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SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM THE COURT OF COMMON PLEAS  
Aiken County

Doyet A. Early, III, Circuit Court Judge

Case No. 2014-CP-02-00879

Carlton E. Cantrell ----- Appellant

vs.

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

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**FINAL BRIEF OF APPELLANT**

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

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## TABLE OF AUTHORITIES

1. **Mr. Cantrell's Veterinarian of Record – Dr. Lisa Handy, 951 Powder House Road, Aiken, SC.**
2. **The Honorable Tracey L. Carroll, Aiken Summary Court.**
3. **The Honorable Patrick D. Sullivan, Summary Court Judge, New Ellenton/South Aiken District, SC.**

Statutes and Rules

S.C. CODE ANN. & 15-78-70(b)

## STATEMENT OF ISSUES ON APPEAL

1. Bobby Arthurs made false statements in his Affidavit to Judge Charles T. Carter. (R.p.2)
2. No veterinarian was involved prior to the seizure of Mr. Cantrells animals. (R.p.28)
3. Judge Charles T. Carter signed two warrents based on false statments from Bobby Arthurs. without a veterinarians involvement or approval. (R.p.67)
4. Mr. Cantrells lawyer Evrett Chandler, made a deal with Aiken Countys lawyer Lawrence Brown, to keep the county from being sued by Mr. Cantrell by forcing Mr. Cantrell into a Plea Agreement against his wishes. (R.pp.3-4)
5. Aiken Countys Animal Control didn't keep their part of the Plea Agreement by not returning all of Mr. Cantrells animals.
6. Mr. Cantrell took Animal Control back berore Judge Tracey Carroll's Court, Animal Control didn't keep any records of Mr. cantrell's animals Per Judge Charles T. Carters orders, and Judge Tracey Carroll requested SLED to investigate on purgery by making up numbers by Director Shirley Harden. (R.p.68)
- 7 Shirley Harden and Judge Charles T. carter were forced to resign from their positions. (R.P.69)

8. Mr. Cantrell got another lawyer a Jefforey r. Moorehead and requested that he make a motion to take Animal Control back to court in Patrick D. Sullivans court in New ellenton to have the Plea Agreement removed in order to seek civil damages.
9. Two weeks before the hearing Mr. Cantrell had two witnesses that knew Bobby authurs and told Mr. Cantrell that Bobby Authurs had the goats that were not returned on his land at Kitchens Mill.
10. Mr. Cantrell called his lawyer Jeffory Moorehead and told him that he had two witnesses that he wanted to bring to court and what they had said. Jefforey Moorehead said that it was to late to bring them to Court now besides you will get another day in Court and then you can bring them in.
11. In Patrick Sullewin's Court Mr. Cantrell told Sullewin that he had two witnesses that he wanted to bring in Patrick Sullewin said where are they. and Jeffory Moorehead had lied to Mr. Cantrell about another day in court.
12. On October 3. 2007. Judge Patrick Sullivan issued a Court Order granting the "release-dismissal" would be set aside in its entirety.and ordered that the moneys paid as restitution to be returned, Judge Sullivan told Mr. Cantrell that he had three years to file a Civil Suit. (R.pp.5 12)

13. On May 19, 2008, Mr. Cantrell filed a Civil Complaint at the Aiken Court house against Aiken County, Aiken County Director Shirley Harden, Aiken County animal (K. pp. 13-17) Control Officer Bobby Arthurs and Judge Charles T. Carter.
14. The civil Complaint was brought before Judge Doyet Early on December the 9th 2008. Judge Early completely dismissed the complaint against Judge Carter, and gave Mr. Cantrell 10 days to answer to the outstanding matter
15. Mr. Cantrell asked his new lawyer Michael Chesser to to help him do the Appeal on Judge Early's decision and help with the outstanding Matter and Michel Chesser said that he would help get the Appeal started but he wouldn't do the appeal.
16. Mr. Cantrell's lawyer Michael Chesser sent in some of the written discovery but not all of it. On March 27 2009 the defendants lawyer Daniel Plyler sent a letter that the discovery was found to be deficient.
17. Mr. Cantrell took the letter to Michael Chesser and he he said that he would send them the rest of the discovery, but Mr. Chesser failed to reinstate the Matter at the Aiken County Court House and the Civil Complaint was placed in the inactive file.
18. Mr. Cantrell took this matter to Elizabeth Carter of the Court of Appeals and she said that were not concerned with the other defendants right now only Judge Carter right now.

