year persecution of the Appellant*. Yet, the three attorneys for the respondents, all Officers of the Court, took an oath, which in part reads:

***I will employ for the purpose of maintaining the causes confided to me only such means as are consistent with trust and honor and the principles of professionalism, and will never seek to mislead an opposing party, the judge or jury by a false statement of fact or law...***

yet are still persisting in this matter before this Honorable Court.

WHEREFORE, for the above reasons, the Appellant respectfully requests this Court dismiss the “Order” from April 8, 2015, and the entirety of this case with prejudice, and order such other relief as is just and proper. Respectfully submitted, this the 13th day of April 2015.



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

**Authorities ii**

Article VIII – South Carolina Constitution  
Home Rule Act of 1975

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OTHER AUTHORITIES

SCRCP Rule 241  
SCRCP Rule 58  
SCRCP Rule 14  
Rule to Show Cause E-Mails  
E-Mails  
Rule to Show Cause / Judge Brooks  
Answer/Motions to Magistrate

**RULE 241**  
**STAY AND SUPERSEDEAS IN CIVIL ACTIONS**

**(a) General Rule.** As a general rule, the service of a notice of appeal in a civil matter acts to automatically stay matters decided in the order, judgment, decree or decision on appeal, and to automatically stay the relief ordered in the appealed order, judgment, or decree or decision. This automatic stay continues in effect for the duration of the appeal unless lifted by order of the lower court, the administrative tribunal, appellate court, or judge or justice of the appellate court. The lower court or administrative tribunal retains jurisdiction over matters not affected by the appeal including the authority to enforce any matters not stayed by the appeal.

**(b) Exceptions.** The exceptions to the general rule are found in statutes, court rules, and case law. Where specific conditions must be met before the exception applies, those conditions must be strictly complied with. A list of some, but not all, of the exceptions to the general rule is:

(1) Money judgments as provided in S.C. Code Ann. § 18-9-130.

(2) Judgments directing the assignment or delivery of documents or personal property as provided in S.C. Code Ann. § 18-9-150.

(3) Judgments directing the execution of conveyances or other instruments as provided in S.C. Code Ann. § 18-9-160.

(4) Judgments directing the sale or delivery of possession of real property as provided in S.C. Code Ann. § 18-9-170.

(5) Judgments directing the sale of perishable property as provided in S.C. Code Ann. § 18-9-220.

(6) Family court orders regarding a child or requiring payment of support for a spouse or child as provided in S.C. Code Ann. § 63-3-630.

(7) Worker's compensation awards as provided in S.C. Code Ann. § 42-17-60.

(8) An appeal from an order granting an injunction or temporary restraining order.

(9) Family court orders awarding temporary suit costs or attorney's fees as provided in S.C. Code Ann. § 63-3-530(A)(2).

(10) Ejectment orders as provided in S.C. Code Ann. § 27-37-130 and S.C. Code Ann. § 27-40-800.

(11) Appeals from administrative tribunals as provided in S.C. Code Ann. § 1-23-380(A)(2) and § 1-23-600 (G)(5).

**(c) Supersedeas or Lifting of Automatic Stay.**

(1) After service of notice of appeal, any party may move for an order lifting the automatic stay in cases which involve the general rule. In a case subject to an exception, any party may move for an order imposing a supersedeas of matters decided in the order, judgment, decree or decision on appeal after service of the notice of appeal. The effect of the granting of a supersedeas is to suspend or stay the matters decided in the order, judgment, decree or decision on appeal and, where a prior order or decision was in effect at the time the appealed order, judgment, decree or decision was filed, to revive the terms of the prior order or decision.

(2) In determining whether an order should issue pursuant to this Rule, the lower court, administrative tribunal, appellate court, or judge or justice of the appellate court should consider whether such an order is necessary to preserve jurisdiction of the appeal or to prevent a contested issue from becoming moot.

(3) The granting of supersedeas or the lifting of the automatic stay under this Rule may be conditioned upon such terms, including but not limited to the filing of a bond or undertaking, as the lower court, administrative tribunal, appellate court, or judge or justice of the appellate court may deem appropriate. Further, where it appears that the granting or lifting of a stay, or the issuance of a writ of supersedeas is insufficient to afford complete relief, the lower court, administrative tribunal, appellate court, or judge or justice of the appellate court may order other affirmative relief upon such terms as are deemed appropriate.

(4) If an order is issued pursuant to Rule 241(c)(1), the terms of that order continue in effect during the pendency of the appeal unless modified or revoked by the lower court, the administrative tribunal or the appellate court or judge or justice of the appellate court which issued it, or by a superior court. The granting of any relief pursuant to this Rule shall not be construed to affect the validity of the judgment, order, decree, decision and any liens until the judgment, order, decree or decision is reversed or modified by the appellate court.

**(d) Procedure for Obtaining Lift of Stay or Supersedeas.**

(1) Except where extraordinary circumstances make it impracticable, an application for an order lifting the automatic stay or for supersedeas must first be made to the lower court or administrative tribunal which entered the order or decision on appeal. The issuance of an ex parte order or decision, or an unnecessary delay by the lower court or administrative tribunal in ruling on this application shall constitute an extraordinary circumstance.

(2) After the lower court or administrative tribunal has ruled, any party may petition the appellate court where the appeal is pending or an individual judge or justice for review of this order. The individual judge or justice may grant or deny the relief on a temporary basis, and refer the matter to the full appellate court to hear and determine the matter, or he or she may issue a final order. Upon the issuance of a final order by an individual judge or justice, an aggrieved party may petition the full appellate court for review of that decision.

(3) A person seeking an order lifting an automatic stay or granting a writ of supersedeas must file a written petition verified by the client. The petition shall be captioned the same as the appeal. In addition to the petition and verification, the moving party must contemporaneously file a certified copy of the order, judgment, decree or decision of the lower court or administrative tribunal and a copy of the notice of appeal with its proof of service.

(4) The petition shall contain:

(A) the factual background necessary for an understanding of the petition. If the facts are subject to dispute, the petition shall be supported by affidavits or other sworn statements;

(B) the grounds for the petition, and legal arguments with supporting points and authority;

(C) a showing that an application for this relief was made to the lower court or administrative tribunal, and was unjustifiably denied or that the relief granted failed to afford the relief which the petitioner requested. A certified copy of the lower court's or administrative tribunal's ruling must be included. If no application was made to the

lower court or administrative tribunal, then the petition shall state the extraordinary circumstances which made it impracticable to make such an application.

**(5)** The petition and accompanying documents shall be served on the opposing party(ies). Upon application to the full appellate court, one original and six copies, and a certificate of service shall be filed with the clerk of the appellate court. If the relief is sought from an individual judge or justice, the original and two copies must be filed with the judge or justice. The individual judge or justice shall forward the original documents, including a copy of any order issued by the judge or justice in the matter, to the clerk of the appellate court as soon as possible.

**(6)** A supersedeas or order lifting the automatic stay may be issued *ex parte* only where exigent circumstances require that action be taken before there is time for a hearing. An *ex parte* order shall issue only if:

**(A)** it clearly appears from specific facts shown by affidavits or included in the verified petition that immediate and irreparable injury, loss or damage will result before the opposing party can respond; and

**(B)** the moving party's attorney certifies in writing, as an officer of the court, the efforts which have been made to give notice, or the reasons supporting the claim that notice should not be required.

**(7)** Any party aggrieved by the decision of the lower court, the administrative tribunal, or an individual judge or justice may petition under this Rule for a review of that decision.

