

THE STATE OF SOUTH CAROLINA  
SOUTH CAROLINA COURT OF APPEALS

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APPEAL FROM BEAUFORT COUNTY  
COURT OF COMMON PLEAS

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

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CASE NO.: 2013-CP-07-000918  
APPELLATE CASE NO.: 2014-000636

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MARE BARACCO

Appellant,

vs.

BEAUFORT COUNTY, SOUTH CAROLINA

Respondent

---

REPLY

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

Date

04 5, 2015

**RECEIVED**  
OCT 09 2015  
SC Court of Appeals

Appellant replies to the Respondent. The Appellant apologizes to this Court for the amount of time it has taken to properly present the multitude of errors which occurred in this matter. However, given the unprecedented nature of these events, it was quite the undertaking to “unpeel” this legal onion. The Appellant now presents to the Court, in linear fashion, what transpired. And the Appellant has continuously questioned the captioning of this case; the answer was revealed September 21, in the hearing before the lower court, as follows:

As the Court knows by this point, the Appellant was issued a “*Notice*” on July 9, 2012, in regard to a Port Royal incident between two dogs, by the Beaufort County Sheriff’s Office (BCSO) a law enforcement *Agency*. The Appellant and her husband, Captain Tim Deckard, met with Lt. Jerry Spencer, at BCSO July 10, 2012 in person, to **contest** the “*Notice*”. Lt. Spencer instructed the Appellant and Captain Deckard to write a letter to Chief Justice Rod Sproatt of the Beaufort County Magistrate Court for a hearing. The **Agency’s erred**. BCSO, the **Agency**, was the proper venue for an Administrative Hearing for a “*Notice*” they created and issued to the Appellant, pursuant to Title 1, Chapter 23 “*State Agency Rule Making and Adjudication of Contested Cases*”. Therefore, this case should have been captioned “*Mare Baracco v. Beaufort County Sheriff’s Office*”. If the **Agency’s** ruling was adverse to the Appellant, the case would go directly to the Court of Appeals. **Beaufort County is not, and has never been, a proper party in this matter and thus does not have standing.** During the September 21 hearing in the lower court, the Respondent, Josh Gruber, testified that BCSO was a local office; that is incorrect. Appellant’s new council testified and presented evidence as to the designation of the Sheriff’s Office as an **Agency**.

Therefore, rather than providing the Appellant a proper **Agency** review, on August 8, 2012 the Appellant was *charged as a criminal defendant*, by the Beaufort County magistrate court,

captioned "*The State of South Carolina v. Mare Baracco*", with BCSO deputies acting as "Prosecutors". This was an **error**; the Appellant didn't receive criminal due process per the 6<sup>th</sup> Amendment, there was no "summons and complaint", no jury, and she was not informed of the nature of the charges and evidence against her. The Beaufort County magistrate court upheld the "*Notice*"; the Appellant immediately appealed it to the Master in Equity.

While awaiting the result of the appeal, the Appellant was tried as a criminal defendant, *again*, November 8, 2012, this time in a proceeding in Port Royal entitled "*The Town of Port Royal v. Mare Baracco*", for allegedly violating a Port Royal ordinance for the same incident, before a jury. She was acquitted. On December 28, 2012 the Master in Equity overturned the ruling from the Beaufort magistrate August 8, 2012 hearing ("*The State of South Carolina v. Mare Baracco*") and remanded.

That same date, December 28, secret e-mails and phone calls were exchanged between Beaufort County attorney Josh Gruber, deputies of the **Agency**, officials of Port Royal, and Sally Germer, the other party in the case and personal friend of these officials of Port Royal (an **error**). Port Royal's purpose was to request a favor of Gruber, to (illegally) extend this case into Beaufort County on Mrs. Germer's behalf (an **error**). Mr. Gruber obliged by convening an illegal hearing for March 12, 2013 (said hearing the subject of this appeal and also the current hearing before the lower court), and arranged for a new judge to hear "*The State of South Carolina v. Mare Baracco*" as a CIVIL trial. This was an **error**: "**The State**" cannot be a party in a civil matter". The Appellant argued this in her most recent Motion. The very caption of the 2013 Order designates the case as a civil matter and the State as a party. That being the case, the magistrate court has no jurisdiction, as South Carolina Code Section 22-3-20 clearly excludes such cases from the jurisdiction of the magistrate.