## STATEMENT OF THE CASE

This case arose out of the unlawfull seizure of 189 goats from Appellant Cantrell's property in May of 2005. The seizure of the goats by Aiken County Animal Control was effected pursuant to a search warrent authorizing same dated May 19 2005. signed by Aiken County Madgistrate Charles Carter, issued pursuant to S.C. Code 47-1-150. (Rp.67)

Mr. Cantrell secured a lawyer Mr. Everett K. Chandler on June 15 2005 Everett Chandler requested the venue to be changed from Judge Charles T. Carter's Court in Granitville to Judge Traccy Carroll Court in Aiken. A Jury Strike was scheduled for July 8 2005, and the Jury Trial was to be on August 8 2005.

Two weeks before the Trial Mr. Cantrell tried to contact his lawyer Mr. Chandler and his secretary told Mr. Cantrell that Everett Chandler went to Mirtle beach for a meeting. Two days later Mr. Cantrell called his lawyers office again and this time his secretary told him that he was in Atlanta at a meeting. Mr. Cantrell found out later that his Lawyer Everett Chandler was actually in a meeting in Aiken with Aiken County Animal Control with their Lawyer Lawrence Brown working on a plea Agreement. (R.pp. 3-4)

Mr. Everett Chandler called Mr. Cantrell into his office a week before the trial and handed Mr. Cantrell a Plea Agreement that Chandler and Lawrence Brown had worked up.

Mr. Cantrell told his lawyer Everett Chandler that he didn't want a Plea Agreement that he wanted a jury trial, then Mr. Chandler slammed his fist down on the desk in front of him and shook his finger in his face and said I'm driving this boat Mr. Cantrell and we're going to do this my way. Mr. Cantrell said to his lawyer Mr. Chandler what happened to the Jury Trial that you said there was no way we could lose because two of the Aiken County Council members were on our side against what Animal Control had done and you also said that two of the jurors that we had picked went to your church. Then Mr. Everett Chandler said I don't feel comfortable about doing this trial because when we were in those meetings with Animal Control and their lawyer Lawrence Brown, Bobby Arthurs of Animal Control jumped across the table at me and shook his fist at me and threatened to beat me up.

Mr. Cantrell could no longer trust his lawyer Everett Chandler so he agreed that he would sign the plea agreement on the terms that his Veterinarian Lisa Handy would be in charge of his animals the dogs and the goats, Lawrence Brown and Animal Control didn't want to do it but they didn't have a choice.

On the day of the trial Lisa Handy his veterinarian told Mr. Cantrell to go ahead and sign the Plea Agreement and that she had never seen one hold up in court from her experience with them. (R.pp.3-4)

At the end of August Dr. Lisa Handy called Mr. Cantrell and informed him that his goats were on their way back. There was three trailer loads the first looked good but the second and third trailer looked bad and one was dead on the trailer. Over sixty were missing and that's not including the new borns that were born at the Animal shelter where they were kept for a while. Dr. Handy came back later to see the goats and one died while she was there and she told Mr. Cantrell to take several of them that have died to Clemson for an autopsy and after looking at their condition she told Mr. Cantrell you need to sue them for what they have done to your goats. Forty five died within six weeks of their return.

Mr. Cantrell immediately filed a motion in Judge Tracey Carroll's court to bring Animal Control back to answer to damages that they had done to him and his goats.

Back in Judge Carroll's Court on September 12 2005, it was brought to the judge's attention that Animal Control didn't count the number of goats taken from Mr. Cantrell's residence nor keep any records on how many were born or died at the shelter and they presented a piece of paper with some numbers that they made up off the top of their heads. Shirley Harden said that Judge T. Carter said that it wasn't necessary to count them. Judge Carroll said I couldn't even imagine the judge giving that advice, she said this is the craziest thing I ever heard

Judge Carroll said that this is the worst case of record keeping that she had ever seen. Judge Carroll told Mr. Cantrell if he wanted to seek Civil Damages that he could.