Last amended by Order dated January 29, 2009, effective April 29, 2009, by order of the same date.

----- Original message -----

From: "Kubic, Gary"  
Date: 03/09/2015 12:35 PM (GMT-05:00)  
To: "McElynn, Lawrence P."  
Subject: Fwd: Mare Baracco

FYI, gkubic

Gary Kubic iPhone  
Beaufort County Council

Begin forwarded message:

From: Gary Kubic <[gkubic@bcgov.net](mailto:gkubic@bcgov.net)<mailto:gkubic@bcgov.net>>  
Date: March 6, 2015 at 1:56:01 PM EST  
To: Paul Sommerville <[psommerville@bcgov.net](mailto:psommerville@bcgov.net)<mailto:psommerville@bcgov.net>>  
Cc: Rick Caporale <[rcaporale@bcgov.net](mailto:rcaporale@bcgov.net)<mailto:rcaporale@bcgov.net>>, Joshua Gruber <[jgruber@bcgov.net](mailto:jgruber@bcgov.net)<mailto:jgruber@bcgov.net>>, "Coppage, Allison" <[acoppage@bcgov.net](mailto:acoppage@bcgov.net)<mailto:acoppage@bcgov.net>>  
Subject: Mare Baracco

I am writing in response to a series of recent opinions that my staff and I have received regarding the case of Mare Baracco.

Some of the recent opinions suggest that the county should not pursue this matter any further. This suggestion is one suggestion that we cannot do.

The court has issued an order which cites both a State statute and a county ordinance that the defendant, Mare Baracco, is required to follow.

Our legal department has received sworn affidavits from the Port Royal Chief of Police and the Port Royal Town Manager stating that the defendant is not in compliance with the order of the court.

The county's fiduciary responsibility and duty to the court requires that these affidavits be forwarded to the court for their judicial review.

I expect that the court with these affidavits will schedule a hearing to assess Mare Baracco's compliance to original order.

It is my suggestion that any member of our community or any elected representative who wants to submit testimony or evidence about this case should do so at this hearing.

I hope this information helps in our understanding of what the county is required to do in this matter.

Thanks, gkubic

From: Kubic, Gary  
Sent: Friday, April 03, 2015 9:01 AM  
To: Rick Caporale

2

Cc: Bensch, Cynthia; Gruber, Joshua; Stewart H. Rodman; Caporale, Rick; McElynn, Lawrence P.  
Subject: Re: Court Order

Councilman Caporale:

I understand that the Magistrate Court delivered court records to Mare Baracco.

Do you want me to make a request to the Court for this information on your behalf?

I have copied this reply to the Chief Magistrate so that he is aware of it.

Please advise.

gkubic

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF BEAUFORT )

2012CV0710401536  
Civil Case Number

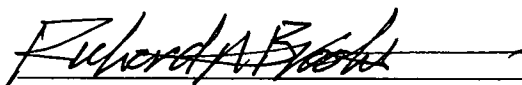
Beaufort County, )  
State Of South Carolina )  
 )  
Plaintiff )  
 )  
Vs )  
 )  
Mare Baracco )  
 )  
Defendant )

IN THE MAGISTRATE COURT

RULE TO SHOW CAUSE

TO: Mare Baracco

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

  
Richard A. Brooks  
Summary Court Judge

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

March 9, 2015

RECEIVED  
APR 14 2015

SC Court of Appeals



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

IN THE BEAUFORT COUNTY  
MAGISTRATE'S COURT  
CASE NUMBER: 012CV0710401536

NOTICE OF MOTION FOR  
RULE TO SHOW CAUSE

IT IS HEREBY CERTIFIED that a copy of Plaintiff's Notice of Motion for Rule to Show Cause along with this Certificate of Mailing, were served upon the within parties by depositing copies of the same in the U.S. Mail, with sufficient postage attached thereto, addressed as follows:

Mrs. Mare Baracco  
1006 Madrid Avenue  
Port Royal, South Carolina



Joshua A. Gruber, Esq.  
Beaufort County Attorney  
P.O. Box 1228  
Beaufort, SC 29901  
843-255-2059  
[jgruber@bcgov.net](mailto:jgruber@bcgov.net)

Beaufort, SC  
23<sup>rd</sup> day of February, 2015

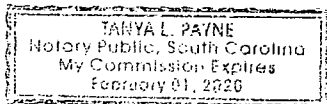
AFFIDAVIT OF MILTON E. WILLIS, JR.

1. That my name is Milton E. Willis and I am over the age of eighteen (18) years.
2. I am a resident of Beaufort County, South Carolina.
3. That I am the manager of the Town of Port Royal and have held that position since August 2002.
4. On the morning of Friday, January 23, 2015, I was travelling back from the shrimp dock to my office due to a medical call at the dock. As I came towards Town Hall on Paris Avenue, I noted Mr. Tim Deckard and his dog Brodie. Mr. Deckard was riding his bike with Brodie's leash in his hand. I noticed that Brodie was not wearing his muzzle.

  
Milton E. Willis

SWORN TO BEFORE  
me this 23 day of February, 2015.

  
NOTARY PUBLIC FOR SOUTH CAROLINA  
My Commission Expires:



AGENCY I.D.  
C0070300

PORT ROYAL POLICE DEPARTMENT

INCIDENT REPORT

CASE NUMBER

C 1 5 2 1 9 3 8

NCIC

INQ. ENTD.

INCIDENT TYPE	COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM
1. ORD - ANIMAL COMPLAINT	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	13		<input type="checkbox"/> Individual <input type="checkbox"/> Business <input type="checkbox"/> Financial Inst. <input type="checkbox"/> Government <input type="checkbox"/> Relig. Orgn. <input checked="" type="checkbox"/> Soc./Public <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/> Police Off.
2.	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO			
3.	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO			

INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)  
1006 MADRID AVE, PORT ROYAL SC

ZIP CODE  
29935

INCIDENT DATE	24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISPATCH DATE/TIME 24 HR. CLOCK				LOCATION NO.
02/09/2015	1100		02/09/2015	1120	DISP. DATE	DISP. TIME	TIME ARRIVED	DEPART. TIME	
					02/09/2015	1100	1100	1120	

COMPLAINANT'S NAME (LAST, FIRST, MIDDLE): WILLIS, VAN  
 RELATIONSHIP TO SUBJECT: #1 RU #2 #3  
 RESIDENT:  YES  NO  
 RACE: W SEX: M AGE: 00 ETH: N  
 DAYTIME PHONE: # EVENING PHONE: #

ADDRESS: 700 PARIS AV CITY: PORT ROYAL STATE: SC ZIP CODE: 29935 LOCATION NO.:

VICTIM'S NAME (LAST, FIRST, MIDDLE): PORT ROYAL, TOWN OF  
 RELATIONSHIP TO SUBJECT: #1 #2 #3  
 RESIDENT:  YES  NO  
 RACE: J S O U  
 DAYTIME PHONE: (843) 986-2209 # EVENING PHONE: #

HEIGHT WEIGHT HAIR EYES FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

ADDRESS: 700 PARIS AVE CITY: PORT ROYAL STATE: SC ZIP CODE: 29935 LOCATION NO.:

VISIBLE INJURY (VICT. 1)  YES  NO EXPLAIN -  
 VICTIM (NO. 1) USING: ALCOHOL:  YES  NO  UNK. DRUGS:  YES  NO  UNK.