The March 12, 2013 transcript makes crystal clear Mr. Gruber was well aware the “Notice” should have been heard by the *Agency, as an administrative procedure* (the Appellant has attached three key pages of Gruber’s testimony from this hearing for this Court’s review, (including changing the Appellant’s designation from the “Defendant” to the “Appellant”, another error, as the parties in magistrate court are only Plaintiffs and Defendants.).

After Gruber obtained this illegal ruling, he had the Appellant *again* summoned before the magistrate, in another illegally convened “Rule to Show Cause” hearing May 2, 2013, an error. In this hearing Mr. Gruber purposefully used a section from administrative law, in a Civil hearing, to intentionally and illegally deny the Appellant’s right to a Civil “stay” on appeal, an error. This *incontrovertible evidence*, of Gruber admitting the case was in the wrong venue/jurisdiction, is on the audio recording in this Court’s possession (minute 8:40 – 10:39). The Appellant argues the Respondent engaged in illegal conduct and this audio recording proves it conclusively, therefore it should be entered as evidence for the Court’s review.

For the record, the Respondents claimed repeatedly, and incorrectly, the Appellant never appealed this May 2, 2013 Order. The Appellant could not appeal because 1) there is no written Order, another error (according to SCRCF Rule 58(a) “a judgment is effective only when so set forth and entered in the record”.) According to the South Carolina Supreme Court “*an order wasn’t valid until it was signed by the judge and filed with the clerk’s office*” *Upchurch v. Upchurch*, 367 S.C. 16, 624 S.E.2d). And, “to hold (Appellant) responsible for notice of an event that had not yet occurred runs afoul of the notions of fairness and equity”, *Bowman*, 335 S.C. at 92, 515 S.E.2d at 261. 2) The Appellant reiterates that due to lack of subject matter jurisdiction, an error, the May 2, 2013 hearing was Void, as well.

Thereafter, the matter proceeded to the Master in Equity, then this Court (more errors). Mr. Gruber was joined in this effort by Respondent Allison Coppage, then Respondent Mary Bass Lohr. Coppage and Lohr, as licensed South Carolina attorneys and privy to the various and sundry transcripts and the May 2, 2013 audio recording, had to know these proceedings were illegal. As officers of the Court and members of a self-policing profession, Coppage and Lohr were duty bound to report Mr. Gruber's conduct to the South Carolina Bar, particularly in light of the "Lawyer's Oath, which states, in part:

*"I will not pursue or maintain any suit or proceeding which appears to me to be unjust nor maintain any defenses except those I believe to be honestly debatable under the law of the land, but this obligation shall not prevent me from defending a person charged with a crime;*

*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;*

*I will maintain the dignity of the legal system and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged;*

*I will assist the defenseless or oppressed by ensuring that justice is available to all citizens and will not delay any person's cause for profit or malice"*

Rather, Coppage and Lohr joined Gruber in presenting to the Courts hearings/ruling they knew to be illegal, misleading, and unjust.

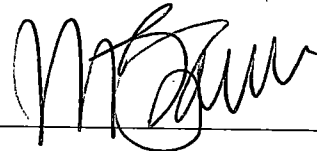
For the Respondents to now request this Court reward them with a favorable ruling goes against the entire principle of public policy, which is "*ex dolo malo non oritur actio*". *No court will lend its aid to a man who founds his cause of action upon an immoral or an illegal act.* If, from the plaintiff's own standing or otherwise, the cause of action appears to arise *ex turpi causa*, or the transgression of a positive law of this country, there the court says he has no right to be

assisted. It is upon that ground the court goes; not for the sake of the defendant, but because they will not lend their aid to such a plaintiff.

It's distressing to learn of the conduct of these attorneys; the Appellant however, still believes the practice of law is an honorable one, despite her experience with these individuals from Beaufort County.

The Appellant respectfully requests the Court grant this Motion in her favor and further, if the Court finds the errors committed by the Respondents are such that this matter is rendered Void, issue an Order to dismiss this case in its entirety, with prejudice, in the Appellant's favor.

Respectfully submitted this the 5 day of October 2015.



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Mare Baracco  
1006 Madrid Avenue  
Port Royal SC 29935  
(843) 592-1062

Authorities ii

AUTHORITIES

6<sup>th</sup> Amendment

*Upchurch v. Upchurch*, 367 S.C. 16, 624 S.E.2d

*Bowman*, 335 S.C. at 92, 515 S.E.2d at 261.

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STATUTES

Title 1 - Administration of the Government

CHAPTER 23

State Agency Rule Making and Adjudication of Contested Cases

SECTION 1-23-310 et. seq.