After the Court was over later on that day Mr. Cantrell got a call from Judge Carroll's office stating that they asked that SLED Investigate this matter. (R.p.68)

The SLED investigation was finished in November of 2005. Director Shirley Harden of Animal Control had been dismissed from her job and charged with perjury and Judge T. Carter had been dismissed as a Magistrate. (R.p.69)

Mr. Cantrell secured another lawyer Jeffrey R. Moorehead and requested that he make a motion to take Aiken Animal control back to court to have the Plea Agreement dismissed, in order to seek Civil Damages. Several weeks went by and Mr. Cantrell did'nt hear anything from the Court or his lawyer so he called his Lawyer Mr. Moorehead in regards to this matter and Mr. Moorehead said that he had faxed them the request several weeks ago. So Mr. Cantrell called Carroll's Court and talked with the Court Recorder Becky and she said we havent seen any fax it appears that your lawyer is lying and that you need to fire him and get a new lawyer. Mr. Cantrell called Mr. Moorehead back and told him what the Court had said and Mr. Moorehead said well I will fax them again, this time they did receive the motion. The fax was received on December 28 2005.

About two weeks before time to appear before Judge Patrick D. Sullivan in New Ellenton Summary Court on February 9 2005 two of Mr. Cantrells neighbours up the road from where he lives a Larry and Lisa Shepard came to his residence and told Mr. Cantrell that Bobby Arthurs had the rest of his goats that were not returned on his propperty at Kitchens Mill. Mr. Cantrell upon their departure immediately called his lawyer Jeffery Moorehead, and told him that he had two witnesses that he wanted to bring to court, and told him what they had said. Mr. Moorehead told Mr. Cantrell that it was to late to bring them to court now besides you will get another day in court and then you can bring them in.

In Judge Patrick Sullivans Court Mr. Cantrell told Judge Sullivan that he had two witnesses that he wanted to bring to court and Judge Sullevin said where are they and Mr. Cantrell said my Lawyer Jeffery Moorehead told me that I would get another day in court and Judge Patrick Sullevin said that this is the only day you will get in Court.

On October 3, 2007, Judge Sullivan issued a Court Order granting the "release-dismissal" would be set aside in its entirety, and ordered that the moneys paid as restitution to be returned, Judge Sullivan told Mr. Cantrell that he had three years to file a Civil suit. (R.pp.5-12)

On May 19, 2008, Mr. Cantrell filed a Civil Complaint (R. pp. 13-17) the Aiken Court house against Aiken County, Aiken County Animal Control Director Shirley Harden, Aiken County Animal Control Officer Bobby Arthurs and Judge Charles T. Carter.

On December 8, 2008, it was heard before Judge Early. Judge Early completely dismissed the complaint against Judge Carter, and gave Mr. Cantrell a period of 10 days in which to fully comply with all written discovery requests and then reinstate the matter.

Mr. Cantrell went to see his lawyer Michael Chesser and requested his help with the outstanding discovery and the Appeal against Judge T. Carter. Mr. Chesser said that he would help with the discovery and reinstate the matter and help get the Appeal started on Judge T. Carter but he wouldnt help do the Appeal.

Mr. Cantrell brought all the outstanding discovery he had to his lawyer Michael Chesser's office. Mr. Chesser picked through the discovery and said that this is enough and Mr. Cantrell said that I thought we were suppose to turn all the discovery to the defendants, and Mr. Chesser said you dont want to overload them with too many items just the most important stuff. Mr. Cantrell left it with his lawyer to turn in to the defendants and reinstate the matter.

Mr Cantrell sent in the Notice of Appeal to the Appeals Court against Judge Early's Decision to dismiss on behalf of Judge Charles Carter.

Shortly after the beginning of Mr. Cantrells Appeal of the defendant Charles T. Carter, Mr. Cantrell received a letter from the other defendants dated March 27, 2009 stating that the discovery was found to be deficient. Mr. Cantrell took the letter to his lawyer Michael Chesser and showed it to him and he said I guess that I was wrong maybe we should have sent the rest of the discovery. Michael Chesser said that he would send them the rest of the discovery.

After receiving a letter from the defendant Charles T Carter lawyer dated May 13, 2009, stating that the other defendants complaint against them by Mr. Cantrell had been placed in a miscellaneous inactive status at the Aiken County Court House. Mr. Cantrell took the letter to his lawyer Mr. Chesser and asked him what happened to reinstating the Case and he said I guess that I forgott but he said we can try and restart it if you want.