TWO-MAN VEH.  ONE-MAN VEH.  DETECTIVE/SPL.ASMT.  OTHER  ALONE  ASSISTED  
 J - This Jurisdiction S - State O - Out of State U - Unknown

SUSPECT SUBJECT NAME (LAST, FIRST, MIDDLE): DECKARD, TIMOTHY H  
 RACE: W SEX: M AGE: 52 ETH: N DATE OF BIRTH: HEIGHT: 5-8 WEIGHT: 200 HAIR: BRO EYES: BRO  
 FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

RUNAWAY  
 WANTED  
 WARRANT  
 ARREST  
 JAIL  
 SUMMONS

ADDRESS: 1006 MADRID AVE CITY: PORT ROYAL STATE: SC ZIP CODE: 29935 LOCATION NO.:

SUBJECT (NO. 1) USING: ALCOHOL:  YES  NO  UNK. ARRESTED NEAR OFFENSE SCENE  YES  NO  
 DRUGS:  YES  NO  UNK. TYPE: TOTAL # ARRESTED: 0 DATE/TIME OF OFFENSE: 02/09/2015 1100 DATE/TIME OF ARREST:

Offenses:  
ANIMAL COMPLAINT

SYNOPSIS:  
 THIS OFFICER WAS CONDUCTING CODES ENFORCEMENT IN THE TOWN OF PORT ROYAL. WHILE ON PATROL THIS OFFICER RECEIVED A CELLULAR CALL FROM CHIEF BEACH IN REFERENCE TO SEVERAL CALLS THE TOWN MANAGER VAN WILLIS RECEIVED FROM THE COMMUNITY IN REFERENCE TO TIM DECKARD WALKING HIS DOG (BODI) WITH OUT A MUZZEL PER MAGISTRATE COURT ORDER DATED MARCH 13,2013 IN THE NEIGHBORHOOD. VAN WILLIS OBSERVED THE VIOLATION SEVERAL OCCASIONS OVER THE PAST FEW DAYS. THIS OFFICER WENT TO 1006 MADRID AVE THE DECKARD'S RESIDENCE TO MAKE CONTACT WITH DECKARD'S, MET WITH NEGATIVE RESULTS. THIS OFFICER ISSUED A CODES WARNING # 01748 IN REFERENCE TO THE ANIMAL COMPLAINT AND FOR DECKARD TO CONTACT THIS OFFICER. THIS OFFICER CONTACTED JOE YADRON WITH BEAUFORT COUNTY ANIMAL CONTROL AND EXPLAINED THE ISSUE IN REFERENCE TO THE MAGISTRATE ORDER. YADRON STATED THAT HE WILL MEET WITH THIS OFFICER ON 2/10/2015 TO REVIEW THE SITUATION SINCE IT INVOLVES A MAGISTRATE ORDER. MARE BARACCO DID CALL THIS OFFICER VIA CELLULAR AND STATED TO THIS OFFICER THAT SHE HAD BEEN ACQUITTED OF ALL CHARGES. THIS OFFICER TRIED TO EXPLAIN TO BARACCO THAT THERE WAS A ORDER ISSUED THAT THE DOG ( BODI) IS A "DANGEROUS ANIMAL" AND MUST WEAR A MUZZEL WHILE OUT WALKING AROUND THE NEIGHBORHOOD. BARACCO STATED TO THIS OFFICER SHOW ME THE ORDER AND ORDINANCES THAT THEY ARE VIOLATING. AGAIN I TRIED TO EXPLAIN TO BARACCO THAT THIS OFFICER IS INVESTIGATING THE COMPLAINT AND WAS TRYING TO GET SOME INFORMATION FROM HER IN REFERENCE TO THE WEARING OF THE MUZZEL ON THE ANIMAL.

Date Entered: 02/09/2015 11:26:47 AM Last Modified: 02/10/2015 07:13:57 AM  
 Print Date: 02/10/2015 03:32:10 PM

TYPE (GROUP)	TOTAL VALUE
Burned	
Count/Forged	
Dest./Damaged	
Recovered	
Seized	
Stolen	
Unknown	

SUBJECT IDENTIFIED:  YES  NO SUBJECT LOCATED:  YES  NO  
 ACTIVE  ADM. CLOSED  ARRESTED UNDER 18  EX-CLEAR UNDER 18  
 UNFOUNDED  ARRESTED 18 AND OVER  EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1.  OFFENDER DEATH 2.  NO PROSECUTION 3.  EXTRADITION DENIED 4.  VICTIM DECLINES COOPERATION 5.  JUVENILE - NO CUSTODY

REPORTING OFFICER(S): CPL EDGAR JANSONS DATE: 02/09/2015 UNIT NUMBER: 340  
 APPROVING OFFICER: SGT KEVIN A. HEANY DATE: 02/09/2015 UNIT NUMBER:

FOLLOW-UP INVESTIGATION OFFICER:  YES  NO

AGENCY I.D.  
 0070300

PORT ROYAL POLICE DEPARTMENT  
 INCIDENT REPORT

CASE NUMBER		NCIC	
C 1 5	2 1 9 3 8	INQ.	ENTD.

STATUS:  
 PENDING FURTHER ACTION.

Date Entered: 02/09/2015 11:26:47 AM		Last Modified: 02/10/2015 07:13:57 AM		JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY		JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY		
Print Date: 02/10/2015 03:32:10 PM								
P	TYPE (GROUP)						TOTAL VALUE	
R	Burned							
O	Count./Forged							
P	Dest./Damaged							
E	Recovered							
R	Seized							
T	Stolen							
Y	Unknown							
A	SUBJECT IDENTIFIED		SUBJECT LOCATED		<input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> ADM. CLOSED <input type="checkbox"/> UNFOUNDED		<input type="checkbox"/> ARRESTED UNDER 18 <input type="checkbox"/> ARRESTED 18 AND OVER	
D	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				<input type="checkbox"/> EX-CLEAR UNDER 18 <input type="checkbox"/> EX-CLEAR 18 AND OVER	
M	REASON FOR EXCEPTIONAL CLEARANCE: 1. <input type="checkbox"/> OFFENDER DEATH    2. <input type="checkbox"/> NO PROSECUTION    3. <input type="checkbox"/> EXTRADITION DENIED    4. <input type="checkbox"/> VICTIM DECLINES COOPERATION    5. <input type="checkbox"/> JUVENILE - NO CUSTODY							
I	REPORTING OFFICER(S)		DATE	UNIT NUMBER	APPROVING OFFICER		DATE	UNIT NUMBER
N	CPL EDGAR JANSONS		02/09/2015	340	SGT KEVIN A. HEANY		02/09/2015	
S					FOLLOW-UP INVESTIGATION OFFICER			
T					<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			

# INCIDENT REPORT SUPPLEMENTAL

Page #: 1

Case Number: C15PR1938

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Officer: 135593 JANSONS, EDGAR Date Entered/Changed: 02/10/2015 Reviewer: Review Date:

---

DETAILED STATEMENT OF INVESTIGATION: SYNOPSIS:

ON 2/10/2015 JOE YADRON BEAUFORT COUNTY ANIMAL CONTROL MET WITH THIS OFFICER AND CHIEF BEACH. THIS OFFICER GAVE A COPY OF THE MAGISTRATE ORDER THAT WAS ISSUED TO BARACCO ON MARCH 23, 2013. IT WAS EXPLAINED TO YADRON THAT BARACCO WAS NOT IN COMPLIANCE OF THE ORDER ISSUED BY THE MAGISTRATE IN REFERENCE TO THE MUZZLE BEING ON THE BODY OF THE ANIMAL WHILE OUT IN THE COMMUNITY. CHIEF BEACH STATED THAT BARACCO STOPPED BY THE POLICE STATION AND SHOW A DOCUMENT AND QUICKLY HIDDEN IT AWAY FROM THE CHIEF. WHEN CHIEF BEACH ASKED FOR A COPY OF THE DOCUMENT BARACCO STATED NO, "YOU KNOW HOW TO GET A COPY " YADRON STATED THAT HE WILL FOLLOW UP WITH THE MAGISTRATE IN REFERENCE TO THE ORDER. YADRON LATER DURING THE DAY VIA CELLULAR CALLED THIS OFFICER AND INFORMED THIS OFFICER THAT BARACCO HAD LOST HER APPEAL TWICE AND IS STILL IN VIOLATION OF THE ORDER. YADRON ALSO STATED THAT BARACCO IS NOT IN COMPLIANCE OF OTHER ISSUES PERTAINING TO THE ORDER. YADRON STATED THAT HE IS WAITING FOR THE BEAUFORT COUNTY ATTORNEY TO RENDER AN OPINION BEFORE HE PURSUE FURTHER CRIMINAL ACTION AGAINST BARACCO.

STATUS:

ENDING FURTHER ACTION

# INCIDENT REPORT SUPPLEMENTAL

Page #: 1

Case Number: C15PR1938

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Officer: 877082 BEACH, TRACY

Date Entered/Changed: 02/19/2015

Reviewer:

Review Date:

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DETAILED STATEMENT OF INVESTIGATION: On February 11 2015 at approximately 17:37, this officer witnessed Tim Deckard riding his bike with Bodi on a lead but no muzzle as per the last order for the County Magistrate. This officer took several pictures. one near Richmond ave and the other by Paris Ave and 11th street.

See attached photos.

Status:

Pending a court appearance

# INCIDENT REPORT SUPPLEMENTAL

Page #: 1

Case Number: C15PR1938

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Officer: 135593 JANSONS, EDGAR Date Entered/Changed: 02/10/2015 Reviewer: Review Date:

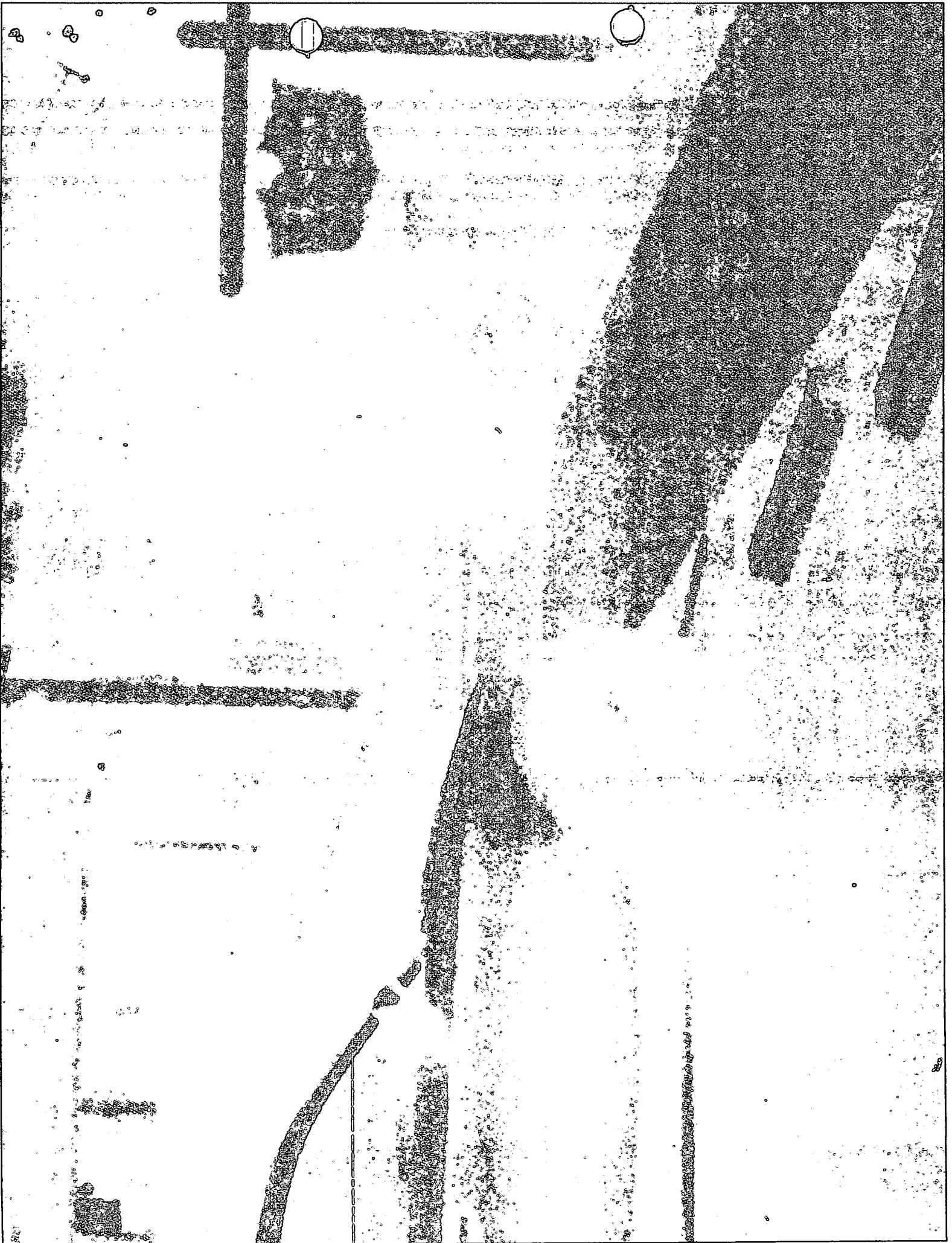
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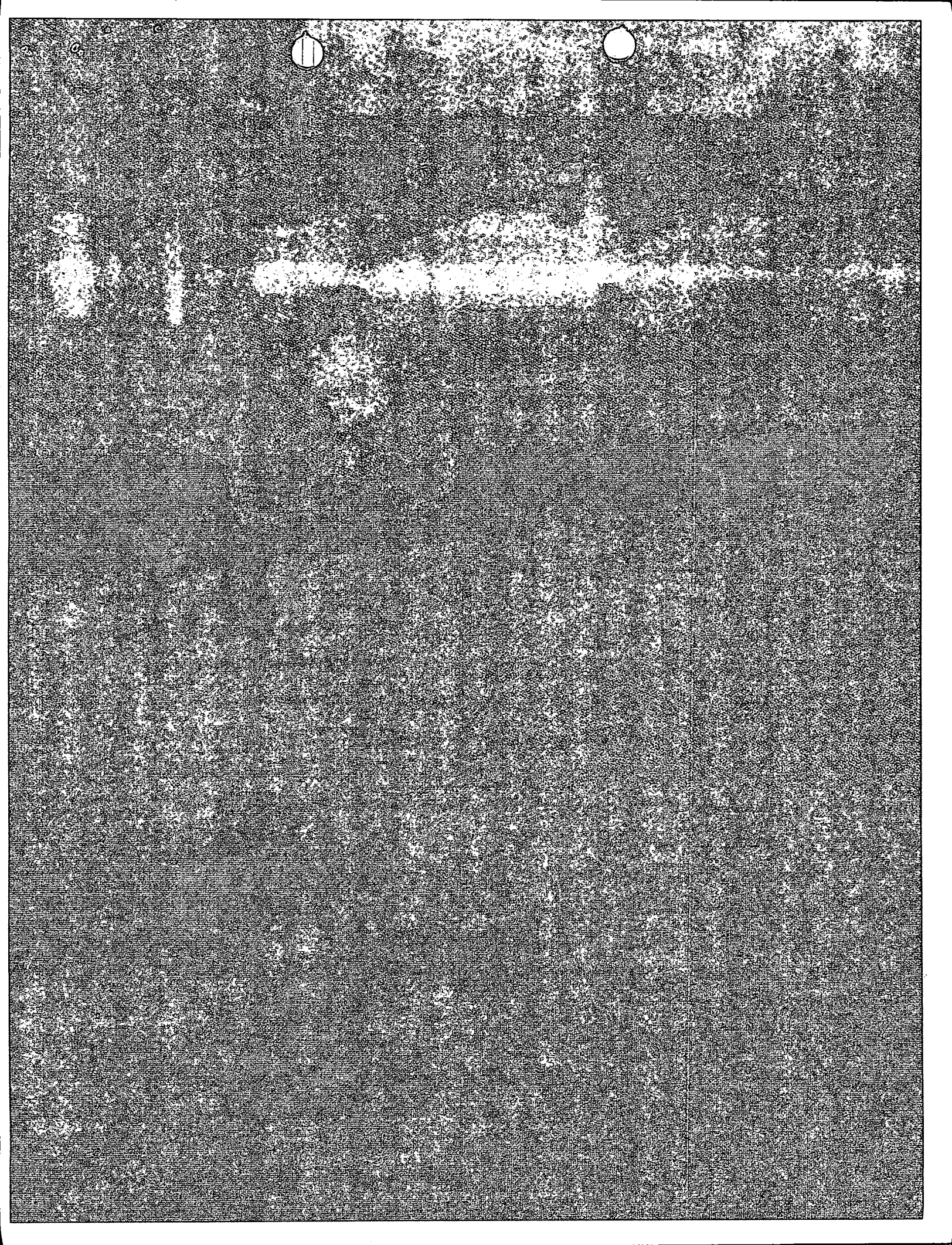
DETAILED STATEMENT OF INVESTIGATION: SYNOPSIS:

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STATUS:

PENDING FURTHER ACTION





F.Y.I.

STATE OF SOUTH CAROLINA )  
COUNTY OF BEAUFORT )

IN THE MAGISTRATE'S COURT  
Civil Case Number: 2012CV0710401536

STATE OF SOUTH CAROLINA )  
Vs. )

MARE BARACCO,  
Defendant

ORDER  
RULE TO SHOW CAUSE  
Re: BEAUFORT COUNTY ORDINANCE 14-35

THIS MATTER COMES BEFORE THE COURT on a Motion raised by the Defendant through her attorney, Kimberly L. Smith, seeking revocation of a "Dangerous Animal" Notice.

The Defendant, Mare Baracco, on July 9, 2012, was issued an Official Notice by Lance Corporal Brittany Chaplin of the Beaufort County Sheriff's Office, Animal Control Division. The Official Notice informed the Defendant that her dog, Bodi, had been declared a "dangerous animal" pursuant to Beaufort County Code Section 14-35.

A Rule to Show Cause Hearing was held March 12, 2013, in the Beaufort County Magistrate's Court. Testimony established the key, salient, undisputed facts: that on July 4, 2012, Defendant's dog, Bodi, escaped from his enclosure and attacked Zoe, a neighbor's dog; at the time, Zoe was on her owner's leash walking on a public sidewalk; as a result of injuries sustained in the attack, Zoe died on July 6, 2012.

Beaufort County Code of Ordinances Section 14-35 states: "Dangerous animal' means any animal which the owner knows or reasonably should know has a propensity, tendency or disposition to attack unprovoked, cause injury, or otherwise endanger the safety of human beings or domestic animals."

NOW, THEREFORE, upon reviewing the facts and law, the Defendant's Motion to reverse the "Dangerous Animal" Notice is denied.

[Redacted signature]

SO ORDERED.

*Richard A. Brooks*  
Richard A. Brooks, Magistrate

1006 Madrid Ave.

Beaufort, South Carolina  
March 13, 2013

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**RULE 58  
ENTRY OF JUDGMENT**

**(a) Entry Upon Verdict or Decision.** Subject to the provisions of Rule 54(b):

(1) upon a general verdict of a jury, or upon a decision by the court that a party shall recover only a sum certain or costs or that all relief shall be denied, the clerk, unless the court otherwise orders, shall forthwith prepare, sign, and enter the judgment without awaiting any direction by the court;

(2) upon a decision by the court granting other relief, or upon a special verdict or a general verdict accompanied by answers to interrogatories, the court shall promptly prepare the form of the judgment, or direct counsel to promptly prepare the form of judgment, to which may be attached the decision, order or opinion of the court, and after review and approval by the court, the clerk shall promptly enter it.

Every judgment shall be set forth on a separate document. A judgment is effective only when so set forth and entered in the record. Entry of the judgment should not be delayed for the taxing of costs.

**(b) Judgments of Appellate Court.** When a judgment rendered by an appellate court is remitted to the trial court the clerk shall adjust the costs and disbursements in the appellate court to which any party may be entitled upon due notice, as provided in the case of adjustment of costs in the trial court; and he shall record such judgment and enter an abstract thereof in like manner as provided in the case of judgments rendered by the trial court. Cross references shall be made to both the judgment of the trial court appealed from and the judgment of the appellate court at the place of their entries upon the calendar and upon the abstracts of judgment.

**Note:**

Rule 58(a) is the same as the Federal Rule. The requirement of old Circuit Court Rule 3, that judgments on jury verdicts or orders of judgment rendered during the term should be entered at the expiration of five days after the court has adjourned for the term, is abolished. The current rule that each week of court is a separate term has eliminated the necessity for this provision. Rule 58(b) is added to preserve Circuit Court Rule 40.

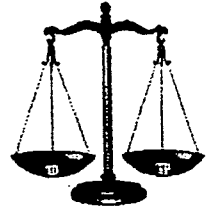
**Note to 1986 Amendment:**

This amendment [to Rule 58(a)] clarifies and simplifies the procedure for entry of judgment in cases where there is not a general verdict, a recovery of a sum certain or the denial of all relief. When more complex relief is ordered, the court is responsible for preparing the form of judgment which may be accomplished by attaching the decision or order of the court to the judgment form, or in appropriate cases, the court may direct counsel to prepare the judgment form which the court then reviews and, if approved, the judgment is entered by the clerk.



5

**BEAUFORT MAGISTRATE**  
Multigovernment Center, Arthur Horne Building  
104 Ribaut Rd., P.O. Box 2207  
Beaufort, South Carolina 29901-2207  
Phone: (843) 255-5700 • Fax (843) 255-9427



VIA EMAIL AND US MAIL

March 18, 2015

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

Re: Beaufort Magistrate Civil Case 2012CV0710401536

Dear Ms. Baracco:

I am in receipt of your letter dated March 17, 2015.

Judges are not permitted to discuss any matters pertaining to pending litigation unless in a judicial proceeding with all parties present.

I urge you to attend the proceeding scheduled for April 8 so that you may deal with the matter at hand. In the event you choose not to appear, the hearing will proceed in your absence.