South Carolina Code Section 22-3-20

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OTHER AUTHORITIES

BCSO Official Notice

March 12, 2013 Transcript pages

Audio CD – Hearing May 2, 2013 (on file with the Court)

This is an Official Notice

Section 14-35 of the Beaufort County Ordinance 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.

The animal described below has hereby been declared dangerous. You are required by law to comply with the following requirements within seventy-two (72) hours of:

Date / Time: July 9, 2012 / 2:30 PM  
Species: Canine Breed: Rhodesian Ridge Back mix  
Name: Bodi Age: 3yrs Gender: M  
Description: Red w/ white chest  
Owner / Address / Location of Animal: MARE BARABCO  
1006 Madrid Avenue, Port Royal SC 29935

Requirements:

(1) The dangerous animal shall be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel appropriate to the size of the animal. All pens or structures used to confine dangerous animals must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure floor (such as concrete) attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than two feet so as to prevent digging under the walls by the confined animal. The pen or run area must be clearly marked as containing a dangerous animal and must be designed to prevent the entry of the general public, including children, and to prevent the escape or release of the animal.

(2) All structures erected to house dangerous animals must be adequately lighted and ventilated and kept in a clean and sanitary condition.

(3) The dangerous animal must not go outside its kennel or pen unless the animal is securely leashed and muzzled with a leash no longer than six feet in length and under the actual physical control of a person 18 years of age or older. Such animals may not be leashed to inanimate objects such as trees, posts, buildings, or any other object or structure.

(4) The person owning, keeping, sheltering or harboring the animal must register the animal with the Beaufort County Animal Shelter within the required seventy-two hour timeframe and provide proof of liability insurance of at least fifty thousand dollars insuring or securing the owner for personal injuries inflicted by the dangerous animal. The Beaufort County Animal Shelter will issue Dangerous Animal tags which must be displayed on the animal's collar at all times. The dangerous animal must also display its current rabies tag on its collar at all times. The person owning, keeping, sheltering or harboring the dangerous animal shall have an identification microchip implant placed under the animal's skin by a licensed veterinarian within the required seventy-two hour timeframe.

Signature under duress; app

Receipt left with: [Signature] Date 7/9/12

Deputy: Lcp B. Chaplin Date 7-9-12

Penalties:

Failure to comply with these requirements within seventy-two (72) hours of the date and time listed on this notice will result in the responsible party being fined in the amount up to \$1092.50. The dangerous animal will be removed from the premises and secured at the Beaufort County Animal Shelter in accordance with Section 14-35 of the Beaufort County Ordinance pending the decision of the Court.

Reasons for declaration of dangerousness: Reference case # 12-01444 (PRPD)  
and 20120709-508 (BCSO) involving an  
animal attack which the victim's K9 died.

South Carolina vs. Baracco  
**Rule To Show Cause before Judge Brooks held March 12, 2013**

SHEET 1 PAGE 1

1 STATE OF SOUTH CAROLINA )  
 2 ) IN THE MAGISTRATE'S COURT  
 3 COUNTY OF BEAUFORT )  
 4 )  
 5 )  
 6 )  
 7 STATE OF SOUTH CAROLINA, )  
 8 )  
 9 Plaintiff, )  
 10 )  
 11 -versus- ) Case Number  
 12 ) 2012-CV-07-10401536  
 13 MARE BARACCO, )  
 14 )  
 15 Defendant. )  
 16 )  
 17 )  
 18 )  
 19 )  
 20 )  
 21 )  
 22 )  
 23 Transcript of a Rule To Show Cause  
 24 Hearing before the Honorable Richard Brooks taken  
 25 on the 12th day of March, 2013, in the Arthur  
 26 Horne Building, Beaufort County Government  
 27 Center, 100 Ribaut Road, Beaufort, South  
 28 Carolina, commencing at approximately 9:14 a.m.