Mr. Cantrell took the letter to the Court of Appeals to see what he could get done about it and he talked to Elizabeth Carter who was handling his Appeal against Judge T. Carter. Elizabeth Carter told Mr. Cantrell were not concerned with these defendants right now only Judge Charles T. Carter is our main concern right now.

After the Appeals Court decided in favor of the (R.pp18-19) Defendant Charles T. Carter Mr. Cantrell asked his lawyer Michael Chesser if he would help him do a petition for WRIT of Certiorari to the Supreme Court and he said sure I will help you.

Just before the WRIT was due Mr. Cantrell went to see his lawyer Michael Chesser and he said that he had lost all of the paper work including the Briefs from the Court of Appeals so Mr. Cantrell started looking around his office and found them hid behinde his book shelf and he said I didn't know that was where they were. Mr. Chesser finished the WRIT just in time and Mr. Cantrell took it to the Supreme Court and handed it in.

After the Supreme Court went in Favor of the defendant Charles T. Carter, Mr. Cantrell filed another Complaint (R.pp.20-25) at the Aiken County Court House against the Defendants. Aiken County, Aiken County Director Shirley Harden, Aiken County Animal Control Officer Bobby Arthurs and Judge Charles T. Carter. This time Mr. Cantrell filed the Complaint under Conspiracy and focused on how the lawyers had misbehaved and comitted parjury during his defence.

Mr. Cantrell took the Civil Complaint number: 11-CP-02-01480 to his Lawyer to look at and Michael Chesser said the old guye that taught me to be a lawyer in this office told me to keep a revolver in my top desk drawyer in case of cliants like you and Mr. Chesser reached into his drawyer and pulled out his hand and made it into of a shape of a revolver and pointed at my head and said its time for you to leave.

Mr. Cantrell received through the mail at the end of July 2011 a Notice of Motion to dismiss the Civil Complaint on behalf of the Defendants. On August 5, 2011 Mr. Cantrell received a notice from the Defendants lawyer stating that

The Motion to Dismiss has been set to be heard at the August 8, 2011 Aiken County Motions Roster this all happend within less than two weeks time.

On August 8 2011 Mr. Cantrell and the Defendants lawyer Mr. Daniel C. Plyler were next to the last ones to be presented before Judge Early and judge Early requested thet Mr. Cantrell and the Defendants lawyer do a proposed order within two weeks and he would base his decision on that.

Mr. Cantrell went to his Lawyer Mr. Chesser and asked him if he would help with the proposed order and Mr. Chesser said that you should be locked up for coming agains my friends and that he was to busy to help Mr. Cantrell.

Mr. Cantrell did the Proposed Order himself and turned it into the Aiken Court House. Within two weeks Mr. Cantrell received Judge Earlys decision by mail in favour of the defendants. (R.pp.26-30)

Mr. Cantrell went to his lawyer Mr. Chesser and asked him if he would help with the Appeal of Judge Early's decision and he said that he would do the whole thing for cash and he didn't want his name on it. This was on September 31 2011.

Mr. Michael Chesser started the Appeal on October 3, 2011.

Mr. Cantrell received a Letter dated October 18, 2011 from the Court of Appeals stating that they had received the Notice of Appeal in this matter.

The letter also stated that pursuant to Rule 207 of the South Carolina Appellate Court Ruled, the transcript must be ordered within ten(10) days of the proof of service of the Notice of Appeal and you must provide this Court, opposing counsel, and the Office of Court Administration with all correspondence regarding the transcript.

Mr. Cantrell received a letter from the Court of appeals dated November 8, 2011, stating that a copy of the letter addressed to the Court Reporter must be provided showing the date that the transcript was requested please provide a copy of this letter with in ten days. Mr. Cantrell took the letter to his lawyer Mr. Chesser and showed it to him and he said that he would handle it.

Mr. Cantrell received, a letter from the opposing council dated November 14, 2011, it was a Motion to Dismiss the Appeal stating that the Appellant has failed to provide notice that the transcript had been ordered from the Court reporter. Mr. Cantrell took the letter to his lawyer Mr. Chesser and he said that they were nothing but a bunch of crybabies, and that he would handle it.