Sincerely,

BEAUFORT COUNTY MAGISTRATE COURT

  
Stephanie Garst  
Court Administrator

/sg  
cc: Mr. Josh Gruber (w/enclosure)

*Professionally we serve; Personally we care!*

5

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**Subject:** RE: Beaufort Magistrate Court Civil Case 2012CV0710401536

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**From:** Garst, Stephanie (sgarst@bcgov.net)

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**To:** maremailmmm@yahoo.com;

---

**Cc:** jgruber@bcgov.net;

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**Date:** Wednesday, March 18, 2015 4:14 PM

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Ms. Baracco:

If you are referring to the last sentence of my letter which states that if you choose not to attend the hearing it will be held in your absence, the answer to your question is yes.

## Stephanie Garst

Court Administrator

Beaufort Magistrate Courts

843-255-5700

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**From:** Mare Baracco Deckard [mailto:maremailmmm@yahoo.com]  
**Sent:** Wednesday, March 18, 2015 4:05 PM  
**To:** Garst, Stephanie  
**Subject:** Re: Beaufort Magistrate Court Civil Case 2012CV0710401536

Dear Ms. Garst,

I am in receipt of you letter; thank you. To be clear, does the policy stated in the attached letter apply at all times, to all parties, in proceedings in the magistrate court? Thank you, Mare Baracco

5

843-255-5700

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**From:** Mare Baracco Deckard [mailto:maremailmmm@yahoo.com]  
**Sent:** Wednesday, March 18, 2015 4:48 PM  
**To:** Garst, Stephanie  
**Subject:** Other Questions

Dear Ms. Garst,

Also, how will my other questions be answered then? As I detailed in my letter, this matter is "*Administrative*", not a civil or criminal proceeding (as confirmed by County Attorney Josh Gruber, pursuant to Title 1, Chapter 23, in the May 2, 2013 audio of the hearing before Judge Brooks, which the court has in its possession).

I'm asking you, as the Clerk of Court, to investigate how an Administrative Hearing can be scheduled in the purview of the magistrate court? I'm relying on your knowledge and expertise as to what cases are proper before the magistrate court.

I respectfully ask you listen to the audio from the May 2, 2103 hearing, referenced above. Thank you, Mare Baracco

5

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**Subject:** RE: Other Questions

---

**From:** Garst, Stephanie (sgarst@bcgov.net)

---

**To:** maremailmmm@yahoo.com;

---

**Cc:** jgruber@bcgov.net;

---

**Date:** Thursday, March 19, 2015 9:54 AM

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3/19/15

Ms. Baracco:

I understand that you have many questions regarding your case in our Court. I am not qualified or legally allowed to answer the questions you pose as any action on my part could be construed as the unlawful practice of law. Moreover, I cannot act in any way that places the Court in a position of advocacy for any party in any case.

The only information I can give you regarding your case is that you have been summoned to appear before Judge Brooks on April 8, 2015, at 10:00 am to answer the matter at hand. If you choose not to appear the hearing will go forward in your absence.

For general information regarding *ex parte* communications and any other Court procedure you may want to search South Carolina Court Administration's website <http://www.judicial.state.sc.us/> or contact the South Carolina Bar Lawyer Referral Service (1-800-868-2284) which may be able to refer you to an attorney who can best answer these questions.

Please discontinue communications or attempted communications of this kind regarding this matter to the Court, judges or staff. If you have motions or any other documents you believe are pertinent to your hearing on April 8, you must file them in writing with a copy to Mr. Gruber, County Attorney, and they will be placed in the case file for the judge to review at the hearing.

**Stephanie Garst**

Court Administrator

Beaufort Magistrate Courts

6

**Van Willis**

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**From:** Gruber, Joshua <jgruber@bcgov.net>  
**Sent:** Thursday, January 10, 2013 2:30 PM  
**To:** Chaplin, Brittany  
**Cc:** Hiers, Jody; Van Willis (vwillis@portroyal.org)  
**Subject:** FW: [Image File] JOSHUA,biv1, #522  
**Attachments:** biv120130110022613.pdf

Officer Chaplin,

I am attaching a copy of the Form 4 Order from Judge Duke's Office that I received in the mail today in the Mare Baracco matter. It appears that it was signed and filed by the Judge back on December 28th.

I have also spoken with Chief Magistrate Sproatt, and requested that he assign this matter for a rehearing as quickly as possible. I also indicated that due to the error in the previous Order which gave rise to the remand, that we would respectfully request that it be assigned to an alternative magistrate.

As soon as I hear from him or the court as to the rehearing date and I will let you know. Please do so likewise should you hear anything from them.

Thanks,

-Josh-

Joshua A. Gruber  
Staff Attorney  
Beaufort County Legal Department  
P.O. Box 1228  
Beaufort, South Carolina 29901-1228  
Tel.: (843) 255-2059  
Fax.: (843) 255-9414

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-----Original Message-----

From: [sakon@bcgov.net](mailto:sakon@bcgov.net) [mailto:[sakon@bcgov.net](mailto:sakon@bcgov.net)]  
Sent: Thursday, January 10, 2013 2:26 AM  
To: Gruber, Joshua  
Subject: [Image File] JOSHUA,biv1, #522

7

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**Subject:** Beaufort Magistrate Case 2012CV0710401536**From:** Garst, Stephanie (sgarst@bcgov.net)**To:** jgruber@bcgov.net; maremailmmm@yahoo.com;**Date:** Thursday, April 2, 2015 11:17 AM

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4/2/15

Mr. Gruber and Ms. Baracco:

Yesterday, Ms. Baracco filed a request for a continuance of next Wednesday's Rule to Show Cause Hearing (copy attached). Additionally, Ms. Baracco filed a Motion to Dismiss which is quite lengthy and I am unable to scan it to attach to this email. Mr. Gruber: Ms. Baracco advised me that she placed a copy of her filings in the mail to you. I will copy the Motion to Dismiss and put in today's Inter-Office Mail to you today. As the motion for continuance is attached here, I will not be sending that along.

In light of these filings, the hearing scheduled for next Wednesday (April 8) at 10AM will NOT be continued at this time. Both parties should attend prepared to argue these motions in front of Judge Brooks and prepared to go forward with the Rule to Show Cause in the event the Motions are not granted.

Please let me know if you require anything further.

Regards,

Stephanie

**Stephanie Garst**

Court Administrator

7

---

**Subject:** RE: Request for Continuance

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**From:** Garst, Stephanie (sgarst@bcgov.net)

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**To:** maremailmmm@yahoo.com;

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**Cc:** jgruber@bcgov.net;

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**Date:** Tuesday, March 31, 2015 11:57 AM

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3/31/15

Ms. Baracco:

A request for a continuance must be made in writing to the Court with a copy to Mr. Gruber. A simple letter is sufficient. If Mr. Gruber consents to the continuance, Judge Brooks will continue it one time only. If Mr. Gruber does not consent, the hearing will proceed as scheduled on April 8.

Requests for continuances must be received in our office no later than 4:00 PM the day before the hearing date. You will be notified by telephone and/or email as to whether the continuance is granted by 5:00 PM the day before the hearing date. If you intend to fax your request, please send it to my attention at 843-255-9427 and then call 255-5700 a few minutes later to confirm receipt. Otherwise, you may file it in person at our office between the hours of 8:00AM and 4:00PM, Monday through Friday.