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APPEARANCES OF COUNSEL

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 3  
 4 For the State: Joshua A. Gruber, Esquire  
 5 BEAUFORT COUNTY STAFF ATTORNEY  
 6 Post Office Box 1228  
 7 Beaufort, South Carolina 29901  
 8  
 9 For the Defendant: Kimberly L. Smith, Esquire  
 10 MOSS, KUHN & FLEMING, P.A.  
 11 Post Office Drawer 507  
 12 Beaufort, South Carolina 29901  
 13  
 14 Reported by: Matthew Hazen Anderson  
 15 Notary Public/Court Reporter  
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1 THE COURT: Okay. Good morning. I'm Judge  
 2 Richard Brooks. This is Beaufort County Magistrate's  
 3 Court. It is Tuesday, March the 12th, 2013, and we are  
 4 here for a rule to show cause in the matter of -- where is  
 5 that caption -- State of South Carolina versus Mare  
 6 Baracco? Am I pronouncing that correctly?  
 7 MS. SMITH: It's Mare.  
 8 THE COURT: Mare?  
 9 MS. SMITH: Baracco.  
 10 THE COURT: Mare Baracco. And this is civil case  
 11 number 2012-CV -- excuse me -- 07-10401536, and for the  
 12 State, we have Mr. Josh Gruber --  
 13 MR. GRUBER: Good morning, Your Honor.  
 14 THE COURT: -- the Beaufort County Attorney, and  
 15 for the Defendant, we have Ms. Kimberly Smith of the Moss,  
 16 Kuhn & Fleming law firm. And this is a rule to show cause  
 17 on an issuance of a dangerous animal notice by Beaufort  
 18 County. All right. Is there anything we need to address  
 19 before we proceed?  
 20 MR. GRUBER: No, Your Honor. I'd just put on the  
 21 record, as we discussed in chambers, I believe this matter  
 22 arises as more of an appeal of the determination made by  
 23 the officer, and as such, the appellant would bear the  
 24 burden of proving this matter and would, therefore, go  
 25 first.

Rule To Show Cause before Judge Brooks held March 12, 2013

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1 towards any of my cleaners either.  
 2 Q And they're -- have they always been there --  
 3 A Yes, ma'am.  
 4 Q -- when y'all have been at the house, cleaning?  
 5 A Yes, ma'am. They're there every time for the  
 6 cleaning, and then right before we get ready to mop her  
 7 hardwood floors, Mare takes them outside so they won't mess  
 8 up her floors.  
 9 Q Okay. Have you ever seen them attack anyone or  
 10 any other animal?  
 11 A No, ma'am. We -- in fact, we've shampooed her  
 12 carpets now twice, and the first time they were shampooed,  
 13 in -- last year -- 2012, Bodi followed me upstairs when I  
 14 went to go do it, and I was doing some floor work along the  
 15 baseboards, and he was just licking my face, and Mare had  
 16 to take him because he was just showing me too much  
 17 friendly attention  
 18 MS. SMITH: Thank you, Ms. White. That's  
 19 all I have.  
 20 CROSS-EXAMINATION  
 21 BY MR. GRUBER:  
 22 Q Ms. White, just the same two questions I've asked  
 23 everybody else. Were you at the appellants' house on July  
 24 4th?  
 25 A No, sir.

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1 written notice of declaration to the owner. The notice  
 2 shall include a description of the animal and the basis for  
 3 the declaration of dangerousness."  
 4 Now, if you go back and look at the definition of  
 5 a dangerous animal, which is earlier on in the code,  
 6 Section 14-26, it says that a "Dangerous animal means any  
 7 animal which the owner knows or reasonably should know has  
 8 a propensity, tendency, or disposition to attack  
 9 unprovoked, comma, cause injury, comma, or otherwise  
 10 endanger the safety of human beings or domestic animals."  
 11 While not contained within the county code  
 12 section, the state enabling legislation under the dangerous  
 13 animal act contains a definition for the term "injury."  
 14 It's found under Code Section 47-3-710, Subsection -- let's  
 15 see here -- Subsection "E", and it states, "As used in this  
 16 article, 'injury' or 'bodily injury' means, one, broken  
 17 bones; two, lacerations; three, punctures of the skin; or  
 18 four, any physical injuries resulting in death."  
 19 The testimony that's been presented to you thus  
 20 far can only lead to one determination, and that  
 21 determination is that the animal control officer was  
 22 justified in declaring Bodi to be a dangerous animal,  
 23 because Bodi attacked and killed Zoey. There has been  
 24 uncontroverted testimony that that event occurred, and  
 25 because that event occurred, Bodi's owner, the appellant,