Mr. Cantrell received a letter from the Court of Appeals dated December 22, 2011 stating that Respondents motion to dismiss the Appeal is denied because Appellant has provided this Court with proof that he ordered the transcript.

Mr. Cantrell did'nt receive anythig from his lawyer to prove that he had indeed ordered the transcript.

Mr. Cantrell received a letter dated January 9, 2012, from the defendants stating that it had come to their attention that you have sent several documents to the South Carolina Court of Appeals, and neglected to provide me with copies of same. Mr. Cantrell took the letter to his lawyer Mr. Chesser and showed it to him and he said that the defendants were a bunch of trouble makers.

On February 12 2012, Mr. Cantrell received a letter dated February 10, 2012, from the Court of Appeals asking for a written update regarding the status of the transcript within ten days. Mr. Cantrell took the letter and showed it to his lawyer Michael Chesser, and asked him if he could see the Transcript and Mr. Chesser said I haven't ordered it from the court Reporter as of yet but don't worry I personally know the Court Reporter and it will be alright.

Mr. Cantrell went to the Court of Appeals and talked with Elizabeth Carter who was handling his Appeal and told her that Mr. Chesser had been handling his Appeal since the beginning back in September 31, 2011, and that he didn't want his name on this Appeal and that he hadn't even ordered the transcript as of yet. Mrs. Carter said even though your lawyer's name isn't on this Appeal he will still be held responsible for this Appeal, and that she would send him a letter about the matter and get back with Mr. Cantrell.

Mr. Cantrell never heard anything more from the court of Appeals about this matter.

After the Court of Appeals ruled in favor of the (R.pp.32) defendants on December 19, 2012 affirming the trial Court. Mr. Cantrell called his lawyer Michael Chesser and asked him if he would do the Petition for Rehearing for him, Mr. Chesser said that you don't need to take this matter any further or you will suffer the consequence.

Mr. Cantrell did the Petition for Rehearing himself. and the Court of Appeals Ruled on January 25, 2013 in favour of the Trial Court.

## FACTS

On May 19, 2005, Aiken County Animal Control charged me with “ill-treatment of animals” and “unsanitary conditions” concerning my goats and dogs. At that time, more than 200 goats were seized from my property at 223 Muddy Branch Road in Aiken County, by Aiken County Animal Control using two Warrants signed by Judge T. Carter. Said Warrants were issued based on the following false statements made at that time by Bobby Arthurs to Judge Carter:

1. Mr. Arthurs said an “unknown number and various breeds of goats, dogs and animals are being housed together.”

**FACT: No dogs were housed with the goats.**

2. Mr. Arthurs stated, “said animals are living in conditions that create a threat to the health of these animals.”

**FACT: No veterinarian made this determination as required by law.**

3. Mr. Arthurs stated “these animals are being cruelly or ill-treated by the owner.”

**FACT: No veterinarian made this determination as required by law.**

4. Mr. Arthurs stated the “animals are being kept in a closed home without water supply living in unsanitary conditions.”

**Fact: Every animal had access to fresh water at all times.**

5. Mr. Arthurs stated “said animals are in danger of undue suffering and subject to sickness/illness due to unsanitary and inhumane conditions.”

**Fact: No licensed veterinarian made this determination. Moreover, according to Dr. Lisa Handy, my veterinarian of record, “There is no such thing as ‘unsanitary conditions’ for goats, cows or pigs.”**

Why did Judge Carter issue two Warrants for "ill-treatment" and "unsanitary conditions" to seize all my goats and dogs when the Affidavit of Bobby Arthurs contained nothing but false statements

There was no evidence to support Arthurs' statements.

Most importantly, no veterinarian was consulted or present, which is required legal procedure in such matters.

Judge Carter knowingly and willingly signed:

1. A Warrant that was not justified, much less legally valid.
2. For "violations" that don't exist in law.
3. Without insisting a licensed veterinarian be present to confirm these conditions as required by SC law.
4. For an incorrect address.

Based on the above facts, there is no reason to believe Judge Carter acted judiciously, much less impartially or legally when he issued warrants that were not based on existing laws or practices.

The County employees are not entitled to governmental immunity.