Stephanie Garst  
Court Administrator  
Beaufort Magistrate Courts  
843-255-5641

8

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

April 1, 2015

Ms. Stephanie Garst  
Clerk of Court  
The Beaufort County Magistrate Court  
PO Box 2207  
Beaufort SC 29901

Dear Ms. Garst:

I am requesting a continuance of Case Number 2012CV0710401536, pursuant to SCRPC Rule 241(a), as this matter is on appeal before the South Carolina Court of Appeals. *(SC court of appeals case # 2014-000636)*

Thank you.

  
Mare Baracco

Enc.

cc: Josh Gruber

BEAUFORT CO MAGISTRATE COURT  
CENTRAL COURT NORTH  
2015 APR - 1 AM 11:27



8

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

April 1, 2015

Ms. Stephanie Garst  
Clerk of Court  
The Beaufort County Magistrate Court  
PO Box 2207  
Beaufort SC 29901

Dear Ms. Garst:

Please see the attached Motion to Dismiss, re Case Number 2012CV0710401536.

Thank you.

  
Mare Baracco

Enc.

cc: Josh Gruber

BEAUFORT CO MAGISTRATE COURT  
CENTRAL COURT NORTH

2015 APR -1 AM 11:06



STATE OF SOUTH CAROLINA )  
COUNTY OF Beaufort )

IN THE MAGISTRATES COURT

Beaufort County )  
PLAINTIFF )

STREET ADDRESS )  
CITY STATE ZIP CODE )  
TELEPHONE )

vs. )

ANSWER

MARE BRUNCO )  
DEFENDANT )  
1006 MADRID AVE )  
STREET ADDRESS )  
Port Royal )  
CITY STATE ZIP CODE 29935 )  
TELEPHONE )

CHECK ONE:

- A.  I do not live in this county. I want this case transferred to my home county if possible.
- B.  I admit everything in the complaint and do not want a trial.
- C.  I admit that I am responsible, but not for the total amount claimed by the Plaintiff(s).
- D.  I deny that I am responsible at all.

If you check "C" or "D", briefly explain the reasons for your answer:

Please see attached motions to Dismiss.

THE DEFENDANT STATES THAT THE INFORMATION CONTAINED IN THIS ANSWER IS TRUE AND CORRECT TO THE BEST OF HIS KNOWLEDGE.

DATED: 4/1/2015

Mare Brunco Pro Se  
Signature of Defendant  
(or his attorney)

KEEP A COPY OF THIS ANSWER AND BRING IT TO COURT

Mare Baracco, the Defendant herein, moves this Court, pursuant to the South Carolina Rules of Civil Procedure, the Due Process Clauses of South Carolina and United States Constitutions, and lack of subject matter, personal and territorial jurisdiction of the administrative agency and Beaufort County, to dismiss the above-captioned case for the following reasons:

1. The Supplemental Report by Port Royal Ordinance Officer Edgar Jansons, dated February 11, 2015, states” *“the Port Royal Police Department has no jurisdiction in the case in reference to the dog (Bodi) wearing a muzzle. This Officer has searched and reviewed all ordinances and state statute and was unable to find anything pertaining to wearing a muzzle”*. (The Court will note this Supplemental Report was obtained through the submission of a FOIA dated February 23, 2015 and was *not* included in the documents sent her by the county).

2. Lack of jurisdiction of the administrative agency and Beaufort County, pursuant to the Home Rule Act and article VIII, section 13 of the South Carolina Constitution *“a county could not exercise power within an incorporated municipality unless such agreement existed or, in effect, the municipality has assented to the county’s exercise of power”*. And *“counties and cities are viewed as co-equal political subdivisions which are independent of each other politically, geographically, and governmentally”*. (Attorney General full opinion, August 10, 2011 beginning page 2, paragraph 3, continued through page 4, attached).

3. Defendant was acquitted November 8, 2012 in the Town of Port Royal, by a jury trial, in their Municipal Court, which had subject matter, personal and territorial jurisdiction of this case (attached).

4. The written *“Notice”*, comprising the entirety of the County’s case against the Defendant, was not legally promulgated by the proper governing authority (Beaufort County Council). Based upon Defendant’s information and belief, this *“Notice”* was created by a former employee(s) of Beaufort County, outside of the legislative process, and is not a (legal) instrument. This Honorable Court would note the Defendant has twice asked Beaufort County

for proof of its legitimacy and has not, to date received a response. Further, Beaufort County Ordinance 14-35, upon which this “Notice” was ostensibly based, is inconsistent with both the “Notice” and the State Statute(s) it purports to reference, specifically (ex.) in relation to “requirement” for insurance (absent in ordinance 14-35); and with particular specificity the “requirement” “*shall be securely muzzled or caged whenever off the premises of the owner*”. (S.C. Code 1976, 47-3-720). There is no requirement, in any state statute that stipulates this. In fact, S.C. Code 1976 – 2000 and 2000 – 2014 section 47-3-720 makes no mention of any such proviso. Also, state statute permits a “fence” as an “enclosure”. This is also “missing” from both 14-35, and the “Notice”. These provisions bear no relation to state law and, the local ordinance and “Notice” also have higher fines (\$500.00 and \$1092.50, respectively, for a first offense; wherein the state statute is only \$200.00 (first offense). This disparity, in the fines alone, creates serious questions as to the legitimacy of the ordinance, as well as the “Notice”. (attached).

5. This matter was placed before the Magistrate Court’s purview, as a Civil case, due to an error by an employee of the agency, when the Defendant initially challenged the legality of this “Notice” July 10, 2012. The Defendant was never actually “charged” with anything (and never with a violation of a state statute); she questioned a policy of the county “*contested the determination of an employee of an agency*”; therefore, this matter should have been established, then, by the agency, as an “*Administrative Hearing*”, which is “Quasi-Judicial”, pursuant to *Title 1, Chapter 23 “State Agency Rule Making and Adjudication of Contested Cases”, Sections 1-23-310 through 1-23-400*. It was placed in the Magistrate Court incorrectly, and it has stayed in this branch of the court system since. This Court’s audio recording from May 2, 2013, beginning at minute 8:40 confirms, by the county attorney, the proper

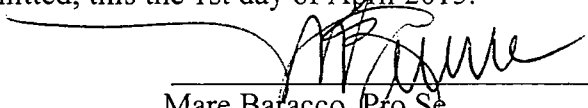
“assignment” of this matter as “*not criminal, not civil, it’s administrative*”.

6. Testimony was given to this honorable Court March 12, 2013 by a witness for the prosecution, Sally Germer, that was material to this case and should have been impeached, but was not. This Court has audio of this testimony and follow up questions to this witness (attached). The Court office has audio file of Ms. Germer’s answer to the same question; from the first hearing on the matter before Judge Kline, August 8, 2012 (attached).. The Defendant also includes, for this Court’s review, an affidavit relative to this testimony, from the Motion 60 hearing before Judge Dukes February 2014, and an e-mail letter, from John Gray, in response to comments about this matter, made by Germer to Beaufort County Council March 9, 2015, which referenced his family. This e-mail includes a response by one of the council members present. The Defendant contends had this Court been aware of this individual’s penchant for telling “stories”, this Court’s ruling March 12, 2013 would likely have had a different outcome.

The Defendant believes this Honorable Court was not in possession of this information in 2013, and further, was misled when this matter was brought to its steps. The Defendant herself was not made aware of most of the information contained within this Motion until well after this Court’s involvement in the matter. The Defendant seeks only to right a wrong, to avert what has been an ongoing miscarriage of justice against her, and she wishes to spare the citizens of Beaufort County the cost of yet another unnecessary hearing, such hearing which is not within its jurisdiction.