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1 Q Okay. And have you ever witnessed any direct  
 2 interaction between Bodi and Zoey?  
 3 A No, sir.  
 4 MR. GRUBER: No further questions.  
 5 THE COURT: All right. Thank you, Ms.  
 6 White. You can step down.  
 7 MS. SMITH: Judge, that's all I've got.  
 8 ---o0o---  
 9 THE COURT: All right. Mr. Gruber?  
 10 MR. GRUBER: Your Honor, at this point, I would  
 11 move for a directed verdict, if I can make my argument to  
 12 the Court?  
 13 THE COURT: You may.  
 14 MR. GRUBER: For what little it may be worth.  
 15 THE COURT: You may.  
 16 MR. GRUBER: Your Honor, I believe the standard  
 17 in this case -- and we discussed it very briefly a little  
 18 bit ago -- is that this is stylized as an administrative  
 19 appeal. It's an appeal of the administrative decision made  
 20 by the animal control officer, and it arises out of the  
 21 county ordinance. It is Section fourteen twenty --  
 22 14-35(c). That section states, "An animal control officer,  
 23 in his or her discretion, observes that a particular animal  
 24 is a dangerous animal as defined in this article, may  
 25 declare such animal a dangerous animal by delivering a

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1 now knows or should know that it is possible and that her  
 2 dog, under those same situations, has a tendency to attack  
 3 and kill another animal, and we know that because it  
 4 occurred.  
 5 When you look at the standard that the appellants  
 6 bear in this matter -- and I would submit to the Court the  
 7 case of Waters v. South Carolina Land Resources  
 8 Conservation Commission. It's a supreme court case from  
 9 1996, Your Honor. In that case, the court stated that the  
 10 standard of review in these matters is as, quote, "This  
 11 court's review of the administrative agency's finding of  
 12 fact are limited. The court shall not substitute its  
 13 judgment for that of the agency as to the weight of the  
 14 evidence on questions of fact. A court can reverse an  
 15 agency's findings, inferences, conclusions, or decisions  
 16 only if they are ... 'clearly erroneous in view of the  
 17 reliable, probative, and substantial evidence on the whole  
 18 record,' or 'arbitrary or capricious or characterized by  
 19 abuse of discretion or clearly unwarranted exercise of  
 20 discretion.'"  
 21 I have not heard any testimony here today that  
 22 controverts that this event occurred, and if this event  
 23 occurred, the animal control officer is justified under  
 24 this ordinance in classifying this animal as a dangerous  
 25 animal, and for that reason, Your Honor, we would move for

South Carolina vs. Baracco

Rule To Show Cause before Judge Brooks held March 12, 2013

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1 aggressive dog, but a very -- it had a lot of emotion and  
2 played with the dog. So I think that putting the focus on  
3 that is definitely not where we should be.

4 The other point that I have, and this is the way  
5 that I am interpreting the statute, is that it requires  
6 that the animal owner have knowledge or reasonably know  
7 that their dog has a tendency, propensity, or inclination  
8 to attack another dog. I believe that that knowledge  
9 requirement -- that you cannot charge someone with  
10 something and say, "Well, now you have knowledge." I think  
11 that knowledge was required beforehand, that they had to  
12 have known that their dog would behave in such a manner,  
13 that their dog was aggressive.

14 A lot of times, in most dangerous animal cases  
15 we see, you have pit bulls that people have chained up in  
16 pens, and the reason they're there is because they will get  
17 -- I mean, they have gotten out, and they have bitten a  
18 child, or had a tendency to get loose out of their fence  
19 and that type of thing. That's not the case here. These  
20 dogs were never outside their fence when they weren't on a  
21 leash. There's been numerous testimony to that. They  
22 weren't jumping over a fence that they could've easily  
23 cleared. One of our witnesses testified it's shorter on  
24 one side. If they wanted to get out, they could have.

25 I think that that knowledge requirement is

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1 important. If we go by the interpretation they're trying  
2 to give to this statute, if my dog gets -- and I don't have  
3 a dog, but if my dog is tussling around with another dog  
4 and bites it on its arm, that dog can be declared a  
5 dangerous animal because it attacked another dog. That's  
6 not what this statute is here for, and I think it does  
7 require knowledge of an inclination or a tendency, or a  
8 strong urge or propensity, to behave in that way, in a way  
9 to attack other dogs or to believe that that dog would  
10 attack other human beings, and that is not the case here.