Section 15-78-70(b) provides that governmental employees are do not entitled to immunity where their actions are not within the scope of their official duties, or where their actions constitute actual fraud, actual malice or intent to harm, and that their acts constitute actual fraud or a crime involving moral turpitude.

## ARGUMENTS

The defendants asserts in their defense that they are shielded from liability from their actions on the basis of South Carolina Code Sections 15-78-60(5) and 15-78-70(b), which bar liability on the part of a judicial authority where the act constitutes an exercise of judicial discretion or judgement, where such act does not involve fraud, actual malice, intent to harm, or a crime involving moral turpitude. However, Magistrate Carter's act in issuing a warrent charging the petitioner Mr. Cantrell with violations of the law and authorising the seizure of his animals is not protected, because it does not constitute the reasonable exercise of discretion or judgement.

On May 19, 2005, Magistrate Carter issued the warrent's on the basis of allegations on the part of Aiken County Animal Control Officer Bobby Arthurs that were patently false. Mr. Cantrell was charged with "ill-treatment of animals" and "unsanitary conditions", and more than 200 goats were seized and removed from his property. on the false false allegation that "an unknown number and various breeds of goats and dogs are being housed" at his property. This was a patently false statement, in that there were in fact no dogs housed with the goats, and Mr. Cantrells Veternarian Lisa Handy stated that if Animal Control had followed their own procedures this would have never happened because their must first always be a veterinarian involved and their wasn't, secondly they must first issue a warning and give time to correct any problems and they did'nt, besides this there is no such thing has unsanitary conditions for goats cows and pigs.

Magistrate Carter, in issuing a warrant, must review the warrant carefully for patent falsehoods or inherent contradictions. This he failed to do. This did not constitute an exercise of discretion; or nonfeasance, is not shielded activity.

Reference to the Order of the trial court makes it clear that a basis for the Order dismissing the action was the finding of the trial court that Magistrate Carter's activity was shielded because it constituted the exercise of discretion. It is properly a jury issue, or an issue for the finder of fact, as to whether Magistrate Carter in fact failed to exercise his discretion, failed to perform his duty, and hence is liable for the damage caused by his actions according to law.

The trial court's alternative basis for dismissal of the complaint was its finding that there was no allegation of wrongdoing on the part of Magistrate Carter. This finding of the trial court is without basis, and the Court of Appeals should find that there is in fact a jury issue or issue for the finder of fact. In the Complaint it was alleged that Magistrate Carter issued the warrants without exercising his discretion or duty to review the allegations underlying the warrant applications. As stated by the petitioner Mr. Cantrell in the hearing on the Motion for Summary Judgment on December 8, 2008. "Judge Carter is the one who wrote the warrant to seize my animals and he violated every procedure to do it. There was (sic) no procedures used." This is an effective allegation of the failure on the part of Magistrate Carter to exercise the discretion vested in him by the law. Thus, there was an

allegation of nonfeasance against Magistrate Carter, and the decision of the trial court in granting the Motion for Summary Judgement is without a basis in fact.

The defendants asserts in their defense that the statute of limitations has been breached. The unlawful seizure of the Appellant's animals occurred on May 19, 2005. The appellant Mr. Cantrell was forced into a plea-agreement by his lawyer Everett Chandler on August 8, 2005. At the end of August Animal control failed to return all the appellant's goats. Mr. Cantrell took Animal Control back to Judge Carroll's court in September 2005, which brought forth a SLED investigation in allegations of perjury against Animal Control. In November of 2005 Shirley Harden was removed from her job and charged with perjury and also Judge Charles T. Carter was removed has a magistrate. Mr. Cantrell took Animal Control back to Court in Patrick Sullivan court in New Ellenton to have the plea-agreement removed to seek civil damages

On October 3, 2007 Judge Sullivan issued a Court Order granting the "release-dismissal would be set aside in its entirety. Judge Patrick Sullivan told Mr. Cantrell that he had three years to file a suit.

On May 19, 2008 Mr. Cantrell filed a civil Complaint at the Aiken County Courthouse against Aiken County, Aiken County Animal Control Director Shirley Harden, Aiken County Animal Control Bobby Arthurs and Judge Charles T. Carter, Civil Action 08-CP-02-887

On December 8, 2008 the Civil Complaint was heard before Judge Early. Judge Early completely dismissed the complaint against Charles Carter and gave Mr. Cantrell 10 days in which to fully comply with all written discovery requests and then reinstate the Matter.