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

Respectfully submitted, this the 1st day of April 2015.

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

9

-----Original Message-----

From: Bensch, Cynthia [mailto:cbensch@bcgov.net]

Sent: Wednesday, March 11, 2015 7:02 PM

To: Gruber, Joshua; Kubic, Gary; Stewart H. Rodman; Rick Caporale

Subject: Court Order

Josh,

There is a lot of conflicting data surrounding this matter, would you please send me a copy of the Court Order or is it a "Notice" they are in violation of? If so was the "Notice" served after the trial where the Baracco's were found not guilty. As County Council representatives we can have our questions answered, and any party can ask for mediation at any time during appeals. The Baracco's asked for Mediation, why haven't we discussed that?

The email Council received yesterday from Mr. Young, the neighbor Ms. Gerber claimed was of great concern to her because of small children is untrue and Affidavits do not support a dangerous animal claim.

This seems more like an exacerbated incident.....that has gotten out of hand, it needs to be settled.

Cynthia Bensch

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

**From:** "Bensch, Cynthia" <[cbensch@bcgov.net](mailto:cbensch@bcgov.net)>  
**To:** John Hamilton Gray <[johnhamiltongray@gmail.com](mailto:johnhamiltongray@gmail.com)>  
**Sent:** Wednesday, March 11, 2015 11:21 PM  
**Subject:** Re: Comments by Germer at County Council Meeting

Dear Mr. Gray,

Thank you for your time and commitment to inform County Council of the truth in the issues the Baracco's are dealing with. As you know Ms. Germer misinformed Council in her statements at Mondays meeting by stating that she was gravely concerned about children near the residence of Bodi.

I for one do not appreciate a person using public comments portions of Council meeting to deliberately deceive us about facts and I cannot imagine Ms. Germer was not fully aware that her statements would intentionally mislead us to have great concern about children being in danger of an animal, knowing this was not true. I regret this situation is so out of hand, and has caused such dissension among neighbors. While the lost of a pet is a tragic loss, the circumstances surrounding this case go far deeper than what is reasonable or just.

Everything I know about this situation is a witch hunt, exacerbated with half truths, misuse of the legal process and lack of due process.

I will do all I can to correct this injustice, again my deepest regrets to you and your family for all your frustration and the unnecessary loss of peace and harmony in your neighborhood.

Very kindest regards,

Cynthia Bensch  
[Cbensch@bcgov.net](mailto:Cbensch@bcgov.net) <<mailto:Cbensch@bcgov.net>>  
843-255-2191

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

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

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

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

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

**Subject:** RE: Recent Paper

Gary:

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

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

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

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

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

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

Rick

Rick Caporale

District 8 Beaufort County Council

Cell: (843) 683-1771

From: Caporale, Rick  
Sent: Friday, April 03, 2015 8:53 PM  
To: Kubic, Gary; Rick Caporale  
Cc: Bensch, Cynthia; Gruber, Joshua; Stewart H. Rodman; McElynn, Lawrence P.; Tom Davis  
Subject: RE: Court Order

Mr. Administrator:

Thank you for the offer, but I do not believe the court records will enlighten me regarding the concerns I have at the moment, which, as you may remember, I expressed and clarified in a recent executive session. Again, those concerns are as follows.

First, I cannot find anything in the state statute on dangerous animals to justify the judgments we have made regarding the dog named Bodi and the legal actions we have taken to date as a result of those judgments.

Second, I have grave misgivings about the evaluation of the dog named Bodi. If BCAS Director Trice had made the evaluation, most likely I would be less inclined to question what we are doing, but the evaluation seems to be based on a point of law, according to Josh Gruber. There's a world of difference. Points of law and common sense often diverge.

Third, my gut instinct is that some person or persons in a position to do so, or who knew someone in a position to do so, influenced our actions in this case, leading to a more severe penalty and a more hostile series of proceedings than would have occurred otherwise.

For those reasons, I have no objection to being subpoenaed by Mrs. Baracco, in which case I will simply repeat under oath what I have said here. I've made my thinking as clear as I can, but I have no interest in arguing the law with lawyers, especially if they are intent on winning an argument -- as opposed to doing what I consider the right thing.

Rick Caporale  
District 8  
Beaufort County Council

From: Kubic, Gary  
Sent: Friday, April 03, 2015 9:01 AM  
To: Rick Caporale  
Cc: Bensch, Cynthia; Gruber, Joshua; Stewart H. Rodman; Caporale, Rick; McElynn, Lawrence P.  
Subject: Re: Court Order

Councilman Caporale:

I understand that the Magistrate Court delivered court records to Mare Baracco.

Do you want me to make a request to the Court for this information on your behalf?

I have copied this reply to the Chief Magistrate so that he is aware of it.

Please advise.

gkubic

From: Caporale, Rick

> Sent: Thursday, April 09, 2015 9:24 PM

> To: Rodman, Stewart

> Cc: Foot, Philip; Trice, Tallulah; Kubic, Gary

> Subject: BCAS ORDINANCE REVISIONS

>

> Stu:

>

> As we discussed earlier today, it might be wise to see where staff is with regard to revisions in the current BCAS Ordinance(s). The changes have been in progress for at least a year now, and it would be useful for our Governmental Committee to get a preview of where we are headed, unless the changes are finally complete, in which case we should get it on the agenda a.s.a.p.

>

> Under the leadership of Phil and Tallulah, the experience of the last few years has proven that even the unlikely is doable when the right people are put in place. More recently, other incidents have demonstrated areas where we need to re-think how we do what we do and the specific contents of the ordinance as it relates to some troubling recent events.

>

> In particular, I am thinking of the display of big cats at a local flea market and , even more disturbing, the debacle we have participated in and contributed to with regard to defining "dangerous" animals. That whole piece needs to be revisited, and better ways of evaluating or assessing -- and documenting -- and justifying our judgments need to be put in place.

>

> As you may recall, law enforcement has always played a peculiar, if not dubious, role in the work of what we formerly called "the shelter," and it's clear, at least to me, that they are out of their element in scenarios like the Baracco matter. If we can't rid government of people who have a tendency to bully citizens and abuse their positions, at least we can pursue a more equitable rule book. Thanks.

>

> RC

>

> Rick Caporale

> District 8

> Beaufort County Council

> Cell: (843) 683-1771

## RULE 14 RULE TO SHOW CAUSE

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

### Note:

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

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

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

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

### Note:

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

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

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

### Note:

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

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

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

**Note:**

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

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

**Note:**

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

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

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

**Note:**

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

**(g) Hearing Procedure.** The contempt hearing shall be an evidentiary hearing with testimony pursuant to the Rules of Evidence, except as modified by the Family Court Rules. At the contempt hearing the moving

Party in Dispute establish a prima facie case of willful contempt by showing the existence of the order of which the moving party seeks enforcement, and the facts showing the respondent's noncompliance. The moving party shall satisfy the burden of proof required by law for the specific nature of contempt before the court. Once the moving party establishes a prima facie case, the respondent is entitled to present evidence of a defense or inability to comply with the order. If requested, the Court may allow reply testimony. The Court may impose sanctions provided by law upon proper showing and finding of willful contempt, and may award other appropriate relief properly requested by a party to the proceeding.

**Note:**

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

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

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

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

Added by order dated April 30, 2012.