11 There is no testimony that my clients ever  
12 thought in a million years that their dog would've done  
13 this that day. They have gone to every length imaginable,  
14 trying to make sure that these dogs behave in a -- in a  
15 normal manner, and even above that, going to a behaviorist.  
16 They didn't just take these dogs because they had problems.  
17 They've been raising rescue dogs -- Mare has -- for 30  
18 years, and have been taking their dogs to places, as the  
19 Doggie Lama, the Bark Shack. Kevin McHale, who could not  
20 be here today, was going to testify to the same. He was  
21 the trainer, or the behaviorist, that these dogs have been  
22 sent to. They've taken every imaginable step to avoid  
23 something just like this, which, unfortunately, was an  
24 accident, and I don't believe that the dog should be deemed  
25 dangerous as a result of an unfortunate incident that

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1 occurred that no one could've predicted would've happened  
2 that day. Thank you, Judge.

3 THE COURT: Thank you, Ms. Smith. And Mr.  
4 Gruber?

5 MR. GRUBER: Thank you, Your Honor. And I will  
6 be try to be -- because I know a number of these you  
7 already heard in my motion for a directed verdict, but I do  
8 want to go back, and I want to begin with making sure that  
9 the Court clearly understands what the level of review is  
10 in this case. And as I stated, I do believe that Waters v.  
11 South Carolina Land Resources Conservation Commission is  
12 certainly persuasive in this matter.

13 In that case, it states that the burden is on the  
14 appellants to convincingly prove that the agency's decision  
15 is not only unsupported by the evidence, but is to the  
16 level that it has to be found to be "clearly erroneous in  
17 view of the reliable, probative, and substantial effort on  
18 the whole record," or is either "arbitrary or capricious or  
19 characterized by abuse of discretion."

20 That court went on to further state that just a  
21 scintilla of evidence on its face does not meet that  
22 definition. It says, "Substantial evidence is not a mere  
23 scintilla ... nor evidence viewed blindly from one side,  
24 but evidence which, when considering the record as a whole,  
25 would allow reasonable minds to reach the conclusions that

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1 the agency reached... The possibility of drawing two  
2 inconsistent conclusions from the evidence will not mean  
3 the agency's conclusion was unsupported by substantial  
4 evidence."

5 I'm not going to sit here and tell Your Honor  
6 that this dog tries to attack every animal that's around,  
7 or every person that's around. Obviously, it doesn't. I'm  
8 not going to sit here and try to prove that to you. But  
9 what is uncontroverted is that Bodi attacked and killed  
10 Zoey. There's been no evidence to say that did not occur.  
11 You know, there was no evidence to say that Zoey was hit by  
12 a car or, you know, struck down with a disease. It is  
13 uncontroverted that Bodi bit Zoey, which led to the death  
14 of Zoey.

15 And when you look at the definition and the  
16 language contained in the county's ordinance and in the  
17 state enabling legislation, that action clearly is the kind  
18 of action that was contemplated under this statute as  
19 giving rise to the need to declare an animal to be a  
20 dangerous animal. I disagree with Ms. Smith's contention  
21 that this is some kind of charge that her client has to be  
22 on prior notice of, prior to being charged with it. That  
23 is not what this is. This is a labeling or a determination  
24 that comes about as a result of an incident. I spoke  
25 earlier about, you know, the absurd result that would occur

Bettye Anderson & Associates

Beaufort, South Carolina

843.525.0791 800.543.5506

THE STATE OF SOUTH CAROLINA  
SOUTH CAROLINA COURT OF APPEALS

**RECEIVED**

OCT 09 2015

SC Court of Appeals

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APPEAL FROM BEAUFORT COUNTY  
COURT OF COMMON PLEAS

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

---

APPELLATE CASE NO.: 2014-000636

---

MARE BARACCO,

APPELLANT,

v.

BEAUFORT COUNTY, SOUTH CAROLINA

RESPONDENT

**PROOF OF SERVICE**

I certify I have served the Reply on the Respondents by depositing copies in the United States Mail, postage prepaid, October 6, 2015, addressed as follows:

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

Allison Coppage /Joshua Gruber  
Post Office Box 1228  
Beaufort SC 29901  
Attorneys for Respondent.



---

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

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

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SC Court of Appeals

October 6, 2015

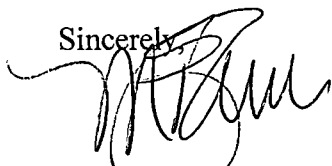
The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

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

Dear Ms. Kitchings:

Enclosed for filing is an original and six copies of my "Reply". I've enclosed Proof of Service of the same upon the Respondent. I understand the attached was received as my check was cashed by the Court; however, I do not see it entered into the online system. Please let me know all has been received.

Sincerely,



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

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

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**TO:** The Honorable Jenny  
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Clerk, South Carolina Ct of Appeals  
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