Mr. Cantrell filed an Appeal against Judge Early's decision to dismiss Judge Charles T. Carter. The appellant's Lawyer Michael Chesser helped get the Appeal started and also the written discovery but he failed to reinstate the matter at the Aiken County Court House. Mr. Cantrell went to see Elizabeth Carter of the Court of Appeals she was handling his case and told her about this matter and she said that were not concerned about the other defendants right now only about Charles T. Carter. is our main concern right now.

In mid March 2009 Mr. Cantrell received a letter from the Court of Appeals dated March 18, 2009. It stated that you are reminded that pursuant to the case caption on your Notice of Appeal originally filed with this Court, Aiken County, Aiken County Animal Control Shirley Harden, Aiken County Animal Control Bobby Arthurs and Judge Charles T. Carter are all listed as Respondants in this matter. This tells me that even though the case had been placed in the inactive file at the Aiken County Court house it was automatically reinstated when Mr. Cantrell sent in his Notice of Appeal to the Appeals Court.

After the Appeals court went in favor of Charles T. Carter Mr. Cantrell asked his lawyer Michael Chesser if he would help with the Petition of Writ of Certiorari and he said that he would.

After the Supreme Court turned it down Mr. Cantrell went to the Aiken County Court House and talked with the Clerk of Court and she said that you can refile a Complaint within 30 days if you have any new evidence in the case to present to the court.

The petitioner Mr. Cantrell filed a new Civil Complaint at the Aiken County Court House, on July 7, 2011, Civil Complaint 11-CP-02-01480 under Conspiracy with new evidence. The original Complaint was filed on May 19, 2008 and has been in service from the Appeals Court in December of 2008, up till the present time, there has been no lapse in time for the statute of limitations to have been breached.

How was it possible for the Court of Appeals to make a decision in this case after the appellant Mr. Cantrell went to the Court of Appeals and talked with Elizabeth Carter who was handling his appeal and told her about his lawyer Michael Chesser conduct towards this appeal and she said even though your lawyers name isn't on this appeal he will still be held responsible fore this appeal, and that she would send him a letter about the matter and get back with Mr. Cantrell.

Mr. Cantrell never did hear anymore from the Court of Appeals in this matter and his lawyer Michael Chesser did a poor job on the Inital Brief and left some records out of the Record on Appeal and didn't finish the appeal he said that powers to be told him that it wasn't in his best intrest to go any further with this Appeal, and that he could be held responsible for his actioins. Michael Chesser was paid by Mr. Cantrell to represent him in this appeal and paid to do the complete appeal .

If Mr. Cantrell had been given the opportunity for a fair trile back in August 8, 2005 instead of being forced into a plea-agreement by his first lawyer Mr. Everett Chandler who said that im driving this boat Mr. Cantrell and were going to do this my way and your going to sign this plea agreement, I would have been found not guilty because two of the County Council Members were witnesses against Animal Control Actions and my Veterinarian Lisa Handy said that they had violated their own procedures in that there was no Veterinarian involved in the seizure of Mr. Cantrells Animals.

Again If Mr. Cantrell had been given the opportunity to bring his witness to Patrick Sullivan's court in New Ellenton he would gotten the rest of his animal back from Bobby Arthurs but his

lawyer Jeffory Moorehead said that it was too late to bring the witnesses to Court now besides you will get another day in court and then you can bring them in. In Judge Patrick Sullivan's Court he told Mr. Cantrell that this was the only day that he would have in court.

The appellant Mr. Cantrell has had three lawyers, Everett Chandler, Jefforey Moorehead and Michael Chesser throughout this case since the beginning, and they have all become friends in the past several years, they are all guilty of violating the rules of misconduct.

#### RULE 8.4: MISCONDUCT

It is professional misconduct for a lawyer to:

- (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another.
- (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;
- (c) commit a criminal act involving moral turpitude;
- (d) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;

## CONCLUSION

On July the 7th, 2014 in the Common Pleas court in Aiken before Judge Doyet A. Early Mr. Cantrell explained that he filed this civil Complaint against Aiken county and the defendants to start an investigation and prior to the hearing he had turned in a report to SLED and after the hearing drove to the Capitol where he turned in the same report to Governor Haley's office, and at the request of the Governor through her assistant he turned in the same report plus another to the FBI office in Columbia and later Mr. Cantrell turned in a report to the Federal Bureau of Commerce.

In this report Mr. cantrell, explains that Aiken county is trafficking Millions of dollars in Cocaine by Military Aircraft, private aircraft landing at the Aiken Airport and small aircraft landing in the farm fields around the area of Mr. cantrells dwelling place, flown by the sheriffs deputies themselves and unloaded and distributed by the local people including Mr. Cantrells cousins farm.

Mr. cantrell is not a team player and the Countys drug revenue is in jeopardy by his existence thats why several attempts have been made to murder Mr. Cantrell. Mr. cantrells main protection is his dogs and the Aiken County Sheriffs department has been trying to take them for years.

It is apparent that the Sheriffs Department Made a deal with Animal Controls Officer Bobby Authurs and Judge Charles Carter to get Mr. Cantrells dogs no matter what it takes

and in return Bobby others wanted Mr. Cantrells goats for himself and was promised the same.

Mr. cantrell knew that they were coming to get his dogs so he let them loose and when the sheriffs department showed up with Animal Control, Mr. Cantrell called channel 12 news and they filmed the seizure of the goats. Mr. cantrell heard one of the officers say that we will have to shoot the dogs in order to get them and the other Officer said not in front of Channel 12 news, we'll come back later and get them.

The aiken County council members had no idea what was going on but they seen it on the 6 oclock news that night and came to see Mr. cantrell at his house Cathey Rawles was the one that stoped this event from going any further.

It is apparent that Judge T. Carter and Aiken county animal Control was being used has an tool to remove Mr. cantrell from his premisses.

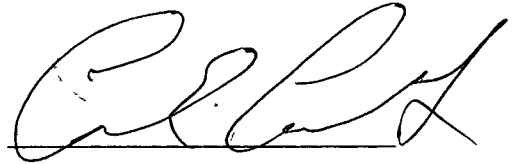
Aiken county has Corrupted three of Mr. Cantrell's lawyers Mr. Everett Chandler, Jefforey Moorehead was probably already corrupt, and Michael Chesser.

Judge Boyet A. Early has been used three times to protect the defendants the second time Mr. Cantrell was given two days notice to report to court before Judge Earley.

what role does Elizabeth Carter play this is the third time that she has been placed in charge of his appeal even though they say that she is training some one to do my appeal she is still the one in charge

It is apparent that the Appeals Court likes to use  
the Transcript as a means of dismissing the Appeal.

April - 3 2015



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Pro se/Appellant

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The South Carolina Court of Appeals

APPEAL FROM AIKEN COUNTY  
Court of Common Pleas  
The Honorable Doyet A. Early III Circuit Court Judge

Case No 2014-CP-02-879

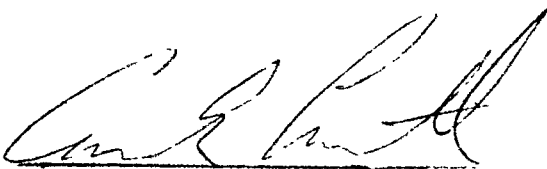
Carlton E. Cantrell Appellant

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

**PROOF OF SERVICE**

I Carlton E. Cantrell, do hereby Certify that I have  
This day of April 3rd 2015 served Fifteen Copies of the  
Appellants Final Brief and fifteen Copies of the Appellants  
Record on Appeal on the South Carolina Court of Appeals  
by hand delivering to the proper addressee.

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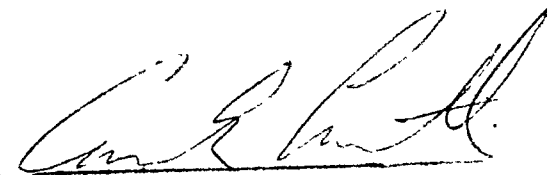
Carlton E. Cantrell, Appellant

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

**PROOF OF SERVICE**

I, Carlton E. Cantrell, do hereby Certify that I have this day of April 3rd 2015 served three copies of the Appellants Final Brief, upon the opposing council, by placing same in the United States Mail and properly addressed with correct postage affixed thereto;

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